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January 18, 2023

U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Mail Code 1101A
Washington, DC 20460

Re: Docket EPA-HQ-OAR-2022-0876; Funding to Address Air Pollution Reduction (IRA Sections 60105, 60106)

Dear Colleagues:

We write on behalf of the National Association of Clean Air Agencies (NACAA) to offer considerations and recommendations in response to six Requests for Information (RFIs) issued by EPA on November 9, 2022 regarding the deployment of funds and implementation of programs related to the Inflation Reduction Act (IRA), which was signed by President Joe Biden in August 2022.¹ NACAA is the national, non-partisan, non-profit association of 157 air pollution control agencies in 40 states, including 117 local air agencies, the District of Columbia and five territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

EPA's RFIs address the following six areas of the IRA:

- Climate Pollution Reduction Grants (Section 60114)
- Transportation Programs (Sections 60101, 60102)
- Methane Emissions Reduction Program (Section 60113)
- Funding to Address Air Pollution (Sections 60105, 60106)
- Funding for Implementation of American Innovation and Manufacturing Act (Section 60109)
- Low Emissions Electricity Program & GHG Corporate Reporting (Sections 60107, 60111)

¹ The enrolled bill is available online at <https://www.congress.gov/bill/117th-congress/house-bill/5376/text>.

In this letter, we offer some general comments that apply to all of the RFIs and to IRA implementation, building upon our October 5, 2022 letter² to Administrator Regan articulating themes that EPA should consider as it advances programs to implement the IRA. We also offer some comments that are more specifically responsive to the RFI related to IRA Sections 60105 and 60106, “Funding to Address Air Pollution”.

In addition to these comments, NACAA urges EPA to prioritize and value the comments that will be submitted by our individual member agencies. Many of the questions posed require location- and context-specific answers that an association of 157 agencies spanning every region of the country can offer. Moreover, the technical and policy expertise of the agencies is a phenomenal resource that EPA would be wise to take advantage of. The Clean Air Act (CAA) places the responsibility for implementing the federal air pollution program squarely on state and local clean air agencies. We have decades of experience in working and communicating with interagency workgroups, regulated sources and community groups in the implementation of clean air programs that address greenhouse gas emissions and advance environmentally just outcomes – programs that have been in action for many years.

We urge EPA to consider the direct and indirect effects of its implementation of IRA programs on its state and local co-regulators. Our implementation of the CAA is an enormous undertaking that calls for monitoring, issuing permits, planning, developing strategies for reducing emissions, enforcing requirements, engaging with and educating the public, developing staff and a host of other activities. More and more, these agencies are tasked with new and high-priority responsibilities to reduce air pollution, address environmental justice, and tackle climate change. As we have communicated to EPA for years, our agencies are stretched to their limits to accomplish the existing portfolio of work with the available federal funding support. Capitalizing on the once-in-a-generation opportunities afforded by the IRA cannot be accomplished if its funding resources are not implemented skillfully and in a manner that maximizes the state-local-federal relationship. As EPA explores the most effective ways to advance Congress’s aims for the IRA, we hope you will take into account the following considerations and recommendations from NACAA.

Many state and local air agencies are at or near crisis levels for the staff resources available to protect public health, improve air quality, and reduce emissions. Funding from the IRA for local and state agencies *must* allow us to address our workforce needs by hiring staff and addressing institutional support, and not simply be constrained to equipment or technology procurement. There are limits to the extent to which additional technology will compel emission reductions. Recent emphasis on funding tools and technologies has enabled us to have better visualization of problems we already knew existed. Now, funding must pivot towards the analysis, engagement, implementation, and compliance assurance functions that actually yield reductions and air quality improvements. Not only will these actions require staff with varied expertise, they will also require supportive institutional infrastructure that will enable these agencies to be successful.

² This letter is available online at: https://www.4cleanair.org/wp-content/uploads/NACAA-IRA-letter-to-EPA-10_5_22-1.pdf

New programs will need new resources. Actions being considered and taken by EPA under the IRA (such as new grant programs, especially those designed to serve disadvantaged communities) will require additional agency staffing and resources to adequately engage and involve communities in crafting solutions. All clean air agencies will benefit from funding that makes improved integration of these communities into program design and implementation, such as enabling engagement, consultation and extension of protection from pollution for overburdened communities. This may include new roles and skills within our agencies (such as health education and community engagement), co-creative engagement processes that center disproportionately impacted communities in planning and program implementation, or reimbursing community representatives or community based organizations for the work, expertise, and time they share during their involvement.

The IRA's funds for improving monitoring and reducing air pollution will offer a historic chance to advance the protection of public health. However, as a top priority, it is imperative that EPA consult with state and local co-regulators in developing and implementing these programs and provide them with the technical support necessary to maximize their benefits. We urge EPA to continue meaningful engagement with NACAA's Committees, its Monitoring Steering Committee and its individual member agencies and heed the advice contained in state and local agency responses to this RFI, as well as other opportunities for input that EPA may create. The programs will undoubtedly be improved by EPA reliance on the wealth of state and local experience, insights and on-the-ground perspectives and will result in the advancement of our shared goals and missions.

With regard to fenceline monitoring improvements, EPA must offer technical support to the communities and stakeholders that will be most impacted by the fenceline monitoring programs. The data collected will be of greater benefit to these communities if they are positioned to use them in the most meaningful way possible. Federal technical support to stakeholders will also help overburdened state and local agencies, to whom local communities would otherwise turn to for assistance.

With regard to multipollutant monitoring, local and state air agencies will also be well-positioned to offer detailed insights that may otherwise be invisible to EPA. Moreover these agencies have clean air priorities and goals to meet and maintain compliance with the National Ambient Air Quality Standards (NAAQS), and where appropriate EPA should partner and cooperate with these agencies to meet multiple goals and needs.

The need to support communities, stakeholders, the private sector, and state and local co-regulators is particularly evident in the arena of nonregulatory sensor deployment. A key priority must be to deploy sensors in ways that not only empowers their users with information, but empowers our clean air agencies to effect reductions that improve peoples' lives and reduce harms to the environment. Many state and local clean air agencies are world leaders in the integration of these sensors with the programs, policies and technologies used to visualize and improve air quality. EPA will benefit greatly from state and local agency input on how to make these programs effective, and our agencies will need support to play their part.

With regard to controlling emissions from woodstoves, NACAA has commented extensively in this arena, and we reiterate that input here. In particular, NACAA's February 11, 2019 comments³ on EPA's November 2018 Advance Notice of Proposed Rulemaking (ANPRM) on New Source Performance Standards for wood stoves articulate support for testing that more closely represents in-field operating conditions and performance. EPA should undertake efforts to develop test methods that accomplish this. NACAA supports EPA's coordination with the Northeast States for Coordinated Air Use Management (NESCAUM) and other state and local experts to use IRA funding to advance this outcome.

Similarly, with methane monitoring, NACAA urges EPA to consult with state and local agencies who have led in this area. NACAA's January 28, 2022 comments⁴ on EPA's November 2021 Notice of Proposed Rulemaking for New Source Performance Standards for Methane from the Oil and Gas Sector note that "NACAA supports the flexibility to use any technology or approach that meets a rigorous minimum detection threshold, but as EPA moves towards finalization of its requirements, the agency should consider and address potential scarcity of specific tools such as infrared cameras and other technologies that may be constrained by ongoing supply chain issues." In addition, these comments note that new monitoring tools will also create new opportunities and burdens for co-regulators. We restate those issues here for EPA's consideration. IRA funding should be deployed in a way that leverages technology to advance the effectiveness of state and local clean air agencies, rather than adding burdens that they are under-resourced to address.

Section 60105(f) of the IRA calls for EPA to issue "clean air act grants" to state and local air agencies. Opportunities abound for these funds to be used to fund the implementation of our co-regulatory CAA responsibilities, especially among smaller agencies and those that do not receive funding under Sections 103 and 105. Across all agencies, a particular need is building capacity to meaningfully reach and effectively engage vulnerable communities, and NACAA recommends that this funding be directed to state and local air pollution control agencies that are under-resourced to achieve their goals in this area.

With regard to Funding to Address Air Pollution at Schools (Section 60106), NACAA notes that of particular concern for these buildings are asbestos-containing materials and/or lead paint which are known to have adverse health effects. Obstacles to integrating indoor air improvements can be found in existing hazards and should be identified and abated, as applicable, before moving forward with energy efficiency upgrades. EPA should allocate funding to existing programs such as the Asbestos Hazard Emergency Response Act (AHERA) to make sure schools have the required asbestos management plans and trained staff. It is also important for EPA and delegated agencies to ensure compliance with the Asbestos NESHAP. EPA should be proactive in ensuring the Asbestos NESHAP is followed especially at schools and share the list of schools awarded grant funds with NACAA so NESHAP-delegated member agencies can ensure compliance.

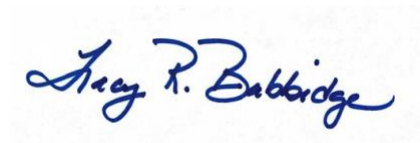
³ These comments are available online at https://www.4cleanair.org/wp-content/uploads/Documents/NACAA_Comments-RWH_ANPRM-021119.pdf

⁴ These comments are available online at https://www.4cleanair.org/wp-content/uploads/NACAA-Oil-and-Gas-NSPS-Comment-Letter-01_28_2022.pdf

Finally, EPA should clearly define metrics up-front, to drive program performance toward the agency's goals of climate action, clean air, and equity, among others. EPA should be clear in its articulation not only of emission reduction metrics, but also for other areas it seeks information about in this RFI, including for topics like workforce development, job creation, coordination among agencies, and civil rights compliance.

Thank you for considering these recommendations. In terms of the national budget, the amount allocated for federal grants to state and local air quality agencies is relatively small. Yet the return on investment is among the highest, when the benefits of protecting public health and the environment are weighed against the serious threats posed by air pollution, environmental injustice and climate change. We are eager to work closely with EPA to leverage the opportunities afforded by the IRA and we look forward to robust continued engagement and tremendous success together. Please do not hesitate to contact Miles Keogh (mkeogh@4cleanair.org) of NACAA, or either of us, if you need additional information.

Sincerely,



Tracy Babbidge,
Connecticut
NACAA State Co-President



Mark Buford,
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