

Congress of the United States
Washington, DC 20515

November 14, 2023

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
Mail Code 1101A
1200 Pennsylvania Avenue N.W.
Washington, DC 20460

Dear Administrator Regan:

In 2020, based on an exhaustive review and advice of expert scientific advisors, the Environmental Protection Agency (EPA) decided to retain the existing particulate matter (PM_{2.5}) National Ambient Air Quality Standards (NAAQS). Yet, upon your direction, the EPA is now proposing a discretionary reconsideration of the standards – just two years before the PM_{2.5} NAAQS would begin a new, exhaustive review under the Clean Air Act’s statutory process. This proposal from the EPA seeks to ratchet the standards down even further, jeopardizing economic, employment, and development opportunities around the country.

Considering the potentially severe economic impacts of this proposal, we write to urge you to follow precedent set during a similar discretionary review in the Obama administration and withdraw this PM_{2.5} Reconsideration Proposal.

The air is getting cleaner. It will continue to do so whether the EPA proceeds with this reconsideration. Through the hard work of businesses and government officials, PM_{2.5} emissions have been cut by 37 percent over the last two decades. This downward trend will continue through programs already on the books, including the PM_{2.5} standards EPA retained in 2020.

Despite these ongoing improvements, the EPA’s discretionary and out-of-cycle PM_{2.5} reconsideration would dramatically increase so-called nonattainment areas¹ across the country, create permitting gridlock, even where its stringent standards are met, and strain state and local administrative resources.

The EPA incorrectly claims it cannot account for these stifling costs in a discretionary reconsideration. There is no Clean Air Act provision prohibiting the EPA from considering regulatory burden and uncertainty when deciding whether to finalize a discretionary NAAQS reconsideration. Indeed, in 2011, President Obama ordered the EPA to withdraw a similar reconsideration of ozone standards because of “the importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover.”

The PM_{2.5} Reconsideration Proposal creates so much regulatory uncertainty that the EPA cannot even estimate its full regulatory burden. For the first time in the decades-long history of NAAQS

¹ *An area that does not meet (or contributes to air quality in a nearby area that does not meet) the NAAQS standard for a pollutant, pursuant to 42 U.S.C 7406*

rulemakings, the EPA did not model costs to comply fully with the proposal. Unable to identify the necessary controls, the EPA only modeled “partial attainment” of the proposal’s stringent standards.

The many counties and areas across America that the PM_{2.5} Reconsideration Proposal would throw into nonattainment cannot duck their responsibility like the EPA has. Instead, they face compliance costs under the proposal over twenty times higher than EPA projects.² Nonattainment designations also stymie economic development and job creation in states, counties, and communities around the country.

There is no question that the PM_{2.5} Reconsideration Proposal creates substantial new regulatory exposure for the nation’s major economic sectors—from agriculture to manufacturing. For example, in the manufacturing sector, regulations flowing from more stringent PM_{2.5} standards could threaten some \$162 billion to \$197 billion in current economic activity, according to projections by Oxford Economics. Similarly, these proposed standards alone would threaten from 852,000 to 974,000 current manufacturing and related supply chain jobs.³ Moreover, manufacturing growth in areas that do not meet new PM_{2.5} standards could be restricted on the scale of approximately \$138 billion, which is associated with another 500,000 jobs.⁴

There is also no question that American industrial output is substantially more environmentally sound than global competitors like China. American PM_{2.5} emissions rates across key manufacturing sectors range from 50% to 80% lower than corresponding sectors in the rest of the world.⁵

The PM_{2.5} Reconsideration Proposal will even harm large parts of the country that meet but are too close to EPA’s more stringent PM_{2.5} standards. Even where NAAQS are met, businesses must use EPA models to predict whether new projects will cause, or contribute to, an area to violate air standards in the future. There is simply not enough “headroom” between background conditions and the proposal’s more stringent PM_{2.5} standards for businesses in many attainment areas to get the permits they need to grow and create new jobs. The resulting permitting gridlock will destroy economic development and opportunity of our communities—in areas meeting the standard.

In light of these compelling facts, we call on the EPA to follow previous precedent by withdrawing this costly and unnecessary proposal, and by reviewing the PM_{2.5} NAAQS under the Clean Air Act’s regular review cycle.

CC: The Honorable Shalanda Young, Director, Office of Management and Budget

Sincerely,



Bill Johnson
Member of Congress



Cathy McMorris Rodgers
Member of Congress

² See [“Comments of the NAAQS Regulatory Review & Rulemaking Coalition on EPA’s Reconsideration of the National Ambient Air Quality Standards for Particulate Matter,”](#) beginning at page 89, Docket No. EPA-HQ-OAR-2015-0072.

³ See “U.S. Air Quality Standards and the Manufacturing Sector: A Report for the National Association of Manufacturers,” *Oxford Economics*, April 2023, linked [here](#).

⁴ *Id.*

⁵ *Id.*



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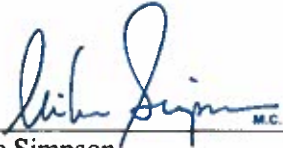
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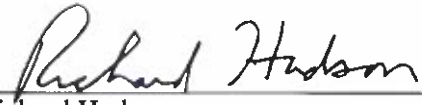
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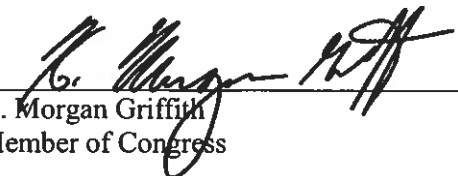
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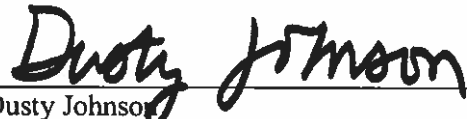
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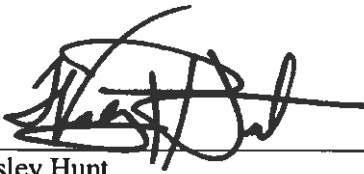
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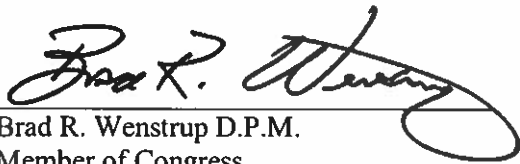
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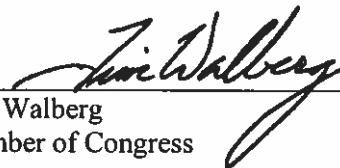
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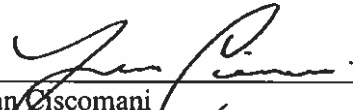
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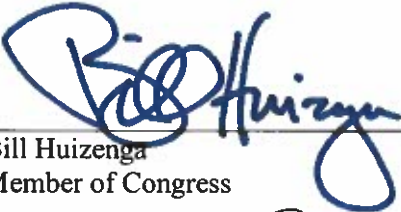
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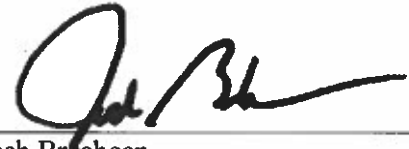
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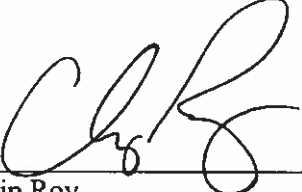
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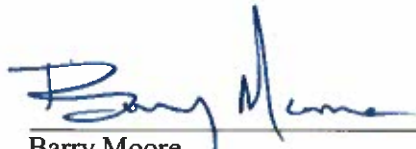
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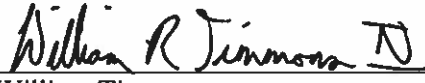
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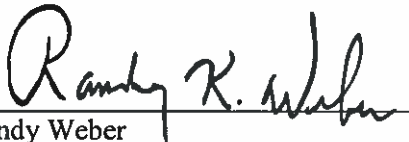
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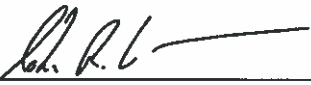
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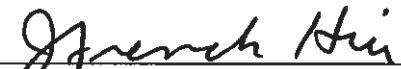
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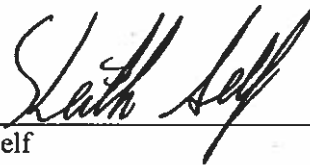
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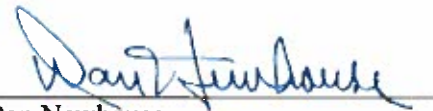
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