



April 11, 2024

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

Dear Administrator Regan,

As governors, we write today to express our concern about a recent action taken by the Environmental Protection Agency (EPA) that we believe will negatively impact American workers, businesses, and our states. Recently, the EPA announced it is tightening limits on fine particles in the air, known as PM<sub>2.5</sub>, without considering the impact to states – namely rural states – and the private sector. The final rule revises the National Ambient Air Quality Standards (NAAQS) for fine particulate matter from 12 µg/m<sup>3</sup> to 9 µg/m<sup>3</sup>. Setting aside the legal concerns we have about the final rule, the new standard poses significant challenges for our states and ignores the progress made in reducing particulate matter over the last 20 years.

The geography of the United States includes unique regions, all with unique weather patterns. For example, while our states in the Midwest and Southwest may be more susceptible to dust storms and our Eastern states may have more forested areas near urban areas, our Western states are particularly susceptible to wildfires, which can elevate levels of particulate matter. Additionally, these wildfires mostly occur on federally managed land and were still the single largest source of PM<sub>2.5</sub>, carbon monoxide (CO), and volatile organic compounds (VOC) in 2023. Given this fact, you can imagine the challenges the new requirement presents for our Western states. To require a 25 percent reduction in fine particles without adequately recognizing the largest source of pollution does not create a workable framework for all of our states.

Additionally, the new standard will require substantial efforts and resources from both state governments and local communities. According to an analysis by the U.S. Chamber of Commerce, the final rule, once effective, would make almost 20 percent of counties across the country noncompliant. In rural America, there are few alternatives to reduce these emissions, which places rural communities at a disadvantage and on the verge of becoming potential nonattainment

areas. Even if a strategy were to be identified, small rural communities in our states, with populations in the hundreds, will be expected to shoulder a disproportionately high cost per capita. With background concentration levels not much lower than the revised standards, communities will struggle to meet such standards.

Furthermore, the new standard will significantly impact the economy. For example, Midwestern states rely heavily on industry for its economies, and every community in the country relies on these states for American made goods. While these industrial facilities do contribute to the ambient PM<sub>2.5</sub> concentrations, dramatic improvements in air quality related to fine particulate have been seen over the last several years. Further reductions from industrial sources would be very costly, difficult to find and implement. Businesses required to take on this burden will incur substantial costs in their attempt to comply with the new standard, potentially leading to job loss and economic downturn in affected areas. It is crucial that these factors are carefully considered and addressed in any implementation plans. The effect of the rule could grind permitting to a halt and drive up building costs.

We urge the EPA to consider the unique challenges faced by our states and provide adequate time, funding, and support for compliance. The following are a few focus areas for the EPA:

- Improve the ambient impact analysis tools, identified in 40 CFR Part 51, Appendix W Guideline on Air Quality Models, used to estimate the air quality impact of stationary sources more accurately. Areas of improvement include the algorithms handling downwash, complex terrain, and deposition as well as meteorological models.
- EPA must prioritize updating implementation tools, such as ambient air quality significant impact levels used for permitting, well before the effective date of the final rule.
- Refine the policy for requiring the use of design value background concentrations with design value modeled impacts, allowing background concentrations that are more typical of air quality in the area. For example, when modeling for the 24-hour PM<sub>2.5</sub> NAAQS, allow for the use of the median or mean 24-hour concentrations instead of the 98<sup>th</sup> percentile.
- With lower PM<sub>2.5</sub> standards, the pressure on smoke management programs will increase. Emissions from prescribed fire are expected to double in the next 10 years as federal and state land managers work to treat millions of acres throughout the West. With this increase, the prescribed fire season is now beginning in the early spring and extending later into the winter months. Without concentrated federal support and incentives to employ alternatives to pile burning, ensuring compliance with the revised PM<sub>2.5</sub> NAAQS will be a significant challenge.
- Exceptional events, such as wildfires and Saharan dust events, will continue to impact air quality every year. With lower PM<sub>2.5</sub> standards, days at lower concentrations will need to be evaluated for exceptional event impacts to ensure these data are not included in a nonattainment designation. The resources required to demonstrate that exceptional event impacted days meet the Exceptional Events Rule has steadily been increasing. Working timely to remove exceptional event impacted data to ensure communities do not bear the brunt of any nonattainment designations will become critical to meeting this new standard.
- EPA must prioritize collaborating with the states to significantly improve the exceptional events rule, guidance, and processes to better address the increased frequency and magnitude of wildfires and the need to increase prescribed fire to reduce fuel load.

April 11, 2024

Page 3 of 4

- EPA must also consider the influence of foreign emissions prior to designations and not burden states and businesses with nonattainment requirements based on emissions outside of their control.

The tightening of the PM<sub>2.5</sub> standards by the EPA necessitates a coordinated and strategic response to balance economic and environmental interests. States are in the best position to understand the unique situations of our airsheds. EPA cannot expect a one-size-fits-all approach to the implementation of these new regulations.

We strongly encourage you to pause implementation of this rule so our concerns can be addressed. Your consideration of this matter and its overall impact to all of our states is necessary to find a balanced approach that protects both our environment and our economy.

Respectfully,



Governor Kay Ivey  
State of Alabama



Governor Mike Dunleavy  
State of Alaska



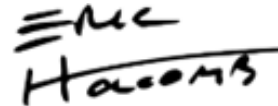
Governor Sarah Sanders  
State of Arkansas



Governor Brian Kemp  
State of Georgia



Governor Brad Little  
State of Idaho



Governor Eric Holcomb  
State of Indiana



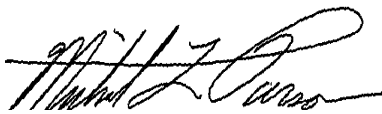
Governor Kim Reynolds  
State of Iowa



Governor Jeff Landry  
State of Louisiana



Governor Tate Reeves  
State of Mississippi



Governor Mike Parson  
State of Missouri



Governor Greg Gianforte  
State of Montana



Governor Joe Lombardo  
State of Nevada



Governor Chris Sununu  
State of New Hampshire



Governor Doug Burgum  
State of North Dakota



Governor Kevin Stitt  
State of Oklahoma



Governor Henry McMaster  
State of South Carolina



Governor Kristi Noem  
State of South Dakota



Governor Bill Lee  
State of Tennessee



Governor Greg Abbott  
State of Texas



Governor Spencer Cox  
State of Utah



Governor Jim Justice  
State of West Virginia



Governor Mark Gordon  
State of Wyoming