

## **State and Local Governments are Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“In addition to EPA’s proposed NAAQS level of 9-10  $\mu\text{g}/\text{m}^3$ , it also provides the opportunity for the public to submit comments on the possibility of a revised level up to 11  $\mu\text{g}/\text{m}^3$ . This would imply that studies used to evaluate this proposed NAAQS revision indicate that a revised PM<sub>2.5</sub> NAAQS of 11  $\mu\text{g}/\text{m}^3$  would be adequately protective of human health. Given this, EPA should strongly consider states' reduced financial burdens and reduced compliance costs that would be realized through the implementation of a standard set at 11  $\mu\text{g}/\text{m}^3$ .” – **Alabama Department of Environmental Management**<sup>1</sup>

“In rural Idaho there are few alternatives to reduce PM<sub>2.5</sub> emissions. Based on the data presented in the Regulatory Impact Analysis, three rural communities in Idaho were highlighted as possible nonattainment areas. The only one with a recommended pathway to reduce emissions in the analysis was Benewah County, and that pathway was to pave unpaved roads at a cost of over \$12 million dollars. An abatement strategy that costs \$160,000/ton of PM reduced for small rural communities is unattainable.” – **Idaho Department of Environmental Quality**<sup>2</sup>

“Based on 2020, 2021, and 2022 design values, the Division anticipates that the number of nonattainment areas at 9.0  $\mu\text{g}/\text{m}^3$  is quadruple the number of areas in Kentucky that would be designated nonattainment with a standard of 10.0  $\mu\text{g}/\text{m}^3$ . Kentucky currently has no areas designated as nonattainment for the PM NAAQS. The significant increase in the number of areas that would be designated as nonattainment at 9.0  $\mu\text{g}/\text{m}^3$  is of great concern. This is of critical importance because many of these counties have never before experienced the ramifications of a nonattainment designation. This first-time nonattainment designation will require training and education for both impacted sources and Division staff, especially as it relates to the regulatory and permitting requirements.” – **Kentucky Department for Environmental Protection: Energy and Environment Cabinet**<sup>3</sup>

“The EPA prepared a Regulatory Impact Analysis (RIA) for this Proposed Rule. However, EPA’s RIA lacks an analysis of the additional costs incurred as a result of EPA undertaking this ‘earlier than five-year’ review of EPA’s 2020 decision. Examples of some of the costs that EPA should have considered in its RIA are reliance costs (economic impacts to affected industries, jobs, etc) and implementation costs. Without this information, the WDEQ is unable to assess the full cost impact of EPA’s Proposed Rule. Therefore, the WDEQ requests that EPA analyze these and other pertinent additional costs.” – **Wyoming Department of Environmental Quality**<sup>4</sup>

“The lower the NAAQS standard, the more areas of the country the EPA will consider out of attainment. And being designated a nonattainment area has serious and costly implications. For instance, one study noted that over a fifteen year period, counties targeted by

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<sup>1</sup> EPA-HQ-OAR-2015-0072-1991.

<sup>2</sup> EPA-HQ-OAR-2015-0072-2216.

<sup>3</sup> EPA-HQ-OAR-2015-0072-221.

<sup>4</sup> EPA-HQ-OAR-2015-0072-2135.

Clean Air Act regulations lost \$37 billion in capital stock and \$75 billion of industrial output.” – **Kentucky Attorney General**<sup>5</sup>

“[Fairbanks North Star Borough] faces several interrelated challenges that lead to increased PM<sub>2.5</sub> levels. First, residential woodstoves (during the winter) and wildfires (during the summer) contribute disproportionately to particulate matter measurements in the FNSB. In order to combat the particulate matter emitted by woodstoves, Alaska is allocating significant time and resources to administering a changeout program, developing a state implementation plan, and evaluating best available control measures that likely are unnecessary but will cost millions to implement. Simultaneously, EPA is testing and certifying wood stoves that do not meet emission standards. Secondly, the Clean Air Act (CAA) was designed to combat pollution from major industrial sources. It was not designed to combat community-wide nonpoint sources, such as woodstoves. This is evidenced by the multiple ozone and particulate matter nonattainment areas nationwide that have not been able to reach attainment status even with many years of stringent control measures on the industrial sources within their boundaries.” – **Alaska Department of Environmental Conservation**<sup>6</sup>

“If the annual standard for PM<sub>2.5</sub> is lowered to 10 pg/m<sup>3</sup> or lower, Maricopa County will spend considerable resources documenting the effect of exceptional events on air quality, to have those events excluded from regulatory consideration. In the past, it has cost tens of thousands of dollars in staff time to complete a single demonstration that an exceedance was caused by wildfire smoke, rather than inadequate local controls. Lowering the annual standard will require more exceptional event demonstrations, resulting in a significant increase in workload for the State of Arizona and Maricopa County, with no benefit to air quality or public health. These resources would be better spent on local programs to reduce PM<sub>2.5</sub> concentrations and to protect human health when the area is impacted by wildfire smoke and dust storms.” – **Maricopa County Air Quality Department (AZ)**<sup>7</sup>

“[B]urdensome federal regulation presents a significant obstacle to West Virginia realizing its full potential. EPA's NAAQS PM<sub>2.5</sub> proposal would force businesses to redirect valuable resources toward emission controls needed to comply with the new standards. Industrial operations and manufacturing facilities are the entities that shoulder the compliance burden of these environmental regulations, and additional NAAQS rules would restrict investment and cause these companies to rethink facility and workforce expansions.” – **West Virginia Lieutenant Governor**<sup>8</sup>

“A reasonable interpretation of the health data available suggests that, if EPA can propose a standard as high as 10.0 µg/m<sup>3</sup> (and contemplate one as high as 11.0 µg/m<sup>3</sup>), then 11.0 µg/m<sup>3</sup> must be protective of health, therefore, obligating EPA to set the primary annual PM<sub>2.5</sub> standard no lower or higher than 11.0 µg/m<sup>3</sup>. . . . In 2021, the eight PM<sub>2.5</sub> NAAQS air monitors in Mississippi had a 3-year average annual design value of 9.0 µg/m<sup>3</sup>. Generally, these monitors are used to establish a background concentration for purposes of evaluating air quality impacts from proposed major sources or major modifications. Therefore, depending on the level of the

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<sup>5</sup> EPA-HQ-OAR-2015-0072-2180.

<sup>6</sup> EPA-HQ-OAR-2015-0072-2168.

<sup>7</sup> EPA-HQ-OAR-2015-0072-1898.

<sup>8</sup> EPA-HQ-OAR-2015-0072-1965.

final annual PM<sub>2.5</sub> standard, the background concentration is approaching the standard, which ultimately limits construction of new facilities or modifications to existing facilities that have no options for offsetting or reducing PM<sub>2.5</sub> emissions. – **Mississippi Department of Environmental Quality**<sup>9</sup>

“I am deeply concerned about regulatory efforts at the federal level that threaten to stifle the significant progress our state has made in recent years. . . . Companies will have no choice but to either pass along their compliance costs to consumers in the form of higher prices or eat the costs and threaten being priced out of the market and shutting down entirely.” – **West Virginia Speaker of the House**<sup>10</sup>

“40-60% of deaths have no biologically plausible means by which PM<sub>2.5</sub> could contribute to them. This calls into question the conclusions that PM<sub>2.5</sub> meaningfully contributes to all-cause mortality (and shows why using all-cause mortality as an endpoint on epidemiology studies is misguided), and certainly argues against a risk assessment that evaluates impacts of PM<sub>2.5</sub> on all-cause mortality.” – **Texas Commission on Environmental Quality**<sup>11</sup>

“ADEQ’s experience submitting exceptional event demonstrations is the current approach is resource and time intensive process for both states and EPA. With a lowered annual PM<sub>2.5</sub> standard, ADEQ believes that it is reasonable to conclude that there will be more regulatory significant impacts on air quality data from wildfires than at the current standard. ADEQ anticipates that there may be an increased need for states to submit additional exceptional event demonstrations. . . . [In addition,] ADEQ is concerned that the final standard selected by EPA could be more sensitive to international transport, especially for border communities. Therefore, ADEQ requests that EPA address how lowering the PM<sub>2.5</sub> NAAQS could potentially impact areas affected by international transport of PM<sub>2.5</sub> air pollution.” – **Arizona Department of Environmental Quality**<sup>12</sup>

“[T]here are currently FEM PM<sub>2.5</sub> instruments which are an excellent choice for reliability and relative ease of maintenance that, unfortunately, consistently show bias in multiple regions of the country as compared to FRM results. Because of the proposed reduction in the level of the annual PM<sub>2.5</sub> NAAQS, this bias could potentially have a significant impact on NAAQS compliance determinations.” – **Missouri Department of Natural Resources**<sup>13</sup>

“In Montana, the primary source of PM<sub>2.5</sub> in the summer is wildfire smoke from fires within our state, neighboring states, and Canada. MDEQ diligently works with our state and federal partners to support prescribed burning to mitigate more unpredictable wildfire smoke. Prescribed fire is an essential tool for Montana to protect our forests and communities from catastrophic wildfire. Lowering the PM<sub>2.5</sub> standard while increasing prescribed burning efforts in the west will create challenges for burners and air quality programs. Montana asks that the EPA considers this challenge and provide support in resources and guidance to ensure that prescribed

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<sup>9</sup> EPA-HQ-OAR-2015-0072-1981.

<sup>10</sup> EPA-HQ-OAR-2015-0072-2169.

<sup>11</sup> EPA-HQ-OAR-2015-0072-2192.

<sup>12</sup> EPA-HQ-OAR-2015-0072-1964.

<sup>13</sup> EPA-HQ-OAR-2015-0072-1966.

burning continues to be a useful tool to manage forests in the West”. – **Montana Department of Environmental Quality**<sup>14</sup>

“[A]fter reviewing EPA’s proposed reconsideration of the standard alongside our current PM air quality data and emission trends, Clark County may face significant challenges in attaining and maintaining a more stringent PM<sub>2.5</sub> NAAQS due to its geographic location, transported pollution, exceptional events (EE), and other unique local factors. . . . While DES understands that EPA cannot take such [specific] implementation issues into account in determining whether to revise the PM<sub>2.5</sub> NAAQS, EPA does have discretion regarding the ultimate timing of its decision making. Accordingly, we ask EPA not to finalize its reconsidered review of the PM NAAQS until the Agency has ensured that it and state and local air agencies are equipped to implement any new or revised NAAQS. Before finalizing any changes to the PM NAAQS, EPA should ensure it has adequate appropriations, funding, and other resources to support efforts by state and local air agencies, such as DES, to attain and maintain any new standards.” – **Clark County Department of Environment and Sustainability (NV)**<sup>15</sup>

“[S]easonal wildfires across the West have caused significant impacts on air quality in Nevada and other western states. In many cases wildfires will burn for weeks or months at a time, such smoke from wildfires can adversely impact air quality for extended periods of time. With a lower PM<sub>2.5</sub> standard, many exceptional events (EEs), including those from wildfires, will become regulatorily significant. Under the existing EE framework making demonstrations can take a significant number of resources. US EPA should consider streamlining the exceptional event demonstration process.” – **Nevada Department of Conservation & Natural Resources: Environmental Protection Division**<sup>16</sup>

“Lowering the annual PM<sub>2.5</sub> standard below 12 ug/m<sup>3</sup> has the potential to increase the number of currently attaining areas into nonattainment areas and will result in a large number of exceptional event demonstrations being submitted to EPA at one time for areas to maintain on-going compliance with the lower annual NAAQS standard. . . . A significant reduction in annual allowable PM<sub>2.5</sub> concentrations will likely reduce the ability of prescribed fire practitioners to do their job of maintaining fire-dependent ecosystems, managing commercial forests, and mitigating the potential for wildfires.” – **North Carolina Department of Agriculture and Consumer Services/North Carolina Forest Service**<sup>17</sup>

“Tennessee urges the EPA to consider the widespread effects of interstate smoke transport that individual states cannot control. Although smoke from wildfires and prescribed burning is considered an “exceptional event” under the Clean Air Act, many of these events do not actually receive exclusion for NAAQS comparisons where they are still contributing to long-range air pollution, albeit in lower quantities than the immediate vicinity. . . . We acknowledge that the EPA allows for Exceptional Event demonstrations; however, we find that these demonstrations impose an undue burden on state and local air agencies and necessitate the

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<sup>14</sup> EPA-HQ-OAR-2015-0072-2222.

<sup>15</sup> EPA-HQ-OAR-2015-0072-1985.

<sup>16</sup> EPA-HQ-OAR-2015-0072-2229.

<sup>17</sup> EPA-HQ-OAR-2015-0072-2389.

development of mitigation programs for burning activities over which the state has no control.” – **Tennessee Department of Environment and Conservation: Air Pollution Control Division**<sup>18</sup>

“[T]he exceptional event demonstration process is overly burdensome for states and local agencies and adequate tools that streamline the analyses are not yet available. The lack of guidance and sufficient tools for streamlined EED is particularly problematic given that the need to conduct these analyses will increase substantially given the combination of a more stringent NAAQS and trends in increasing frequency and severity of wildfires.” – **Board of County Commissioners of Weld County (CO)**<sup>19</sup>

Wyoming has monitored exceedances of the 24-hour PM<sub>2.5</sub> NAAQS. Some of those exceedances have been attributed to wildfire smoke from fires within and outside of Wyoming’s borders. Therefore, the WDEQ has been committed to and followed EPA’s process defined in 40 CFR Part 50.14 in order to seek regional concurrence on these exceptional events. Each demonstration requires a significant time and resource commitment. And, demonstration packages produced by the WDEQ in the past have not been reviewed or acted upon at the regional level. With a lower particulate matter standard, the WDEQ anticipates that it will have more exceptional event demonstrations to submit in the future. Therefore, the WDEQ requests that EPA prioritize revisions to and streamlining of its current exceptional event process.” – **Wyoming Department of Environmental Quality**<sup>20</sup>

“If revisions are made to the PM NAAQS, U.S. EPA should provide permitting entities with a grace period for permit applications received prior to the revision of the standards. A period of at least six-months from when the application was received would give permitting authorities reasonable time to finalize issuance of permits submitted prior to the promulgation of the new standard.” – **Indiana Department of Environmental Management**<sup>21</sup>

“For implementation, Georgia EPD encourages EPA to take the full two years for designations as allowed under the CAA due to the time it will take states to analyze and adjust FEM data to be more comparable to FRM data, the time it will take states to assemble multiple exception event demonstrations, and the time it will take EPA to review complex state submittals. . . . In previous NAAQS revision rules, including the 2012 PM<sub>2.5</sub> NAAQS (78 FR 3086) and 2015 Ozone NAAQS (80 FR 65292), EPA included grandfathering provisions that exempted certain pending PSD permit actions from the requirement to demonstrate that the proposed emissions increases would not cause or contribute to a violation of the revised NAAQS. However, EPA is not proposing any PSD grandfathering for this action. Georgia EPD disagrees with this approach and supports grandfathering provision for pending PSD applications.” – **Georgia Department of Natural Resources: Environmental Protection Division**<sup>22</sup>

“[T]hrough the use of American Rescue Plan (ARP) funding and prior to this proposal, LDEQ purchased 15 Teledyne T-640s to deploy at ambient air monitoring sites throughout the

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<sup>18</sup> EPA-HQ-OAR-2015-0072-1980.

<sup>19</sup> EPA-HQ-OAR-2015-0072-2480.

<sup>20</sup> EPA-HQ-OAR-2015-0072-2135.

<sup>21</sup> EPA-HQ-OAR-2015-0072-1947.

<sup>22</sup> EPA-HQ-OAR-2015-0072-1972.

state. LDEQ is concerned that the timing of this rule, along with the deployment of the new FEMs and the lack of a correction factor could lead to areas of the state being incorrectly designated. It is a known fact that continuous FEMs are biased high, and this fact is confirmed by the inclusion of correction factor language in this proposal. LDEQ has conducted a comparison of its own collocated T-640 to FRM, and while the time frame is limited, Table 1 shows the data generated by the T-640 is 0.5-1.2  $\mu\text{g}/\text{m}^3$  higher than the FRM, and would result in the incorrect designation of one or two of the areas tested as nonattainment, depending on the final standard.” – **Louisiana Department of Environmental Quality**<sup>23</sup>

“MDEQ recommends EPA use the precedent set for previous standards for designation timelines by providing the maximum amount of time for the designation process (i.e., 1 year from the date the standard is finalized for governor recommendations and 2 years for final EPA area designations). Considering the inconsistencies in data generated using continuous FEM monitors and the uncertainty in how necessary correction factors for this data will be developed and applied, an expedited designation process will likely lead to inaccurate designations and a misrepresentation of air quality across the county, which entirely defeats the purpose and importance of environmental justice related activities.” – **Mississippi Department of Environmental Quality**<sup>24</sup>

“EPA is proposing to not issue a separate implementation rule for a revised PM NAAQS, and instead rely on the rule it developed for the 2012 PM NAAQS. The WDNR appreciates the efficiencies this proposal is intended to create. However, there are numerous issues that will affect state implementation of a revised NAAQS (such as consideration of exceptional events/fires, at-risk community monitoring, interactions with/revocation of prior PM NAAQS, and changes in SIP requirements due to court decisions) that are most appropriate for EPA to address in a NAAQS-specific regulation. As such, in consultation with air agencies, EPA should develop an implementation or SIP-requirements rule in order to comprehensively address these requirements and provide clear and timely guidance to those implementing the NAAQS.” – **Wisconsin Department of Natural Resources**<sup>25</sup>

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<sup>23</sup> EPA-HQ-OAR-2015-0072-1946

<sup>24</sup> EPA-HQ-OAR-2015-0072-1981.

<sup>25</sup> EPA-HQ-OAR-2015-0072-2094.

## **Business is Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“The suite of control technologies that the agency has considered which would take the country only part of the way to compliance – would cover a range of point and nonpoint sources. A review of the options under consideration demonstrates the likely serious impacts on homeowners, businesses, and governments. For instance, one option is to require homeowners to replace existing wood-burning fireplaces with natural gas fireplaces. Because commercial and residential cooking is the largest PM<sub>2.5</sub> emissions source in some counties, another option is to require small businesses to install catalytic oxidizers or electrostatic precipitators to reduce emissions from restaurants. A third option would require state and local governments to embark on massive road paving programs to reduce dust from unpaved roads and road shoulders. Paving roads and shoulders would account for up to 82 percent of the compliance costs under certain stringency levels considered. But, with the limited resources available to state and local governments, as well as the control scenarios' significant impact on homeowners and small businesses, it is questionable whether these could be implemented. Indeed, even if these measures can be implemented, they would undoubtedly foreclose spending on other more significant, higher priority public policy matters.” – **U.S. Chamber of Commerce**<sup>1</sup>

“Given the underlying uncertainties, and the apparent divide in the Clean Air Scientific Advisory Committee's recommendations regarding whether the proposed annual PM<sub>2.5</sub> standard should be set between 8-10 or 10-11 micrograms per cubic meter, the AZ Chamber and AMC request that EPA set the annual standard for PM<sub>2.5</sub> at the highest end of the proposed range - 11 micrograms per cubic meter. Additional reductions below that level should only be considered after the necessary scientific information is refined, and the Clean Air Science Advisory Committee unanimously agrees on the proposed standard.” – **Arizona Chamber of Commerce & Industry**<sup>2</sup>

PA Chamber members are reporting there is currently a shortage of PM<sub>2.5</sub> ERCs available in Pennsylvania. In jurisdictions with such constraints, credit prices have been reported in excess of \$60,000 per ton. Should the standard for PM<sub>2.5</sub> be lowered, the natural result, directly attributable to this lack of ERCs in the marketplace, will diminish the prospects for economic expansion of existing facilities or construction and operation of greenfield projects, including highway infrastructure, in any Pennsylvania county or region that ends up designated for non-attainment. Further, being reclassified as attainment once a county or region is designated non-attainment is no small task, even once an area starts measuring attainment-level concentrations – the vagaries of the Clean Air Act require multiple years of monitoring and modeling, as well as the state drafting a maintenance plan, leaving areas designated as non-attainment with a likely seven- to ten-year process in order to be reverted to attainment.” – **Pennsylvania Chamber of Business and Industry**<sup>3</sup>

Many of our customers are entities that are directly impacted by the NAAQS PM<sub>2.5</sub> regulations, including companies in the agriculture, energy, and construction industries, just to name a few. Much of California's Central Valley and more recently along Colorado's Front

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<sup>1</sup> EPA-HQ-OAR-2015-0072-2428.

<sup>2</sup> EPA-HQ-OAR-2015-0072-1989.

<sup>3</sup> EPA-HQ-OAR-2015-0072-2149.

Range, which serve as key agricultural corridors, are currently in nonattainment, and farms have struggled for years to reduce PM<sub>2.5</sub> emissions to levels in line with the federal standards. Ratcheting up the PM<sub>2.5</sub> standards would force these businesses to divert even more capital toward regulatory compliance which may have otherwise been used to expand operations or purchase equipment. – **Far West Equipment Dealers Association**<sup>4</sup>

“As you know, Arkansas has the cleanest air in the nation and the entire state is in attainment for all the NAAQS. Since Arkansas is in attainment statewide, a major concern is that the proposed NAAQS will prohibit sources from obtaining major New Source Review (NSR) construction permits and prevent industrial source expansion and economic growth. Major NSR permitting requires a predictive air quality analysis to show that new source growth will not cause or contribute to a NAAQS violation. Because the proposed NAAQS is so close to existing background concentrations, it will dramatically reduce (50 to 75% reduction) the likelihood of “passing” air quality modeling and being able to obtain a permit... Thus, adoption and implementation of the revised PM<sub>2.5</sub> NAAQS as proposed will limit (and some cases, prohibit) the construction of new or the modification of existing major source facilities . . . . With traditional PM<sub>2.5</sub> emissions sources being well controlled, the agency is considering novel control approaches whose impacts are expected to be felt by homeowners, businesses, and governments. These novel approaches would require the installation of costly emissions controls on restaurants and industry and even require states to pave as much as 25 percent of unpaved roads and unpaved road shoulders. Troubling is the fact that EPA failed to estimate the full costs and burdens associated with meeting the proposed standard levels. It is untenable for the agency to propose standards for which the agency has not articulated a feasible path to compliance. The lack of identification of all control pathways means that the proposal underestimates regulatory costs and also raises the serious possibility that the only path to compliance in some areas will be closure of existing manufacturing and industrial facilities.” – **Arkansas Environmental Federation**<sup>5</sup>

“We are concerned that our business community will face significant negative impacts if the EPA’s NAAQS PM<sub>2.5</sub> proposal is finalized. Currently, many parts of the U.S. are unable to meet the current NAAQS PM<sub>2.5</sub> regulations that are on the books. These ‘nonattainment’ areas struggle under the weight of the enormous compliance costs needed to purchase new equipment, rework their operations, and obtain emission reduction credits. EPA’s proposed rule would greatly expand the universe of counties and regions in nonattainment while leaving existing nonattainment areas even further behind . . . . EPA’s NAAQS PM<sub>2.5</sub> proposal threatens to worsen the economic challenges that Michiganders are currently facing, including record inflation and the increasing likelihood of a recession. Our members, their employees and the customers they serve are slowly emerging from the financial hole that was brought on by the COVID-19 pandemic. EPA should not jeopardize this recovery with burdensome air quality regulations. **We strongly urge the EPA to maintain the current standards and reconsider its NAAQS PM<sub>2.5</sub> proposal.**” – **Grand Rapids Chamber**<sup>6</sup>

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<sup>4</sup> EPA-HQ-OAR-2015-0072-3932.

<sup>5</sup> EPA-HQ-OAR-2015-0072-2190.

<sup>6</sup> EPA-HQ-OAR-2015-0072-2114.



“Houston companies are investing billions in clean technology and climatetech – it’s estimated that around \$15 billion of energy transition-related investments flowed into Houston in 2021. However, the proposed standards could jeopardize momentum in the energy transition by demeaning our regional competitiveness and diverting capital investment into costly permitting procedures.” – **Greater Houston Partnership**<sup>7</sup>

“The proposed lowering of NAAQS has an immediate impact on economic growth and investment. In the last five years, companies like TSMC, LG, KORE Power, and Intel have invested more than \$65B in capital, bringing thousands of high paying jobs to residents in the state. High quality jobs in the manufacturing industry have propelled the regional and state economy, and proposals regarding air quality standards for particulate matter will have dire unintended economic effects on the region. A broad approach rule change like the one proposed will have severe effects on air quality permitting thresholds for new or expanding commercial and industrial sources, including a requirement for additional emission offsets. Emission offsets in the region are scarce-to-nonexistent for the projects listed above.” – **Greater Phoenix Economic Council**<sup>8</sup>

“ABI joins manufacturers across the U.S. in strong opposition to the proposed rule. . . . [T]he new proposed standards would not only hurt existing manufacturing facilities but could also jeopardize the new clean energy manufacturing that is needed to address climate change. When the U.S. doesn’t manufacture, capital investment shifts to other countries, that don’t have the same environmental stewardship standards as the U.S.” – **Iowa Association of Business and Industry**<sup>9</sup>

“EPA’s NAAQS for particulate matter (PM) 2.5 proposal threatens to restrict investment and job growth across the Lebanon Valley. EPA’s own assessment estimates that this proposal will saddle Pennsylvania businesses with millions of dollars of added compliance costs each year. In addition to the direct costs associated with this proposal, these tightened air regulations will push up the prices that our members pay for crucial materials & supplies and upend delicate supply chains that are just now getting back on track following extraordinary pandemic interruptions. For example, the fertilizer industry has expressed serious concerns regarding the impact that the proposed NAAQS regulations will have on fertilizer production capacity. This would have serious repercussions for Lebanon County’s farmers and other agriculture and agri-business stakeholders who rely on reliable, affordable supply of fertilizer for their operations.” – **Lebanon Valley Chamber of Commerce**<sup>10</sup>

“Significant reductions in stationary source emissions will be needed to meet a strengthened PM<sub>2.5</sub> NAAQS. U.S. EPA estimated stationary source emissions reductions required to meet a standard of 9 µg/m<sup>3</sup> (8,071 tons PM<sub>2.5</sub>/yr) requires a 750% expansion of emissions reductions in the Northeast region compared to an annual primary PM<sub>2.5</sub> NAAQS of 10 µg/m<sup>3</sup> (1,070 tons PM<sub>2.5</sub>/yr). Given the uncertainty around unknown control technologies

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<sup>7</sup> EPA-HQ-OAR-2015-0072-1948.

<sup>8</sup> EPA-HQ-OAR-2015-0072-2170.

<sup>9</sup> EPA-HQ-OAR-2015-0072-1938.

<sup>10</sup> EPA-HQ-OAR-2015-0072-1944.

required to meet a standard of 9  $\mu\text{g}/\text{m}^3$ , the potential deleterious effects on income and employment in the region are significant given the likely nonattainment designation for Jefferson County, KY in such a scenario.” – **Greater Louisville Inc. Energy and Environment Committee**<sup>11</sup>

“[A] balanced approach is not reflected in the EPA’s NAAQS  $\text{PM}_{2.5}$  proposal. There are still areas of the U.S. that are in nonattainment of the current NAAQS  $\text{PM}_{2.5}$  standards and further tightening these standards to the levels contemplated in the EPA’s proposed rule would greatly expand the number of nonattainment areas, including a significant part of Michigan. Businesses in our state would have to spend millions of dollars annually to comply with the revised regulations, and permitting delays and cancellations would stifle infrastructure projects and facility expansions, which would harm businesses up and down our supply chains that are just now rebounding from the disruptions caused by the pandemic. Additionally, nonattainment designations would have a deleterious impact on our state’s industrial operations and require expensive retrofits and emission offset credits.” – **Michigan Chamber of Commerce**<sup>12</sup>

“With traditional  $\text{PM}_{2.5}$  emissions sources being well controlled, the agency is considering novel control approaches whose impacts are expected to be felt by homeowners, businesses, and governments. These novel approaches would require the installation of costly emissions controls on restaurants and industry and even require states to pave as much as 25 percent of unpaved roads and unpaved road shoulders. Troubling is the fact that EPA failed to estimate the full costs and burdens associated with meeting the proposed standard levels . . . . While the Minnesota Chamber of Commerce and its members are committed to continuing progress in reducing emissions, more stringent ambient air standards would move closer to background concentrations, therefore limiting the cost-effective technology and policy tools available for compliance. These challenges are often exacerbated by contributions from exceptional events such as wildfires and international transport that are beyond the control of state and local officials.” – **Minnesota Chamber of Commerce**<sup>13</sup>

“Since stationary fuel combustion sources and many industrial sources of particulate are already well regulated for controlling PM emissions, industry should not incur additional responsibility in lowering emissions to meet lower NAAQS which will have a stifling effect on permitting new and modified sources . . . . If EPA continues to lower the standards, the  $\text{PM}_{2.5}$  emissions will not be eliminated, rather these emissions will be shifted to other parts of the world that have less stringent limits and create a larger burden on these communities. The current NAAQS are lower than or consistent with other developed countries, thus the current NAAQS levels are justified.” – **South Carolina Chamber of Commerce**<sup>14</sup>

“The goal of the Clean Air Act NAAQS program is not attainment and then revision upon attainment to set a new goal. It is imperative that the NAAQS is based upon science indicating inadequate margins of safety that guides the policy decision. Despite  $\text{PM}_{2.5}$  emissions sources being well controlled, EPA is considering novel control approaches whose unjustified emissions control are expected to be felt by homeowners, businesses, and governments. These

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<sup>11</sup> EPA-HQ-OAR-2015-0072-1982.

<sup>12</sup> EPA-HQ-OAR-2015-0072-1945.

<sup>13</sup> EPA-HQ-OAR-2015-0072-1940.

<sup>14</sup> EPA-HQ-OAR-2015-0072-1998.

new approaches would require the installation of costly emissions controls on restaurants and industry and even require states to pave as much as 25 percent of unpaved roads and unpaved road shoulders to achieve a new PM standard that is not based on science. The funds to undertake these requirements simply do not exist, and EPA failed to estimate the full costs and burdens associated with meeting the proposed standard levels, particularly upon at-risk communities across the country. Simply put, there is no feasible path to compliance without extensive closure of existing manufacturing, industrial, and agricultural facilities – putting many hardworking West Virginians and Americans out of work.” – **West Virginia Chamber of Commerce**<sup>15</sup>

“Bryan County, GA is home to the largest economic development project in Georgia’s history with the construction and future operation of Hyundai’s new electric vehicle plant. . . . [I]t is possible that this new regulation will also have an unintended consequence of having a direct impact on the operations of individual restaurants. This rule consideration, however, puts this historic economic development at risk. If manufacturers like Hyundai are unable to operate at their intended capacity or have a lack of regulatory certainty on U.S. soil, investment will shift to countries that have more favorable operating climates. In most cases, these countries lack top-notch air quality regulations that the U.S. already has in place. U.S. manufacturers and the communities that work to support them will be unintentionally and severely impacted by the implementation of this onerous rule. This is a consequence that Bryan County and counties like it cannot afford. At a time where many industries, and in particular the restaurant industry, are still reeling from the effects of the pandemic and inflation, the EPA ought to foster policies that promote American innovation versus tearing down what all of us have worked hard to rebuild. The EPA should not look to tack on additional regulations that have potentially disastrous consequences.” – **Georgia Restaurant Association**<sup>16</sup>

“If the number of counties is expanded to include all counties in [Core Based Statistical Area] CBSAs associated with violating monitors, the 24 counties projected to be in violation of a 10.0  $\mu\text{g}/\text{m}^3$  standard in 2032 becomes 45 counties and the 51 counties modeled in violation of 9.0  $\mu\text{g}/\text{m}^3$  become 162. All these counties, if designated, would be subject to additional emission control requirements to be included in State Implementation Plans (SIPs) prepared for EPA review. SIPs would require lower emissions at multiple facilities within the nonattainment area and a review, including possible retrofit of new controls for existing sources..” – **Midwest Ozone Group**<sup>17</sup>

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<sup>15</sup> EPA-HQ-OAR-2015-0072-1984.

<sup>16</sup> EPA-HQ-OAR-2015-0072-1990.

<sup>17</sup> EPA-HQ-OAR-2015-0072-2093.

## **Industry is Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“[I]t would be extremely difficult for [recently announced project] to be able to proceed in an air permitting regulatory environment containing a lowered PM<sub>2.5</sub> NAAQS. The current PM<sub>2.5</sub> NAAQS already poses significant challenges for siting new projects, despite the incorporation of state-of-the-art pollution controls . . . [F]or existing aluminum manufacturing facilities in attainment areas, lowering the PM<sub>2.5</sub> standard will result in additional areas being downgraded into nonattainment at which point additional air pollution controls and/or offsets on a variety of aluminum industry and broader economy-wide sources would be required, some of which again may not have commercially available air pollution control technology capable of achieving emission levels that, when aggregated, would satisfy the PM<sub>2.5</sub> NAAQS.” – **The Aluminum Association**<sup>1</sup>

“If EPA chooses to revise the existing PM<sub>2.5</sub> standards, there is also a high likelihood that level of stringency will create modeling uncertainty with the presence of background concentrations, particularly for urban areas with many other sources of PM emissions contributions. This interference will likely jeopardize predictability and certainty that is necessary to the impacts modeling process for new or revised permit applications that address essential operational activities. These activities range from narrower, process-specific modifications that improve environmental performance, e.g. retrofits/improvements to combustion equipment like furnaces, boilers, turbines, and emergency engines to broader downstream manufacturing for new climate technology applications . . . EPA should consider potential unintended consequences associated with a revision of the standard. For example, the installation and operation of Selective Catalytic Reduction (SCR) to control NO<sub>x</sub> emissions could result in increased ammonia emissions. Thus, a lowered PM standard in a nonattainment area may actually hinder the area's ability to achieve attainment as it works to address ozone but separately creates PM<sub>2.5</sub> emissions issues. Given the full scope of these impacts, ACC again notes that EPA's proposed reconsideration represents a discretionary choice by the Administrator to review and revise existing NAAQS for PM<sub>2.5</sub> closely ahead of a statutory review. As such, ACC strongly recommends that the Agency consider a broader suite of permitting and economic impacts, including costs, in its decision to reconsider the existing PM<sub>2.5</sub> NAAQS” – **American Chemistry Council**<sup>2</sup>

“Any tightening of the PM NAAQS could result in construction bans that would cut deeply into manufacturing shipments . . . Several key materials, such as cement in the example above, used in the built environment also would be impacted directly by this proposal. The markets for these materials tend to be local, whenever feasible, due to the cost of shipping these materials long distances. If plants have to curtail production or close, then it will impact the availability of local materials, constrain the supply chain, and result in increased emissions (including PM and greenhouse gases) and costs from shipping.” – **Associated General Contractors of America**<sup>3</sup>

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<sup>1</sup> EPA-HQ-OAR-2015-0072-2213

<sup>2</sup> EPA-HQ-OAR-2015-0072-2487.

<sup>3</sup> EPA-HQ-OAR-2015-0072-2182.

“We strongly support reasonable and well-researched regulations to ensure that we have clean air and water, and that communities are protected. Of course, workers inside facilities are the most impacted from exposure to pollution. However, there will be implications for the sectors we represent, and for our members’ jobs if regulations are not fully vetted and sized. In regard to the reconsideration of NAAQS for PM<sub>2.5</sub>, we would strongly encourage that EPA should defer NAAQS changes until a detailed implementation plan is vetted.” – **United Steelworkers Union**<sup>4</sup>

We believe that EPA may have understated the extent of prospective nonattainment areas under a revised standard by its reliance on extensive deployment of future "unknown" control technologies. Nonattainment designation can have deleterious effects on income and employment by dramatically increasing the difficulty of permitting and operating new industrial facilities as well as obtaining regulatory approvals for major construction projects. – **Unions for Jobs & Environmental Progress**<sup>5</sup>

“California already has some of the most robust environmental performance standards in the world, yet there are still areas within California (and nationally) that are in nonattainment under the current PM 2.5 standards. Issuing stricter standards will not assist those jurisdictions currently in nonattainment. It will, instead, have a cascading effect that will limit opportunities for financial growth, restrict permitting and constrain California's manufacturing sector. The proposed standards would not only hurt existing manufacturing facilities. However, the proposal will also jeopardize those innovative manufacturers developing clean energy, renewable technologies, advanced pharmaceuticals, and biotechnologies.” – **California Manufacturers & Technology Association**<sup>6</sup>

“There will be several areas in Illinois that will not meet the new standard, which will be designated nonattainment areas and will trigger new source review permitting requirements. In Illinois, new source review permitting regulations will need to be amended to address PM<sub>2.5</sub>. Economic development in nonattainment areas will be delayed and, in many instances, discontinued. When these proposed rules are finalized, there will also be an immediate impact on the business community with respect to permitting transactions in attainment areas that require NAAQS air quality modeling. For this modeling, EPA uses a highly conservative approach by adding maximum modeled design value concentration from a proposed project to an ambient monitoring design value. This approach by EPA, leaves very little room for future facility projects (i.e., expansion or growth) in large swaths of the country, as the current (2019-2021) average annual PM<sub>2.5</sub> design value is 7.9 µg/m<sup>3</sup> across the United States.” – **Chemical Industry Council of Illinois**<sup>7</sup>

“The Houston, TX area is one area where these concerns may occur. The 2019 – 2021 design value for Harris County (where Houston, TX is located) is 11.1 ug/m<sup>3</sup>. If EPA, were to revise the primary annual PM<sub>2.5</sub> NAAQS to 10.0 ug/m<sup>3</sup> in 3Q 2023, then sources in the area would be in a situation where the area is still designated as attainment for a while, but the design value for the county/area indicates that it is not meeting the new NAAQS. Thus, there will be a

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<sup>4</sup> EPA-HQ-OAR-2015-0072-2309.

<sup>5</sup> EPA-HQ-OAR-2015-0072-1748.

<sup>6</sup> EPA-HQ-OAR-2015-0072-2140.

<sup>7</sup> EPA-HQ-OAR-2015-0072-2097.

period of time between the effective date of a revised standard (~ 3Q 2023) and the date when the county/area is designated as a non-attainment area (~ 3Q 2025). Therefore, a significant problem exists if an applicant was originally seeking a PSD permit and has to demonstrate compliance with a new and lower NAAQS value. In that case, the applicant will not be able to demonstrate compliance with the lower NAAQS per the PSD permit modeling/monitoring requirements, and the applicant will have to wait until ~ 3Q 2025 in order for the area to be designated as non-attainment. The non-attainment designation would then make available the possibility of obtaining a non-attainment new source review permit. In the meantime, the applicant likely would be banned from starting construction since it would not be possible to demonstrate compliance with the new and lower NAAQS value.” – **Dow Chemical Company**<sup>8</sup>

“58 out of 223 wood products manufacturing facilities already have limited “headroom” or flexibility under the current PM 2.5 standard of 12 ug/m<sup>3</sup>. Under EPA’s less burdensome scenario included in the proposal, tightening the standard to 10 ug/m<sup>3</sup> would more than triple the number of facilities with less flexibility to 199. In plain terms, a PM 2.5 standard set at 10 particles per cubic meter (down from 12) would mean that 199 sawmills would be subject to complex modeling hurdles before receiving the greenlight to move forward with an operational expansion. Unfortunately, EPA’s proposal doesn’t stop there. Federal regulators are also proposing to drop the standard to an even more stringent 9 ug m<sup>3</sup>. Under this scenario, according to AF&PA and AWC, 217 manufacturing facilities would fall in the “lack of headroom” category, hindering a sawmill’s ability to expand operations.” – **Hardwood Federation**<sup>9</sup>

“Air permitting standards should not be lowered before they have been met...If we can’t grow manufacturing at home, other countries, who don’t have the same rigorous regulations, will step in, and fill the void left by U.S. manufacturers with a resultant increase in PM2.5, CO2e and other pollutant emissions.” – **Michigan Manufacturers Association**<sup>10</sup>

“The NAM’s Manufacturers’ Outlook Survey for the first quarter of 2023 found that more than 55% of manufacturers anticipate that new EPA air standards will raise their costs of compliance, and one out of three manufacturers anticipate that the new standards would lead to increased permitting challenges and restrict investment and facility expansion plans...Often, up to 3 µg/m<sup>3</sup> of headroom is needed to verify that a project will not jeopardize attainment for an area. Given the proposal from the EPA to consider a PM2.5 standard as low as 8 µg/m<sup>3</sup>, it will likely result in insufficient headroom for new manufacturing projects in attainment areas across the country.” – **National Association of Manufacturers**<sup>11</sup>

“In the event of a standard lower than 10, more than half of the domestic cement industry could be impacted. PCA estimates that lowering the annual PM<sub>2.5</sub> standard to 10 µg/m<sup>3</sup> could require \$124.2 million in capital expenditures and \$40.3 million in additional annual operating expenses for U.S. cement producers. A standard of 8 µg/m<sup>3</sup> could cost domestic manufacturers \$216 million in capital compliance expenditures and \$70 million a year in operating expenses... American cement manufacturing plants that either would be in nonattainment areas or would be at risk of being in a nonattainment area amount to 34.2% and 33.6% of America’s

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<sup>8</sup> EPA-HQ-OAR-2015-0072-2369.

<sup>9</sup> EPA-HQ-OAR-2015-0072-2096.

<sup>10</sup> EPA-HQ-OAR-2015-0072-2200.

<sup>11</sup> EPA-HQ-OAR-2015-0072-2196.

clinker and grinding capacity, respectively. More than half (54.9%) of the domestic cement industry, measured by clinker capacity, would either be in nonattainment or at risk of being in a nonattainment area with a standard of  $8 \mu\text{g}/\text{m}^3$ .” – **Portland Cement Association**<sup>12</sup>

“Fairfax County in northern Virginia has ambient  $\text{PM}_{2.5}$  annual concentrations of  $8.7 \mu\text{g}/\text{m}^3$ , while Richmond (central Virginia), measures  $7.8 \mu\text{g}/\text{m}^3$ . Even rural communities and smaller towns range in values from  $6.1 \mu\text{g}/\text{m}^3$  (Lynchburg) to  $7.1 \mu\text{g}/\text{m}^3$  (Roanoke). Using a hypothetical  $\text{PM}_{2.5}$  primary annual standard of  $9.0 \mu\text{g}/\text{m}^3$ , the ambient margin would be  $0.03 \mu\text{g}/\text{m}^3$  for Fairfax and  $1.2 \mu\text{g}/\text{m}^3$  for Richmond. These values leave little room above background  $\text{PM}_{2.5}$  concentrations to allow for economic development.” – **Virginia Manufacturers Association**<sup>13</sup>

“This rulemaking is premature and could impose incredibly burdensome new requirements on Wisconsin manufacturers and other businesses...Based upon the Wisconsin background levels, **there would be no room for economic growth in communities with a population of 25,000 or more** if EPA established a standard of  $8 \mu\text{g}/\text{m}^3$ . Moreover, in communities with a population smaller than 25,000, projects would be significantly limited.” – **Wisconsin Paper Council & Wisconsin Manufacturers and Commerce**<sup>14</sup>

“At the peak of 2020 wildfire season, 42 percent of  $\text{PM}_{2.5}$  emissions in the Mountain region was attributed to wildfire. Without an effective and feasible plan for dealing with exceptional events, more counties will be designated as nonattainment and industrial sources will be faced with significant permitting challenges to address pollution that is neither created by nor can be remedied by industry.” – **National Mining Association**<sup>15</sup>

“The Proposed Rule notes that the “highest ambient  $\text{PM}_{2.5}$  concentrations occur in the western U.S, and also states that wildland fire “accounts for over 30% of emissions of primary  $\text{PM}_{2.5}$  emissions.” The Proposed Rule references recent wildland fire events that significantly increased  $\text{PM}_{2.5}$  background concentrations over an extended period of time, including a three-month fire in Montana that resulted in  $\text{PM}_{2.5}$  concentrations above  $300 \mu\text{g}/\text{m}^3$  for many days and a daily average of  $220.9 \mu\text{g}/\text{m}^3$ .... While states can discount certain PM monitoring data affected by wildland fires for the purpose of attainment demonstrations under the “Exceptional Events” rule, this process is slow, cumbersome, expensive, and often inaccurate. Indeed, a typical exceptional event demonstration requires roughly 100 person-hours to complete, and more time for EPA to review and approve. Further, Western wildland fires have become so frequent and commonplace that it no longer makes sense to characterize these fires as exceptional.” – **Tata Chemicals North America (WY)**<sup>16</sup>

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<sup>12</sup> EPA-HQ-OAR-2015-0072-2197.

<sup>13</sup> EPA-HQ-OAR-2015-0072-2191.

<sup>14</sup> EPA-HQ-OAR-2015-0072-2206.

<sup>15</sup> EPA-HQ-OAR-2015-0072-2210.

<sup>16</sup> EPA-HQ-OAR-2015-0072-2186.

## **The Energy Sector is Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“Utilities are actively working on plans, permitting, and construction of replacement generation builds. To facilitate President Biden’s carbon reduction goals, it must be feasible to build new generation, even in more populated areas with higher background levels of particulate matter (PM) . . . The result reinforces the point that a lower annual PM 2.5 standard restricts the ability to build new generation to compliment renewable sources to ensure reliable power delivery to the grid.” – **East Kentucky Power Cooperative**<sup>1</sup>

“States have undoubtedly begun work in anticipation of the [2020] retained PM NAAQS, likely devoting resources to other issues under the expectation that additional measures to implement PM requirements would be at least a number of years further off. Regulated industries have likely proceeded with planning based on their reliance on a status quo situation until at least another five years and a new orderly NAAQS review. As the D.C. Circuit has explained, EPA must take these serious reliance interests into account when conducting this reconsideration. At this time, that analysis is absent. . . . [T]here certainly has been no development of such significance to warrant the extraordinary action of reconsidering a NAAQS determination that is just over two years old and that had CASAC, staff, and strong record support. The Proposed Rule itself states that the evidence available in this reconsideration “is largely consistent with the evidence that was available in previous reviews.” It goes on to explain that most of the science was even available during the 2012 review and evaluated in the 2009 ISA. Under these circumstances, reconsideration is unnecessary.” – **Power Generators Air Coalition**<sup>2</sup>

“According to the schedule of the current review cycle, the next review is due in year 2025. If the proposal were to be finalized on October 31<sup>st</sup> 2023 with a reduction in the standard, implementation tasks would have to follow with designations taking place probably around the October 31<sup>st</sup> 2025 deadline. This could result in the Agency simultaneously finalizing area designations for the reconsidered 2020 PM<sub>2.5</sub> NAAQS and conducting the Agency’s five-year review of the PM NAAQS. At the point when SIPs would be due at October 31, 2026, further revisions to the PM NAAQS could have already taken place as a result of the required review, triggering another event of area designations and SIP revisions. In such a situation, states would be crafting and implementing SIPs that comply with both the 2023 PM<sub>2.5</sub> NAAQS reconsideration and the 2025 revised PM NAAQS during overlapping time periods.” – **Cleco Corporate Holdings**<sup>3</sup>

“Indiscriminate use of the reconsideration process to revise ambient air quality standards without first collecting all the necessary scientific data could have unintended consequences such as slowing down the clean energy transition that requires the ability to site lower emitting, new generation sources in an efficient manner to bridge that transition. Ineffective timing of a reconsideration will place challenges on permitting of new and modified facilities in or near non-attainment areas under the CAA New Source Review program when other factors in the near

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<sup>1</sup> EPA-HQ-OAR-2015-0072-2209.

<sup>2</sup> EPA-HQ-OAR-2015-0072-2226.

<sup>3</sup> EPA-HQ-OAR-2015-0072-2217.



term will address much of the necessary reductions such as electrified transportation.” – **Tennessee Valley Authority**<sup>4</sup>

“[I]f the annual PM<sub>2.5</sub> standard is set at 10 ug/m<sup>3</sup> and the area’s design value is 9 ug/m<sup>3</sup>, there is little room for additional emissions from industrial sources, such as NOx emissions from natural gas-based EGUs, which are key to reliability of the electric grid, including to balance intermittent non-emitting renewable energy sources such as solar and wind, and to help transition the retirement of coal-based EGUs.” – **Edison Electric Institute**<sup>5</sup>

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<sup>4</sup> EPA-HQ-OAR-2015-0072-2092.

<sup>5</sup> EPA-HQ-OAR-2015-0072-2484.

## **Forestry and Conservation Experts are Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“The National Association of Forest Service Retiree’s (NAFSR) is concerned that this proposed rulemaking will reduce the Nation’s ability to implement strategies intended to reduce unwanted wildfire effects on communities and wildlands, including barriers to increasing the pace and scale of prescribed burning. NAFSR is also concerned that this rulemaking may be in conflict with the current direction to land management agencies to decrease wildfire risk across our landscapes and threats to our communities . . . . Preliminary research suggests that some areas could see a reduction in available burn days of 70-80 percent....Prescribed burning consumes less biomass than wildfires; a reduction in prescribed burn opportunities will further increase acres burned by wildfires, resulting in increased emissions and particulate matter... When wildfires burn through neighborhoods, the smoke generated from the combustion of synthetic products used in construction and home furnishings and in vehicles and equipment contains more harmful particulates and other chemicals than smoke from burning forest or rangeland vegetation...By preventing and/or reducing significant wildfire events through the use of fuels treatments and prescribed fires has the ultimate benefit of improving air quality and reducing the release of more harmful pollutants.” – **National Association of Forest Service Retirees**<sup>1</sup>

“[W]e fear that without reasonable exemptions for legitimate land management practices they could result in the unintended consequence of increasing catastrophic wildfire and neglect of natural landscapes if implementation inhibits our ability to conduct prescribed burning...Nonattainment areas will impose additional administrative burden and likely reduce prescribed fire in the subsequent plans required to be submitted by states to reduce emissions in order to meet the new NAAQS and attainment plan goals. This concern applies to both the annual and 24-hr standard designations... We are also concerned about areas which are close to the standards as states will seek to minimize the potential of those areas to become nonattainment, which could impose limits to the use of prescribed fire.” – **Forest Preserves of Cook County (IL)**<sup>2</sup>

“[I]f the proposed rule is implemented without consideration for beneficial fire, these revisions would: Impede the use of beneficial fire in fire-dependent ecosystems, countering EPA’s own support, by limiting the number of weather-appropriate days available to public, private, and tribal fire practitioners to implement beneficial fire across the United States; [and] Position EPA in direct contradiction to scientific and public health expertise, including the American Lung Association, which underscores the need for increased beneficial fire use to reduce future PM<sub>2.5</sub> emissions from wildfire, protect public health, and reverse the myriad negative impacts of fire exclusion on people and nature[.]” – **The Nature Conservancy**<sup>3</sup>

“We understand fully that fires produce smoke, and that it’s the particulate matter in this smoke that represents the major health threat to many residents of western states. We therefore appreciate that a health perspective will lead to recommendations such as those contained in this proposal. However, having lived through a recent series of disastrous wildfire and urban fire

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<sup>1</sup> EPA-HQ-OAR-2015-0072-1931.

<sup>2</sup> EPA-HQ-OAR-2015-0072-2154.

<sup>3</sup> EPA-HQ-OAR-2015-0072-2219.

years, we are also mindful of the need to take steps to protect ourselves from future megafires of the kind we have recently experienced. Since the proposed particulate matter adjustments may well compromise the ability of forest managers to undertake the prescribed fires that we know are needed, we encourage EPA to consider what modification to the proposal can be incorporated that will allow this essential tools to be used.” – **Southern Oregon Climate Action Now**<sup>4</sup>

“[T]he rules, as proposed, severely limit the use of prescribed fire to achieve the goals of restoring fire-dependent ecosystems and reducing the potential risk of high severity wildfires along with the hazardous smoke they generate. This is in conflict with the National Cohesive Wildfire Management Strategy and the National Wildfire Crisis Strategy that both call for an increase in the pace and scale of prescribed fire across western forest landscapes.” – **Deschutes Collaborative Forest Project (OR)**<sup>5</sup>

“In West Virginia, the number of optimal prescribed fire days or days in which weather conditions, including smoke dispersal rates, are acceptable for burning, is already severely limited based on statewide weather patterns. State and federal agencies operating in West Virginia have difficulty implementing enough prescribed fires to reduce hazardous fuels, provide for wildlife habitat, and increase climate change resiliency due to our short prescribed fire weather window. Additional restrictions on prescribed fire derived from implementation of these regulations would make prescribed fire operation in West Virginia exceedingly difficult, resulting in less burns implemented, increased chance of catastrophic wildfire, and reduced ecosystem adaptability and resilience to climate change.” – **West Virginia Prescribed Fire Council**<sup>6</sup>

“Consideration should be given to the higher range minority CASAC conclusion of 11.0  $\mu\text{g}/\text{m}^3$  to prevent unintended negative consequences for the use of prescribed fire as a management tool. Otherwise, prescribed fire managers would face stricter regulations and higher hurdles in using prescribed fire as a management tool. This could limit their ability to effectively manage ecosystems, reduce the risk of uncontrolled wildfires, and maintain healthy forests and grasslands.” – **Georgia Prescribed Fire Council**<sup>7</sup>

“Our concern is that the proposed NAAQS changes could increase catastrophic wildfires if implementation inhibits prescribed burning. Based on the objectives of the Exceptional Event Rule, all wildfire and prescribed fire smoke should not be counted together in a way that would result in the likelihood of any unnecessary  $\text{PM}_{2.5}$  nonattainment designations. Essentially excess smoke could lead to conditions that are close to nonattainment over many days, thus reducing the number of optimal days to conduct prescribed fires...The WPFC community and its membership encourages the EPA to set the  $\text{PM}_{2.5}$  standard at a scientifically supported level that protects public health but also includes a process that enables, rather than inhibits, the essential role of fire in our wildland environment. If prescribed burning is curtailed by new particulate standards,

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<sup>4</sup> EPA-HQ-OAR-2015-0072-1974.

<sup>5</sup> EPA-HQ-OAR-2015-0072-2002.

<sup>6</sup> EPA-HQ-OAR-2015-0072- 2225.

<sup>7</sup> EPA-HQ-OAR-2015-0072-2086.

it will be more difficult for EPA to offset the catastrophic wildfire smoke impacts on public health.” – **Wisconsin Prescribed Fire Council**<sup>8</sup>

“[W]e urge the EPA to consider the impacts the proposed rule could have on prescribed fire use without further changes, and to address those issues for the benefit of humans and the ecosystems of which we are a part.” – **North Carolina Prescribed Fire Council**<sup>9</sup>

“Much of the forested land in the Northern Blue Mountains is currently classified as having high or very high wildfire hazard potential... Without active application of beneficial fire, our forests and communities are at increased risk of uncharacteristically severe wildfires. Such fires impact our timber, recreation, wildlife, drinking water, and the majestic beauty that makes this place feel like home. Wildfires also produce substantially more, and more toxic, smoke than controlled beneficial fire... Proposed changes to the annual standard or consideration of changing the daily limit will put our community close to non-attainment and unable to conduct sufficient beneficial fire to keep our community safe and our forests healthy.” – **Northern Blues Forest Collaborative (OR)**<sup>10</sup>

“We propose that the EPA revise their proposed amendments to recognize prescribed fire and beneficial fire as important tools in reducing P.M.<sub>2.5</sub> over the long term, and request the agency work to find solutions for balancing human health and fire in ways that will allow for the increased use of prescribed and beneficial fire by land managers. We request that streamlined and practicable regulatory solutions be articulated to ensure ongoing and expanded use of prescribed and beneficial fire, and we express our concern that that the Exceptional Events Rule, as currently articulated, is cumbersome and likely inhibitive of the expanded use of fire necessary to mitigate ongoing risk of large wildfires and their significant negative impact on air quality.” – **Oregon Prescribed Fire Council**<sup>11</sup>

“The PLF is concerned that this proposed rulemaking will reduce the Nation’s ability to implement strategies intended to reduce unwanted wildfire effects on communities and wildlands, including barriers to increasing the pace and scale of prescribed burning. The PLF is also concerned that this rulemaking may conflict with the current direction to land management agencies to decrease wildfire risk across our landscapes and threats to our communities.” – **Public Lands Foundation**<sup>12</sup>

“The SCPFC supports scientifically based decisions by the EPA; however, we also recognize the public health and environmental benefits gained by the safe use of prescribed fire as compared to the alternative of catastrophic wildfire. These benefits include landscape resilience to wildfire and other threats (such as invasive plants), improved water quality and quantity, endangered species habitat maintenance, forest health, carbon capture and retention, economic benefits for silviculture and range, public recreation, firefighter safety, and reduction of accumulated fuels that lead to an increase in catastrophic wildfires... [W]e fear they could

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<sup>8</sup> EPA-HQ-OAR-2015-0072-2087.

<sup>9</sup> EPA-HQ-OAR-2015-0072-2159.

<sup>10</sup> EPA-HQ-OAR-2015-0072-1997.

<sup>11</sup> EPA-HQ-OAR-2015-0072-2108.

<sup>12</sup> EPA-HQ-OAR-2015-0072-2124.

result in the unintended consequence of increasing catastrophic wildfire if implementation results in inhibiting prescribed burning.” – **South Carolina Prescribed Fire Council**<sup>13</sup>

“We urge you to recognize that simply reducing the burden for an Exceptional Events Rule filing is a poor solution for the proposed rule’s impact on prescribed fire use and its many public benefits. While the Exceptional Events process may be helpful in some western states dominated by public lands, the current reality is that private landowners lead prescribed fire in the US. Estimates indicate that 65% of all prescribed fire is ignited on private lands, making Exceptional Events Rule filings a burden for these individual private landowners. Asking landowners to conduct sophisticated modeling, source identification, and make detailed filings is not a viable solution and will impact the use of prescribed fire in the areas that have provided leadership for the expanded use of beneficial fire nationwide. To be clear, we strongly oppose any regulation that places such burdens on private conservationists . . . Tall Timbers’ analysis of one area in southwestern Georgia suggests that proposed restrictions will curtail prescribed fire days by 20% during peak prescribed fire season. We can expect similar or even more dire reductions in prescribed fire opportunities in California and other western states. The proposed rule reduces access to the best tool available—prescribed fire—to abate wildfire hazards and their resulting emissions . . . [Q]uail hunting in the Southeast is a tremendous economic engine for rural communities. In two small communities of southwest Georgia and north Florida, our research shows wild quail hunting-related activities resulted in a combined economic impact of nearly \$340 million annually. Reducing prescribed fire in these areas will inevitably affect these properties, the wild quail populations that depend on them, and the local economy that benefits from these activities. From a wildfire perspective, further restrictions on prescribed fire will result in wildfires that continue to grow in intensity and difficulty to control. This will keep the US on a path of growing economic losses from wildfires that impact homes, structures, recreation opportunities, and human health costs from persistent wildfire smoke.” – **Tall Timbers (FL)**<sup>14</sup>

“Considering federal funding is being directed to mitigate catastrophic wildfire impacts via use of prescribed fire, it follows that such activity will increase on federal, state, Tribal and private lands. Nonattainment areas will impose additional administrative burden and likely reduce prescribed fire in the subsequent plans required to be submitted by states to reduce emissions in order to meet the new NAAQS and attainment plan goals.” – **Illinois Prescribed Fire Council**<sup>15</sup>

“Josephine County, bordered by California to the south, ranks in the 94% risk category for wildfires in relation to our neighbors in the rest of the state. In the past five years, the IVFROG and other regional partners, have joined forces to adequately address the need to increase the pace and scale of prescribed fire in response to our geographic vulnerability. . . [T]o underscore the implications to poor air quality from the real potential for uncharacteristically intense megafires we’ve witnessed all too often in Southern Oregon. We ask that the EPA consider the inclusion of regulatory guidance as to the continued use of prescribed fire as a critical tool in mitigating megafires. Our main concerns besides public safety are the threats to

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<sup>13</sup> EPA-HQ-OAR-2015-0072-1993.

<sup>14</sup> EPA-HQ-OAR-2015-0072-2178.

<sup>15</sup> EPA-HQ-OAR-2015-0072-2153.

forest health, increased wildfire risk and the continuation of IVFROG's ongoing fuels management project work." – **Illinois Valley Fire Resiliency Oversight Group (OR)**<sup>16</sup>

"Prescribed fire reduces wildfire and air quality concerns by removing hazardous fuels and releasing less smoke during favorable atmospheric conditions to reduce negative smoke impacts. State and federal agencies rely on prescribed fire as a habitat and wildfire management tool, and the NDA is concerned the proposed reduced NAAQS for PM<sub>2.5</sub> will reduce the use of prescribed fire, resulting in increased wildfire devastation and less habitat management work to benefit wildlife and landscapes. Similarly, we're concerned about the lumping of wildlife and prescribed fire smoke in the nonattainment designation process, and we believe that they should be considered separately under the Exceptional Event Rule." – **National Deer Association**<sup>17</sup>

"Washington, and the western US in general, have in recent years been subjected to long periods of degraded air quality associated with large wildfires. The public health impacts associated with this type of smoke exposure are well documented. It is pertinent to note that wildfire smoke is significantly more impactful to humans than smoke from prescribed burns. Prescribed burns are conducted under conditions that minimize smoke production and/or mitigate smoke intrusions into populated areas. Indeed, a recent report from the American Lung Association found that prescribed burning can be used to mitigate the negative air quality, health, and safety impacts of catastrophic wildfires...[W]e urge EPA to revise their proposed amendments to recognize prescribed fire and beneficial fire as important tools in reducing PM<sub>2.5</sub> over the long term, and request the agency works to find solutions for balancing human health and fire in ways that will allow for the increased use of prescribed fire by land managers." – **Washington Prescribed Fire Council**<sup>18</sup>

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<sup>16</sup> EPA-HQ-OAR-2015-0072-2228.

<sup>17</sup> EPA-HQ-OAR-2015-0072-2157.

<sup>18</sup> EPA-HQ-OAR-2015-0072-2224.

## **The Transportation Sector is Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“According to the map provided by the EPA with this latest Federal Register Notice, 112 counties across the U.S. (including Fairbanks) would not meet proposed PM<sub>2.5</sub> standards. And, of these 112 counties, only 24 counties are totally or partially contained in Non-attainment Areas for the current PM<sub>2.5</sub> standards. This will have a cascading effect on a broad range of communities, sectors, and stakeholders, and the EPA should weigh the severe economic impact of this decision. For these reasons, we ask the EPA to maintain the current primary and secondary PM<sub>2.5</sub> standards.” – **Fairbanks Area Surface Transportation Planning (AK)**<sup>1</sup>

“The lowering of the NAAQS has the potential to result in numerous areas in Texas being designated nonattainment for PM<sub>2.5</sub>. This would have a chilling effect on transportation projects in those areas. This is partly caused by significant increases in time and cost to address the PM<sub>2.5</sub> regulatory requirements of the Clean Air Act's (CAA's) conformity process at both the planning and project levels. The bigger concern, however, is the inability of projects to demonstrate conformity to the hot-spot requirements for areas where the background PM<sub>2.5</sub> concentration is already near or above the proposed NAAQS, which could, and has in other states, prevent needed projects from obtaining environmental clearance.” – **Texas Department of Transportation**<sup>2</sup>

“We are also concerned that the RIA appears to underestimate costs at least in part by not reflecting recent inflation in its estimated costs of highway related pollution control investments. As illustrated at various points in the RIA, including in tables 4-4 and 4-5 (RIA at pages 4-9 and 4-10), steps to control PM<sub>2.5</sub> include paving shoulders and unpaved roads to reduce the spread of PM from the road (and shoulder) surface to the air. Those estimates are stated, in the caption of those two tables, as 2032 costs in 2017 dollars. Yet the Federal Highway Administration's (FHWA's) National Highway Construction Cost Index (NHCCI) shows significant inflation from 2017 through the third quarter of 2022 – approximately 72%, repeat 72%. And further inflation between late 2022 and EPA's 2032 reference year would represent a further dollar difference from 2017 dollars.” – **American Highway Users Alliance**<sup>3</sup>

“In nonattainment areas, transportation projects can proceed only if it can be demonstrated that they will not result in increased emissions. Such construction bans would delay the renovation and improvement of public infrastructure, including highway and transit construction projects, and bridge construction and repairs... The delay of much-needed repairs and investments to our roadways and transportation infrastructure will only exasperate air quality concerns. Traffic congestion wasted 3.3 billion gallons of fuel in 2017—adding 8.8 billion hours to travel times in urban areas.” – **Associated General Contractors of America**<sup>4</sup>

“Starting one year from the date of the nonattainment designation, federally supported highway and transit projects cannot proceed without a state demonstration that the project will not cause an increase in emissions. At a time of record funding for transportation infrastructure, a

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<sup>1</sup> EPA-HQ-OAR-2015-0072-1936.

<sup>2</sup> EPA-HQ-OAR-2015-0072-2192.

<sup>3</sup> EPA-HQ-OAR-2015-0072-2281.

<sup>4</sup> EPA-HQ-OAR-2015-0072-2182.

reduction in the standard could place many projects on hold or cause them to be canceled completely. This could increase congestion and negatively impact air quality in many areas. So, a reduction in the standard could result in increased PM emissions due to increased traffic congestion and requiring motorists to drive longer distances due to cancellation of a new bridge or expansion.” – **National Stone, Sand & Gravel Association**<sup>5</sup>

“Enacted with bipartisan support in 2021, the Infrastructure Investment and Job Act (IIJA) is in its second year of delivering a generational federal investment in our nation’s infrastructure. Many IIJA-funded projects are specifically intended to reduce congestion (and emissions), reinvigorate communities and improve public safety. However, the EPA’s revised NAAQS will endanger a number of those projects by pushing related counties out of compliance. The agency can alleviate these conflicting policies, and preserve the investment power of the IIJA, by keeping the current and effective NAAQS”. – **American Road & Transportation Builders Association**<sup>6</sup>

“Reducing the PM<sub>2.5</sub> standard would have minimal impact on air quality but create many burdens for industries like ours. If more areas fall into nonattainment as expected, federally supported highway and transit projects will not proceed in those nonattainment area unless the state can demonstrate that the project will cause no increase in PM<sub>2.5</sub> emissions.” – **Construction Materials Coalition**<sup>7</sup>

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<sup>5</sup> EPA-HQ-OAR-2015-0072-2163.

<sup>6</sup> EPA-HQ-OAR-2015-0072-2089.

<sup>7</sup> EPA-HQ-OAR-2015-0072-2160.



## **Farmers are Concerned About EPA's Unnecessary PM Reconsideration Proposal**

“The Farm Bureau urges the agency to consider the beneficial use of prescribed burning to help reduce occurrences of catastrophic wildfires which cause much more harm to the environment and the creation of PM<sub>2.5</sub> at levels well above those a properly managed prescribed fire adhering to smoke management best practices would.” – **American Farm Bureau Federation**<sup>1</sup>

“EPA’s once-size-fits-all approach to air quality regulation makes implementing current standards difficult in states like Arizona. The Sonoran Desert covers most of the southern half of Arizona and is in the midst of a prolonged drought and naturally contributes to PM. Additionally, as a border state, we have communities impacted by pollution transport from areas where we have no control. The proposed rule does not consider these realities and imposes a more significant and costly regulatory burden in those areas.” – **Arizona Farm Bureau Federation**<sup>2</sup>

“Volatile weather, labor shortages, rising fuel costs, and depressed crop prices are just some of the challenges that our industry is facing right now. These issues are compounded by burdensome environmental regulations that have resulted in a large part of California, including the Central Valley—where almost all U.S. walnut production takes place—being designated as nonattainment areas under the current NAAQS standards. This nonattainment status has a significant impact on the agricultural sector, and many operations are forced to overhaul farming equipment and modify common agricultural practices to comply with stringent state and local air regulations.” – **The California Walnut Commission**<sup>3</sup>

“Lowering the PM<sub>2.5</sub> standard could increase the requirement for grain handling facilities to demonstrate that they are not contributing to non-attainment. The uncertainty in the PM<sub>2.5</sub> emission factors will place an undue burden on the grain handling industry to make this demonstration and could result in unnecessary operational restrictions, installation of controls devices, or shuddering of operations. For this reason, we urge this administration to continue precedent set by the Obama Administration whereby the agency considers the significant economic impact and job losses that could occur should the proposed rule become final. Moreover, since the PM<sub>2.5</sub> standard is under discretionary reconsideration, it would not be prudent to lower the standard at this time until more PM<sub>2.5</sub> emission factors or speciation information can be developed for grain handling and other mechanical process industries.” – **National Grain and Feed Association**<sup>4</sup>

“[W]e are concerned about the potential for this rule to create setbacks for Michigan’s fast-growing food and agricultural sector, which generates more than \$100 billion in annual economic impact and is among the top employers in our state. For MABA member businesses already subject to strong oversight and pollution controls, the rule would create substantial new compliance costs, along with increased permitting hurdles – diminishing the competitiveness of

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<sup>1</sup> EPA-HQ-OAR-2015-0072-2476.

<sup>2</sup> EPA-HQ-OAR-2015-0072-2185.

<sup>3</sup> EPA-HQ-OAR-2015-0072-2138.

<sup>4</sup> EPA-HQ-OAR-2015-0072-2208.

these rural businesses and passing costs further into the value chain, including to Michigan farmers.” – **Michigan Agri-Business Association**<sup>5</sup>

“PM<sub>2.5</sub> levels in the sugar cane growing area are in the range of 6 to 7 ug/m<sup>3</sup>, annual average concentration. . . . Therefore, lowering the PM<sub>2.5</sub> annual standard to as low as 8 ug/m<sup>3</sup> could render the area as nonattainment for PM<sub>2.5</sub>. This in turn could have severe economic consequences for the sugar industry. . . . [A]ny industrial, commercial, or residential growth in the area could cause the NAAQS set at this level to be exceeded, regardless of SCGCF operations. If emission reductions were needed in the area to comply with a new, lower NAAQS, the SCGCF could be targeted by government agencies as one industry to lower PM<sub>2.5</sub> emissions. This would be unfair to the SCGCF, as they have always operated within the standards, including the newer Subpart DDDDD standards.” – **Sugar Cane Growers Cooperative of Florida**<sup>6</sup>

“[O]ne cotton gin built in the past few years was located in an area where the average annual PM<sub>2.5</sub> level was determined to be 8 ug/m<sup>3</sup>. The facility to be built was predicted to produce an impact of 0.35 ug/m<sup>3</sup> in the area, so the background in the area with the new facility in place was predicted to be 8.35 ug/m<sup>3</sup>. At the current annual limit of 12 ug/m<sup>3</sup>, this facility could be built. Had the annual limit been at the proposed level of 8 ug/m<sup>3</sup>, there would have not been enough margin for the facility to be built. This same margin concern would be in place if the 24-hour standard for PM<sub>2.5</sub> was lowered as well. As an example, a cotton gin was predicted to have an impact of 7.9 ug/m<sup>3</sup> in an area with a background level of 18 ug/m<sup>3</sup>. With the current standard of 35 ug/m<sup>3</sup>, this facility could be built, but if the standard is lowered to 25 ug/m<sup>3</sup>, this facility could not have been built without additional controls. Most new controls will require additional energy to operate, increasing the use of electricity at these plants. For example, to reduce the PM<sub>2.5</sub> by 0.4 tons/year at a typical well controlled facility using technology commonly available today, we found that the capital outlay would be approximately \$55,000, with an additional energy cost of approximately \$6,700 per year.” – **National Cotton Ginners Association**<sup>7</sup>

“[I]t was found that emissions measured using Method 201A resulted in an emission rate 3.58 times the emission rate found by taking a measurement of the total particulate emissions and then performing an actual particle analysis of the emissions in a laboratory using laser diffraction.” – **National Cotton Ginners Association**<sup>8</sup>

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<sup>5</sup> EPA-HQ-OAR-2015-0072-1968.

<sup>6</sup> EPA-HQ-OAR-2015-0072-2215.

<sup>7</sup> EPA-HQ-OAR-2015-0072-1976.

<sup>8</sup> EPA-HQ-OAR-2015-0072-1976.