

Statement for the Record by John Eunice  
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U.S. House Committee on Energy & Commerce  
Subcommittee on Environment, Manufacturing, and Critical  
Minerals  
February 15, 2024

Good morning Chairman Carter, Ranking Member Tonko and Members of the Subcommittee.

My name is John Eunice and I am the Deputy Director of the Georgia Environmental Protection Division. Today, I am here to discuss a crucial aspect of environmental regulation: the National Ambient Air Quality Standards (NAAQS) and its impact on state regulatory agencies.

The establishment of the NAAQS and its implementation over the years has resulted in significant improvements of U.S. air quality.<sup>i</sup> In Georgia, for example, total emissions of air pollutants dropped by 68% from 1990 to 2022.<sup>ii</sup> During that same period gross domestic product increased by 437%.<sup>iii</sup> It's

a striking example of the positive impact the Clean Air Act has had on air quality.

Today, I am here to discuss The Air Quality Standards Implementation Act of 2024 in conjunction with EPA's recent announcement regarding PM2.5 standards.

Just last week, EPA revised the PM2.5 standard by lowering the threshold for states to achieve attainment from 12 micrograms per cubic meter to 9 micrograms per cubic meter. Speaking from the standpoint of a state regulator I can attest that implementing this final rule will pose multiple challenges. The proposed legislation provides some procedural changes that could modernize the NAAQS process and help states implement the new standard.

First, while lowering the attainment threshold from 12 to 9 may not sound like much of a shift, the change will have noticeable effects across the country. In Georgia, our entire state is in attainment with the current PM2.5 standard. However, according to a recent

EPA report based on preliminary 2021-2023 PM2.5 measurements, 12 of Georgia's 14 metropolitan statistical areas (MSAs) have PM2.5 levels currently exceeding the new EPA threshold of 9.<sup>iv</sup> Those 12 MSAs include more than 90% of our state's population. Georgia EPD could have to develop 12 separate State Implementation Plans (SIPs) to bring those areas back into attainment. These plans are hundreds of pages long and take years to develop. They also require extensive stakeholder input and consultation. Additionally, most of the areas impacted by the new standard in Georgia have never been in nonattainment under any of the previous standards.

Compounding that problem is that traditional point sources of these emissions, such as power plants and industrial operations, have already been adequately controlled with technological advances, leaving state regulators with limited options for bringing nonattainment areas back into attainment. This will

have a serious effect on growth and development in the affected MSAs.

The proposed legislation would allow for some additional flexibility for states in meeting the attainment standards, such as requiring implementation guidance be issued concurrently with the issuance of any new rules so states have an immediate understanding of how to come into attainment. Currently, new NAAQS standards go into effect once the rule becomes final; however, it may take the EPA months or even years to release implementation guidance. Requiring the release of implementation guidance in conjunction with the release of the final rule would help states begin addressing how to come into attainment more quickly.

Second, a variety of sources contribute to PM2.5. But less than 20% of these sources fall under regulatory and permitting oversight of state agencies.<sup>v</sup> The vast majority of contributors of PM2.5 are unregulated or exceptional events, like road dust, agricultural operations, and wildfires<sup>vi</sup>, which unfairly

penalizes many MSAs that will now be placed in nonattainment under this rule.

Another provision of this legislation that would help states reach and maintain attainment is by explicitly recognizing prescribed fires as exceptional events. If this were to occur then the number of MSAs across Georgia currently under threat of nonattainment would likely decrease substantially. Additionally, prescribed fires help prevent even more significant air quality concerns by preventing catastrophic wildfires.<sup>vii</sup>

Third, given the substantial number of counties and regions across the country affected by this rule there will be resource and personnel challenges for state agencies to implement it. Federal funding to states that implement federal standards such as NAAQS has been mostly stagnant for years even though EPA continues to develop stricter and more complicated rules that states must then determine how to apply locally. Every time a federal standard like PM2.5 tightens, the pressure on

states to comply increases without additional resources. In Georgia, federal funding for PM2.5 related work conducted by EPD has remained unchanged for years.<sup>viii</sup>

The federal funds we currently do receive support the salary and benefits of six full-time staff, two part-time staff, and the equipment used for our statewide PM2.5 air monitoring network. Preliminary estimates from EPD's Air Protection Division indicate that we may need to hire as many as nine additional full-time staff just working on PM2.5 in order to implement these new standards. To put it succinctly, Georgia EPD will have substantial difficulties developing SIPs for the new nonattainment areas without additional federal financial resources.

The proposed legislation would help states by extending the timelines for NAAQS reviews from 5 to 10 years. That change would bring about more stability for state agencies. Currently, our staff resources are stretched extremely thin and as NAAQS standards are

lowered it requires more resources from states to implement those standards. Extending the reevaluation periods from 5 to 10 years would allow more effective allocation of the limited federal resources states currently receive. Additionally, that extension of 5 years would avoid EPA from being rushed to develop new standards simply because there is a statutory requirement.

Fourth, this new rule takes PM2.5 levels severely close to area background levels, which will likely pose difficulties for future economic development. In Georgia we have experienced major economic growth over the past decade due to effective logistics and transportation corridors, efficient ports of entry, and a favorable tax and business climate. This new rule poses a serious threat to that continued growth. As I mentioned earlier, population and economic growth in Georgia to this point has coincided with improvements in air quality. However, the proximity of this new standard to background levels of PM2.5 potentially puts

Georgia and many other states in a situation that could result in a slowing of economic growth because the new standard for attainment is not achievable for many impacted areas for reasons that are beyond a state's control.

Once this new rule goes into effect 12 of Georgia's MSAs may be at a disadvantage when working to attract and recruit businesses requiring air permits because those areas may not be in attainment with the PM2.5 standard. That has the potential to stifle the growth boom that Georgia is currently experiencing. In the last three years Georgia has landed the two largest economic development projects in state history. Both of these projects happen to be electric vehicle manufacturing facilities that will employ more than 15,000 people combined. Had this rule been in effect during the recruitment process for both of these facilities then it is highly likely that those companies would have located their facilities elsewhere or even outside of the U.S.



The legislation would also help address this complication in two ways. One example is by giving the Administrator another factor that he may consider before issuing a final rule. Currently, the Administrator is only able to consider the primary and secondary impacts, which both focus on public health and welfare, when determining whether a NAAQS criteria pollutant standard should be lowered.<sup>ix</sup> Protecting public health is the core responsibility of agencies like Georgia EPD and we will always prioritize that. However, there is likely room for some balance in the review process which this legislation addresses. The proposed bill would give the Administrator discretion to also consider whether the recommended standard is actually attainable.

Additionally, the legislation would require that the Clean Air Scientific Advisory Committee (CASAC), the board that makes recommendations to the Administrator regarding updates to the NAAQS, contain at least three representatives from air pollution

control agencies. Currently, the CASAC only contains one air pollution control agency representative, and the other members are mostly academic officials.\*

Including more practitioners with hands-on experience implementing the NAAQS at the state level would provide a real-world perspective on the difficulties of implementing and developing future NAAQS.

In closing, I'd like to emphasize that Georgia EPD takes its responsibility of ensuring air quality in our state is safe for human health and the environment very seriously. While the proposed final rule for PM2.5 is well-intentioned, it poses multiple challenges to agencies like Georgia EPD to reach attainment statewide. Additionally, the provisions in this discussion draft provide for opportunities to consider reforms to the NAAQS process given the impressive advancements that federal, state, and local governments along with industry partners have made in addressing air quality since the passage of the Clean Air Act. I'd like to again thank Chairman Carter for the invitation

to appear before the subcommittee this morning, and I look forward to your questions.

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<sup>i</sup> <https://www.epa.gov/clean-air-act-overview#:~:text=Actions%20to%20implement%20the%20Clean,serious%20health%20effects%20each%20year.&text=Since%201990%20there%20has%20been,emissions%20of%20key%20air%20pollutants>.

<sup>ii</sup> [www.airgeorgia.org/annualreports.html](http://www.airgeorgia.org/annualreports.html)

<sup>iii</sup> Id.

<sup>iv</sup> [www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data](http://www.epa.gov/air-emissions-inventories/air-pollutant-emissions-trends-data)

<sup>v</sup> Id.

<sup>vi</sup> Attached Georgia EPD chart indicating sources of PM2.5 for the previous 12 years

<sup>vii</sup> <https://www.fs.usda.gov/managing-land/prescribed-fire>

<sup>viii</sup> Attached Georgia EPD spreadsheet indicating EPA PM2.5 grant allocations over the last 5 years

<sup>ix</sup> <https://www.epa.gov/naaqs>

<sup>x</sup> [https://casac.epa.gov/ords/sab/r/sab\\_apex/casac/tier-1-members?p29\\_committeeon=CASAC&clear=29&session=521611828966](https://casac.epa.gov/ords/sab/r/sab_apex/casac/tier-1-members?p29_committeeon=CASAC&clear=29&session=521611828966)