

**U.S. House Committee on Energy and Commerce**  
**Subcommittee on Environment, Manufacturing, and Critical Materials**  
**Markup of One Bill**  
**March 6, 2024**

1. Letter from the National Association of Manufacturers to Chair Carter and Ranking Member Tonko, March 6, 2024, submitted by the Majority.
2. Letter from environmental organizations, March 5, 2024, submitted by the Minority.
3. Letter from health stakeholders to Chair Carter and Ranking Member Tonko, March 5, 2024, submitted by the Minority.
4. Letter from the National Parks Conservation Association, March 6, 2024, submitted by the Minority.



March 6, 2024

The Honorable Buddy Carter  
Chairman  
House Committee on Energy and Commerce  
Subcommittee on Environment,  
Manufacturing, and Critical Materials  
2125 Rayburn House Office Building  
Washington, DC 20515

The Honorable Paul Tonko  
Ranking Member  
House Committee on Energy and Commerce  
Subcommittee on Environment  
Manufacturing, and Critical Materials  
2322 Rayburn House Office Building  
Washington, DC 20515

Dear Chairman Carter and Ranking Member Tonko:

On behalf of the National Association of Manufacturers, the largest manufacturing trade association in the United States, representing manufacturers in every industrial sector and in all 50 states, I write to express our support for the Air Quality Standards Implementation Act.

Manufacturers have long believed that the key to making our world healthier and our country more secure is to invest in new innovative technologies that could both spur economic growth and improve the environment. Thanks to technologies developed by manufacturers, our nation's air quality has significantly improved, with a 42% reduction in fine particulate matter (PM<sub>2.5</sub>) since 2000.<sup>1</sup> Indeed, recent analysis conducted by the U.S. Environmental Protection Agency (EPA) found that fewer than 20% of PM<sub>2.5</sub> emissions are from industrial processes or stationary fuel consumption.<sup>2</sup> The vast majority of emissions are from sources well outside of manufacturers' control, with wildfires (29%), agricultural and prescribed fires (15%), crops and livestock dust (12%) and dust from paved and unpaved roads (13%) accounting for nearly 70% of emissions.

Unfortunately, manufacturing innovation and economic growth are at risk due to the regulatory onslaught the industry is facing. In particular, the EPA's recent revision to the PM<sub>2.5</sub> standard will make it more difficult to create jobs, build cutting-edge factories and lead the world in the development of products that will shape modern life in the decades ahead. By setting the standard at what is essentially background levels in some parts of the country, this rule will make it more difficult for states to provide permits for the construction of new facilities or expansions of existing factories. The EPA's final rule is proof that the current National Ambient Air Quality Standards (NAAQS) review process is broken and in need of reform. The draft legislation being marked up by the Subcommittee would make several key reforms that would improve this process.

### **Extended Review Cycle with Greater Flexibility**

First, the Air Quality Standards Implementation Act would require a review of the NAAQS standard every ten years instead of five, ensuring that states have adequate time to prepare

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<sup>1</sup> See Environmental Protection Agency, Air Quality–National Summary, *available at* <https://www.epa.gov/air-trends/air-quality-national-summary>.

<sup>2</sup> Environmental Protection Agency, Overview of Particulate Matter (PM) Air Quality in the United States (Updated June 29, 2023), *available at* [https://www.epa.gov/system/files/documents/2023-06/PM\\_2022.pdf](https://www.epa.gov/system/files/documents/2023-06/PM_2022.pdf).

and submit their implementation plans, as well as providing businesses with the regulatory certainty necessary to allow for continued investment. It would still allow for the voluntary reconsideration process to occur, ensuring that updates can still be made when the science deems it necessary.

This legislation also allows for the EPA to consider attainability of the standard as a secondary consideration and requires the EPA to publish guidance for implementing the new standard. These provisions will ensure states have a roadmap to implement workable standards that are bound by science and reality.

### **State Representation**

Given the heavy burden that is placed on states to comply with ever-changing EPA regulations, it only makes sense that their voices are elevated during the rulemaking process. The Air Quality Standards Implementation Act will accomplish this goal by requiring at least three people representing air pollution control agencies to serve on the Clean Air Scientific Advisory Committee (CASAC). It will also ensure a variety of voices are heard by requiring those appointed from state air pollution control agencies to be from different regions of the country.

### **Considering Important Exceptional Events**

Finally, this draft legislation amends the Clean Air Act to include actions to mitigate wildfire risk along with high temperatures or drought as exceptional events in the process for excluding air monitoring data that is directly due to such actions or events. These sources are well outside of manufacturers' control. States must be able to address wildfires, which is the source of 29% of PM2.5 emissions, and so they should not be penalized for adopting mitigation measures like prescribed burns.

### **Conclusion**

Manufacturers in America create family-supporting jobs in communities across the country, drive innovation, power economic growth and develop and deploy technologies to make our environment cleaner. Reforming the NAAQS process through the Air Quality Standards Implementation Act will help the United States avoid squandering our global competitive advantage while still preserving our ability to maintain clean air and a clean environment. The NAM respectfully urges the Subcommittee to favorably report this draft legislation to the full Committee.

Sincerely,

Chris Netram

Managing Vice President, Policy

March 5, 2024

Dear Representative,

On behalf of our millions of members and supporters, the undersigned [ ] organizations urge you to oppose the “Air Quality Standards Implementation Act of 2024” (H.R. \_\_\_\_). The innocuous-sounding name is misleading: this legislation would weaken the Clean Air Act radically without a single improvement, rob Americans of their 54-year right to healthy air based on medical science, and delay life-saving health standards already years overdue.

This bill’s vision of “Air Quality Standards *Implementation*” instead attacks how clean air health standards are *set* to protect Americans. The legislation eliminates the right to truly safe air and health benefits that Americans enjoy under today’s law. First, the legislation would abolish the Clean Air Act’s exclusive consideration of health and medical science to determine how much air pollution is unsafe for people to breathe. For the first time, Congress would authorize EPA to expose American communities to unhealthy levels of smog and soot and sulfur dioxide and even toxic lead pollution, by prioritizing corporate compliance costs, profits, technological feasibility or other non-safety factors. The medically-based health standards that the Clean Air Act has been founded on for 54 years instead could become a political football weakened by polluters’ predicted compliance costs—costs that often are overestimated.

Second, the bill would double the law’s five-year review periods for recognizing the latest medical science and updating health standards, which already are late by five years or longer; this means in practice that unhealthy air would persist for longer than ten years and more Americans would be harmed. Third, the bill shrinks the number of medical experts and health scientists who serve as Clean Air Science Advisory Committee members advising EPA on how to set medically-based air pollution health standards. Instead, the bill grants nearly half of the member slots to state officials whose expertise is implementation of standards. This is consistent with the legislation’s greater concern for implementation affecting industry than with health hazards and medical science impacting the American people, but it is an unjustified change to the Clean Air Act.

Fourth, the legislation would delay the updating and strengthening of health standards for harmful air pollution, by delaying and conditioning Americans’ right to safer air quality on EPA’s issuance of implementation rules. The guaranteed result would be delayed safeguards, longer exposure to unsafe air pollution across the U.S., and the continuation of health hazards that today’s law would disallow. The bill even penalizes Americans with dirty air for longer if EPA fails to meet the legislation’s deadlines. Fifth, the bill unaccountably weakens special Clean Air Act safeguards that apply in parts of the U.S. struggling the most with unsafe smog and soot levels, making it even harder for Americans living there to breathe safe air.

Finally, the legislation amends the Clean Air Act needlessly and carelessly, by redundantly allowing so-called “prescribed burns” to be “exceptional events” under the Act’s NAAQS program, when EPA regulations already define prescribed burns to be exceptional events. The bill’s problematic drafting weakens existing law and regulations, however, by expanding other exemptions for “exceptional events” that are not counted towards compliance with health standards for air quality, even when air pollution levels are unsafe. This will mean more unsafe air more often, with no responsibility to clean it up. These changes should not become law. The remainder of the bill confuses Clean Air Act provisions that are clearer and better, today.

The “Air Quality Standards Implementation Act of 2024” unjustifiably weakens Clean Air Act requirements meant to ensure progress toward reducing smog and soot and lead pollution. It shifts the law from its focus on public health and safe air to economic and technological feasibility for polluting industries. Despite its bland name, this bill represents an extreme attack on the most fundamental safeguards and rights in the Clean Air Act.

Since 1970, the Federal Clean Air Act has been organized around one governing principle: that the EPA must set health standards based on medical science for dangerous air pollution— including smog, soot and lead —that is needed to protect all Americans, with “an adequate margin of safety” for vulnerable populations like children, the elderly and asthmatics. This legislation eviscerates that principle and protection. We urge you to oppose this legislation, to protect our families and Americans’ rights to clean air.

Sincerely,

Adirondack Council  
Alaska Wilderness League  
Alaska Wilderness League Action  
Alliance of Nurses for Healthy Environments  
Appalachian Mountain Club  
Appalachian Voices  
Asthma and Allergy Foundation of America  
California Communities Against Toxics  
Center for Biological Diversity  
Center for Community Action and  
Environmental Justice  
Change the Chamber  
Clean Air Task Force  
Climate Action Campaign  
Climate Law & Policy Project  
Downwinders at Risk  
Earthjustice  
EcoMadres  
Elders Climate Action  
Endangered Species Coalition  
Environment America  
Environmental Defense Action Fund  
Environmental Justice Health Alliance for  
Chemical Policy Reform (EJHA)  
Environmental Law & Policy Center  
Environmental Protection Network  
Familias Unidas del Chamizal/La Mujer Obrera  
Friends of the Earth (FoE)  
GreenLatinos  
HEAL Utah

Interfaith Power & Light  
LCV  
Michigan Sustainable Business Forum  
Moms Clean Air Force  
National Environmental Health Association  
Natural Resources Defense Council  
Northeast Ohio Black Health Coalition  
Partnership for Policy Integrity  
PennFuture  
Physicians for Social Responsibility  
Physicians for Social Responsibility Pennsylvania  
Poder Latinx  
Respiratory Health Association  
Sierra Club  
Southern Environmental Law Center  
U.S. PIRG  
UNC Gillings School of Global Public Health  
Union of Concerned Scientists  
Utah Physicians for a Healthy Environment  
WE ACT for Environmental Justice



March 5, 2024

The Honorable Buddy Carter, Chair  
 Committee on Energy & Commerce  
 Subcommittee on Environment,  
 Manufacturing, and Critical Minerals  
 U.S. House of Representatives  
 Washington, D.C. 20515

The Honorable Paul Tonko, Ranking Member  
 Committee on Energy & Commerce  
 Subcommittee on Environment,  
 Manufacturing, and Critical Minerals  
 U.S. House of Representatives  
 Washington DC 20515

Dear Chair Carter and Ranking Member Tonko:

The undersigned health, medical and nursing organizations strongly oppose the Air Quality Standards Implementation Act of 2024 – better named the Smoggy Skies Act. Many versions of this bill have tried and failed to become law in the past because at the end of the day, this bill would undermine sound science and public health.

Clean air is fundamental for good health and the Clean Air Act promises all Americans air that is safe to breathe. The Clean Air Act works – decades of implementation have shown that the law’s provisions have cleaned up pollution at the same time as the economy has grown, with the benefits far outweighing the costs. Since the passage of the 1970 Clean Air Act amendments, the United States Gross Domestic Product has grown by 304% while emissions of criteria air pollutants have been reduced by 78%, evidence that cleaner air supports economic growth. This bill would permanently weaken the Clean Air Act by gutting one of its most important programs: the National Ambient Air Quality Standards.

Despite decades of progress, air pollution still kills. In 2019, deaths in the United States attributable to particle pollution was estimated to be nearly 48,000. Air pollution also contributes to morbidities such as asthma attacks, cardiovascular harm, emergency room visits, onset of lung cancer and more every year. The National Ambient Air Quality Standards are a critical path to continued pollution reductions and more lives saved. But despite the clear

evidence of the need for greater protection from air pollution matched with the Clean Air Act's balanced process for continued cleanup, the Smoggy Skies Act would impose additional delays and sweeping changes that threaten health, particularly the health of children, seniors and people with chronic disease.

The National Ambient Air Quality Standards have driven much of the Clean Air Act progress. Under the law, EPA must regularly review the scientific evidence of health harms from six common and dangerous outdoor air pollutants, including particulate matter. If the science shows that the current limit on a given pollutant does not accurately reflect the science, EPA must update it. Under the Smoggy Skies Act, EPA would have to wait as much as a decade to consider new evidence when setting standards. Ten years is far too long to wait to protect public health from levels of pollution that science shows are dangerous.

A key success of the National Ambient Air Quality Standards is the requirement that standards be set based on what the latest science says is necessary to protect health. Cost and feasibility are fully considered in the implementation phase of the standard, where states work with EPA to develop a flexible plan to clean up air pollution if their levels are unhealthy. This health-based approach has been upheld by the Supreme Court in an opinion issued by Justice Antonin Scalia. The Smoggy Skies Act would permanently weaken the core health-based premise of the Clean Air Act by incorporating considerations of technological feasibility into the standard-setting – basically, siding with the polluters.

While the text might have modifications from previous versions, make no mistake: This bill is a wolf in sheep's clothing. It is the same failed attempt to weaken the Clean Air Act and codify unhealthy air that the public health community has strongly opposed in the past and will continue to oppose.

Please prioritize the health of your constituents and vote NO on the Air Quality Standards Implementation Act – the Smoggy Skies Act.

Sincerely,

Allergy & Asthma Network  
Alliance of Nurses for Healthy Environments  
American Heart Association  
American Lung Association  
American Public Health Association  
American Thoracic Society  
Asthma and Allergy Foundation of America  
Asthma & Allergy Foundation of America – Michigan Chapter  
Children's Environmental Health Network  
Climate Psychiatry Alliance  
Health Care Without Harm  
Medical Students for a Sustainable Future

MI Air MI Health  
Michigan Clinicians for Climate Action  
Montana Health Professionals for a Healthy Climate  
National Association of Pediatric Nurse Practitioners  
National Environmental Health Association  
National Hispanic Health Foundation  
National Hispanic Medical Association  
National League for Nursing  
Oncology Advocates United for Climate and Health - International  
Physicians for Social Responsibility  
Physicians for Social Responsibility Maine  
Public Health Institute  
Respiratory Health Association  
San Francisco Bay Physicians for Social Responsibility  
Texas Physicians for Social Responsibility  
Virginia Clinicians for Climate Action  
Washington Physicians for Social Responsibility





March 6, 2024

U.S. House of Representatives  
Washington, DC 20515

Dear Representative:

On behalf of the National Parks Conservation Association (NPCA), I ask you to oppose the Air Quality Standards Implementation Act of 2024. Air pollution is one of the most serious threats to our national parks and monuments. Dirty air ruins scenic views, harms wildlife and historic sites and affects the health of visitors. Instead of contributing to cleaner air for park visitors, the Air Quality Standards Implementation Act's proposed changes to the Clean Air Act would weaken air quality standards and public health protections and delay healthier benchmarks for America's parks and workers.

Because of the Clean Air Act (CAA), our nation's skies are cleaner, but the job is far from done. NPCA recently documented improvements in park air quality over the last five years. According to air quality data we analyzed, forty-two of 399 national parks (11 percent) had air too dirty to breathe in 2023. This was a decrease from eighty-seven parks in 2019. Even with this improvement, most parks – 338 (85 percent) – still have air quality that is unsatisfactory for the health of park visitors and wildlife.<sup>1</sup> Despite these notable improvements, 97 percent of our national parks still struggle with the harmful effects of air pollution on our skies, nature and people.

Unfortunately, this bill could weaken future standards that lead to future improvements by changing how EPA sets clean air standards under the National Ambient Air Quality Standards (NAAQS) program. Instead of endorsing the CAA's successful public health mandate, the bill allows non-scientific and non-health related factors to water down future requirements. The result of weakening the emphasis on science and health expertise and data interferes with the effective way the Clean Air Act currently operates. Under the CAA, EPA first sets air standards through robust scientific review to improve human health and then works with states, tribes and stakeholders to implement them. This process succeeds in reducing air pollution while contributing to economic vitality and growth. Since 1970, our nation's economy (GDP) has grown over three hundred percent while air pollutants have been reduced by 78 percent. There is no need to change this long-standing approach to protecting the public's health and strengthening of standards rooted in sound science.

The bill also tilts the balance of an important advisory committee away from its core mission for recommending science-based pollution limits. The Clean Air Scientific Advisory Committee currently has the right ratio of scientific experts and professionals to advise EPA and the public on what is best for the health of park visitors and communities. Mandating an increase in state

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<sup>1</sup> <https://www.npca.org/reports/air-climate-report>

**NATIONAL PARKS CONSERVATION ASSOCIATION**

representation is unnecessary. Multiple steps currently exist in the implementation process when states can influence CAA standard setting and implementation.

The Air Quality Standards Implementation Act's changes also lead to delays in setting and implementing new standards. For example, the bill doubles the time for EPA's review and updating of new standards from five years to ten. EPA already frequently misses this deadline, delaying essential air quality improvements to benefit parks and people. Formally extending the deadline accepts EPA's persistent failure to take timely action. With no guarantees that EPA would meet new timeframes for reconsideration, it also sets up even longer delays in completing the necessary task of evaluating new science and setting new standards. The result is dirtier air for park visitors and communities.

It also creates new requirements for EPA to issue additional regulations and guidance for implementing any new air standards. Requiring the application of these new rules only slows down implementing new health-based standards, which protects the public's health and well-being. It is also unnecessary since EPA already provides implementation guidance to states. States right now know how to assess and issue permits based on any new standard that helps meet clean air goals in areas with dirty air. Introducing new regulatory thresholds only compounds delays.

Park visitors still too frequently encounter dirty air when they visit our nation's most special places. Air pollution ruins views, harms wildlife and hurts people. We need more air protection, not less.

Again, I ask you to oppose the Air Quality Standards Implementation Act when the committee considers it this week. For more information about NPCA's clean air work, please contact me at [clord@npca.org](mailto:clord@npca.org).

Sincerely

Chad Lord  
Senior Director, Environmental Policy and Climate Change