



May 16, 2024

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20004

Re: Comments on EPA’s Proposed Rule on Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards and Supplemental Federal “Good Neighbor Plan” Requirements for the 2015 8-Hour Ozone National Ambient Air Quality Standards (Docket ID No. EPA–HQ–OAR–2023–0402)¹

Dear Administrator Regan:

The undersigned national health and medical organizations strongly support this proposal to expand the Good Neighbor Plan to additional states, which will help ensure cleanup of emissions from power plants and industrial sources that cause unhealthy levels of ozone across state lines. We urge EPA to strengthen it further to better protect health from the impacts of ozone pollution, and then to finalize it without further delay.

Our organizations applauded the finalization of the Good Neighbor Plan as a major step forward to reduce emissions that contribute to health-harming levels of ozone pollution in downwind states. This proposal would continue the work of implementing the Good Neighbor Plan by putting in place long-overdue Federal Implementation Plans (FIPs) in Arizona, Iowa, Kansas, New Mexico, and Tennessee to address the interstate transport of ozone produced in these states that interferes with the attainment or maintenance of 2015 ozone National Ambient Air Quality Standards (NAAQS) in downwind states.

At the core of the requirements in the Good Neighbor Plan is requiring power plants and other large industrial sources in the covered states to install and operate effective pollution controls, or to run the controls they already have. Far too often, power plant operators have been legally

¹ Environmental Protection Agency - 40 CFR Parts 52 and 97; [EPA–HQ–OAR–2021–0663; EPA–HQ–OAR– 2021–0668; EPA–HQ–OAR–2023–0402; FRL–11159–01–OAR]. [Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard.](#)

allowed to turn off pollution controls that have already been installed. Frequently this occurs on the hottest, smoggiest days, meaning children, elderly, individuals who are pregnant and people with asthma, COPD and other chronic disease suffer from pollution that could have been prevented.

Ozone pollution can cause breathing problems, heart problems and premature death. Long-term exposure can lead to permanently reduced lung function in children and may cause central nervous system, reproductive and developmental harm. And because ozone forms in the atmosphere when other pollutants react in the presence of heat and sunlight, unhealthy ozone levels often arise far from the sources of the original emissions. Too many communities breathe unhealthy air because of pollution from coal, oil, or gas-fired power plants or other industrial sources that drifts in from out of state. That makes controlling these emissions crucial to protecting health from ozone in downwind states.

Reducing nitrogen oxides, or NO_x, is vital for public health and critical for meeting the National Ambient Air Quality Standards for ozone. NO_x is emitted from the power plants and industrial sources covered by this proposal and contributes to the formation of ozone downwind.

In order for the health benefits of the NAAQS to be realized, states must follow their statutory obligations under the Clean Air Act by submitting fully approvable State Implementation Plans (SIPs) to EPA by the deadline.² This includes SIPs to address the interstate transport of ozone caused by sources within the state. If the states fail to do so, EPA can and must promulgate a Federal Implementation Plan (FIP) instead. This is the action EPA took in finalizing the original Federal Good Neighbor Plan in 2022.

However, EPA did not include these five states in that rulemaking because the agency “was not positioned to take final rulemaking action to disapprove SIPs, error correct prior approvals to disapprovals, or promulgate FIPs for these states at that time.” EPA’s timely review of and action on SIPs in NAAQS implementation is a statutory requirement under the Clean Air Act. People living with unhealthy levels of ozone pollution have already been waiting nearly a decade for stronger protections under the 2015 ozone NAAQS; this rule must be finalized without delay.

We strongly support the main elements of the proposed FIPs to:

1. partially approve and partially disapprove transport SIPs from Arizona, Iowa, Kansas, New Mexico, and Tennessee for the 2015 ozone NAAQS that were due in 2018
2. establish ozone season nitrogen oxides (NO_x) emission budgets for fossil fuel-fired electric generating units (EGUs) in the above states
3. require the above EGUs to participate in NO_x emissions allowance trading program
4. require NO_x emissions reduction from large non-EGU stationary sources in Arizona including reciprocating internal combustion engines in natural gas pipeline transportation; kilns in cement industry; boilers and reheat furnaces in iron and steel industry; furnaces in glass industry; boilers in basic chemical manufacturing, metal ore mining, petroleum and coal products manufacturing, and pulp, paper, and paperboard mills, and solid waste combustors and incinerators.

² U.S. Environmental Protection Agency Office Of Inspector General (2021, Jun 14). [EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on Submitted Plans](#). Report No. 21-E-0163. States’ SIP Submittals to EPA Are Frequently Late; EPA Has Taken Steps to Address Its SIP Backlog Through Process Changes and Improvements; Delays in EPA SIP Actions May Impact States’ Ability to Achieve Air Quality Standards and Prolong Periods of Regulatory Uncertainty

We further urge EPA to strengthen the proposed FIPs for these covered states. Communities in downwind nonattainment areas are yet to benefit from the health-based ozone NAAQS revised nearly a decade ago. EPA should seize this opportunity to make the ozone precursor emissions controls as stringent as technologically feasible and tighten ozone budgets to maximize public health benefits.

This is important not only because of the time-intensive steps from NAAQS revision to implementation, but also because this regulation to implement the 2015 ozone NAAQS is being proposed just as EPA has started a new ozone NAAQS review process which could lead to a potential revision of the current ozone NAAQS of 70 parts per billion (ppb). The Clean Air Scientific Advisory Committee (CASAC) panel in the recently aborted ozone NAAQS reconsideration advised the agency to revise the standard to 55-60 ppb based on current science to better protect public health, which has also been the ask of the Lung Association over the past several ozone NAAQS review cycles.

We also urge EPA to extend NO_x emissions control requirements to all combustion-driven EGUs and all major industry sources in both upwind and downwind areas to reduce both transported and localized NO_x and ozone pollution. Doing so is essential in meeting EPA's Objective 4.1 to Improve Air Quality and Reduce Localized Pollution and Health Impacts in its own Strategic Plan.³ For regulatory purposes, ozone season is considered May 1-September 30, but in some southern and western states of the country, this season extends to all 12 months of the year.⁴ Addressing the public health concerns in these areas is one of the goals identified by the Strategic Plan.

We also urge EPA to ensure compliance with the measures more quickly in the final rule. Contrary to EPA's assertion, the timeframes it proposes for the implementation of the NO_x emissions-reduction strategies are not "as expeditious as practicable," considering the widespread use and feasibility of existing control technologies such as selective catalytic (SCR) and non-catalytic (SNCR) reduction. If polluting sources have existing controls, they should be required to run them by the 2025 ozone season. If polluting sources do not have existing controls, they should be required to install and optimally run them by 2026 ozone season. Any more delays in compliance timelines will lead to further health impacts from ozone pollution that could have been avoided.

We also note that the FIPs being proposed will reduce transported ozone pollution affecting downwind states, but will also improve local air quality in the ozone-generating states. In addition to its role in ozone formation, NO_x is a powerful air pollutant on its own with serious impacts on human health and environment. It is highly reactive, and can cause a range of health harms, including airway inflammation, cough and wheezing, and a greater likelihood of asthma attacks, emergency department visits and hospital admissions for people with lung disease. NO_x also forms secondary particles in the atmosphere. Reducing NO_x emissions from the covered states under this proposal will help reduce air pollution health impacts locally as well as downwind.

³ [FY 2022-2026 EPA Strategic Plan Overview](#): The Plan renews commitment to EPA's four principles— follow the science, follow the law, be transparent, and advance justice and equity; Goal 4: Ensure Clean and Healthy Air for All Communities - Obj 4.1: Improve Air Quality and Reduce Localized Pollution and Health Impacts; Goal 4: Air; Obj 4.1: Reduce ozone season emissions of nitrogen oxides from electric power generation sources by 21% from the 2019 baseline of 390,354 tons. Improve measured air quality in counties not meeting the current National Ambient Air Quality Standards from the 2016 baseline by 10%; Strive to ensure all people with low socio-economic status live in areas where the air quality meets the current fine particle pollution National Ambient Air Quality Standards.

⁴ <https://www.climatecentral.org/gallery/maps/ozone-season-lengths-across-the-country>

People in the covered states urgently need these protections. The American Lung Association’s 2024 “State of the Air” report ranks Arizona’s Maricopa County as the 7th most polluted county in the country for ozone. The broader [Phoenix-Mesa](#) metropolitan area ranked as 5th most polluted for ozone, 16th worst for short-term particulate matter (PM) pollution, and 9th worst for year-round PM. Another AZ county, Pinal County, ranks 16th among most polluted counties for ozone and 18th most polluted for year-round PM.

In New Mexico, Eddy County ranks 17th worst in the nation for ozone pollution. The state’s [Albuquerque-Santa Fe-Las Vegas](#) metropolitan area ranked as 21st worst for ozone. And the [Kansas City-Overland Park](#) metro area straddling MO-KS border ranked as 20th worst metro region for ozone pollution.⁵

The proposed FIPs would improve local air quality from reduced NOx and ozone in the above-mentioned cities and counties so that communities in these areas as well as those downwind of them would be able to realize public health benefits afforded by this regulation.

More broadly, we urge EPA to move expeditiously not only in finalizing a strong rule to address transported pollution, but also in all actions to implement the current ozone NAAQS and set more protective NAAQS in the near future. Under the current standard, EPA’s timely review of and action on SIPs in NAAQS implementation is a statutory requirement under the Clean Air Act. People living with unhealthy levels of ozone pollution have already been waiting nearly a decade for stronger protections under the 2015 ozone NAAQS; this rule must be finalized without delay. EPA must therefore work in concert with states and local air districts in a consultative approach to SIP writing to ensure the timely submission of approvable SIPs and thus avoid the need for FIPs and delays in NAAQS implementation and move away from fragmenting the regulatory landscape.

For the future standard, we ask EPA to ensure that the ongoing ozone NAAQS review process is completed by 2025 with a much stronger standard that aligns with current science and provides public health benefits from improved air quality as required by the Clean Air Act.

Signed,

Allergy & Asthma Network
Alliance of Nurses for Healthy Environments
American Lung Association
American Thoracic Society
Asthma and Allergy Foundation of America
Climate Psychiatry Alliance
National Association of Pediatric Nurse Practitioners
National Hispanic Medical Association
Oncology Advocates United for Climate and Health (OUCH)
Physicians for Social Responsibility

⁵ <https://www.lung.org/research/sota/key-findings/most-polluted-places>