

United States Senate

WASHINGTON, DC 20510

February 28, 2024

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

Dear Administrator Regan:

We write in strong opposition to the Environmental Protection Agency's (EPA) final rule, revising the National Ambient Air Quality Standards (NAAQS) for fine particulate matter (PM_{2.5}) under the Clean Air Act.¹ PM_{2.5} is defined as fine, inhalable particles with diameters generally 2.5 micrometers and smaller.² The EPA's unnecessary, discretionary change to the PM_{2.5} NAAQS lowers the primary annual standard from 12.0 micrograms per cubic meter (µg/m³) to 9.0 µg/m³, which will force nearly 40 percent of the United States into nonattainment.³ Considering the vast impact of the PM_{2.5} NAAQS on domestic manufacturing, agriculture, forestry, construction, mining, and aggregate industries, we urge you to immediately rescind this final rule.

Every five years, the EPA, under the Clean Air Act, must reevaluate NAAQS standards for criteria air pollutants. In 2020, the EPA conducted its statutorily required reevaluation of PM_{2.5} standards and concluded the 12 µg/m³ level to be protective of public health. Over the last two decades, EPA data demonstrates that PM_{2.5} emissions have declined 42 percent⁴ across the country. Despite scientific evidence of continuing improvements in air quality and 2020 data assuring the existing standard was sufficient, the EPA issued new, more stringent, standards that will stifle growth and force domestic manufacturing to move overseas – even as the Biden administration claims to prioritize reshoring industries. The EPA ignores sound science and only creates regulatory uncertainty by neglecting congressional intent in the established 5-year review period by initiating a discretionary review of the PM_{2.5} NAAQS just 33 days after the 2020 review was completed.

¹U.S. Environmental Protection Agency. Final rule: Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (2024). <https://www.epa.gov/system/files/documents/2024-02/pm-naaqs-final-fm-pre-publication.pdf>

²U.S. Environmental Protection Agency. Particulate Matter (PM) Basics. (2024). <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics>

³American Petroleum Institute. API Statement on Final PM_{2.5} NAAQS Rule. Press Release. (2024). <https://www.api.org/news-policy-and-issues/news/2024/02/06/api-statement-on-final-pm-naaqs-rule#:~:text=The%20new%20standard%20of%209.population%20in%20areas%20of%20nonattainment.>

⁴U.S. Environmental Protection Agency. Particulate Matter (PM_{2.5}) Trends (2024). <https://www.epa.gov/air-trends/particulate-matter-pm25-trends>

The reduced PM_{2.5} standard would place around 200 counties and approximately 40 percent of the U.S. population into nonattainment.⁵ States with nonattainment areas will be required to submit a plan to EPA within 18 months of the Agency's finalization of attainment designations detailing how they will reach compliance. Plans may require constraining or blocking economic development projects that could contribute to emissions. If EPA rejects these state implementation plans, other penalties may follow – such as impairment of highway funding – and the EPA may ultimately impose a federal implementation plan on relevant states and metropolitan areas. These measures may be draconian in nature and inadequately account for feasibility considerations such as population density, demand for resources, and the impact on both manufacturing and economic growth. Faced with these regulatory challenges, American industries may find it easier to expand abroad. For example, even the aggressively overregulated European Union⁶ maintains its standards for PM_{2.5} at 20-25 µg/m³, more than double the new standard for the United States. Companies may reasonably find it easier to transition their production overseas rather than seek compliance amid the uncertainty and infeasibility of the EPA's revised NAAQS.

However, industrial and manufacturing companies are not to blame for an overwhelming majority of the domestic PM_{2.5} emissions. According to the Association of Air Pollution Control Agencies, wildfire and miscellaneous activities account for more than 70 percent of fine particulate matter emissions, while stationary fuel combustion and industrial ventures source less than 26 percent of total PM_{2.5}.⁷ American manufacturing, forestry, and mining operations are responsible for the tremendous reduction of PM_{2.5} emissions over the decades, yet these businesses will face significant burdens as they work to attain the new standard or are forced to completely leave the market due to the high costs and diminishing returns of additional emissions control technologies. The economic ramifications of the new NAAQS will far exceed any emissions reductions the EPA hopes to obtain from implementation. According to an Oxford Economics report, the finalized standards will cripple domestic manufacturing, with declines of more than \$160 billion in economic activity and approximately 850,000 jobs put at risk.⁸ In addition, areas of nonattainment would experience billions in further damage due to reduced economic output, job opportunities, and tax revenues.⁹ Indirectly, the new PM_{2.5} standard will weaken U.S. supply chains, undermine the affordability and reliability of the electric grid, and leave behind the many rural communities that rely on agriculture and forestry production, paper mills, mining, aggregate materials, and other areas of domestic manufacturing to employ their residents and sustain their local economies.

America's manufacturing industries and power sector are environmentally cleaner than the global average and continue to adopt cleaner practices while becoming more efficient. However,

⁵National Association of Manufacturers. Analysis: New EPA Regulations Threaten at Least 852,100 Jobs and \$162.4 Billion in Economic Activity. (2023). <https://namlive.wpenginepowered.com/analysis-new-epa-regulations-threaten-at-least-852100-jobs-and-162-4-billion-in-economic-activity-22994/>

⁶European Commission. EU Air Quality Standards. (2024). https://environment.ec.europa.eu/topics/air/air-quality/eu-air-quality-standards_en

⁷Association of Air Pollution Control Agencies. State Air Trends & Successes, the StATS Report 2023 Edition. (2023). <https://cleanairact.org/wp-content/uploads/2023/04/AAPCA-2023-The-STATS-Report-FINAL-5-1-23.pdf>

⁸National Association of Manufacturers. Analysis: New EPA Regulations Threaten at Least 852,100 Jobs and \$162.4 Billion in Economic Activity. (2023). <https://namlive.wpenginepowered.com/analysis-new-epa-regulations-threaten-at-least-852100-jobs-and-162-4-billion-in-economic-activity-22994/>

⁹*Id.*


the Biden administration's efforts to prioritize emissions reductions and the virtue signaling of privileged climate change activists over American jobs and local communities continue to negatively impact our nation. We urge the immediate rescission of the revised NAAQS threshold of 9.0 $\mu\text{g}/\text{m}^3$ and direct the EPA to revisit, pursuant to the best available science, its next review at the congressionally mandated five-year interval in 2025.

Thank you for your attention to this important matter.


Sincerely,



Tommy Tuberville
United States Senator



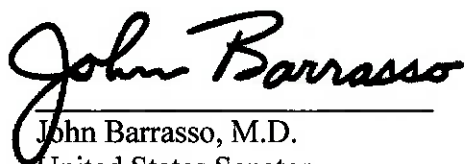
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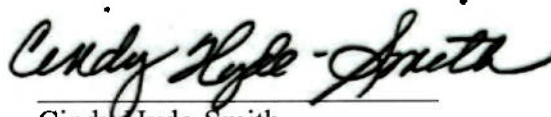
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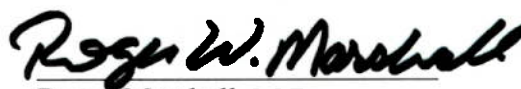
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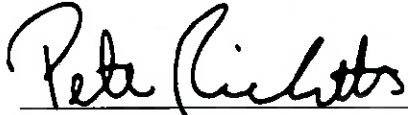
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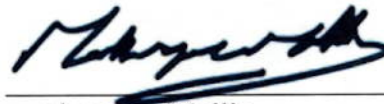
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