

**Improving Our Nation's Clean Air Program:  
Recommendations from the National Association of Clean Air Agencies to  
President-Elect Biden's and Vice President-Elect Harris' Administration**

**January 15, 2021**

**Introduction**

The National Association of Clean Air Agencies (NACAA)<sup>1</sup> offers the following recommendations for consideration by the Administration of President-Elect Joseph R. Biden, Jr. and Vice President-Elect Kamala Harris related to key issues associated with our nation's clean air and climate programs.

The Clean Air Act gives state and local governments a primary role in preventing and addressing air emissions that harm public health and create environmental damage. Founded in 1980, NACAA is the nationwide organization of state and local air pollution control agencies that are front and center in fulfilling this responsibility. The Biden-Harris Administration – and the new Administrator of the U.S. Environmental Protection Agency (EPA) – should develop a strong relationship with NACAA to implement its agenda of protecting clean air, preventing pollution, addressing climate change and achieving environmental justice. In so doing, NACAA looks forward to being a partner in EPA's efforts to address the following seven priority recommendations:<sup>2</sup>

- 1) Center Environmental Justice
- 2) Respect State and Local Authorities as a Pillar of the Clean Air Act
- 3) Ensure Scientific and Technical Integrity for Core EPA Actions
- 4) Advance New EPA Programs to Protect Public Health and the Environment and Address Climate Change
- 5) Reset Permitting and Enforcement Priorities to Emphasize Public Health and Equity
- 6) Improve Technical Assistance to State and Local Air Agencies
- 7) Address the Urgent Need for Significant Increases in Federal Funding

This document elaborates on these recommendations, which are broad-based and meant to be illustrative rather than comprehensive. NACAA welcomes the opportunity to meet and offer greater

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<sup>1</sup> NACAA is the national, nonpartisan, non-profit association of air pollution control agencies in 41 states, including 115 local air agencies, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These recommendations are based on that experience. The views expressed do not represent the positions of every state and local air pollution control agency in the country.

<sup>2</sup> In Attachment 1 to this document we provide links to relevant NACAA comments, testimony and recommendations from the last four years. Although these items address issues related to agency proposals that occurred in the past, as the incoming Administration reviews actions taken by the outgoing Administration to determine next steps, and EPA advances initiatives on clean air and climate change, we commend our comments to you as a source of information that may be instructive for future actions.

specificity, as well as to work closely with the Administration on our shared goals. To that end, we offer one overarching recommendation, which should underpin each of the above recommendations: *Act in Partnership with State and Local Clean Air Agencies*. NACAA exists to advance the equitable protection of clean air and public health for all, and to improve the capability and effectiveness of state and local air agencies. NACAA helps our member agencies and EPA share information; fosters improved cooperation, communication and understanding; and promotes air pollution control activities. NACAA's recommendations are rooted in robust science and aimed toward protecting public health and the environment.

The story of air pollution in this country boasts many successes, but our nation and our planet face daunting challenges as well, including climate change impacts and systemic inequities in the communities affected by air pollution. As EPA directs more attention to these cross-cutting issues, it must also strengthen its commitment to and fulfillment of its Clean Air Act obligations to address criteria and toxic pollutants, which continue to endanger millions of people across the country.

We are ready to address these challenges together. EPA and NACAA have a shared mission and working in close collaboration will increase our successes exponentially. We look forward to building a truly collaborative, peer-to-peer partnership between EPA and our state and local member agencies and hope that the Administration will create opportunities for intergovernmental conversations and projects to advance science-based air quality protections and climate change progress. We cannot overstate the significant mutual value of EPA reaching out to NACAA in the initial stages of any national air-quality- or climate-related rulemaking or guidance-development process and continuing to work cooperatively throughout the process.

Finally, EPA should recognize and leverage the tremendous expertise that our member agencies possess in all disciplines – in some cases, expertise that is greater than EPA's. At the same time, our member agencies recognize the important role EPA plays in setting standards, engaging the resources of the federal government and regulating sources that we cannot, and we urge federal measures for controlling air pollution from such sources.

The Clean Air Act is based on a vision of federal, state and local co-regulation. We hope the Administration and EPA will join NACAA in committing to creation of a new model for co-regulation that will allow us to achieve our shared clean air and climate goals.

To underscore its commitment the Biden-Harris Administration should direct all applicable federal agencies to evaluate and utilize the best tools available to achieve our clean air and climate goals as quickly as possible. EPA should reengage with the local and state environmental agencies and communities throughout the country to discuss key environmental priorities and strategies for their development and implementation, consistent with the themes called for in this letter.

## **NACAA's Priority Recommendations**

### **1. Center Environmental Justice**

*Issue:* Despite broad improvements in most national and regional trends, air pollution and climate change continue to inflict disproportionate harm on black people, indigenous people and people of color. All clean

air agencies have an obligation to focus regulatory attention on the communities that historically have borne the greatest burdens from air pollution and a changing climate, and who continue to do so today. NACAA embraces equity in its mission, values and strategic goals, and through its operations and actions.<sup>3</sup> Numerous NACAA member agencies have developed strategies that work toward centering systemic racial justice in the programs that alleviate polluted air. There is ample opportunity for EPA to learn from these strategies as it works to implement successful initiatives at the federal level. This may require a paradigm shift, to focus more closely on impacts occurring in communities in highly localized areas, in addition to regional achievement of clean air and climate goals.

*Recommendations:*

- a. EPA should make the consideration of racial justice and protection of overburdened communities from the impacts of pollution and climate change a central focus across all its activities, as well as exploring ways to involve overburdened communities in environmental regulatory decisions that affect their residents. Environmental Justice (EJ) should not be just a single program within EPA, it should be integrated prominently into every program across EPA.
- b. EPA should develop an Equity, Diversity and Inclusion Strategy and Plan, with specific and concrete steps, for how it will advance and support equitable and just policies and programs that address diversity and prevent discriminatory outcomes. EPA should engage with NACAA to assure that this effort is complemented by programs in our member agencies. The plan should explicitly offer avenues to integrate communities into decision-making.
- c. EPA's permitting and enforcement efforts should be among the first areas of focus for these activities. When EJ is placed as a central concern in permitting and enforcement, it creates immediate opportunities for reducing harms to the communities most heavily burdened by pollution impacts. EPA should consider the permitting and enforcement models of NACAA member agencies that have centered disproportionately affected communities.
- d. EPA should build on leadership shown by state and local agencies to right systemic racial injustice. Such programs may be instructive and, working with NACAA, EPA can determine whether it can adopt any best practices pioneered by our member agencies.
- e. Like EPA, our state and local member agencies aspire to address systems producing inequitable outcomes for black people, indigenous people, and people of color. EPA should adequately fund its own efforts in this arena, and should support additional funding for our agencies to support their complementary and corresponding efforts in this arena, including for staffing, tools and technical assistance referenced later in this paper.

## **2. Respect State and Local Authorities as a Pillar of the Clean Air Act**

*Issue:* The authority vested in state and local agencies to take actions on their own – that are at least as rigorous as, or go beyond, federal requirements – is a pillar, not a quirk, of the Clean Air Act. The Administration should support states and localities that take such actions on clean air and climate change

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<sup>3</sup> NACAA's "Mission & Values," "Strategic Priorities" and "Statement & Direction for Racial Justice" are available at [http://www.4cleanair.org/sites/default/files/Documents/NACAAMissionValuesGoalsandRacialJusticeStatement-10\\_19\\_2020-noQ.pdf](http://www.4cleanair.org/sites/default/files/Documents/NACAAMissionValuesGoalsandRacialJusticeStatement-10_19_2020-noQ.pdf).

in order to achieve and sustain their clean air and climate goals. When state and local air agencies are allowed to be laboratories of innovation and implement programs that best meet their needs and circumstances, everyone benefits.

*Recommendations:*

- a. EPA should clearly articulate strong support for authorities provided to states and localities under the Clean Air Act and reverse actions that undermine them.
- b. The Administration should support, rather than seek to legally or otherwise impede or prevent, actions by and among states (and with Canadian provinces) to avail themselves of their Clean Air Act authorities with respect to emission reduction programs for criteria pollutants and precursors, toxic air pollutants and greenhouse gases (GHGs).
- c. In 1967, Congress protected states' rights by specifically preserving California's authority to regulate emissions from motor vehicles under the waiver provision of Section 209 of the Clean Air Act. It extended these rights in 1977 by allowing other states to adopt California's motor vehicle emission standards under Section 177. EPA should reaffirm California's authority under Section 209 to set motor vehicle standards for criteria pollutant, precursor and GHG emissions and other states' Section 177 authority to adopt these standards, including by reinstating the waivers of federal preemption approved by prior administrations that were subsequently withdrawn.

### **3. Restore Scientific and Technical Integrity to Core EPA Actions**

*Issue:* Scientific and technical integrity must be the core principle underpinning all federal, state and local air and climate rules and programs. It is imperative that EPA restore its commitment to this principle within the agency and revoke or repair policies that are contrary to it. NACAA remains committed to science- and technology-based decision-making and has a shared interest with EPA in reaffirming scientific integrity as the foundation of our collective work to protect public health and the environment.

*Recommendations:*

- a. EPA should rely on a science-based process that prioritizes public health for establishing, reviewing and revising National Ambient Air Quality Standards (NAAQS). Final decisions should be guided by a complete and robust process and a thorough review of the latest available science by, and with sound advice from, highly qualified experts from a wide array of disciplines and with a diversity of perspectives.
- b. The recent reviews of the Particulate Matter (PM) and Ozone NAAQS were deeply flawed and, as a result, the processes and the final decisions – to retain the current standards without revisions – were degraded. When EPA revisits these retained standards, it is imperative that the review process not prioritize efficiency over the protection of public health. NACAA urges EPA to return to a thorough, credible NAAQS review process as described above. With respect to the PM NAAQS, this review should occur immediately.
- c. EPA's current seven-member Clean Air Scientific Advisory Committee (CASAC) lacked the expertise to conduct the recent PM and ozone NAAQS Reviews, particularly without the support of its advisory panels. The incoming EPA Administrator should return to making relevant expertise and knowledge the central criteria for CASAC appointments, with an emphasis on criteria that consider breadth and

depth of expertise and experience, a balance of scientific perspectives, continuity of knowledge and an understanding of EPA's mission and environmental programs. In addition, the current approach excludes from eligibility any non-governmental researcher in receipt of an EPA grant, eliminating from consideration many extremely qualified experts. This exclusion should be reversed. EPA should also reinstate its advisory panels to support the work of CASAC.

- d. EPA should reengage the scientific, technical and policy expertise of career staff that has been the hallmark of its program and regulatory development since the Clean Air Act's inception. A 2018 GAO report found that EPA's career staff identified flaws in a number of proposed rules – including the “SAFE” Vehicles Rule Part 2, repeal of the Clean Power Plan, the Strengthening Transparency in Regulatory Science Rule and the fine particulate matter (PM<sub>2.5</sub>) NAAQS, among others – but their input was sidelined in the rulemaking process by agency leadership.<sup>4</sup> Reliance on the world-class expertise of staff is a crucial part of restoring the role of science in decision-making, not only at EPA but at any agency making decisions affecting clean air and climate change.
- e. Recognizing the overwhelming scientific evidence of the climate crisis, the Administration should implement a comprehensive federal strategy on climate change mitigation and adaptation that addresses all important sources, prioritizes public health, fosters prosperity and makes our nation a leader in technology advancements, emissions reduction strategies and climate justice. In addition, EPA should mine the knowledge of state and local regulators and apply it to the development of nationally consistent federal rules to reduce GHG emissions from industrial and other stationary sources regulated under the Clean Air Act. Federal rules to control GHG emissions would be far more efficient than individual rule development by state and local air agencies. New federal programs should use innovative mechanisms that provide industry and the public with flexibility and transparency relative to the path to lower emissions and provide the confidence and regulatory certainty necessary for companies to make the required investments.
- f. EPA should immediately reconsider final rules that would categorically affect actions taken by the agency that replace science as the basis for EPA's rulemaking decisions with other agendas. In particular, the Strengthening Transparency in Regulatory Science Rule and Increasing Consistency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process Rule should be further reviewed and withdrawn or revised. These rules impact the scientific integrity that is envisioned by the Clean Air Act and is critical to the protection of public health and the environment.
- g. Recent rules that were developed based on questionable scientific and technical information should be reevaluated and revised or withdrawn. Among others, EPA should develop a single, national program of motor vehicle emission standards that is informed by science, protective of the climate, developed in close collaboration with California and other state and local air agencies, protects and preserves states' rights and delivers emission reductions essential for achieving and/or maintaining environmental and public health goals.

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<sup>4</sup> A 2018 report by EPA's Office of Inspector General found that staff expressed fear of retaliation associated with offering scientific opinions about the agency's scientific work, believed that their management chains did not consistently stand behind scientific staff who put forth scientifically defensible positions, including those that may be controversial, and reported research findings that had been altered or suppressed for reasons other than technical merit. “Improving EPA Research Programs: Further Efforts Needed to Uphold Scientific Integrity Policy at EPA”, Report by the EPA Office of Inspector General (May 20, 2020), available at [https://www.epa.gov/sites/production/files/2020-05/documents/epaoig\\_20200520-20-p-0173.pdf](https://www.epa.gov/sites/production/files/2020-05/documents/epaoig_20200520-20-p-0173.pdf)

- h. EPA should review and reconsider the recent revisions to the Mercury and Air Toxics Standards (MATS) that withdrew the Appropriate and Necessary Finding that underpins the rule. This change eliminated the consideration of co-benefits in analyzing the costs and benefits associated with MATS.

#### **4. Advance New EPA Programs to Protect Public Health and the Environment and Address Climate Change**

*Issue:* State and local air agencies look to EPA to assist them in meeting their public health-driven emission reduction goals by developing, in a timely manner, stringent federal rules and effective comprehensive programs that address nationally significant sources of criteria pollutants, toxic air pollutants and GHGs. This is especially true for sources that states and localities may not regulate and those for which a national rule may be more efficient and effective. State and local air agency expertise on these sources and how to reduce emissions from them is deep and would be of great value to EPA as it pursues such actions.

*Recommendations:*

- a. The new Administration must make a strong and urgent effort to lead the nation and global community towards comprehensive, inclusive and economically sound climate change mitigation and adaptation policies and regulations. In the last four years, state and local agencies in NACAA have implemented programs that made meaningful progress towards reducing GHGs, but a strong, comprehensive federal approach is essential for providing lasting nationwide reductions, regulatory certainty and a more protective baseline for all states to meet. Furthermore, federal actions on climate mitigation, adaptation and justice should reach beyond EPA, transcending through all federal actions, agencies and branches of government. As the incoming Administration takes steps to rejoin the Paris Climate Agreement and the Kigali Amendment to the Montreal Protocol, EPA should coordinate with state and local agencies that have continued with their own commitments under the Agreement.
- b. EPA should work closely with state and local agencies as it develops federal rules responsive to the 2009 Endangerment Finding to limit emissions of the six identified GHGs. As a part of the federal government's leadership on climate mitigation, adaptation and justice, EPA and other relevant federal agencies should also encourage, support (and, when necessary, require) state and local actions to reduce GHG emissions. While climate change is a global burden, cities and states vary in their challenges and strengths. Opportunities for pursuing progress on climate and EPA's regulations should allow, encourage or reward these entities for going beyond baseline federal requirements.
- c. Despite the technological and regulatory progress made over the past nearly 60 years, mobile sources continue to dominate emission inventories across the U.S. and are the largest contributing sector to GHG emissions. Our nation needs a strong sustainable transportation strategy. Top priority must be placed on new federal programs to continue to reduce emissions from the mobile source sector – both from new and rebuilt engines and vehicles. As efforts to reduce GHGs and tackle climate change move forward, the need for further reductions in criteria pollutant emissions, especially nitrogen oxides (NO<sub>x</sub>) and PM from the mobile source sector, should not be overlooked.

- d. As an urgent action, EPA should move quickly to propose and finalize a comprehensive rule that reduces NO<sub>x</sub> emissions from highway heavy-duty vehicles and engines by at least 90 percent from current in-use levels as soon as possible but by no later than model year 2027. NACAA strongly supports a single national highway heavy-duty truck and engine program but only if that program includes a comprehensive set of robust provisions consistent with California's 2020 Heavy-Duty Omnibus Rule.
- e. With state and local air agencies, EPA should develop national policies and regulations for the increased deployment of electric vehicles (EVs). This includes additional phases of standards for passenger cars post-2025 and heavy-duty engines. In addition, EPA should support states working to achieve 100-percent electrification goals for new passenger car and heavy-duty vehicle sales and take timely action on any necessary waiver requests by California (as many states, in addition to California, depend on these waivers for their own actions). Further, the agency should play a central role in federal development and implementation of a comprehensive national EV charging infrastructure strategy, just as the federal government took the lead on the federal highway system. The purchasing power of the federal government through federal fleet procurement may also be a potent avenue for facilitating the transition to EVs.
- f. Other important source categories within the mobile source sector for which EPA should commence further rulemaking to establish more stringent public health and environmental protections include locomotives, oceangoing vessels and aircraft (including, for the latter sector, GHG standards beyond those established by the International Civil Aviation Organization).
- g. Industrial sources are rapidly gaining on transportation and power and will soon be the sector that emits the most GHGs. Most NACAA agencies have little authority to address GHG emissions from these facilities, and it is a sector that must be regulated at the national level. In addressing this, EPA should rely on technology-forcing regulations that create jobs, protect communities and make the U.S. a global leader in industrial innovation.
- h. There are toxic and hazardous air pollutants that pose significant risks to human health and for which more robust EPA action is necessary. These are emerging and persistent issues that require increased focus. Examples of pollutants and source categories that are of great concern are per- and polyfluoroalkyl substances (PFAS), ethylene oxide, diesel particulate matter, fumigation and the recently listed 1-bromopropane. EPA's efforts should include additional research, federal regulation and assistance to state and local agencies as they address these difficult issues. EPA should also prioritize addressing the disproportionate risk of harm faced by frontline communities.
- i. Technology revolutions in the last few years provide an opportunity for EPA to bring 21<sup>st</sup> century tools to bear. State and local agencies have been leaders in this arena and are global leaders in the use of local impact mapping, air-quality sensors (for example, for wildfire response) and satellite data. EPA should leverage these lessons learned for its own programs and operations. EPA should also acknowledge, support and integrate community science, but in a way that improves, rather than undermines, enforceable regulatory systems.

- j. Interstate transport of emissions continues to pose a serious challenge in many areas of the country. EPA should continue and expand efforts to address the transport of air pollution by continuing to work with Eastern and Midwestern states to ensure region-wide attainment. EPA should also work closely with state and local air pollution control agencies to assess transport in the Western U.S. and put in place appropriate programs to address this problem.
- k. EPA, working with its state and local partners, must reimagine and recreate its role in and approach to nationwide attainment and maintenance of the NAAQS. The State Implementation Plan (SIP) process is something of an “all-or-nothing” tactic that should be augmented with a stationary-source strategy similar to EPA’s strategy for its mobile source program, built on long-term visions of reducing emissions from each source category; innovative and collaborative technology testing and development; and successively more stringent standards and requirements.

## **5. Reset Permitting and Enforcement Priorities to Emphasize Public Health and Equity**

*Issue:* Efficient permitting and effective enforcement are critical to realizing the public health benefits of clean air regulation. In both areas, the outgoing Administration has prioritized regulatory relief over what should be the primary purpose and responsibility of air regulators: protecting public health from the harmful effects of air pollution.

### *Recommendations:*

- a. EPA should move away from a philosophy of regulatory streamlining that reduces the applicability of permitting regulations and focus instead on improving the permitting process itself. Instead of creating “off-ramps” from major-source permitting programs, EPA should work with state and local agencies to streamline and modernize air permitting processes to make them more efficient, without weakening public health protection.
- b. EPA should fully analyze and understand the public health impacts of any policy or regulatory changes aimed at improving air permitting efficiency and should refrain from undertaking any reforms that would weaken public health protection.
- c. Permitting and enforcement are the areas of Clean Air Act implementation that most tangibly affect the lives of people in communities that bear disproportionate health burdens from air pollution. It is critically important that the voices of these communities are solicited, heard and respected. EPA should work with its state and local partners to address and overcome barriers to meaningful public participation in these communities and endeavor to prevent inequitable outcomes. EPA should also initiate discussions on how to consider cumulative impact assessments in permitting reform geared toward improving environmental justice.
- d. EPA’s current emphasis on compliance assurance has come at the expense of enforcement at the federal level. While state and local agencies should have first priority for acting, EPA has a non-substitutable role as the federal “backstop” in the enforcement of environmental laws and should ensure that its initiatives give more balanced weight to compliance assistance and enforcement. Enforcement is a collaborative effort between state, local, and federal governments – all have critical roles to play. EPA should at all times be clear in communicating willingness by the federal



government to bring enforcement actions against those who violate federal air quality laws and regulations.

- e. EPA should include among its national enforcement priorities areas in which its expertise, resources and focus are not substitutable by its state and local-agency partners' expertise, as well as areas in which EPA can do work that its partners cannot. Mobile source emission and fuel standards are a prime example of an area in which enforcement by state and local agencies is generally precluded. EPA should consider creating a national enforcement initiative directed at mobile sources.
- f. Known areas of noncompliance with the Clean Air Act that have seen little enforcement by EPA should be prioritized. For example, diesel pickup truck and passenger vehicle tampering must be taken seriously and enforcement should address not only marketers and resellers, but installers. EPA should support state and local inspection programs as well. Another area requiring meaningful enforcement is residential wood heater standards. After decades of being severely shortchanged, EPA must take decisive action to ensure the emission reductions intended to accrue from this important program are actually achieved.
- g. EPA's Office of Enforcement and Compliance Assurance (OECA) and state and local air agencies must have the tools they need to be effective. EPA should prioritize restaffing OECA – which is currently at its lowest staffing level in years – and expand support of tools that underpin enforcement, such as permanent and mobile monitoring networks, integration of sensors, remote evidence collection, advanced imaging and the modernization of reporting provisions and data tools to reflect current technologies. Improved and modernized tools will increase capability, enhance user experience and facilitate transparency while minimizing the burden that state and local agencies experience during implementation.
- h. Under a series of policy memoranda, the Department of Justice (DOJ) has ended the inclusion of supplemental environmental projects (SEPs) in settlement agreements with EPA. EPA and DOJ should reconsider this policy and reinstate the option of using SEPs as a way to harness clean air benefits via civil penalty mitigation. SEPs have proven to be a powerful mechanism for providing needed resources to communities overburdened by air pollution resulting from noncompliance with environmental laws.

## **6. Improve Technical Assistance to State and Local Air Agencies**

*Issue:* The breadth and timeliness of technical assistance from EPA is crucial to the ability of states and localities to carry out their clean air and climate missions. EPA's technical support comes in many forms, including educational programs, guidance on the performance of complex technical tasks, assistance with those tasks and implementation guidance. EPA will be able to best focus its efforts and tailor its assistance by working in collaboration with state and local agencies.

### *Recommendations:*

- a. State and local air agencies are responsible for operating the nation's ambient air monitoring networks under EPA oversight, based on requirements established by EPA. Air quality concerns and monitoring technologies have evolved since these networks were first established. Today, regulators, researchers and the public require new and different types of monitoring data. In

particular, more air toxics data are needed, as are more local-scale, real-time data. Unfortunately, due to unrelenting funding challenges, many state and local agencies lack the resources to take on additional monitoring responsibilities and are struggling to keep up with the ones they already have, including the management and replacement of aging equipment. EPA should work closely with state and local agencies to consider how to streamline existing monitoring requirements to focus on areas that have the most value, identify needed resources and consider how the networks can be modernized to prioritize improvements that will best advance public health and environmental protection.<sup>5</sup> It should also increase grant funding to state and local agencies to maintain and improve the national monitoring system.

- b. High-quality, state-of-the-art training for local, state and federal air quality professionals is essential if they are to acquire and hone the skills and abilities necessary to successfully fulfill their job responsibilities and meaningfully contribute to the national clean air mission. These needs are becoming amplified as demographic and funding shifts have led to increasing numbers of retirements among experienced staff. EPA should continue to expand federal funding and staff resources for air pollution training and efforts to develop, update and provide training opportunities for state and local agencies and for its own staff.
- c. Federal efforts to improve efficiency and streamline data reporting requirements must accommodate existing data collection systems in which state and local agencies have already invested significant resources.
- d. EPA's technical support to state and local agencies should be provided on a level playing field. EPA should endeavor to employ consistency among the EPA Regions with respect both to assistance provided and to expectations that are set in areas that they oversee, such as permit writing and the development of annual monitoring network plans.
- e. EPA should resolve to consistently apply guidance and ensure that the guidance addresses authority questions. EPA should strive to issue technical guidance and support in a way that better serves to advance the clean air mission. For example, EPA's new rule on guidance document transparency should be implemented in a way that does not unduly delay the issuance of necessary guidance documents in highly technical areas such as air quality modeling.

## **7. Address the Urgent Need for Significant Increases in Federal Funding**

*Issue:* None of NACAA's recommendations are possible without addressing urgent funding shortfalls. Federal grant funding for state and local clean air agencies is inadequate and must be increased substantially. These grants, provided under Sections 103 and 105 of the Clean Air Act, must be sufficient to ensure that state and local air agencies can meet their obligations and implement the programs required under the Act. Unfortunately, the funding situation has become a crisis. Without a considerable increase in support for state and local partners central to implementing these programs, the Administration's ambitions

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<sup>5</sup> The recommendations are similar to ones made in a recent report released by the Government Accountability Office (GAO), "Air Pollution: Opportunities to Sustain and Modernize the National Air Quality Monitoring System" (Nov. 2020), available at <https://www.gao.gov/products/GAO-21-38>. NACAA looks forward to working with EPA as it develops an implementation plan in response to the recommendations contained in the GAO report.

to improve clean air and address climate change may face obstacles as many state and local air agencies will have difficulty keeping pace with existing requirements and addressing new responsibilities.

State and local air quality agencies have had to do their best with inadequate resources for many years. While the deficit is enormous – NACAA estimates the true need for federal grant funding is over three times greater than the current amount – federal grants to these agencies have not even kept pace with inflation. They currently are essentially the *same dollar amount as in 2004* – \$228 million. Meanwhile, the list of responsibilities that state and local agencies face has grown dramatically. On a regular basis, they carry out a host of essential resource-intensive activities, including monitoring, planning, modeling, permitting, inspecting sources and adopting and enforcing regulations. At the same time, they must address new and emerging issues, including the public's increasing demands for more data and assistance.

State and local governments will only face steeper challenges trying to backfill the deficit in federal funding as the worst of the economic damage of the COVID-caused recession is likely still to come. The resource shortfalls for state and local clean air programs could stretch for years. Additionally, many clean air agencies are located within state and local public health departments and have extra demands placed on them in serving immediate public health crises caused by the pandemic, further straining their budgets and competing for available resources.

*Recommendations:*

- a. The Administration should immediately propose to Congress and advocate for substantial increases in federal grants for state and local air agencies. This should include funding for existing and future federal actions and mandates as well as grants to foster new state-led actions. In the immediate future, these increases should at the very least make up for inflation, by adding \$92 million in grants above FY 2020 levels, for a total of \$320 million in FY 2022. However, in subsequent years the federal government should remedy long-standing funding deficits with greater increases. Further, any EPA programs that create new or changed responsibilities for state and local programs should be accompanied by sufficient federal funding to support those activities.
- b. EPA should ensure that state and local air agencies have flexibility to target federal grants for the highest priority activities in their areas.
- c. Grants for PM<sub>2.5</sub> monitoring should remain under Clean Air Act Section 103 authority, rather than being shifted to Section 105 authority.
- d. EPA should partner with NACAA to study and evaluate the true federal grant funding needs of state and local clean air agencies and work toward ensuring that those needs are met.

## Attachment 1

### **Previous NACAA Comments, Testimony and Recommendations Relevant to the Association's Recommendations to the Biden-Harris Administration**

[NACAA Comments as Early Input to EPA National Program Guidance for FY 2022-2023](#) (October 15, 2020)

[NACAA Testimony Submitted to the House Appropriations Subcommittee on Interior, Environment, and Related Agencies on FY 2020 Budget](#) (March 5, 2020)

[NACAA Comments on EPA's Proposed Rule on Aircraft GHG Emission Standards and Test Procedures](#) (October 19, 2020)

[NACAA Comments on EPA's Advance Notice of Proposed Rulemaking on Highway Heavy-Duty Vehicle and Engine Standards](#) (February 20, 2020)

[NACAA Comments on EPA and NHTSA's Joint Proposed SAFE Vehicles Rule](#) (October 26, 2018)

[NACAA Letter to EPA Administrator Scott Pruitt Urging Prompt Action to Tighten the NO<sub>x</sub> Emission Standards for Onroad Heavy-Duty Trucks](#) (June 21, 2018)

[NACAA Comments to EPA on Reconsideration of the Final Determination on the MTE of MY 2022-2025 LDV GHG Emission Standards and of the MY 2021 LDV GHG Emission Standards](#) (October 4, 2017)

[NACAA Letter of Support for CARB Petition to EPA Requesting More Stringent Locomotive Emission Standards](#) (October 4, 2017)

[NACAA Comments on EPA's Proposed Decision on the Ozone NAAQS Review, to Retain the Current Standards Without Revision](#) (October 1, 2020)

[NACAA Comments on EPA's Residential Wood Heater Sell-Through Proposal](#) (July 6, 2020)

[NACAA Comments on EPA Administrator's Proposed Decision on the PM NAAQS Review, to Retain the Current Standards without Revision](#) (June 29, 2020)

[NACAA Comments on Proposed National Emissions Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review \(RTR\)](#) (February 6, 2020)

[NACAA Comments on MATS "Appropriate and Necessary" and RTR Proposal](#) (April 10, 2019)

[NACAA Comments on EPA's Draft "Begin Actual Construction" Guidance for NSR Permitting](#) (May 11, 2020)

[NACAA Comments on EPA's Proposed Project Emissions Accounting Rule for NSR Permitting](#) (October 8, 2019)

[NACAA Members' Recommendations to EPA on New Source Review \(NSR\) Training Topics](#) (April 9, 2019)

[NACAA Members' Recommendations to EPA on RACT/BACT/LAER Clearinghouse \(RBLC\) Improvements](#) (April 9, 2019)

[NACAA Permit Streamlining Principles and Recommendations](#) (December 19, 2017)

[NACAA Comments to OECA on National Program Guidance, 2022-2023](#) (September 25, 2020)

[NACAA Comments to EPA on September 2018 Preview of the Draft EPA Tampering Policy for Stakeholder Awareness](#) (November 29, 2018)

[NACAA Comments on EPA's Proposed Rule, Extension of Start Date for Revised Photochemical Assessment Monitoring Stations](#) (July 1, 2019)

[NACAA Comments on EPA's Proposed Amendments to the 2012 and 2016 NSPS for the Oil and Natural Gas Sectors](#) (November 22, 2019)

[NACAA Comments on EPA's Proposed Affordable Clean Energy \(ACE\) Rule](#) (October 31, 2018)

[NACAA Comments on EPA's ANPRM Regarding State Guidelines for Greenhouse Gas Emissions from Existing Electric Utility Generating Units](#) (February 26, 2018)

[NACAA Comments on EPA's NPRM on Increasing Consistency and Transparency in Considering Benefits and Costs in the Clean Air Act Rulemaking Process](#) (July 31, 2020)

[NACAA Comments on EPA's SNPRM on Strengthening Transparency in Regulatory Science](#) (May 18, 2020)

[NACAA Comments on EPA's ANPRM on Increasing Consistency and Transparency in Considering Costs and Benefits in the Rulemaking Process](#) (August 8, 2018)

[NACAA Comments on EPA's Proposed Rule on Strengthening Transparency in Regulatory Science](#) (July 20, 2018)