



January 31, 2025

Mr. Lee Zeldin  
U.S. Environmental Protection Agency (EPA)  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Dear Administrator Zeldin,

On behalf of the Association of Air Pollution Control Agencies (AAPCA),<sup>1</sup> congratulations on your confirmation to serve as Administrator of the U.S. Environmental Protection Agency (EPA). AAPCA's state and local member air pollution control agencies, responsible for protecting the air quality of nearly 150 million Americans, welcome you as the Agency's Administrator. State and local air agencies serve as co-regulators with U.S. EPA under the federal Clean Air Act (CAA), and we look forward to engaging you and your staff as the Administration's priorities are developed and initiated. The Association provides this input on environmental policy impacting state and local air pollution control agencies to convey member expertise and priorities.

Built on the foundation of cooperative federalism, the CAA has proven a successful framework for productive partnerships at the federal, state, and local levels that have led to remarkable improvements in air quality since 1970.<sup>2</sup> State and local environmental agencies, delegated with permitting, planning, enforcement, and regulatory authority, are dedicated to working hand-in-hand with federal counterparts to find best-possible solutions that are informed by diverse geographic, economic, and social factors. With core work still to be done and a range of evolving issues, AAPCA offers the following considerations and recommendations for the Agency.

**Commit to Early Engagement and Timely Communication.**

AAPCA members support Agency efforts to engage air agencies early and meaningfully in regulatory and planning processes, improve the timeliness of state implementation plan (SIP) approval to reduce the SIP backlog, provide technical support, expand grant flexibility, ensure quality and up-to-date training, and effectively coordinate with state and local agencies on compliance and enforcement activities. On June 18, 2024, AAPCA provided comments regarding U.S. EPA's draft Fiscal Years (FY) 2025 – 2026 National Program Guidances (NPGs) for the Office of Air and Radiation (OAR), which were incorporated into the Agency's final FY 2025 – 2026 NPGs.<sup>3</sup>

AAPCA urges U.S. EPA to commit to early, frequent, and substantive engagement with state and local air agencies as co-regulatory partners and stresses the importance of providing timely notice of planned

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<sup>1</sup> AAPCA is a national, non-profit, consensus-driven organization focused on assisting state and local air quality agencies and personnel with implementation and technical issues associated with the federal Clean Air Act. Created in 2012, AAPCA represents 53 state and local air pollution control agencies, and senior officials from 21 state environmental agencies currently sit on the AAPCA Board of Directors. AAPCA is housed in Lexington, Kentucky as an affiliate of [The Council of State Governments](#). You can find more information about AAPCA at: [www.cleanairact.org](http://www.cleanairact.org).

<sup>2</sup> AAPCA, [State Air Trends & Successes: The StATS Report](#), May 2, 2024.

<sup>3</sup> See AAPCA's [June 2024 comments](#) and more information about U.S. EPA's FY 2025 – 2026 NPGs [here](#).

actions. Giving advance notice to state and local air agency leadership on forthcoming U.S. EPA actions via embargoed information or briefings for the purpose of Federalism<sup>4</sup> is critical to ensuring effective communication between co-regulators and impacted communities and stakeholders.

**Encourage Flexibility and Tailored Expectations to Reduce Regulatory Burden.**

State and local agencies and the jurisdictions that they serve are unique and differ geographically, economically, and socially. AAPCA members ask U.S. EPA to encourage flexibility and tailored expectations in the work and grant planning processes, as well as for U.S. EPA's commitment to work collaboratively with air agencies to meet priorities under the CAA. U.S. EPA should meaningfully engage with co-regulatory agencies during the pre-proposal and proposal stages of rulemaking. Such engagement is critical to providing U.S. EPA with an understanding of individual state perspectives and offers the opportunity for U.S. EPA to craft rules that provide flexibility while still meeting the objective of the rulemaking.

As an example, U.S. EPA's recently withdrawn final revisions to the Air Emissions Reporting Requirements (AERR)<sup>5</sup> would benefit from improved engagement with state and local air agencies. Specifically, the solicitation and inclusion of input from state and local air agencies prior to proposal would have allowed the consideration of pertinent, on-the-ground expertise in managing emissions inventory systems. The Agency initially proposed that state and local agencies decide whether to assume the responsibility of reporting hazardous air pollutant (HAP) emissions on behalf of owners/operators, and AAPCA recommended that the final AERR rule must include an approach for state and local agency reporting of HAP data that is feasible and does not supersede existing air agency emissions inventory systems. AAPCA also urged U.S. EPA to grant state and local agencies flexibility in rule development to satisfy the proposed reporting requirements for HAP emissions in the revised AERR. Not doing so would divert already limited state, local, and federal agency resources away from other essential aspects of CAA implementation and must be avoided.<sup>6</sup>

**Mitigate Funding Challenges and Resource Constraints.**

From their on-the-ground expertise, state and local air agencies understand that melding national environmental regulations with local priorities, economic strategies, and social needs requires significant resources. Funding directed to air agencies – including State and Local Air Quality Management Grants under CAA Sections 103 and 105 – must be adequate to meet historic CAA obligations as well as significant and substantive regulatory actions from U.S. EPA that further exacerbate existing resource constraints. AAPCA's state and local air agency members depend on sufficient, stable resources to perform core CAA activities.

On June 5, 2024, AAPCA provided feedback to the U.S. Senate Committee on Appropriations regarding Fiscal Year (FY) 2025 appropriations for U.S. EPA, including State and Local Air Quality Management

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<sup>4</sup> Executive Order (E.O.) 13132 – Federalism ([64 Fed. Reg. 43255](#))

<sup>5</sup> U.S. EPA's final rule, "Revisions to the Air Emission Reporting Requirements (AERR)" was [withdrawn from interagency review](#) at the White House Office of Information & Regulatory Affairs on January 21, 2025.

<sup>6</sup> See AAPCA's [November 2023 comments](#) on U.S. EPA's proposed Revisions to the Air Emissions Reporting Requirements (Docket ID No. EPA-HQ-OAR-2004-0489).

Grants under the State and Tribal Assistance Grant (STAG) program.<sup>7</sup> The Association asked for increased funding for State and Local Air Quality Management Grants that adequately accounts for new and historic CAA mandates as critical for state and local air agency budgets as well as ensuring the cooperative federalism balance needed for successful environmental outcomes. Providing maximum flexibility in air agency grants enables programs to determine the best use of funds to address air pollution control needs in their jurisdiction.

Since the beginning of the fine particulate matter (PM<sub>2.5</sub>) monitoring program, appropriations have maintained funding authority under CAA Section 103. AAPCA reaffirms the importance of sustaining the granting authority for PM<sub>2.5</sub> monitoring under CAA Section 103, which does not require a 40-percent funding match and allows state and local agencies to best allocate resources for air quality planning and programs while continuing PM<sub>2.5</sub> monitoring. Distributing funds for PM<sub>2.5</sub> monitoring under CAA Section 105 would adversely impact state and local air agency budgets.

State and local agencies have also indicated difficulties hiring and retaining a qualified, technical, and experienced workforce to meet the growing complexities of air pollution control work. Further contributing to this concern may be the almost 30 percent of state and local air agency employees at or near retirement.<sup>8</sup>

State and local resource constraints have been underscored as air agencies face increased obligations under the CAA and prepare to implement multiple major new rulemakings, including a tightened PM<sub>2.5</sub> national ambient air quality standard (NAAQS),<sup>9</sup> methane standards for the oil and natural gas sector,<sup>10</sup> and greenhouse gas (GHG) standards for power plants.<sup>11</sup> Communicating early about Administration priorities, and avoiding imposing unfunded federal mandates are steps that will help overburdened air agencies navigate these growing resource constraints. However, years of flat grant funding of CAA programs needs critical attention. Furthermore, Title V Operating Permit Program emissions-based fees are declining amid achieved emissions reductions. State and local air agencies have led the efforts to improve the nation's air quality while administering progressively complicated and demanding operations that have had to accommodate growing inflation in expenses related to personnel, travel, monitoring equipment, and building costs for monitoring sites without concomitant federal funding.

#### **Appoint a Balanced Clean Air Scientific Advisory Committee.**

U.S. EPA's Clean Air Scientific Advisory Committee (CASAC) fulfills the role of "independent scientific review committee" responsible for reviewing the primary and secondary NAAQS and recommending any new standards and revisions of existing standards to the U.S. EPA Administrator. The charge to the CASAC is to review the science, review the risk and exposure assessment, and review U.S. EPA's policy recommendations. It is critically important to keep a balanced set of perspectives on the chartered CASAC and panels, especially including adequate representation from state air pollution control

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<sup>7</sup> See AAPCA's [June 2024 letter](#) to U.S. Senate Committee on Appropriations Leadership for FY 2025 Appropriations for the U.S. EPA State and Local Air Quality Management Grants.

<sup>8</sup> See AAPCA's [November 2023 report](#) *Staffing at State and Local Air Pollution Control Agencies*.

<sup>9</sup> [89 Fed. Reg. 16202](#) (March 6, 2024).

<sup>10</sup> [89 Fed. Reg. 16820](#) (March 8, 2024).

<sup>11</sup> [89 Fed. Reg. 39798](#) (May 9, 2024).

agencies.<sup>12</sup> State air pollution control personnel have hands-on experience and practical knowledge in the implementation of the NAAQS that contributes a real-world perspective to the CASAC. U.S. EPA should make a conscientious effort to appoint CASAC members and panel members with a balance of perspectives from a variety of backgrounds, including adding more people representing state air pollution control agencies. Furthermore, each CASAC member's recommendation is critically important to the U.S. EPA Administrator, and the recommendation of the minority should not be dismissed or relegated to an obscure appendix. The precedent set during the 2023 ozone NAAQS review and 2023 secondary oxides of nitrogen (NO<sub>x</sub>), oxides of sulfur (SO<sub>x</sub>), and particulate matter (PM) NAAQS review of removing dissenting opinions from the letter to the U.S. EPA Administrator and placing them in an obscure appendix was contrary to previous reviews, wholly inappropriate, and should be immediately reversed. The CASAC was most recently<sup>13</sup> overseeing the Agency's review of NAAQS for lead, ozone, and NO<sub>x</sub>.

### **Build Capacity for Implementing Recent Regulatory Actions.**

AAPCA's members are currently undertaking CAA planning and implementation for a number of recent regulatory actions and provide the following insight to inform the Administration's initiatives.

#### *PM<sub>2.5</sub> NAAQS*

This year, air agencies will be providing recommendations for area attainment designations and boundaries following the revision of the primary annual PM<sub>2.5</sub> NAAQS. As part of the designations process, air agencies may submit exceptional events (EE) demonstrations for events that have regulatory significance for the 2024 revised primary annual PM<sub>2.5</sub> NAAQS initial area designations. This is an important CAA provision for addressing air quality impacts outside of regulatory control. Developing EE demonstrations are time- and resource-intensive activities for air agencies. With intensifying wildfire seasons, agencies will need to develop demonstrations more often. U.S. EPA OAR and Regional Offices should continue to work with state and local agencies to streamline the process for drafting and reviewing approvable exceptional event demonstrations – particularly for EE demonstration submissions for the purpose of initial area designations recommendations.

Additionally, U.S. EPA should consider air agency requests to exclude specific monitors from comparison with the primary annual PM<sub>2.5</sub> NAAQS based on a demonstration that data from such monitors are not representative of area-wide air quality. For example, PM<sub>2.5</sub> monitors deployed to meet near-road monitoring requirements provide measurements within localized microenvironments near highly trafficked roadways that are not representative of a broader airshed.

AAPCA recently sent a letter<sup>14</sup> to U.S. EPA expressing concern about persisting high bias in PM<sub>2.5</sub> data from federal equivalent method (FEM) Teledyne T640/T640X PM Mass Monitors. AAPCA appreciates

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<sup>12</sup> Air & Waste Management Association *EM Magazine*, "[The Need for a Balanced CASAC in the NAAQS Review Process](#)," June 2024

<sup>13</sup> On January 28, 2025, U.S. EPA Acting Administrator James Payne notified the Office of the Science Advisory Board that, "A decision has been made to reset the Science Advisory Board (SAB) and Clean Air Scientific Advisory Committee (CASAC) and reestablish its current membership."

<sup>14</sup> See AAPCA's [December 2024 letter](#) concerning particulate matter monitoring method comparability of the Teledyne T640/T640X PM Mass Monitor Federal Equivalent Method.

Teledyne Technologies and U.S. EPA's efforts to correct the bias in the Teledyne T640/X FEM.<sup>15</sup> However, the bias adjustment algorithm that was developed by Teledyne, approved by U.S. EPA, and applied to data<sup>16</sup> housed in the Air Quality System (AQS) does not adequately reduce the bias in the Teledyne T640/X PM<sub>2.5</sub> concentrations, resulting in annual PM<sub>2.5</sub> concentrations that are significantly higher compared to annual PM<sub>2.5</sub> concentrations measured with federal reference method (FRM) monitors. This could lead to areas being designated nonattainment based on measured Teledyne T640/X PM<sub>2.5</sub> concentrations, when the area would have been designated attainment based on measured FRM PM<sub>2.5</sub> concentrations. Developing and implementing the bias adjustment was a time- and resource-intensive process that resulted in the delayed release of 2023 PM<sub>2.5</sub> design values.<sup>17</sup> U.S. EPA has the option of taking up to one additional year to make initial area designations if the Administrator has insufficient information.<sup>18</sup> U.S. EPA ought to give due consideration to the designations timeline and provide adequate time for attainment/nonattainment designations to be made with the best available data.

#### *CAA Section 111(d) State Plans*

State and local air agencies are subject to tight, two-year deadlines to develop Emissions Guideline State Plans (EGSP) for existing sources in the oil and natural gas sector and existing fossil-fuel fired electric generating units (EGUs), due March 9, 2026, and May 11, 2026, respectively. State and local regulatory processes vary considerably and changes to new or existing rules can take as long as five years. Due to the significant lead times required for state and local regulatory processes, air agencies would benefit from early communication on the Administration's priorities regarding implementation of these rules, including any intention to reconsider the rules or roll back their requirements.

Thank you for your consideration of this input. AAPCA's state and local air agency members look forward to working with U.S. EPA and their EPA Regions under your Administration. If you have any questions, please contact Ms. Morgan Dickie, Executive Director, at [mdickie@csg.org](mailto:mdickie@csg.org) or (859) 244-8042.

Sincerely,

A handwritten signature in black ink, appearing to read "Morgan Dickie", written in a cursive style.

Morgan Dickie  
AAPCA Executive Director

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<sup>15</sup> See AAPCA [March 2024 comments](#) on U.S. EPA's Proposed Update of PM<sub>2.5</sub> Data From T640/T640X PM Mass Monitors (Docket ID No. EPA-HQ-OAR-2023-0642).

<sup>16</sup> [89 Fed. Reg. 42874](#) (May 16, 2024).

<sup>17</sup> U.S. EPA [released](#) 2023 PM<sub>2.5</sub> Design Values on August 9, 2024, while design value reports for all other criteria pollutants were made available on June 12, 2024.

<sup>18</sup> U.S. EPA's February 2024 memorandum on "Initial Area Designations for the 2024 Revised Primary Annual Fine Particle National Ambient Air Quality Standard" indicates that "If the Administrator has insufficient information to make initial designations decisions in the 2-year time frame, the EPA may take up to 1 additional year to make initial area designations decisions."



cc: Mr. Chad McIntosh, U.S. EPA  
Mr. Travis Voyles, U.S. EPA  
Mr. Eric Amidon, U.S. EPA  
Ms. Sarah Dunham, U.S. EPA  
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