

February 14, 2024

Dear Representative,

On behalf of our millions of members and supporters, the undersigned 32 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 “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,

Appalachian Mountain Club
Asthma and Allergy Foundation of America
Center for Biological Diversity
Center for Community Action and
Environmental Justice
Change the Chamber
Clean Air Task Force
Climate Action Campaign
Downwinders at Risk
Earthjustice
Elders Climate Action
Endangered Species Coalition
Environment America
Environmental Defense Action Fund
Environmental Law & Policy Center
Familias Unidas del Chamizal/La Mujer Obrera
HEAL Utah
Interfaith Power & Light
LCV
Michigan Sustainable Business Forum
National Environmental Health Association
Natural Resources Defense Council
Northeast Ohio Black Health Coalition
Partnership for Policy Integrity
Physicians for Social Responsibility
Physicians for Social Responsibility Pennsylvania
Poder Latinx
Respiratory Health Association
Sierra Club
U.S. PIRG
UNC Gillings School of Global Public Health

Union of Concerned Scientists
Utah Physicians for a Healthy Environment