

December 9, 2025

The Honorable Brett Guthrie
Chairman
Committee on Energy and Commerce
U.S. House of Representatives

The Honorable Frank Pallone
Ranking Member
Energy and Commerce Committee
U.S. House of Representatives

RE: Opposition to H.R. 6373 (Air Permitting Improvements to Protect National Security Act)

Dear Chairman Guthrie, Ranking Member Pallone, and Members of the Committee:

On behalf of the below signed organizations, we write to express our strong opposition to H.R. 6373, the Air Permitting Improvements to Protect National Security Act. This legislation would undo longstanding protections under the Clean Air Act, undermine children's health, and institutionalize a dangerous precedent of executive overreach under the pretext of "national security."

Overview of The Bill and Current Law

The Air Permitting Improvements to Protect National Security Act creates loopholes under the Clean Air Act that will exempt new mining, smelting, semiconductor fabrication plants, and other large stationary sources from vital pollution control requirements, thereby increasing emissions of dangerous soot, smog-forming pollutants, and hazardous air pollutants in cities and counties that already have unhealthy air (known as "nonattainment" areas).

Under current law, when a new or modified major source seeks to come online in a nonattainment area, it must secure offsets, so overall air quality continues to improve rather than degrade, and local residents see real pollution reduction benefits. For example, in an ozone nonattainment area, a new or modified major source has to get nitrogen oxides and/or volatile organic compounds offsets. Similarly, in a particulate matter (PM) nonattainment area, such a source must get PM offsets, and in a lead nonattainment area, such a source must get lead offsets.

The Clean Air Act's nonattainment/offset framework is one of its most important tools for protecting community health in areas already suffering from unhealthy air quality. It exists precisely to ensure pollution reduction will continue in places that have not yet attained the National Ambient Air Quality Standards (NAAQS). The loopholes for industrial polluters that are created by this legislation weaken this life-saving framework. This is made worse by the fact that mining operates under an 1872 law that has no health, environmental, or community protections.

By Undoing Longstanding Protections under the Clean Air Act, this legislation Poses a Dangerous Risk to Public Health

The loopholes created by H.R. 6373 will make pollution worse in already dangerously polluted areas. For example, mineral processing and semiconductor manufacturing operations can release

large amounts of dangerous air pollutants, such as fine particulate matter (PM_{2.5}), sulfur dioxide, lead, and ozone-forming chemicals. Without the offset safeguard for areas that already have dangerous levels of pollutants, communities where these mines and facilities seek to open or expand will face ever-higher exposures to harmful smog, soot, lead, dust, and other toxic air pollutants. The resulting public health burdens, such as worsening asthma, heart attacks, neurological harms, cancer risk, learning disabilities, and premature death, will fall disproportionately on children, frontline communities, Tribes, and communities of color.

Fairbanks, Alaska is one example of a nonattainment area, where vulnerable populations would suffer if this bill became law. Due to the prevalence of highly polluting woodburning stoves and coal-fired power plants, Fairbanks has some of the highest recorded levels of PM_{2.5} in the United States and has been a nonattainment area since 2009.¹ That's not all, though. Residents of Fairbanks are also dealing with pollution related to mining. Fairbanks has a long history of mining, being an area with large deposits of mercury, arsenic, gold, and antimony, among other metals.² The PM_{2.5} emissions from these historic mining projects and several proposed mines within the Fairbanks-North Star Borough, such as Treasure Creek and Scrafford (proposed open pit and underground mine for gold and antimony) and Ester Dome and Grant Mine (exploratory mine for gold), would likely include highly harmful metals like arsenic and antimony, which are linked to cancers and respiratory issues, among other things.

This Legislation Institutionalizes a Dangerous Precedent of Executive Overreach Under the Pretext of “National Security” and Offers a Vague “Alternative” to Clear Protections, Including a Pay-to-Play Scheme

This bill would create two alternative loopholes to the current clear, effective protections of the Clean Air Act. One would give the President broad authority simply to waive the offsets requirement for favored polluters. The other would require states to allow corporations to meet open-ended “alternative offset” requirements, which could include simply paying their way out of the legal requirement to assuredly reduce existing emissions of the air pollutant that's already at unsafe levels in the air people breathe. Both loopholes would increase existing dangerous pollution levels and harm public health.

By allowing the President discretion to outright waive pollution offset requirements, H.R. 6373 invites the President to abuse executive authority. Experience demonstrates that the President will accept the invitation to abuse his authority. With little to no explanation or basis in reality, President Trump recently exempted scores of sources of hazardous air pollution from complying with air toxics standards under a similar Clean Air Act provision Section 112(i)(4) (42 U.S.C. §7412(i)(4)). Section 112(i)(4) authorizes the President to issue a temporary (up to two-year) plant-specific exemption from hazardous air pollutant standards if (1) the technology to meet the relevant standard is not available; and (2) the exemption is demonstrably in the national security interests of the United States. President Trump invoked this provision for scores of power plants

¹ Deana Huff, et al. “Modeling attainment in Fairbanks, Alaska, for the wintertime PM_{2.5} 24-hour non-attainment area using the CMAQ (community multi-scale air quality) model.” (2025). <https://pubs.rsc.org/en/content/articlelanding/2025/fd/d4fd00158c>.

² Gough LP, Day WC. “Tintina Gold Province study, Alaska and Yukon Territory, 2002–2007: Understanding the origin, emplacement, and environmental signature of mineral resources.” (2007). <http://pubs.usgs.gov/fs/2007/3061>.

and other major polluters,³ even though the necessary technologies are not only available but already in use at many of the plants Trump exempted. Further, Trump has offered only the thinnest of pretextual claims that his exemptions are in the national security interest. Writing a similar exemption into Section 172 would invite similar abuse, and the result would be depriving people of badly needed health protections.

The Air Permitting Improvements to Protect National Security Act also allows new facilities to fully or partially avoid securing offsets for their pollution even without a Presidential waiver. Section 2 of this legislation requires permitting authorities to excuse from the offset requirement any facility that purports to show it has taken “all reasonable means” to obtain offsets and instead complies with an “alternative offset measure” or paid an emission fee that is supposed to be used to maximize emission reductions in the area. This bill grants a blanket authorization for a range of polluting facilities to avail themselves of this exit ramp. Further, the terms the bill uses are exceedingly vague, opening the door to claims that its requirements would be satisfied by minimal efforts, ineffective alternatives, and token pay-to-play fees used for ineffectual emission reduction projects that fail to protect communities at risk.

This legislation also feeds into industry’s false claim that competition with China for critical minerals is a valid justification to gut environmental safeguards. Proponents argue that permitting and NAAQS-based requirements are barriers to building a domestic supply chain for lithium, rare earths, cobalt, and other minerals. That framing pretends that the only way to scale up domestic mining and advanced manufacturing is to dilute fundamental health and environmental protections. To the contrary, the United States can, and should, pursue a resilient critical minerals strategy that keeps public health protections intact. Even the Department of Defense (DoD) recognizes that investments in recycling can help secure the U.S. supply chain of critical minerals. For example, the Fiscal Year 2025 NDAA amended DoD’s procurement preference for sourcing strategic and critical materials from domestic sources to add to the statement of policy and methods the processing of strategic and critical materials from recycled and reused minerals and metals.⁴

In short, weakening longstanding environmental laws and essential health protections will not ensure stable or sustainable domestic production. Instead, it will undermine a secure supply chain and increase pollution levels that are already unhealthy in various parts of the country where children are playing on playgrounds and sports fields.

Conclusion

There is no need to put economic interests ahead of the health of the American people. For decades, the Clean Air Act has coexisted with economic growth,⁵ and research shows it has advanced economic benefits, including by saving lives.⁶

³ Earthjustice. “Trump Gave OK for 68 Coal Plants to Ignore Clean Air Act Standards via Email.” (2025). <https://earthjustice.org/press/2025/trump-gave-ok-for-68-coal-plants-to-ignore-clean-air-act-standards-via-email>

⁴ See, Pub. L. 116–283, div. A, title VIII, §848, Jan. 1, 2021, 134 Stat. 3769.

⁵ Environmental Protection Agency. “Our Nation’s Air: Trends Through 2023.” (2024). <https://gispub.epa.gov/air/trendsreport/2024/#growth>

⁶ Environmental Protection Agency. “Benefits and Costs of the Clean Air Act 1990-2020, the Second Prospective Study.” (2011).

If Congress allows the President and industry to use “national security” and “China competition” as a blanket excuse to evade basic health protections, it will further a new and dangerous precedent: undermining health and environmental protections for mining and other heavily polluting industries and weakening both the rule of law and the U.S.’s claim to global, sustainable leadership in clean energy and advanced manufacturing. Strong clean air protections must remain at the core of critical mineral and advanced manufacturing strategies. These protections ensure that new projects benefit local communities, protect health, and build durable public support while enabling the United States to compete on innovation, efficiency, and sustainability, not on pollution.

H.R. 6373 seeks to weaken clean air protections and put communities at risk under the guise of supporting advanced manufacturing and national security. We call on you to oppose it in its current or any similar form.

Sincerely,
350 Wisconsin
Adirondack Council
Advocates for Snake Preservation
Alaska Wilderness League Action
American Thoracic Society
Bayou City Waterkeeper
Black Hills Clean Water Alliance
Black Hills Preservation Project
California Communities Against Toxics
Center for Biological Diversity
Cherokee Concerned Citizens
Clean Air For All Now
Climate Justice Alliance
Creation Justice Ministries
Earthjustice Action
Earthworks
Eco Baie des Chaleurs
EcoFlight
Elders Climate Action
Endangered Species Coalition
Environmental Law & Policy Center
Environmental Protection Network
Friends of Santa Cruz River
Friends of Sonoita Creek
Gila Resources Information Project
Grand Canyon Trust
GreenLatinos
High Country Conservation Advocates
Honor the Earth

<https://www.epa.gov/clean-air-act-overview/benefits-and-costs-clean-air-act-1990-2020-second-prospective-study>.

Idaho Rivers United
Information Network for Responsible Mining
Kentucky Resources Council, Inc.
League of Conservation Voters
Malach Consulting
Maricopa Bird Alliance formerly Maricopa Audubon Society
Mining Impact Coalition of Wisconsin
Montana Environmental Information Center
Mothers & Others for Clean Air
Next 100 Coalition
Northeast Ohio Black Health Coalition
Northeastern Minnesotans for Wilderness
Ocean Conservation Research
Partnership for Policy Integrity
Patagonia Area Resource Alliance
Prairie Hills Audubon Society (of Western SD)
PSR PA
Rapid City Chapter, Izaak Walton League of America
Respiratory Health Association
San Luis Valley Ecosystem Council
Sheep Mountain Alliance
Sierra Club
Southern Environmental Law Center
Southern Utah Wilderness Alliance (SUWA)
Sustainable Ocean Alliance
The Alaska Center
The Calabasas Alliance
The Healthy Environment Alliance of Utah (HEAL Utah)
The Ocean Project
Turtle Island Restoration Network
Upper Gila Watershed Alliance
Washington Conservation Action
West Berkeley Alliance for Clean Air and Safe Jobs
Western Nebraska Resources Council
Western Slope Conservation Center
Western Wildlife Conservancy
Wild Arizona
WildEarth Guardians