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This Week in Review

(1) NACAA Comments on EPA's Proposed Revised Standards for Light-Duty Vehicles (September 27, 2021) – NACAA submitted comments to EPA on the agency's August 10, 2021, notice of proposed rulemaking, "Revised 2023 and Later Model Year Light-Duty Vehicle Greenhouse Gas Emissions Standards." In the comments, NACAA recommends that "EPA should set standards sufficiently stringent to, at a minimum, achieve the same level of emission benefits as under the final standards adopted under the 2012 rule. Further, these standards should create a pathway to 50 percent of all new passenger cars and light trucks sold in 2030 being zero-emission vehicles (ZEVs), including battery electric, plug-in hybrid electric or fuel cell electric vehicles, consistent with President Biden's August 5, 2021, Executive Order 14037, "Strengthening American Leadership on Clean Cars and Trucks," as well as lay the foundation for achieving, nationwide, a goal of 100 percent zero-emission new car and light truck sales by 2035, as is being pursued by countries such as Canada, the United Kingdom, Norway and the Netherlands as well as several states, including California, Massachusetts, New Jersey and

New York, and various automakers.” NACAA states that “EPA’s Alternative 2, augmented with a MY 2026 standard that is 10 grams/mile more stringent, comes the closest to NACAA’s recommendation.” In addition, NACAA notes in the comments that in the nine years since EPA adopted the emission standards in the 2012 rule, clean vehicle technology and performance have progressed significantly, far more than anticipated and at a lower cost, thus supporting the feasibility of strengthening the 2012 standards in this rule. Other issues on which NACAA comments in its letter include clean technology, particularly investments by states and localities across the country to proactively pursue policies and programs to advance and support deployment of clean vehicle technologies in order to achieve their clean air, greenhouse gas emission reduction and public health goals; the ZEV multiplier, which NACAA recommends be reduced to a level that protects the rigor of the standards while still driving increased levels of electric vehicles into the market beyond what manufacturers are likely to deliver without additional incentives; technological readiness of the auto industry; future longer-term action to further reduce light-duty vehicle emissions in 2027 and beyond, which NACAA supports and for which NACAA recommends EPA issue an advance notice of proposed rulemaking by not later than mid-2022; and the impact of the rule on environmental justice communities, which have been disproportionately impacted for far too long. For further information: https://www.4cleanair.org/wp-content/uploads/NACAA-Comments_on_EPA_LDV_GHG_Std_NPRM-092721h.pdf

(2) NACAA Environmental Justice Survey Explores Challenges, State and Local Agency Leadership (September 30, 2021) - NACAA has shared the results of a survey the association conducted of its members regarding issues, challenges, and successes related to environmental justice (EJ). About one third of the agencies in the association responded, including 22 states and 23 local agencies from around the country. The survey focused on agency programs and drew nine conclusions. These include that many agencies are active with EJ programs and activities, actively identifying vulnerable communities, taking steps to successfully integrate them into the regulatory process, and prioritizing overburdened communities in their decision-making. However, many are doing so without dedicated staff, sufficient funding, explicit policy support, or metrics to assess progress. Over three quarters of agency respondents said that sustained funding for staff, implementation, training, and technology was the top avenue for advancing their EJ programs; 85% expressed interest in the sharing of information and best practices among NACAA members to improve their EJ activities. Most agencies expect EJ to become an increasing area of activity in the future, and clean air agencies are showing interest in improving their ability to improve EJ outcomes. In the words of one respondent, “Community air protection centered on equity and EJ is a new paradigm for air quality management. This means ‘the book still has to be written,’ and in many ways, it feels like we are flying the plane and building as we go. But the alternative business-as-usual is definitely behind us for good.” For further information: https://www.4cleanair.org/wp-content/uploads/NACAA_Environmental_Justice_Survey_Report-09302021.pdf

(3) EPA Reinstates 2015 Policy on Startup, Shutdown and Malfunction SIP Provisions (September 30, 2021) – EPA Assistant Administrator Janet McCabe signed a memorandum announcing the reinstatement of the agency’s 2015 policy on State Implementation Plan (SIP) provisions that provide exemptions or affirmative defenses for exceedances of air emission limits that occur during period of startup, shutdown and malfunction (SSM). EPA is also withdrawing the SSM policy announced in an October 2020 Memorandum as a replacement for the 2015 policy. The now-reinstated 2015 policy was originally announced in what was known as the “2015 SSM SIP Action” (80 Fed. Reg. 33,840, June 12, 2015). Under the 2015 policy, neither exemptions nor affirmative defense SIP provisions were considered to be consistent with Clean Air Act (CAA) requirements. Accordingly, the 2015 action included SIP calls for 36 states whose SIPs were found substantially inadequate to meet CAA requirements. Subsequently, the Trump Administration withdrew the SIP calls for North Carolina, Texas and Iowa and issued the now-withdrawn October 2020 Memorandum, which stated that such provisions may be permissible in some circumstances. Along with the reinstatement of the 2015 SSM policy, EPA announced that it is revisiting the decision to withdraw those SIP calls. According to EPA, “the reinstated 2015 Policy will ensure that all modes of source operation, including periods of SSM, have emissions limitations in place that can be appropriately enforced in all communities and populations across the affected states, including minority, low-income and indigenous populations overburdened by pollution.” For further information: <https://www.epa.gov/air-quality-implementation-plans/emissions-during-periods-startup-shutdown-malfunction-ssm>

(4) EPA Seeks Comment on Draft Supplemental Integrated Science Assessment for Reconsideration of 2020 PM NAAQS Decision (September 30, 2021) – EPA published in the *Federal Register* (86 Fed. Reg. 54,186) a notice announcing the availability of the draft document titled, *Supplement to the 2019 Integrated Science Assessment [ISA] for Particulate Matter [External Review Draft]*. This document was prepared by EPA’s Office of Research and Development as part of the agency’s reconsideration of the 2020 National Ambient Air Quality Standard for particulate matter (PM) and is a targeted review of peer-reviewed studies published since the January 2018 literature cut-off date for the 2019 PM ISA. EPA is seeking review of this draft by the Clean Air Scientific Advisory Committee (CASAC) and the public. The written comment deadline is November 29, 2021. As EPA announced last week (see related article in the September 18-24, 2021 *Washington Update*), on October 14, 2021, the CASAC PM Panel will be briefed virtually by EPA staff on their draft updates to the Integrated Science Assessment (ISA) and the Policy Assessment (PA) (still to be released). On November 17-19 and December 1-2, 2021, the PM Panel will peer review these two documents via virtual meetings. All meetings are open to the public. Those wishing to provide oral comments must contact Aaron Yeow, the CASAC Designated Federal Officer, in writing by November 10, 2021, to be placed on the public speaker list. For further information: <https://www.govinfo.gov/content/pkg/FR-2021-09-30/pdf/2021-20504.pdf>, https://www.4cleanair.org/wp-content/uploads/PM_ISA_SUPPLEMENTAL-ERD-

[SEP2021.pdf](#), <https://www.govinfo.gov/content/pkg/FR-2021-09-22/pdf/2021-20439.pdf> and <https://casac.epa.gov>

(5) Congress Passes and President Signs Bill to Continue Federal Funding through December 3, 2021 (September 30, 2021) – By a vote of 65-35 in the Senate and 254-175 in the House of Representatives, Congress adopted H.R. 5305, which provides continued funding for federal programs until December 3, 2021. President Biden signed the final bill, thus averting a federal government shutdown beginning October 1, 2021. This “continuing resolution” (CR) was necessary to extend federal funding because Congress did not enact FY 2022 appropriations legislation by the end of the fiscal year on September 30, 2021. The House had adopted an earlier version of the bill on September 21, 2021 that also included emergency aid for natural disasters, supplemental funding for programs to support Afghan evacuees and an increase to the federal debt ceiling until December 16, 2022. However, in order to pass in the Senate, the final bill eliminated the debt-ceiling provisions. For further information: <https://appropriations.house.gov/news/press-releases/house-clears-extending-government-funding-and-delivering-emergency-assistance> and <https://www.congress.gov/bill/117th-congress/house-bill/5305/actions>

(6) EPA Issues Draft Strategic Plan for FY 2022-2023 and Solicits Public Comment (October 1, 2021) – EPA has made available its draft FY 2022-2026 Strategic Plan and will accept public comment on the document until November 12, 2021. It is expected that the final Strategic Plan will be completed and submitted to Congress by February 2022. The plan includes seven strategic goals that focus on protecting human health and the environment and four cross-agency strategies that outline how EPA will carry out its mission. It also sets long-term performance goals and FY Agency Priority Goals for FY 2022-2023 by which EPA will hold itself accountable to monitor progress in protecting human health and the environment in collaboration with agency partners and stakeholders. As required by the Government Performance and Results Act (GPRA) Modernization Act of 2010, the Strategic Plan includes a mission statement, long-term goals, objectives and strategies for a four-year time period. It also includes an evidence-building plan (also known as a “Learning Agenda”), which identifies policy-relevant questions for which the agency will develop evidence, and a “Capacity Assessment,” which evaluates an agency’s capacity to support the development and use of evaluation and other evidence. For further information: <https://www.govinfo.gov/content/pkg/FR-2021-10-01/pdf/2021-21349.pdf> and <https://www.epa.gov/planandbudget>

(7) EPA Inspector General Presses Office of Air and Radiation on Timely SIP Reviews and Backlogged SIPs (September 27, 2021) – EPA Inspector General Sean W. O’Donnell sent a memorandum to EPA Acting Assistant Administrator for the Office of Air and Radiation (OAR) Joseph Goffman concerning OAR’s August 19, 2021 response to the Office of Inspector General’s (OIG) June 14, 2021 report, titled “*EPA Has Reduced Its Backlog of State Implementation Plans Submitted Prior to 2013 but Continues to Face Challenges in Taking Timely Final Actions on*

Submitted Plans, on OIG's evaluation of EPA's approval of State Implementation Plans (SIPs) and the backlog of SIPs at EPA (see related article in the June 12-18, 2021 *Washington Update*). In that report, OIG recommended that EPA take action to 1) identify SIPs not submitted by Clean Air Act deadlines; 2) develop and implement a plan to address regional disparities in workload to ensure SIP submittals can be acted on in a timely manner; 3) reassess some decisions affecting the suspension of SIP requirements in certain areas of the country; and 4) issue findings of failure to submit or disapprove SIPs for areas without an EPA-approved SIP that continue to exceed the NAAQS beyond the areas' required attainment date. At the time, EPA agreed with these recommendations and had completed #1 and #3, resolved #4 (with corrective action pending) and was awaiting additional information to resolve #2. In his August 19, 2021 memo to OIG, Goffman reported on OAR's corrective action relative to recommendation #2, on regional workload disparities, explaining that EPA's "primary plan for addressing SIP workload issues is to seek additional FTE [full-time equivalent] for regional air programs through the budget process"; eight new FTE were provided for Region 9 in the FY 2021 Operating Plan; the President's FY 2022 budget includes additional FTE for regional air programs, many of which will go toward efforts to review incoming SIPs and reducing the SIP backlog; "EPA will seek additional resources for the SIP workload as necessary depending on the outcome of the appropriation process"; and "Regions with some available capacity may be able to engage in worksharing with other Regions without available capacity on a temporary basis for more routine SIP submissions." In his response this week, O'Donnell reiterates that OIG's recommendation #2 specifically called on EPA to "develop and implement a plan to address regional workload disparities" and states that "beyond intentions to 'seek' additional resources or statements that worksharing 'may' be possible, your proposed corrective actions do not demonstrate what concrete steps the Agency will actually take to ensure timely action on State Implementation Plan submittals. Accordingly, the corrective actions do not meet the intent of the recommendation. We therefore consider Recommendation 2 unresolved. EPA Manual 2750 requires that recommendations be resolved promptly." For further information: https://www.epa.gov/system/files/documents/2021-09/epaig_21-e-0163_ig_comment_on_response.pdf, https://www.epa.gov/system/files/documents/2021-09/epaig_21-e-0163_agency_response.pdf and <https://www.epa.gov/office-inspector-general/report-epa-has-reduced-its-backlog-state-implementation-plans-submitted>

(8) EPA Extends COVID-Related Onsite Inspection Flexibilities (September 29, 2021) - EPA's Office of Enforcement and Compliance Assurance (OECA) has extended the COVID-related inspection flexibilities that they initiated in April 2021 through December 30, 2021. EPA had originally granted flexibilities to count both off-site and onsite compliance assurance activities in meeting state and local compliance monitoring commitments through September 2021. EPA will require agencies to follow the "Recommended Processes for Adjusting Inspection Commitments Due to the COVID-19 Public Health Emergency" and that partner agencies separately track and document on-site and off-site compliance

monitoring activities. A letter from Larry Starfield, OECA's Acting Assistant Administrator, says that "For State Review Framework reviews performed in federal fiscal year 2021 and beyond, OECA and regional Enforcement and Compliance Assurance Division Directors will work with partner agencies to make necessary adjustments to evaluate commitments" where state and local agencies utilize these flexibilities. For further information: <https://www.4cleanair.org/wp-content/uploads/COVID-19-Inspection-Commitment-Letter-April-7-2021.pdf>

(9) Researchers Find PM Contributed to Nearly Six Million Premature Births Globally in 2019 (September 28, 2021) – In a study published in the journal

PLOS Medicine, a group of researchers report that, globally, in 2019 "[a]mbient and household PM_{2.5} were associated with reduced birth weight and GA [gestational age], which are, in turn, associated with neonatal and infant mortality, particularly in low- and middle-income countries." In the report, the researchers – from the Institute for Global Health Sciences, University of California, San Francisco and Institute for Health Metrics and Evaluation, University of Washington, Seattle – state that global incidence of pre-term birth (PTB) and low birthweight (LBW) could be reduced by nearly 80 percent if air pollution in Southeast Asia and sub-Saharan Africa was minimized; indoor air pollution is common in these regions, where pre-term birth rates are the highest in the world. The researchers also report substantial risks from ambient air pollution in more developed regions of the world. For example, they estimate that in 2019 outdoor air pollution contributed to nearly 12,000 pre-term births in the U.S. Regarding the meaning of their findings, the researchers conclude that 1) LBW and PTB are key risk factors for early life mortality and lifetime morbidity and the impact of PM_{2.5} on these perinatal health outcomes contributes significantly to the overall global burden of disease attributable to air pollution; 2) the attributable burden assessment extends the impact of air pollution beyond diseases primarily affecting older adults; and 3) "[i]mplementation of air quality management and other approaches to reduce PM_{2.5} exposure may lead to large reductions in the global incidence of LBW and PTB infants and the associated disease burden. Mitigation measures even in low-exposure regions will likely manifest in significant improvement in these outcomes because the increase in risk is steeper at lower than in higher exposures, as shown by our risk curves." For further information: <https://journals.plos.org/plosmedicine/article?id=10.1371%2Fjournal.pmed.1003718&source=email>

(10) Study: Our Kids Will Face Far More Climate Hazards Than Our Parents Did (September 26, 2021) – A new study in the journal *Science* has estimated

that under current international Paris climate agreement commitments, people born in 2020 will face a much larger number of weather and climatic hazards than those born in 1960. The paper, "Intergenerational inequities in exposure to climate extremes", was published by 33 researchers from universities in Europe and the United States and says that "extreme events such as heat waves will continue to rise in frequency, intensity, duration, and spatial extent over the next decades". As a result, the paper finds that the average 6-year-old today can expect to face twice as many wildfires, 1.7 times as many tropical cyclones, 3.4 times more river

floods, 2.5 more crop failures and 2.3 times as many droughts as someone born in 1960, as well as 2.8 times the river flooding and just under seven times as many heat waves in their lifetimes. The researchers drew from current international climate policy pledges and climate and demographic models to project how many extreme weather and climate events children today will witness throughout their lifetimes compared to those experienced by previous generations. For further information:

https://www.science.org/doi/10.1126/science.abi7339?_ga=2.156497659.1771106793.1632770629-1419906091.1632770629&

(11) EPA Announces 2022 Clean Air Excellence Awards Competition

(September 24, 2021) – EPA is accepting applications for the 2022 Clean Air Excellence Awards, which recognize outstanding and innovative efforts that support progress in achieving clean air. The awards are open to public and private entities and are limited to efforts related to air quality in the United States. There are five general award categories: 1) Clean Air Technology, 2) Community Action, 3) Education/Outreach, 4) State/Tribal/Local Air Quality Policy Innovations, and 5) Transportation Efficiency Innovations. There are also two special award categories: the Thomas W. Zosel Outstanding Individual Achievement Award, which honors an individual who has shown outstanding achievement, demonstrated leadership and a lasting commitment to promoting clean air and helping to achieve better air quality, and the Gregg Cooke Visionary Program Award, which honors an air quality project that has successfully blended aspects from two or more of the five general award categories. Self-nominations are welcome. All entries must be submitted to EPA electronically or postmarked by November 30, 2021. For further information:

<https://www.govinfo.gov/content/pkg/FR-2021-09-24/pdf/2021-20628.pdf> and <https://www.epa.gov/caaac/clean-air-excellence-awards>

(12) OECA Adds New ECHO Notify Capability, Seeks Input From Users

(September 29, 2021) – EPA OECA has rolled out a new notification service for the Environmental Compliance History Online (ECHO) tool that is currently available for state and local government users. ECHO Notify is a personalized notification service that allows ECHO Gov users to sign up to receive a customizable weekly notification of newly identified notices for various environmental programs. “Users that turn on alerts would not need to continually search ECHO to seek out information about important changes,” EPA said in an announcement of the service. Users can locate ECHO Notify under ECHO’s Search Options in the Cross Program section. Users must be logged in to their ECHO Gov account to access this tool, which is not available to the public yet. (State, local and tribal government employees are eligible to register for an ECHO Gov account.) EPA will launch a public version in 2022, and is inviting comments from agency users of the system until November 30, 2021. For further information:

<https://echo.epa.gov/tools/echo-notify>

(13) EPA Announces Two Separate Funding Opportunities for School Bus

Rebates (September 30, 2021) – EPA announced that it is accepting applications

– until 4 PM Eastern Time on November 5, 2021– for two separate rebate programs for school bus fleets serving public schools. The first, the 2021 American Rescue Plan Electric School Bus Rebates, is a \$7-million program open to eligible school districts and private fleet owners to scrap and replace their old diesel school buses with new electric school buses. Selected applicants will receive a rebate of \$300,000 per bus for up to four replacements. Funding recipients will be selected from among eligible applicants by a lottery process. The second program, the 2021 DERA School Bus Rebate Program, makes roughly \$10 million available for the replacement by eligible entities of old diesel school buses with new electric, propane, compressed natural gas, diesel or gasoline school buses. Rebates of \$20,000 to \$65,000 per bus will be awarded through a lottery process, depending on the fuel type of the replacement bus. EPA will hold a webinar on these two programs on Wednesday, October 6, 2021, at 2 PM Eastern Time, to review the opportunities, eligibility requirements, process and timeline; provide “additional tips”; and answer questions. For further information: <https://www.epa.gov/dera/2021-american-rescue-plan-arp-electric-school-bus-rebates> and <https://www.epa.gov/dera/rebates>

(14) Nebraska and Lane Regional, OR Air Directors Named as NACAA Agriculture Committee Co-Chairs (December 11, 2020) – The NACAA Co-Presidents have selected Shelley Schneider (Nebraska) and Steve Dietrich (Lane Regional, OR) as the new State and Local Co-Chairs, respectively, of the NACAA Agriculture Committee. Shelley is the Permitting and Engineering Division Director of the Nebraska Department of Environment and Energy. She brings a great deal of experience to the position of State Co-Chair, having previously served in that role for many years. Steve is Executive Director of the Lane Regional Air Protection Agency in Springfield, Oregon. The NACAA Agriculture Committee focuses on agricultural sources of air pollution and air quality issues related to animal feeding operations and concentrated animal feeding operations; grain processors; agricultural burning practices (including prescribed fires); and silvicultural practices. NACAA looks forward to Shelley and Steve’s leadership of the Agriculture Committee and is appreciative of their taking on these roles in the association. For further information: <https://www.4cleanair.org/committees/agriculture/>

The Week Ahead

[The Breakthrough Institute conference, "Ecomodernism 2021: Quiet Climate Policy."](#) Salamander Resort & Spa, 500 North Pendleton St., Middleburg, VA. - October 4-5, 2021.

[The Center for Strategic and International Studies virtual discussion, "The U.S. Energy Information Administration's International Energy Outlook 2021."](#) – October 6, 2021

[The American Lung Association and American University's Center for Environmental Policy "Building a Resilient Future: Infrastructure that Protects the](#)

[Health of All Communities from Climate-Fueled Extreme Weather](#) – October 6, 2021

[The Woodwell Climate Research Center virtual lecture: “Tipping Points: Is There a Point of No Return?”](#) – October 6, 2021

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