Policy Resolution 2025-02

Air Quality Protection and Management

A. BACKGROUND

Clean air is essential for strong communities and superior quality of life. Western states' air quality is influenced by many human activities and natural phenomena. To manage air quality, the Clean Air Act (CAA) established a system of cooperative federalism between states and the federal government. The Environmental Protection Agency (EPA) and states as co-regulators need to consider the unique factors in the West that influence air quality management, such as high elevations, extreme variations in topography, vast landscapes, and international emissions transport. Policies from western states have generated significant emissions reductions over the last 50 years since the CAA was passed. However, the remaining types and number of emissions controllable by states are somewhat limited. Only by working together to understand and address air quality challenges in the West will states and federal partners make improvements to air quality.

B. GOVERNORS' POLICY STATEMENT

Co-Regulation

1. Western Governors value cooperative federalism in air quality management and believe its application can and should be improved. In some cases, federal agencies disregard state expertise and authority over air quality and/or do not solicit timely, valuable input from states. Limited availability of financial resources exacerbates these tensions.

2. EPA should recognize state authority under the CAA and accord states sufficient flexibility to create air quality and emissions programs tailored to individual state needs, industries, and economies. In its timely review of state plans, EPA should focus on the circumstances facing the individual state. EPA should not reject reasonable state policy choices based solely on national consistency, fear of being legally challenged, or on concerns that such choices might not be appropriate for all states.

3. Federal agencies should communicate, consult, and engage early and often with Governors and state air quality agencies as co-regulators. EPA should work with states to clarify responsibilities and procedures to improve coordination and consultation among state agencies, EPA, and federal land managers.

4. EPA rules and guidance should be clear, prompt, and supported by best available science and data. EPA should consult with states throughout the drafting process before a potential rule, rule revision, policy or guidance becomes public. EPA should also provide states with timely implementation guidance when new and revised regulations or standards are published.

5. States require certainty and consistency from Congress and EPA to implement their CAA programs. Congress and EPA should prioritize regulations addressing federally regulated

sources, including mobile, aviation, and marine sources. EPA should consult with states to ensure adequate and effective implementation of federal programs relied on by states for their CAA programs.

6. State CAA programs require financial and technical support from EPA and Congress, including performance partnership grants. Federal partners must provide sufficient resources to carry out actions authorized under section 103 and section 105 of the CAA.

7. Under current rules and guidance, states must monitor National Ambient Air Quality Standards (NAAQS) throughout a 20-year maintenance period, even when there is no threat of an exceedance and/or the standard has been superseded by a more stringent or different standard. States should be allowed to reduce monitoring in maintenance areas that have appropriately demonstrated air quality in the area is below the NAAQS. This allowance will free resources to address pollutants that remain a concern.

Ozone and Particulate Matter

8. Uncontrollable events and conditions (such as wildfire, lightning, biogenic and geogenic emissions, stratospheric ozone intrusion, and transported ozone from international and interstate sources) result in elevated levels of particulate matter (PM) and background ozone. Western Governors have significant concerns about the lack of CAA tools available to account for PM and ozone exceedances resulting from factors outside state control.

9. The West needs additional and ongoing research on background, interstate, and international ozone. This research should be transparent, comprehensive, and coordinated with state air quality agencies and regional organizations. With this new information, EPA should reconsider the one percent threshold for significant contribution for interstate ozone transport obligations.

10. Congress should provide dedicated funding for analysis of background and transported ozone in the West, as it has historically done for the eastern United States. Congress should also provide a mechanism for which factors, such as international transport and background that are beyond states' control, are factored out of an ozone attainment determination.

Exceptional Events

11. Exceptional event demonstrations are resource intensive, costly, and place a significant burden on strained state resources, especially when EPA does not accept, review, or approve these state submissions in a timely manner. EPA should consider the resource burden placed on state and local air quality agencies to complete exceptional event demonstrations. Western Governors are encouraged by attempts from EPA to provide CAA demonstrations and tools to demonstrate exceptional events and look forward to continued collaboration with states.

12. EPA should streamline the process for exceptional event demonstrations, provide additional technical assistance, grants, and funding for state personnel, and allocate resources to review state demonstrations regardless of regulatory significance status.

13. Specific guidance and additional EPA resources could help address these challenges. In addition, EPA should develop a database with information on air quality impacts that affect the West (e.g., wildfires, dust storms, volcanic activity, etc.) and provide a clearinghouse with tools that states can use for exceptional event demonstrations.

14. Western Governors believe the states and EPA would benefit from the following approaches to exceptional events demonstrations: (1) aggregation of multiple factors contributing to air quality to prove a single exceptional event exceedance demonstration; (2) regional exceptional event demonstrations; and (3) reference to previously submitted and approved exceptional events demonstrations for repeated event types.

Regional Haze

15. Good visibility in the 122 western Regional Haze Program Class 1 Areas, which include many of the crown jewels of the West's national parks and wilderness areas, positively affects western states' economies. The profound effects of fire and smoke on visibility in Class I areas in the West should be recognized in the Regional Haze Guidance and Rule.

16. Prior to developing a new rulemaking or guidance on regional haze, EPA should provide states with the opportunity to collaborate and maintain transparency between EPA and state decision making and permitting regarding regional haze.

17. While the Regional Haze program has seen great successes in improving visibility in the West, implementing this program continues to be time and resource intensive. EPA should allow states adequate time to complete Regional Haze state implementation plans (SIPs), including extending deadlines if needed.

18. Given the importance of improved visibility in the West, federal partners should provide funding and resources to states throughout the planning and implementation process. This includes funding through the Western Regional Air Partnership that assists states in completing monitoring and analysis.

Wildfire and Prescribed Fire

19. More frequent and intense wildfires are steadily reducing the West's gains in air quality improvement. Smoke from wildfires can cause air quality to exceed the NAAQS for particulate matter and ozone, affecting public health, safety, and transportation. The presence of smoke in western states is increasingly persistent and seasonal in nature, which can further exacerbate public health effects, especially for vulnerable populations.

20. Effective forest management techniques, including mechanical thinning of forests and prescribed fires, can dramatically reduce the size and severity of wildfires and their corresponding effect on air quality.

21. Western Governors support the increased use of prescribed fire, when and where it is safe, to reduce the air quality effects of uncharacteristic wildfire in the West. Federal and state land managers should have the ability to use prescribed fires when local air quality, weather, and site conditions are appropriate and public health is protected.

22. Prescribed fire practices should include smoke management planning coordinated between state land managers, state air agencies, state health departments, EPA, other federal agencies, and federal land managers. State or regional prescribed fire councils can help facilitate this coordination.

23. Western Governors call on EPA and federal land managers to improve existing air quality tools and create additional air quality tools for states to encourage the use of prescribed fire. These should include simplified exceptional events guidance for prescribed fire, and tools to address the air quality effects from wildfire in the West.

24. Western Governors emphasize that fire management and smoke effects cross state lines, and request that EPA work with the U.S. Forest Service, the Bureau of Land Management (BLM), and other public land management agencies to develop a framework for proposing, reviewing, and approving prescribed fire events across interstate, regional areas, and entities.

25. Western Governors encourage EPA, the Centers for Disease Control and Prevention, and other federal public health agencies to continue researching interactions between smoke and public health. Such research will inform western states' efforts to expand the use of prescribed fire as a wildfire mitigation tool. Western Governors appreciate efforts to quantify the effects of wildfire and prescribed fire such as EPA's Comparative Assessment of the Impacts of Prescribed Fire Versus Wildfire (CAIF) and establishing a multi-agency memorandum of understanding on Wildland Fire and Air Quality Coordination.

Methane Emissions

26. Methane is a potent greenhouse gas emitted from a variety of sources, including oil and gas operations, coal mines, landfills, agriculture, wastewater facilities, and natural sources. There are environmental and economic benefits of reducing methane emissions and opportunities for the beneficial use of this natural resource.

27. Many western states – in cooperation with industry in those states – have already implemented regulatory strategies that reduce methane emissions from oil and gas operations, while expanding the use and sale of methane.

28. In any federal methane regulation, federal agencies should: (1) ensure that the capture, commoditization, and sale of methane is supported; (2) give states the flexibility to integrate a variety of technologies and tools to achieve methane emission reduction standards; (3) recognize co-beneficial methane emissions reductions that result from existing state regulation of volatile organic compounds; (4) ensure federal rules are coordinated with states to ensure alignment of federal and state regulatory structures; and (5) work with states to ensure the consistent use of a single, clear method of quantifying methane emissions.

29. In regulating methane emissions, BLM and EPA should adequately consider states' environmental and economic concerns. Consultation between state and federal partners on rules regulating methane emissions is essential to the co-regulator relationship needed to improve air quality for our states.

Hydrofluorocarbon Emissions

30. Hydrofluorocarbons (HFCs) are a category of gases used in refrigeration and industrial applications that have the potential to significantly contribute to climate change. The federal American Innovation and Manufacturing Act of 2020 established federal restrictions on HFC production and consumption and will lead to a significant phasedown by 2036, but more action is needed. Any action taken by federal partners on refrigerant management should include consultation with states to ensure alignment of federal and state regulations.

31. Federal agencies should promote and fund research, development, and deployment of refrigerant alternatives to aid manufacturers, lower costs, and incentivize industry transitions to products compliant with state HFC restrictions. This includes updating federal building codes to safely allow the use of alternative refrigerants.

C. GOVERNORS' MANAGEMENT DIRECTIVE

1. The Governors direct WGA staff to work with congressional committees of jurisdiction, the Executive Branch, and other entities, where appropriate, to achieve the objectives of this resolution.

2. Furthermore, the Governors direct WGA staff to consult with the Staff Advisory Council regarding its efforts to realize the objectives of this resolution and to keep the Governors apprised of its progress in this regard.

This resolution will expire in December 2027. Western Governors enact new policy resolutions and amend existing resolutions on a semiannual basis. Please consult http://www.westgov.org/resolutions for the most current copy of a resolution and a list of all current WGA policy resolutions.