



May 15, 2017

Scott Pruitt, EPA Administrator
United States Environmental Protection Agency Headquarters
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 1101A
Washington, DC 20460

RE: ***Docket ID No. EPA-HQ-OA-2017-0190; Evaluation of Existing Regulations, Executive Order 13777***

Dear Administrator Pruitt:

Under the Clean Air Act Amendments of 1990 (CAA), the primary responsibility of the United States Environmental Protection Agency (EPA) is to provide leadership for the development of cooperative Federal and State programs to control air pollution and protect public health. States are dependent on EPA's leadership to set and implement national standards in a timely manner, address mobile source emissions, and resolve interstate transport of air pollutants to create a national level playing field for air quality.

The President's Executive Order 13777 provides an opportunity to identify the many ineffective and obsolete air quality programs that consume State and Federal agency resources with little air quality benefit. Some specific areas that we recommend for replacement or modification to improve efficiency and air quality outcomes are the following:

- Create a full ozone transport remedy under CAA section 110(a)(2)(D). To date, EPA's partial remedies to air transport under the Clean Air Interstate Rule and Cross-State Air Pollution Rule have imposed significant administrative burdens on many states while leaving many northeastern states, such as Connecticut, continuing to suffer the health impacts of transported air pollutants. EPA should cease current efforts to create yet another partial remedy and completely resolve the transport problem.
- Update the federal aftermarket catalytic converter policy. EPA's current policy for aftermarket catalytic converters¹ does not reflect the significant changes in automotive technologies and vehicle emission standards. An updated policy would reduce emissions of nitrogen oxides (NO_x) from mobile sources significantly, thereby reducing burdens on public health and assisting states in their efforts to comply with federal ozone standards.

¹ Notice of Proposed Enforcement Policy regarding the "Sale and Use of Aftermarket Catalytic Converters," 51 FR 28114 (August 5, 1986).

- Update the federal consumer product and architectural coatings programs. The federal consumer product and architectural coatings programs² are nearly 20 years old and fail to reflect current product ingredients and volatile organic compound (VOC)-reduction potential. Updated programs would yield significant reductions in emissions of VOC, thereby reducing burdens on public health and assisting states to comply with federal ozone standards.
- Issue control technique guidelines as national regulations. EPA's current two-step process of issuing "control technique guidelines" in the form of recommendations for states and then requiring states to adopt the guidelines as regulations so the requirements apply to regulated facilities is inefficient and unfair. States that are slow adopters benefit from the resources saved in not adopting regulations while the transported pollutants harm downwind states. If the guidelines were issued as regulations and applied directly to the regulated facilities, VOC reductions would be achieved more quickly, more uniformly and absent much unnecessary administrative and enforcement action.
- Eliminate the "once in, always in" policy³ for MACT sources located at facilities with *potential* emissions that exceed major source thresholds for hazardous air pollutants. EPA's 1995 policy, still in effect, requires that a facility with *potential* emissions that exceed a major source threshold for hazardous air pollutants to always be subject to a "maximum achievable control technology" (MACT) standard of control and carry the additional burden of obtaining a Title V permit, an expensive and complicated obligation that continues in future years. Even if the facility owner subsequently takes action to reduce the facility's *potential* hazardous air pollutant emissions to a level below the major source threshold, the facility owner still must comply with the MACT standards and maintain a Title V permit. Such a policy discourages pollution prevention efforts and often forces business owners with very small *actual* hazardous pollutant emissions to expend significant resources not consistent with the air emission and health benefits achieved. State and federal regulatory agencies also must expend significant resources on compliance and enforcement efforts for these facilities with small actual emissions, often gaining little in air quality improvement.

Connecticut depends on EPA's leadership to provide healthy air to our citizens. We remain committed to the strong partnership we have forged over the years in our fight for clean air. To that end, we would be happy to provide additional information concerning our recommendations.

Sincerely,



Robert J. Klee
Commissioner

² National Volatile Organic Compound Emission Standards for Consumer Products, 40 CFR 59, Subpart C; and National Volatile Organic Compound Emission Standards for Architectural Coatings, 40 CFR 59, Subpart D.

³ John S. Seitz, *Potential to Emit for MACT Standards – Guidance on Timing Issues*. May 16, 1995