

In Support of Restructuring the Regional Haze Program

1 The Environmental Protection Agency’s (EPA) Regional Haze Program (RHP) was promulgated in 1999
2 to reduce air pollution from fine particulate matter (PM_{2.5}), sulfur dioxide, nitrogen oxides, and volatile
3 organic compounds. The rule focuses on the 156 Class I areas, defined as major national parks and
4 wilderness areas, intending to return them to natural conditions by 2064. States, in coordination with
5 federal land management agencies and EPA, are responsible for developing and implementing state
6 implementation plans (SIPs) to reduce regional haze, improve visibility, and mitigate adverse
7 environmental and human health impacts.

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9 EPA has the authority to develop and promulgate regulations to reduce regional haze under sections 169A
10 and 169B of the Clean Air Act (CAA). Initial attempts to reduce regional haze in the 1980s resulted in
11 few approved SIPs and required EPA to develop and implement federal implementation plans (FIPs) that
12 contained only planning requirements. Section 169B was added to the CAA in 1990 to provide a more
13 comprehensive approach to reducing regional haze, which resulted in the 1999 rule requiring all 50 states,
14 the District of Columbia, and U.S. Virgin Islands to submit a SIP to EPA outlining plans to achieve
15 “reasonable progress” toward improving natural visibility conditions.

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17 States are afforded discretion in selecting planning and control measures, limiting EPA’s role to reviewing
18 SIPs for compliance with federal law. If a state fails to submit a plan or the submitted plan is
19 noncompliant, EPA may impose a FIP that enforces established federal standards, thereby reducing states'
20 flexibility. Evaluation of a SIP revolves around four statutory factors: the cost of compliance, the
21 compliance timeline, energy or environmental impacts, and the remaining useful life of sources.

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23 There have been two planning periods, with a third planning period upcoming. The first planning period,
24 beginning in 1999, was for states and tribes to submit initial SIPs outlining reasonable progress goals and
25 best available retrofit technology (BART) requirements. The second planning period, beginning in 2008,
26 required progress reports and SIP revisions incrementally. The third planning period requires states and
27 tribes to submit SIP revisions, include updates on BART, emissions reductions, and progress metrics, by
28 January 31, 2031. The statute requires states and tribes to submit progress reports on visibility
29 improvements every five years and full SIP revisions every ten years. The deadline for the second
30 planning period was extended to update technical modeling and analysis, address litigation, coordinate
31 with stakeholders, and address changes in guidance on how states set reasonable progress goals.

33 Implementing the RHP continues to face challenges stemming from regulatory ambiguity, shifting EPA
34 guidance, and implementation complexity. States struggle with unclear “reasonable progress” metrics, the
35 role of visibility benefits in control selection, and the scope of four-factor analyses, leading to inconsistent
36 interpretations and costly compliance efforts. Frequent policy changes have undermined regulatory
37 certainty, while prescriptive requirements have eroded the cooperative federalism framework envisioned
38 by Congress. Additionally, the rule fails to adequately account for uncontrollable factors, such as wildfires
39 and international emissions, resulting in unrealistic glide paths and over-control of domestic sources.
40 These issues collectively create inefficiencies, legal disputes, and resource constraints without
41 proportionate visibility improvements.

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43 **NOW, THEREFORE, LET IT BE RESOLVED:** That the American Public Power Association (APPA)
44 supports restructuring the Environmental Protection Agency’s (EPA) Regional Haze Program (RHP)
45 under the Clean Air Act to reduce regulatory burdens and maintain progress toward visibility goals; and

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47 **BE IT FURTHER RESOLVED:** That APPA appreciates EPA’s intent to review and revise RHP
48 regulations to reflect real-world conditions and maintain congressional intent for a federalist approach to
49 maintain visibility standards; and

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51 **BE IT FURTHER RESOLVED:** That APPA supports RHP adjustments that factor in issues related to
52 non-point source pollution, including from wildfires and cross-border pollution.