



FOR IMMEDIATE RELEASE

August 6, 2019

MEDIA ADVISORY

WASHINGTON, D.C. -- On June 5, [EPA Region 4](#) (AL, FL, GA, KY, MS, NC, SC, TN and 6 Tribes) issued a [proposed rule](#) indicating it is considering “adopting an alternative policy regarding startup, shutdown, and malfunction (SSM) exemption provisions” in the [State of North Carolina’s State Implementation Plan](#) (SIP), its plan to meet the National Ambient Air Quality Standards (NAAQS).

Region 4’s proposal would depart from the 2015 national policy relating to such exemptions, which explicitly disapproved of the same proposed SIP provision in North Carolina and 35 other SIPs with similar provisions.

The explanation provided for this exception is thin to the point of non-existence and fails entirely to meet expected standards of reasoned agency decision-making. If finalized by the [Environmental Protection Agency](#) (EPA), this could lead to a substantial increase in unhealthy air pollution and open the door to EPA regions seeking similar exceptions to the national policy.

On August 5, the [Environmental Protection Network](#) (EPN) submitted [comments](#) urging EPA not to finalize approval of this element of the NC SIP because it:

- Fails to explain the reason an alternative interpretation is warranted and, in fact, one is not in this situation;
- Sets a dangerous precedent for casual approval of situations generally alleged to warrant an exception to national consistency;
- Provides neither legal nor technical justification that approval of the North Carolina SIP revision is both protective of public health and consistent with the [Clean Air Act](#) (CAA) as interpreted in EPA’s national rulemakings; and
- Would open the door widely for states seeking virtually any exception to EPA’s national policy on SSM, contrary to the CAA and judicial precedent, and could lead to increased emissions if exceptions are adopted and approved, and unnecessary administrative and legal proceedings when those exceptions are legally challenged.

EPN member Janet McCabe, who co-authored our comments and served as Acting Assistant Administrator in EPA’s Office of Air and Radiation from 2009-2017, is available to discuss EPN Region 4’s proposal and answer your questions. For urgent requests, please text Caren Kagan Evans at (301) 467-6337.

ABOUT THE ENVIRONMENTAL PROTECTION NETWORK

Founded in 2017, the [Environmental Protection Network](#) (EPN) harnesses the expertise of more than 450 former EPA officials, including administrators, scientists, attorneys, economists and environmental justice experts, to provide an informed and rigorous defense against efforts by the Trump administration to undermine EPA’s mission to protect the environment and safeguard public health.

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