



July 9, 2025

Aaron Szabo, Assistant Administrator Nominee
Office of Air and Radiation
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Anticipated Regional Haze Rule Revisions

Dear Mr. Szabo,

The Western States Air Resources Council (WESTAR) is a regional, non-partisan, non-profit association of 15 western state air quality agencies. On behalf of our member agencies, WESTAR submits the following comments regarding anticipated revisions to the Regional Haze Rule (RHR), which the U.S. Environmental Protection Agency (EPA) indicated will be proposed in 2025. You have noted in numerous settings that your office welcomes engagement and input before rules are proposed, and comments offering new ways to interpret the statute are especially welcome. WESTAR appreciates the opportunity to share our perspectives on constructing a new version of the RHR, and offers, as western states, home to over three-fourths of the Class I areas in the nation, several principles for protecting visibility that should be incorporated into the new rule. Like all programs under the Clean Air Act (CAA), the Regional Haze program relies on the states and federal government to work cooperatively to achieve its goals.

Principles for Protecting Visibility:

- Recognize the Value and Diversity of Western Class I Areas:

The Western states are home to 118 of the total 156 National Parks and Wilderness Areas designated for protection under Section 169a of the CAA. We value these lands and the views in them for their environmental, physical and mental health, and economic benefits. It is important to protect these areas, including visibility, for the over 56 million people who visit them each year. Class I areas in the West are topographically, climatologically, and geographically diverse. They are also managed differently due to the varying missions of the land management agencies that oversee them. From primitive, remote wilderness areas where no motorized travel is allowed, to heavily visited national parks with modern amenities, the differences in location, access, and visitor impact are important considerations when it comes to regional haze planning and achieving the statutory goal. State agencies responsible for developing plans, along with input from federal land managers, have specialized expertise in understanding the unique characteristics of Class 1 areas within their jurisdiction.

- Prioritize Continued Operation of the Monitoring Network

The Interagency Monitoring of Protected Visual Environments (IMPROVE) network of air monitors in Class I areas is vital to the Regional Haze Program. Without measurement, it is impossible to determine whether progress in reducing haze is achieved. Established in 1985, the IMPROVE monitors have played an essential and effective part in helping states measure and meet the Regional Haze Program goals. EPA, along with Federal Land Managers (FLMs), must continue to support and build upon the current IMPROVE network to provide more accurate and timely data to states.

- Simplify the Visibility Planning Framework

Planning tools and metrics such as Natural Conditions, Most Impaired Days, and Deciviews, have been used by planners for over two decades. These tools have served us well but are complicated. We support efforts to develop alternate tools and metrics that comport with the statute in a manner that minimizes technical burden, are understandable to both agencies and the public, and are relevant in the context of changing environmental conditions, including the increasing prevalence of wildfire. If EPA does away with current planning tools and metrics it should only undertake this effort in consultation with relevant state and federal agencies and multi-jurisdictional organizations (MJOs) who have spent years implementing this program. Progress in reducing haze can be demonstrated without states having to devote excessive resources to complex technical demonstrations when the overarching goal is to ensure reasonable progress.

Because technical analyses can be costly, time-intensive, and varied, WESTAR recommends that future technical analyses required by the rule revision be undertaken by EPA. For example, national regional haze modeling would remove the burden of photochemical modeling on states and ensures resources aren't wasted on duplicative analyses. National scale analysis can be cost effective. However, we recommend that EPA work with the states and FLMs to incorporate local data and knowledge into regional haze analyses. WESTAR and the other MJOs can help coordinate the work across agencies and regions to make it more efficient.

- Consider Specifics of Each Class 1 Area

The CAA states that the visibility goal is “the prevention of any future, and the remedying of any existing, impairment of visibility in mandatory Class I Federal areas which impairment results from manmade air pollution.” Some Class 1 areas in the West experience significant impacts from natural sources of air pollution (like wildfire smoke and windblown dust) that may not have been adequately represented during the establishment of the natural condition goals. For example, natural conditions in Class I areas in Hawaii do not account for the large emissions of SO₂ from the volcanoes.

Further, wildfire smoke continues to have a significant impact on Class I areas in most of the Western states. Under the current Regional Haze Rule, states are required to complete complex analyses to demonstrate that these impacts should not be considered in assessing reasonable progress. In EPA's future work on the Regional Haze Rule, states need EPA to continue their research and technical analysis to evaluate progress toward the statutory goal in areas significantly impacted by frequent, long-term, high concentrations of wildfire smoke. The regional haze goal for Class I areas, defined in terms of a visibility metric should reflect each area's unique conditions and location. The current rule construct of Natural Conditions ignores these and other environmental factors. EPA should consult

with states to apply their local data and technical expertise in setting the visibility goal using a visibility metric to acknowledge this uniqueness.

- Focus on Areas Where Additional Progress Is Needed:

Visibility in most Class I areas has improved dramatically over the course of the Regional Haze Program. We should acknowledge this progress by reducing the planning burden for areas making progress towards the goal. Class I areas where visibility has not improved should be the focus of continued planning efforts. Areas showing consistent progress toward the goal should not require the level of intensive planning required in the first and second planning periods, and those exceeding the visibility goal should not require further planning if the progress rate is maintained.

- Recognize Visibility Improvement from Other Air Quality Programs

In forming long-term strategies and determining reasonable progress, states should be encouraged to rely first on state and federal emissions control programs that are already in place. A reduction in emissions and subsequent improvement in visibility in a Class I area should not need to come only from within the Regional Haze Program to count towards making reasonable progress. Both federal and state emission reduction programs are important for improving visibility and meeting the statutory goal. These programs, such as attaining a National Ambient Air Quality Standard (NAAQS) or implementing New Source Performance Standards (NSPS) for sources, could be a foundation of states' long-term strategies.

- Determining Reasonable Progress using the Statutory Four Factor Analysis

The CAA requires that state decisions on controls necessary to make continued reasonable progress weigh all four statutory factors of cost, time for compliance, energy and non-air quality impacts, and remaining useful life. This ensures that cost is not exclusively prioritized in the decision-making process. Additionally, four-factor analyses do not require implementing the most stringent emission control requirement, but instead, those that ensure reasonable progress. Sources that have undergone a four-factor analysis in the past are already well controlled for purposes of regional haze and should not be subject to additional four-factor analyses in subsequent planning periods. Likewise, states should be able to consider emissions limits, schedules of compliance, or other measures adopted outside the Regional Haze Program, but relied upon in a state's Long-term Strategy as they determine whether a four-factor analysis is necessary during successive rounds of regional haze planning.

EPA sets emission limits for certain mobile sources such as locomotives, airplanes, and vehicles. Cooperative federalism could be an avenue for EPA to explore while working with states to evaluate potential controls and reduce emissions from these sources under the regional haze framework. In some western states, these sources now represent the largest contributors to visibility impairment, especially where few stationary sources exist or where most major and minor point sources are already well controlled.

With these principles in mind, the WESTAR member agencies would like to share their perspectives on what cooperative federalism means in practice and why it is essential to the success of the Regional Haze Program and all programs under the CAA. WESTAR/WRAP has a long history of working on behalf of states, local, and Tribal air agencies to build partnerships and foster collaborative relationships with EPA. The principles of cooperative federalism are key to maintaining and strengthening these relationships

among co-regulators and in respecting each other's roles in shared environmental governance. It is crucial that agencies have meaningful opportunities to work with EPA on solutions that work for all agencies involved, especially before regulations are proposed and finalized.

In 2024, the Western Governors' Association (WGA) adopted a policy resolution (PR 2024-01)¹ intended to strengthen the state-federal relationship. The following excerpts from PR 2024-01 included below illustrate principles of cooperative federalism that WESTAR/WRAP believes should continue to guide EPA's engagement with state, local, and Tribal partners:

- "Federal agencies do not adequately incorporate state data and expertise into their decisions... Consideration and incorporation of state, tribal, and local data and analysis will result in federal actions that are better-informed, more effectively coordinated... and tailored to the communities they affect." (A.14)
- "Improving state-federal communication and coordination is a goal that transcends party lines, and it is among the Governors' highest priorities. The Governors urge Congress and the Executive Branch to make fundamental changes to realign and improve the state-federal paradigm." (B.2)
- "States are co-sovereigns with the federal government pursuant to the Tenth Amendment of the U.S. Constitution and other federal law. Congress and federal agencies must recognize state sovereignty and must not conflate states with other entities or units of government. States should not be treated as stakeholders or members of the public." (B.3)
- "Federal agencies should utilize state data, expertise, and science in the development of federal actions that affect states." (B.18)

Thank you for your consideration of the Western States' perspectives on regional haze and how to improve the program. We look forward to working with you to improve visibility in the amazing National Parks and Wilderness Areas in the West. Please contact Mary Uhl, WESTAR Executive Director at maryuhl@westar.org to continue working with us.

Sincerely,



Bo Wilkins
Western States Air Resources Council President

¹ Western Governors' Association, *Policy Resolution 2024-01: Strengthening the State-Federal Relationship*, 2024, <https://westgov.org/images/files/WGA-PR-2024-01-State-Federal-Relationship.pdf>