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United States Senate

COMMITTEE ON ENVIRONMENT AND PUBLIC WORKS

WASHINGTON, DC 20510-6175

RICHARD M. RUSSELL, MAJORITY STAFF DIRECTOR
GABRIELLE BATKIN, MINORITY STAFF DIRECTOR

January 9, 2018

The Honorable Scott Pruitt
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460


Dear Administrator Pruitt:

We write to request that you rescind a current EPA policy that disincentivizes air emissions reductions. On November 15, 2017, the Committee held a hearing entitled, "Promoting American Leadership in Reducing Air Emissions Through Innovation." In testimony during that hearing, the so-called "once-in-always-in" policy under the Clean Air Act was identified as a policy that discourages emissions reductions.


The 1995 policy requires a source to comply with stringent emissions standards even if the source later lowers its emissions below the "major source" thresholds that triggered the standards in the first place. In the enclosed submissions to the November 15th hearing record, the National Association of Manufacturers and the American Coatings Association (ACA) highlighted the practical effects of the policy. As ACA explains, "resources spent on compliance could be used instead for [research and development], or modernization activities."

EPA can rescind this policy, which was issued under Section 112 of the Clean Air Act, without any legislative changes. As the Chairmen of the Committee and Subcommittee of jurisdiction over the Clean Air Act, we request that you incentivize additional hazardous air pollutant emissions reductions by promptly withdrawing this policy. If you have additional questions about the Committee's hearing that reviewed this issue, please contact Elizabeth Horner of the Committee's staff at 202-224-6176.

Sincerely,



John Barrasso, M.D.
Chairman



Shelley Moore Capito
Chairman
Subcommittee on Clean Air and
Nuclear Safety

Enclosures