

**Congress of the United States**  
**Washington, DC 20515**

March 15, 2023

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, D.C. 20460

**Re: EPA–HQ–OAR–2021–0742; FRL–8425–02– OAR “Determinations of Attainment by the Attainment Date, Extensions of the Attainment Date, and Reclassification of Areas Classified as Marginal for the 2015 Ozone National Ambient Air Quality Standards,” Federal Register; Vol. 87, No. 194**

Dear Administrator Regan:

We write with strong concerns regarding the Environmental Protection Agency’s (EPA) reclassification of Southwest Michigan counties for the 2015 ozone National Ambient Air Quality Standards (NAAQS). We ask that you use any and all appropriate authorities to delay and reconsider this decision.

As you know, the EPA reclassified Berrien, parts of Muskegon, and parts of Allegan counties from “marginal” to “moderate” after they were determined to have failed to attain the 2015 ozone NAAQS. These areas will now be subject to stricter Clean Air Act (CAA) requirements with the goal of reaching the ozone NAAQS by August 3, 2024. These areas will face more burdensome requirements on permitting as well as implementation of air control technology on certain sources. Additionally, new covered projects will need to obtain a higher ratio of pollution offsets.

The scope and burden of this heavy-handed regulation are not consistent with the reality on the ground in these Southwest Michigan counties. The EPA must recognize that given these counties’ locations, meteorological factors likely brought the pollutants into this region from more major industrial centers like Chicago, IL; Gary, IN; and Milwaukee, WI. Notably, contiguous counties such as Van Buren and Ottawa were not included in this EPA decision. Furthermore, the compliance costs associated with the CAA requirements will improperly impose devastating economic losses on our hardworking communities.

With these issues in mind, we request your prompt response to the following questions regarding the EPA’s determination:

1. Did the EPA take into consideration or study the possibility that ozone pollutants were carried from an out-of-state source into the designated Southwest Michigan counties? If so, explain the results of your study, and if not, explain why not?

2. Did the EPA take into consideration or study the economic impact on the three designated Southwest Michigan counties?
3. Did the State of Michigan provide any evidence in support or against the EPA's determination?
4. What avenues of legal recourse are available for these communities to challenge the EPA's determination?

Southwest Michigan families and businesses have taken sincere steps to improve the quality of their own air and protect the pristineness of the Great Lakes. While we understand the need for air quality standards, this decision impacting our communities is not appropriate. We stand ready to work with your agency to resolve this matter.

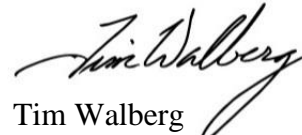
Sincerely,



Bill Huizenga  
Member of Congress



John R. Moolenaar  
Member of Congress



Tim Walberg  
Member of Congress