

Congress of the United States
Washington, DC 20515

August 31, 2023

The Honorable Gretchen Whitmer
Governor of Michigan
111 South Capitol Avenue
Lansing, Michigan 48909

Dear Governor Whitmer:

As members of the Michigan Congressional Delegation, we write regarding the Michigan Department of Environment, Great Lakes, and Energy's (EGLE) proposed update to the ozone State Implementation Plan (SIP) for West Michigan and urge your administration to help relieve our constituents from unnecessary regulation. It is a long-established fact that pollutant transport from upwind states is a primary driver of reduced air quality in West Michigan. Nevertheless, federal threats of new burdensome requirements and the subsequent state-level response inadequately protect Berrien, Allegan, and Muskegon county residents and businesses.


This past fall, the Environmental Protection Agency (EPA) reclassified Berrien, parts of Allegan, and parts of Muskegon counties from "marginal" to "moderate" after they were determined to have not attained the 2015 ozone National Ambient Air Quality Standards (NAAQS). As a result, Michigan is required to revise its SIP to bring these counties back into attainment. Impacted areas will now be subject to stricter requirements such as control technology on emissions sources as well as other control strategies and monitoring that could increase regulatory burdens and costs for our constituents.

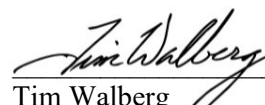
In March 2023, we wrote EPA Administrator Regan with our concerns and requested that the agency reconsider its decision in light of the fact that meteorological factors carried the pollutants into West Michigan from more major industrial centers like Chicago, IL; Gary, IN; and Milwaukee, WI. While the EPA did not change course, the agency explained that the State of Michigan "did not provide public hearing testimony or submit any written comments in response to EPA's proposed determinations." Despite not challenging this determination, EGLE's proposed SIP openly recognizes that "potential transport from other upwind states could obscure and/or eliminate the effectiveness of the emission reductions from Michigan-based emitters and impose additional negative health, environmental, and socioeconomic impacts on currently overburdened and/or vulnerable populations." Furthermore, the draft SIP names "large-scale ozone transport" as the "dominant reason for nonattainment in West Michigan." We encourage EGLE to maintain these key facts in its final SIP.

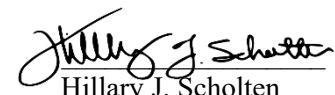
Given the aforementioned statements in EGLE's proposed SIP, it is clear that stricter pollutant control mandates targeted to areas in our districts – where communities and businesses have already made great efforts to do the right thing for the environment – will not achieve the intended effect. Focus should be shifted to the geographic source of the pollutants. We therefore request that your administration do everything in its power to exempt these counties from adverse, new government burdens. We stand ready to work with you to this end and look forward to your response to deliver swift regulatory relief for West Michigan.

Sincerely,


Bill Huizenga
Member of Congress


John R. Moolenaar
Member of Congress


Tim Walberg
Member of Congress


Hillary J. Scholten
Member of Congress

Cc: The Honorable Michael S. Regan, U.S. Environmental Protection Agency