



SIP Transformation
Creating a New Path to Improved Air Quality



House Energy & Commerce Committee Forums on the Clean Air Act

July – November 2012

Briefing Paper on Transforming the SIP Process

The SIP Transformation Workgroup is a group of individuals from across the country dedicated to helping transform the State Implementation Plan (SIP) process into a more efficient, effective, and comprehensive air quality management paradigm.

► Congressional Request:

The SIP Transformation Workgroup requests that Congress update the Clean Air Act to transform the current air quality planning process (the SIP Process) into an air quality management paradigm that aligns responsibility for achieving the national air quality standards with the authority to achieve the standards, and ensures that future control efforts are coordinated, prioritized, and implemented in the most efficient manner considering various pollutant goals.

Problems with the Current Air Quality Planning Process:

► The current Clean Air Act places the primary and ultimate responsibility for achieving the National Ambient Air Quality Standards (NAAQS) on the States through the SIP process—yet the authority to achieve the NAAQS rests primarily now with the federal government (i.e. the ability to address interstate/international pollutant transport and federally preempted mobile sources).

Example - Ozone:

- Approximately **50-75%** of ozone pollution is now naturally occurring or is blowing in from other States or foreign countries that States and local areas cannot control.
- Of the remaining **25%-50%** of potentially locally generated ozone, approximately **50-75%** of this ozone is coming from federally preempted mobile sources that States and local areas are generally prohibited from controlling (e.g. States other than California cannot adopt engine standards).
- That leaves States and local governments with the ability to potentially control approximately **6-25%** of the problem . . . yet States are **100%** responsible for achieving attainment via the SIP process and will be sanctioned if they don't.



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This failed alignment between the authority for achieving the NAAQS and the responsibility for achieving the NAAQS is leading to inefficiencies, delays, and a greater focus on administrative adherence over results-oriented improvements at both the State and Federal levels.

► The SIP process focuses States, local governments, and EPA on addressing air pollution “one pollutant at a time”. The nation is facing concerns over multiple pollutants. Addressing pollutants one at a time in relative isolation to one another is leading to uncoordinated decisions, increased emissions of non-targeted pollutants, and a failure to realize potential synergies from control strategy efforts.

Recommendations to Congress:

The SIP process worked 40 years ago when the Clean Air Act was written, but circumstances have since changed. Our understanding has since changed. The world has since changed. It’s time to develop a more efficient, effective, and less costly air quality management process to guide our nation’s future.

► *Next Steps for House Energy & Commerce Committee to Potentially Consider*

1. Create a Congressional “Expert Proposal System” as suggested in “Breaking the Logjam” – A blue ribbon committee of experts appointed by Congress to recommend CAA wording that transforms the SIP process (see <http://www.breakingthelogjam.org/>).
2. Pass the attached Committee Report Language calling for SIP transformation

Finding of the National Research Council on the SIP Process

*“The SIP process now mandates extensive amounts of local, state, and federal agency time and resources in a **legalistic**, and often **frustrating**, proposal and review process, which focuses primarily on compliance with intermediate process steps. This process probably **discourages innovation** and experimentation at the state and local levels; **overtaxes the limited financial and human resources** available to the nation’s AQM system at the state, local, and federal levels; and **draws attention and resources away from the more germane issue of ensuring progress toward the goal of meeting the NAAQS.**”*

--- National Research Council (“Air Quality Management in the United States”, 2004)



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Committee Report Language on SIP Transformation

Air Quality Planning: Transforming the State Implementation Plan (SIP) Process—

The Committee is concerned that the current air quality planning process under the Clean Air Act cannot efficiently and effectively address the growing relevance of interstate/international pollutant transport, federally preempted mobile sources, and multi-pollutant considerations. The current SIP process places ultimate responsibility for achieving the National Ambient Air Quality Standards (NAAQS) on States—yet the authority to achieve the NAAQS rests primarily now with the Federal government (i.e. the ability to address interstate/international pollutant transport and regulate federally preempted mobile sources). This failed alignment between authority and responsibility is leading to inefficiencies, delays, and a greater focus on administrative adherence over results-oriented improvements at both the State and Federal levels. The SIP process also focuses on addressing air pollution “one pollutant at a time”. The nation is facing concerns over multiple pollutants. Addressing pollutants one at a time in relative isolation to one another can lead to uncoordinated decisions, increased emissions of non-targeted pollutants, and a failure to realize potential synergies from control strategy efforts.

For the above reasons the Committee recommends that Congress transform the SIP process under the Clean Air Act into a comprehensive multi-pollutant air quality paradigm that aligns responsibility for achieving the NAAQS with the authority to execute the actions required to achieve the NAAQS and ensures that future control efforts are coordinated, prioritized, and implemented in the most efficient manner considering various pollutant goals.