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CHAIRWOMAN

COMMITTEE ON ENERGY AND COMMERCE
SUBCOMMITTEES:
HEALTH
ENVIRONMENT AND CLIMATE CHANGE
ENERGY



Congress of the United States
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Washington, DC 20515

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May 4, 2023

President Joe Biden
The White House
1600 Pennsylvania Avenue
Washington, D.C. 20500

Administrator Michael Regan
U.S. Environmental Protection Agency

RE: Protect Fenceline Communities, End Free Passes to Pollute and Close All Startup, Shutdown, and Malfunction Loopholes

Dear Mr. President and Administrator Regan:

We write to urge the Environmental Protection Agency to swiftly close all startup, shutdown, and malfunction (SSM) loopholes that exist across regulations implementing the Clean Air Act. For decades, illegal SSM loopholes have allowed industrial facilities in communities across our country to release massive amounts of deadly air pollution with no consequences or accountability. EPA must take action to correct these environmental injustices and close these loopholes once and for all so fenceline communities can finally begin to breathe clean air.


The Clean Air Act is meant to protect air quality at all times and was never intended to shield polluters from accountability during periods of startup, shutdown, or malfunction. The courts have found SSM loopholes to be unlawful on multiple occasions, yet these dangerous loopholes persist throughout state implementation plans (SIPs), Title V operating permits, new and existing source performance standards, and emissions standards for hazardous air pollutants.

These loopholes allow industry polluters to release massive amounts of dangerous air pollutants—including soot, benzene, cyclohexane, dioxins, ethylene oxide, formaldehyde, acid gases, chloroprene and many more—into primarily communities of color and low-income communities on the fenceline. Unpermitted emissions releases from these events—which range from days to week—can sometimes exceed a facility's annual emissions allowances. The health impacts are devastating, especially to children and the elderly, and cumulative impacts of these exposures put

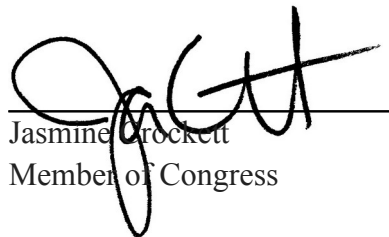
communities at higher risk for cancer, respiratory ailments, birth defects, and myriad other health risks. SSM pollution spikes are rarely monitored or reported, and communities may have no idea until after an event that they were exposed to harmful emissions.


EPA has made important progress on closing these loopholes, but dozens still exist and decisive action, through a consolidated rulemaking, is needed to swiftly close all remaining loopholes to protect people and meet the commitments made to environmental justice communities. Ending these loopholes will protect public health, put people over profits, and begin to deliver the clean air that communities deserve.

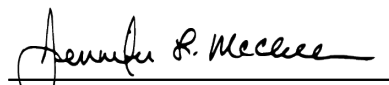
Sincerely,

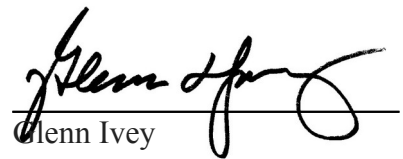

Nanette Diaz Barragan
Member of Congress


Sheila Jackson Lee
Member of Congress


Jasmine Crockett
Member of Congress


Eleanor Holmes Norton
Member of Congress


Jennifer L. McClellan
Member of Congress


Glenn Ivey
Member of Congress

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Handwritten signature of Raúl M. Grijalva in blue ink.

Raúl M. Grijalva
Member of Congress

Handwritten signature of Rashida Tlaib in blue ink.

Rashida Tlaib
Member of Congress

Handwritten signature of Greg Casar in blue ink.

Greg Casar
Member of Congress

Handwritten signature of Barbara Lee in blue ink.

Barbara Lee
Member of Congress

Handwritten signature of Earl Blumenauer in blue ink.

Earl Blumenauer
Member of Congress

Handwritten signature of Adriano Espaillat in blue ink.

Adriano Espaillat
Member of Congress



James P. McGovern
Member of Congress



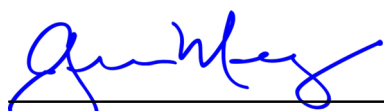
Summer Lee
Member of Congress



Veronica Escobar
Member of Congress



Darren Soto
Member of Congress



Grace Meng
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Jared Huffman
Member of Congress



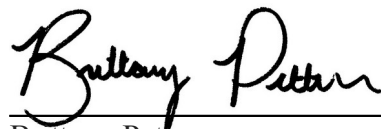
Yvette D. Clarke
Member of Congress



Frederica S. Wilson
Member of Congress



Robert Garcia
Member of Congress



Brittany Pettersen
Member of Congress

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Handwritten signature of Edward J. Markey in blue ink.

Edward J. Markey
United States Senator

Handwritten signature of Adam B. Schiff in blue ink.

Adam B. Schiff
Member of Congress

Handwritten signature of Robert C. 'Bobby' Scott in blue ink.

Robert C. "Bobby" Scott
Member of Congress

