

June 1, 2026

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
William J. Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: Comments on EPA’s Proposed Rule, “Utah; Northern Wasatch Front; 2015 8 Hour Ozone National Ambient Air Quality Standards; Reconsideration and Repeal of Finding of Failure To Attain and Reclassification to a Serious Nonattainment Area; Determination of Attainment by the Moderate Attainment Date But for International Emissions” (Docket #: EPA-R08-OAR-2024-0552)

Dear Administrator Zeldin:

The American Lung Association strongly opposes EPA’s proposed repeal of its prior finding - that the Northern Wasatch Front, UT, failed to attain the 2015 ozone National Ambient Air Quality Standard (NAAQS) and its consequent bump-up from Moderate to Serious nonattainment class – and EPA’s proposed determination that the area would have attained the NAAQS “but for” international emissions under Clean Air Act (CAA) Section 179B.^[1] The proposal is inconsistent with Clean Air Act’s NAAQS implementation requirements and control-based attainment framework. It overrides EPA’s own recent findings on the available and feasible ozone precursor emission reductions from Utah’s own sources and would result in continued, preventable emissions, at odds with EPA’s mission to protect public health and welfare.

The proposal fails to protect populations at risk as required by CAA Section 109

Ground-level ozone is a harmful gaseous pollutant that is generated from chemical reactions between its precursors - nitrogen oxides (NOx) and volatile organic compounds (VOCs) - in the presence of sunlight. Ozone inhalation causes serious respiratory harm and cardiovascular distress. Increased exposure to ozone increases risk of lung infections, worsened asthma symptoms, wheezing, heart attacks and strokes, increased emergency-room visits, preterm or low birth weight and even premature death. The 2015 ozone NAAQS was promulgated to protect the health of all populations, including the vulnerable and sensitive subpopulations, from ozone exposure. Children, seniors and people living with existing respiratory and cardiovascular health challenges are among those most vulnerable to the harmful impacts of chronic and acute ozone exposure.¹

The Northern Wasatch Front (NWF) ozone nonattainment area (NAA) includes all of Salt Lake and Davis counties, the west side of Weber county, and part of Tooele county, reflecting the shared airshed and emissions patterns of Utah’s primary urban corridor.² The NWF NAA counties have a long history of poor air quality and received an F grade

¹ [Ozone | American Lung Association](#)

² Utah Division of Air Quality (02/27/2023). [Supporting Documentation - Request for Adjustment of the Northern Wasatch Front Nonattainment Area Boundary for the 2015 8-hour Ozone National Ambient Air Quality Standard](#)

for ozone pollution in the American Lung Association’s most recent 2026 “State of the Air” report.³

The demographic profile of the NWF area shows that it is Utah’s primary population and exposure center, with hundreds of thousands of individuals who are more susceptible to ozone pollution. The NWF area accounts for more than half of Utah’s population and consequently the majority of Utah’s vulnerable population.⁴ The NWF counties have ~1.96 million residents including ~496,000 children (1 in 4 in the state), ~222,000 individuals with asthma (adult + pediatric), ~94,000 individuals with cardiovascular disease, and ~161,000 individuals living below the poverty line. There are >79,000 65+ adults living in Weber and Davis counties alone, with substantially more across the entire NWF. Within the two counties that are entirely within the NWF NAA, Salt Lake county has 106,200 (8.7%) adults with asthma, 59,795 (4.9%) individuals with cardiovascular disease and 110,632 (9.1%) individuals living below the poverty line. Davis county includes 31,034 (8.2%) adults with asthma and 17,499 (4.6%) individuals with cardiovascular disease. The NAA portions of Weber and Tooele counties contribute substantial additional at-risk populations, including tens of thousands of individuals with asthma and other ozone-sensitive conditions. The vulnerabilities of these at-risk subpopulations tend to overlap so that these cumulative risks increase the severity of health impacts of ozone exposure.

The urgency of timely attainment of ozone NAAQS cannot therefore be overstated. Failure to ensure attainment in this area disproportionately harms the very populations the Clean Air Act intended to protect under Section 109 (which states that the NAAQS must protect sensitive populations with an adequate margin of safety).

The proposal directly conflicts with the CAA’s controls-based attainment framework

The Clean Air Act establishes a cooperative federalism structure in which EPA sets health-based standards (the NAAQS) and states implement enforceable emissions reductions to attain them. The Act establishes a clear structure for ozone implementation: states must adopt state implementation plans (SIPs) that provide for attainment and maintenance of the NAAQS, and areas that fail to attain by the applicable deadline are subject to mandatory reclassification and strengthened control requirements to ensure expeditious attainment to protect public health (CAA Sections 107(d), 181(a), 182)) EPA previously determined that the NWF failed to attain the 2015 ozone NAAQS by its Moderate-area deadline, which was six years following classification. That determination triggered mandatory Serious-area obligations under CAA Section 182: failure to attain NAAQS requires strengthened emission controls, including more stringent NOx and VOC controls.

The current proposal would nullify those statutory consequences without requiring such controls, contrary to the Act’s escalating structure designed to achieve attainment.

³ American Lung Association, 2026. [State of the Air | Utah](#)

⁴ Statewide, Utah’s population demographics include 933,629 (26.6%) children, 295,668 (8.4%) adults with asthma, 166,899 (4.8%) individuals with cardiovascular disease, 302,677 (8.6%) individuals in poverty [deq.utah.gov]

EPA's reliance on Section 179B would avoid those controls, despite the presence of large vulnerable populations and achievable domestic reductions.

EPA wrongfully applies CAA Section 179B by using a counterfactual that excludes available domestic reductions

CAA Section 179B(b) allows EPA to forego mandatory reclassification only where the record demonstrates that an area would have attained the NAAQS by the applicable date but for emissions originating from outside the United States. A Section 179B determination is a narrow, evidence-based, limited statutory relief mechanism designed for extraordinary circumstances, not a general escape from escalation when domestic sources remain significant contributors.

In its proposal, EPA concedes that local mobile, area and stationary sources contribute substantially to ozone formation in the NWF NAA. Nevertheless, the agency concludes that international transport and wildfire smoke were determinative for the 2024 attainment outcome. Utah has numerous large NO_x emission sources, including several located in the NWF counties such as coal-fired power plants, oil refineries and waste incinerators (see attached document - "Utah_NO_xEmissionSources_NEI_2020.xlsx"). Emissions from such local sources are available domestic reductions which Utah needs to implement first before considering long distance transport as the cause of NWF nonattainment issues. The proposal does not clearly establish that full implementation of available domestic controls, beyond those in place for a Moderate area, could not have materially lowered peak design values and enable attainment of the 2015 ozone NAAQS. Available options - such as tighter controls on stationary sources, more stringent mobile-source programs, expanded inspection and maintenance, or earlier adoption of advanced emission standards - were not analyzed in a manner sufficient to show they would have been ineffective by the Moderate attainment date. The absence of this analysis undermines the statutory requirement of a "but-for" showing.

This proposal would nullify those statutory consequences; if finalized, Utah would not require stricter additional controls on NO_x emission sources and would delay implementation of additional NO_x and VOC reductions that are mandated by the CAA for nonattainment areas that miss their deadlines. This action prolongs harmful ozone exposure in a densely populated region.

EPA's own analyses in its Good Neighbor Plan demonstrate significant additional NO_x reductions available from Utah's own sources

EPA's 2023 Good Neighbor Plan (GNP) directly contradicts the assumptions underlying this proposal. In 2023, after determining that ozone transport SIPs of several states including Utah's were inadequate in controlling their ozone precursor emissions, EPA promulgated a federal implementation plan (FIP) - called the Good Neighbor Plan - to address interstate ozone transport.⁵ In its GNP analyses, EPA identified readily available cost-effective controls for several major stationary sources in Utah capable of achieving significant additional near-term NO_x reductions. The GNP required NO_x reductions from UT's power plants and major industrial sectors including cement, steel, refining and others with projected substantial NO_x reductions (on the order of ~70%

⁵ EPA. (March, 2023). [Final Good Neighbor Rule Fact Sheet_0.pdf](#)

from power sector sources) using immediately available measures and cost-effective controls, with further declines over time.⁶

The Good Neighbor Plan clearly established that Utah is far from realizing all feasible emission reductions necessary for attainment. EPA cannot reasonably conclude both that such reductions are necessary (in the GNP) and that the NWF would have attained without them (in this current proposal). This inconsistency and failure to reconcile the two determinations renders the 179B determination arbitrary and capricious.

Background ozone evidence does not support the attainment determination

The use of modeled background and international ozone contributions is not applicable in this instance. Background ozone sets a floor and not attainment outcomes. The scientific record shows that background ozone is highest in spring, associated with stratospheric intrusions. During summer, when design values are set, background influence is lower and a clear gap exists between background and observed levels. That gap reflects anthropogenic emissions, which drive exceedances. Thus, exceedances occur in the controllable increment above background, where domestic NO_x reductions are most effective. EPA-supported analyses further demonstrate that anthropogenic contributions are largest at higher ozone levels and substantial reductions are achievable in that range. EPA is therefore proposing to treat background ozone as outcome-determinative instead of recognizing that attainment depends on reducing the anthropogenic increment above that baseline.

In this proposal, EPA combines elevated background assumptions and a domestic baseline that omits feasible controls identified in the GNP to create a counterfactual that systematically overstates uncontrollable sources and understates achievable reductions. This is not a correct application of CAA Section 179B.

EPA's reliance on wildfires and transport does not justify avoiding required controls

EPA also relies on wildfire smoke and transported pollution to support its proposal. However, the CAA already provides mechanisms for excluding qualifying exceptional events, and these mechanisms do not eliminate attainment obligations. CAA Sections 110(a)(2)(D) and 182 account for both local and transported sources in an area's ozone problems and thus require layered emission controls, not regulatory relief. EPA's proposal improperly converts contributing factors into a basis for not following statutory requirements.

Mobile, industrial, power generation, and other domestic sources are substantial contributors to the NWF's ozone burden. There are clearly additional measures available to further control these sources, as has been demonstrated in surrounding states, including adoption of low-emission vehicle standards, broader and more stringent inspection and maintenance programs for light, medium and heavy-duty vehicles, incentive programs and others. Due to ongoing pollution burdens, EPA must

⁶ EPA. (June 5, 2023). [Federal "Good Neighbor Plan" for the 2015 Ozone National Ambient Air Quality Standards](#)

ensure UT continues to evaluate and implement options that result in continued health-protective emission reduction requirements as the region grows.

Conclusion

EPA has not demonstrated, on a transparent and technically robust record, that the Northern Wasatch Front would have attained the 2015 ozone NAAQS by August 3, 2024 but for international emissions. The agency has not presented a defensible and peer-reviewed assessment (including modeling and monitoring) to clearly demonstrate the proportion of foreign vs. domestic emission sources that are contributing to the area's ozone burden. It also does not take into account the scientific evidence demonstrating that anthropogenic emissions drive exceedances above background levels. The Clean Air Act requires strengthened controls where attainment deadlines are missed, and neither Section 179B nor the scientific record supports avoiding those obligations in this case. Therefore, the agency lacks a defensible basis to support its proposal.

EPA should withdraw the proposed determination, reinstate its December 9, 2024 determination that the Northern Wasatch Front failed to attain the 2015 ozone NAAQS and allow the statutorily required reclassification to Serious nonattainment to proceed. EPA must also reinstate and clarify its 2020 Guidance on Section 179B demonstrations, establishing rigorous standards to prevent unwarranted exemptions based on international transport. Further, EPA must require stronger controls and revised SIP submissions to comply with Clean Air Act deadlines for submissions and implementations. EPA must also ensure robust monitoring, enforcement and community involvement in any effort that seeks to evaluate international contributions. All of these actions are necessary to maintain the integrity of the Clean Air Act's attainment framework and to ensure continued progress toward ozone reductions needed to protect public health in the Northern Wasatch Front nonattainment area.

The Clean Air Act exists to protect public health. EPA must faithfully implement the Act's mandate to require achievable emission reductions necessary to protect the health of the millions of Americans living in nonattainment areas.

Attachments

[American Lung Association - 2026 State of the Air Report](#)

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