
November 28, 2017

William Wehrum
Assistant Administrator
U.S. Environmental Protection Agency
Office of Air and Radiation (6103A)
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Assistant Administrator Wehrum:

On behalf of Western Governors, I am writing to congratulate you on your appointment to serve as the Assistant Administrator for the Office of Air and Radiation (OAR) at the Environmental Protection Agency (EPA). We look forward to working with you to address air quality, energy efficiency, and radiation protection needs in the United States.

The Western Governors' Association (WGA) represents the Governors of 19 western states and three U.S. territories in the Pacific Ocean and is an instrument of the Governors for bipartisan policy development, information exchange, and collective action on issues of critical importance to the West. Western Governors have adopted substantive policies regarding activities within EPA's jurisdiction. The purpose of this communication is to introduce you to those policies and to encourage a close and productive working relationship between Western Governors and OAR.

States have the authority to manage natural resources within their borders under several environmental statutes. States also have knowledge, data, and expertise that should be taken into account in EPA's decision-making processes. Western states are eager to work as authentic partners in the design and execution of programs and policies that affect state resources and implicate state authority.

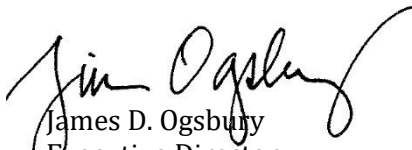
The attachment to this letter summarizes gubernatorial priorities within OAR's jurisdiction; highlights examples of successful collaboration; and identifies areas in which Western Governors hope to work more closely with EPA. Among other things, this attachment addresses: consultation between EPA and states, western considerations regarding the ground level ozone National Ambient Air Quality Standards (NAAQS), and the revision of the Clean Air Act Exceptional Events Rule. Lastly, it acknowledges EPA's recent actions on these issues.

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As you review and consider this information, please remember that Western Governors represent valuable resources with respect to these and other issues and should be consulted throughout EPA's administrative processes. As stated in WGA Policy Resolution [2017-01](#), *Building a Stronger State-Federal Relationship*: "Each executive department and agency should have a clear and accountable process to provide states with early, meaningful and substantive input in the development of regulatory policies." Such consultation should commence immediately, both with respect to EPA policies under review and those under development.

With best wishes for success, I am

Respectfully,



James D. Ogsbury
Executive Director

Attachment



EPA Office of Air and Radiation: Opportunities for Realigning the State-Federal Relationship

This document contains the Western Governors’ process improvement recommendations for the Office of Air and Radiation, and cross-references those recommendations to WGA policy resolutions and related documents.

Description of Reform	Nexus to Governors' Policy	Recent EPA Actions
<p>Seek mandatory use of state data and expertise, subject to existing state requirements for data protection and transparency.</p> <p>Use of state science should be a predicate for rulemaking decisions.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>Appropriations Testimony, FY 2015, 2016, 2017 and 2018</p>	
<p>Enhance state representation on the Science Advisory Board (SAB), as well as on its standing and <i>ad hoc</i> committees. State representation should constitute no less than 10% of the membership of SAB committees, subcommittees, and subject matter panels.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>Appropriations Testimony, FY 2015</p>	<p>EPA Directive: Strengthening and Improving Membership on EPA Federal Advisory Committees directs EPA to increase state, tribal, and local government participation on federal advisory committees and states: “In the spirit of cooperative federalism and recognition of the unique experience of state, tribal, and local government officials, committee balance should reflect prominent participation from state, tribal, and local governments.” The Directive’s accompanying Memorandum also notes that EPA should “seek the expertise and unique perspectives of public servants at all levels of government across the country” instead of relying solely “on the opinions of federal officials in Washington, D.C.”</p>

Description of Reform	Nexus to Governors' Policy	Recent EPA Actions
<p>Recognize state authority under the Clean Air Act.</p> <p>Ensure that newly promulgated rules are drafted and issued, where appropriate, in coordination with existing regulations, considering elements and requirements common to both.</p> <p>Provide states and local entities with adequate support and technical assistance to help them comply with regulations promulgated under the Clean Air Act.</p> <p>Collaborate with states to identify priority areas and focus on programs that provide the greatest benefit to air quality.</p> <p>Adhere closely to the timelines established in the Clean Air Act.</p> <p>Recognize and account for unique circumstances of individual states. Avoid one-size-fits-all rulemakings (exceptional events and ozone examples).</p> <p>Complete and publish timely guidance for state use in the implementation of the 2015 National Ambient Air Quality Standards for ground-level ozone.</p> <p>Avoid duplication of state programs. Permit states to create programs tailored to individual state needs, industries, and economies. Engage states as co-regulators (e.g. with respect to methane emissions).</p> <p>Provide timely implementation guidance when new and revised regulations are published.</p> <p>In any methane regulation, ensure that the capture, commoditization and sale of methane is promoted and that states remain empowered to create programs tailored to individual state needs, industries, and economies.</p>	<p>WGA Policy Resolution 2017-01, Building a Stronger State-Federal Relationship</p> <p>WGA Policy Resolution 2015-02, Methane Emissions Regulation</p> <p>Appropriations Testimony, FY 2017 and 2018</p> <p>Letter: Regarding CAA Final Exceptional Events Language</p> <p>Letter: Concern Over Pending Revision to Exceptional Events Rule, Given Reduced Ground-Level Ozone NAAQS</p> <p>Comments: Proposed Reduction to Ground-Level Ozone NAAQS</p>	<p>EPA Draft 2018-2022 Strategic Plan states that EPA will: (1) work with states to accurately measure air quality and ensure that more Americans are living and working in areas that meet high air quality standards; (2) reduce non-attainment areas; (3) improve efficiency and effectiveness of SIP process, including EPA review process; (4) provide grants and technical assistance to state, local, and tribal air pollution control agencies; and (5) engage in forums to address stratospheric ozone depletion.</p> <p>EPA EO 13783 Energy Burdens Report notes that EPA has formed the Ozone Compliance Task Force, which is reviewing administrative options to enable states to enter into cooperative agreements with EPA to provide regulatory relief and meaningfully improve ozone air quality. It also describes plans to streamline SIP approvals through a nationally consistent process that includes setting performance targets, better monitor progress on SIP reviews, and eliminate the SIP backlog.</p> <p>EPA delayed the implementation of the 2015 NAAQS for one year, but withdrew its extension. On November 6, EPA designated 2,646 of 3,100 counties as in Attainment/Unclassifiable for the 2015 NAAQS. These areas will not have additional compliance burdens pursuant to the 2015 NAAQS.</p> <p>EPA proposed a two-year stay of certain requirements in its final rule “Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources,” which was overturned by the U.S. Court of Appeals for the District of Columbia. EPA has sought additional comments on its three-month and two-year stays of the rule, including comments on whether to amend the rule to extend the deadlines.</p>