



**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3605**

July 14, 2022

Administrator Michael Regan  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Administrator Regan,

We write to express our concern regarding the U.S. Environmental Protection Agency's (EPA) recent announcement it is considering a discretionary re-designation in the Permian Basin for the 2015 ozone National Ambient Air Quality Standards (NAAQS). **This proposal, if finalized, would impose new regulatory burdens on the U.S. oil and natural gas industry, which will only worsen inflationary pressures and high energy prices for consumers.** We are concerned EPA is attempting to indirectly regulate the production of oil and gas on private lands using backdoor rulemaking.

As you know, the Permian Basin is the driver of American oil and natural gas production, accounting for over 40 percent of our oil production and 15 percent of our natural gas production. A non-attainment designation would significantly burden producers in the Permian, slowing production and reducing supply from the largest secure source of energy in the world. This region serves as a key geopolitical tool for the United States and our allies, and it is inconceivable that the EPA would attempt to limit production when American consumers and families are facing record high energy prices.

A non-attainment designation will have considerable negative local impacts that cannot be understated. In rural America, the energy industry generates high-paying jobs for working families and is the driver of the Texas and New Mexico economies. Additionally, the industry annually contributes over \$20 billion to our state and local coffers to fund public education, emergency responders, hospitals, conservation projects, and more. If the EPA finalizes this re-designation, many rural communities will face substantial economic hardship.

Due to the time sensitive nature of this proposal, we request a response to the following questions by July 29, 2022:

- As of June 30<sup>th</sup>, 2022, the EPA had not notified the Texas Commission of Environmental Quality (TCEQ) and/or the New Mexico Environment Department (NMED), the environmental agencies for our respective states, of the proposed non-attainment re-designation. Please explain why neither agency was notified prior or within proximity of the publication.
- It has been reported that the WildEarth Guardians formally petitioned the EPA for the non-attainment designation in March 2021 and roughly six months later, warned the agency it

intended to sue to force action. Which critical stakeholder groups, including local healthcare providers and economists, provided input regarding the necessity and impacts of a non-attainment re-designation?

- Please identify which specific counties or areas in the Permian Basin are being considered for redesignation for the 2015 ozone NAAQS by the agency?
- Has the EPA received data or evidence warranting a redesignation of Texas counties or areas in the Permian Basin for the 2015 ozone NAAQS? If so, what is that data or evidence?
- Has the EPA received data or evidence demonstrating ground-level ozone above 0.070 ppb in Texas counties within the Permian Basin production area? If so, what is that data or evidence?

The Permian Basin is proud of our environmental record – our producers have led the world in emissions reduction, innovation, and sustainable practices. Permian Basin producers continue to reduce emissions of ozone precursors while increasing energy production. In fact, methane emissions intensity in the Permian dropped nearly 70 percent between 2011 and 2020 even as oil and natural gas production in the region rose by over 320 percent. Air quality also continues to improve nationwide. Since 1990, ozone concentrations have decreased by 25 percent, and emissions of ozone precursors, like volatile organic compounds and nitrogen oxides, have dropped by 47 percent and 65 percent. While special interest groups offer empty rhetoric, the Permian Basin is providing ever cleaner, abundant energy to American families across the country.

This issue is of critical importance not only to Permian Basin communities, but to all American consumers who rely on an affordable, abundant, and reliable supply of oil and natural gas. We look forward to your response.

Sincerely,



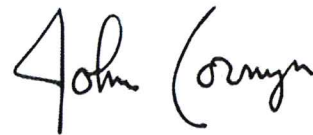
August Pfluger  
Member of Congress



Ted Cruz  
United States Senator



Jodey C. Arrington  
Member of Congress



John Cornyn  
United States Senator



Yvette Herrell  
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Kevin Brady  
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