

# STATE OF KANSAS



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**GOVERNOR LAURA KELLY**

January 31, 2024

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20502-0001

**Re: Reconsideration of the National Ambient Air Quality Standards for Fine Particulate Matter**

Dear Mr. President:

As Governor of Kansas, I believe protecting public health and air quality to be of utmost importance. I also recognize that it can be challenging to maintain a balance between protecting public health and the environment while promoting industry that provides critical goods and services. However, public health, environmental conservation, and job creation and retention do not have to be mutually exclusive.

The United States Environmental Protection Agency (EPA) had solicited comments on its proposed Reconsideration of the National Ambient Air Quality Standard (NAAQS) for Fine Particulate Matter. At this time, I would ask you to consider retaining the current Fine Particulate Matter (PM) NAAQS. In 2016, there was a proposal to lower the ozone NAAQS standard. The Clean Air Scientific Advisory Committee (CASAC) proposed the lower standard, just like the impending PM standard. The decision of the EPA at that time was to retain the existing ozone standard. Kansas agrees the existing standard is protective of human health and the environment.

The EPA's current proposal covers a range of standards from 9.0  $\mu\text{g}/\text{m}^3$  to 10.0  $\mu\text{g}/\text{m}^3$ . Using a range of proposed standards made it extremely difficult for Kansas to evaluate its ability to implement a new standard and assess any change's potential negative socioeconomic consequences. Kansas believes that the current proposed rulemaking should have identified a single standard for the stakeholders to analyze and comment on. In addition, although particulate matter in the air is a recognized health concern for our citizens, a sharp reduction in the standard without a sufficient glide path or compliance window for regulatory agencies and affected industries may result in significant implementation challenges and a negative impact on industry and future job growth in our state.

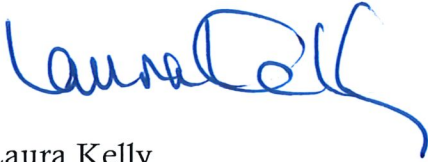
The most reasonable approach is a gradual step-down of the standard to balance safeguarding public health and preserving manufacturing operations that provide jobs for Kansas' workforce. This balance could be achieved through a progressive lowering of the standard, which EPA has historically used in prior NAAQS reconsiderations under the Clean Air Act.

Letter to The Honorable Joseph R. Biden, Jr.  
President of the United States  
Re: Reconsideration of the National Ambient Air Quality Standards  
for Fine Particulate Matter  
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On behalf of Kansas's citizens, I ask that the White House, in concert with the EPA, withdraw the current rulemaking and allow the current standard for Fine Particulate Matter to remain in place. If the EPA wants to propose a singular standard for consideration in the future, this will allow regulatory agencies, the public, and industry an opportunity to provide meaningful comments and begin to plan to comply with the proposal.

Your consideration of this matter and its impact on all citizens of Kansas and the United States is greatly appreciated.

Respectfully,

A handwritten signature in blue ink, appearing to read "Laura Kelly", with a stylized flourish at the end.

Laura Kelly  
Governor of Kansas

cc: Michael S. Regan, US EPA Administrator  
Janet Stanek, KDHE Secretary



COMMONWEALTH OF KENTUCKY  
OFFICE OF THE GOVERNOR

Andy Beshear  
GOVERNOR

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December 15, 2023

The Honorable Joseph R. Biden, Jr.  
President of the United States  
The White House  
1600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20502-0001

**Re: Reconsideration of the National Ambient Air Quality Standards for Fine Particulate Matter**

Dear Mr. President:

As Governor of the Commonwealth of Kentucky, protecting the state's public health and air quality in the state is of crucial importance to me. I also recognize that it is often difficult to strike the correct balance between protecting public health and the environment and promoting long-term manufacturing that provides critical goods and services. However, public health, environmental conservation, and job creation and retention do not have to be mutually exclusive.

The United States Environmental Protection Agency (EPA) has solicited comments on its proposed Reconsideration of the National Ambient Air Quality Standards (NAAQS) for Fine Particulate Matter. The EPA's proposal is for a broad range of standards from 8.0  $\mu\text{g}/\text{m}^3$  to 11.0  $\mu\text{g}/\text{m}^3$ . The use of a range of proposed standards makes it extremely difficult to evaluate the Commonwealth's ability to implement a new standard and assess potential negative socioeconomic consequences resulting from any change. The proposed rulemaking should identify a single standard for the stakeholders to analyze and comment on. Further, although particulate matter in the air is a recognized public health concern, a sharp reduction in the standard without a sufficient glide path or compliance window for regulatory agencies and affected industries may result in significant implementation challenges and a negative impact on future job growth.

To the extent that it is supported by peer-reviewed clinical evidence, the most reasonable approach is a gradual step-down of the standard that balances the need to safeguard public health and the need to preserve manufacturing operations that provide jobs for our workforce. This is especially relevant given the uncertainties and restrictions stated by the EPA in its Proposed Rule, particularly in terms of technical implementation considerations. This balance is achieved through a progressive ratcheting down of the standard, which the EPA has historically used in prior NAAQS reconsiderations under the Clean Air Act.

I ask that the EPA consider these concerns, withdraw the current rulemaking, and propose a singular standard for consideration. The proposal of one standard, instead of a broad range of possible standards, will allow regulatory agencies, the public, and industry an opportunity to provide meaningful comment and begin to plan to comply with the proposal.

Sincerely,

A handwritten signature in blue ink, reading "Andy Beshear". The signature is fluid and cursive, with the first name "Andy" and last name "Beshear" clearly distinguishable.

Andy Beshear  
Governor