
June 5, 2018

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

Dear Assistant Administrator Wehrum:

Thank you for your thoughtful response to Western Governors' February 12 [letter](#) on air quality policy and the efforts of the Environmental Protection Agency (EPA) to improve the functionality of the Exceptional Events Rule. We also appreciate the extension of the comment period for EPA's proposed rule, Strengthening Transparency in Regulatory Science, [83 FR 18768](#) (April 30, 2018), which proposes to change how EPA uses scientific data to review air quality standards. We request that EPA consult with states on the plans referenced in your response and the ensuing administrative actions.

Consultation, as noted in Western Governors' Association (WGA) Policy Resolution [2017-01, Building a Stronger State-Federal Relationship](#), requires early, meaningful, substantive government-to-government exchange between EPA and states throughout the policy process and before finalization of federal decisions that would impact state Clean Air Act (CAA) programs. To facilitate this exchange, EPA should: provide substantive information to states on policy actions EPA is considering or proposing; request input from states on potential proposals and meaningfully respond to that input prior to a decision; provide reasonable timeframes for states to submit comments; and incorporate or thoroughly consider state input in EPA's decisions. Effective consultation with states will result in EPA policy that is more effective, cost-efficient, and durable than current agency decision-making processes.

The April 12 [Presidential Memorandum](#) on National Ambient Air Quality Standards (NAAQS) addresses many of the priorities outlined in our February 12 letter. In addition, we appreciate the direction to issue timely and concurrent regulations and guidance, which was an issue highlighted in our letter, in the May 9 [EPA Administrator Memorandum](#) on NAAQS. Western Governors urge EPA to consult with states (as described above) on the implementation of the Presidential Memorandum, as well as any additional EPA memoranda on the New Source Review program and State Implementation Plans (SIPs) before they are issued.

EPA's response noted plans to revisit the 2017 Regional Haze Rule, which will also impact the Draft Regional Haze Guidance. As noted in our letter, states are already beginning the formulation of their SIPs for the second implementation period. Western Governors request that EPA address changes to the Regional Haze Rule and Guidance in consultation with western states as soon as possible.

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EPA's response also did not reference the Residential Wood Heaters New Source Performance Standard, which Western Governors urged EPA to retain. Western Governors urge EPA to consult with western states on its review of this standard.

Please utilize western states as resources with respect to these issues and the other priorities outlined in our February 12 letter. Western Governors look forward to continuing to work with you to improve state-federal communication and the consideration of state CAA programs in EPA decision-making.

Sincerely,



Dennis Daugaard
Governor of South Dakota
Chair, WGA



David Ige
Governor of Hawaii
Vice Chair, WGA