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# Regional Haze/Clean Air Act: Eight Attorneys General (Including Arkansas) August 10th Comments on Proposed U.S. Environmental Protection Agency Revisions

## Arkansas Environmental, Energy, and Water Law Blog

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Arkansas Attorney General Leslie Rutledge and seven other Attorneys General submitted joint August 10<sup>th</sup> comments to the United States Environmental Protection Agency ("EPA") in regards to proposed revisions to the Clean Air Act Regional Haze Rule.

The other state attorneys general joining in the comments are from the following states:

- Alabama
- Colorado
- Kansas
- Michigan
- North Dakota
- Oklahoma
- South Carolina

The joint comments were submitted to EPA Docket ID No. EPA-HQ-OAR-2015-0531. *Protection of Visibility: Amendments to Requirements for State Plans.*

The Regional Haze Rule is a Clean Air Act program designed to protect visibility in Class I federal areas.

Regional haze is defined as visibility impairment produced by a multitude of sources and activities which emit fine particles and their precursors and which are located across a broad geographic area.

EPA's proposed revisions to this program address various aspects of the Regional Haze Rule. See 81 Fed. Reg. 26942.

The joint August 10<sup>th</sup> comments are critical of some aspects of the proposed EPA revisions. The Attorneys General argue the proposed revisions:

- Fail to consider the implications of many of the proposed changes
- Do not examine the effect of those revisions on states, businesses and consumers
- Do not address other significant issues

The various issues addressed in the joint comments include:

- Redefining Established Terms
- Visibility Impairment
- Reasonably Attributable
- Newly Defined Terms
- Change in How Least and Most Impaired Days are Selected
- Expanding the Authority of Federal Land Managers
- Failure to Consider International Impacts
- Altering the Relationship Between Reasonable Progress and Long Term Goals
- Changes to Progress Reports
- Amended State Implementation Plan Due Dates
- Unjustified Expansion of the regional Haze Rule's Reach
- Failure to Conduct a Regulatory Flexibility Analysis
- Failure to Follow Executive Order 13132

[A copy of the joint comments can be downloaded here.](#)