



March 23, 2026

Administrator Lee Zeldin  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington DC 20004

Re: EPA's Proposed Rule and Reconsideration of Final Rule on Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standard (Docket EPA-HQ-OAR-2025-0192)<sup>1</sup>

Administrator Zeldin:

The undersigned health and medical organizations place a high priority on protecting people's health from unhealthy levels of ozone pollution. Health and medical experts supported the 2023 Good Neighbor Plan because of the enormous health benefits it was slated to bring. Many of these health benefits came from requiring facilities to use modern pollution controls; others came from requiring facilities with existing pollution controls to run them more often.

Now, we are deeply concerned about the increased burden of ozone pollution that would come from effectively weakening these requirements with EPA's current proposals. We strongly oppose EPA's proposal to approve transport state implementation plans (SIPs) from eight states, undo prior SIP disapprovals for two of them and withdraw earlier proposed error corrections in two other state SIPs, absolving a total of 10 states from their required pollution control obligations under the 2023 Good Neighbor Plan. We further oppose EPA's broader aim to reconsider the Good Neighbor Plan related to the Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standard (NAAQS).

### Background

The Clean Air Act's Good Neighbor Provision (Section §110(a)(2)(D)(i)(I)) exists to ensure that emissions from one state don't contribute to another state having unhealthy levels of air pollution. It requires upwind states to include provisions in their State Implementation Plans that prohibit emissions that "contribute significantly to nonattainment" or "interfere with maintenance" of any NAAQS in downwind areas. If a state fails to submit a SIP, submits an inadequate or incomplete SIP, or submits a SIP that violates specific Clean Air Act pollution transport

---

<sup>1</sup> EPA. (01/30/2026). [Proposed Rule on Interstate Transport Plan Review for the 2015 Ozone NAAQS](#), Docket Id: EPA-HQ-OAR-2025-0192; FRL-12716-01-OAR.

provisions, under CAA §110(c), EPA is obligated or authorized to issue a federal implementation plan (FIP) to ensure NAAQS and other statutory requirements are met.

In 2023, following disapproval of 19 transport SIPs for the 2015 ozone NAAQS, EPA finalized a FIP – named the Good Neighbor Plan – covering 23 upwind states. The Plan required these states to reduce NO<sub>x</sub> emissions from electricity generating units (EGUs) and certain industrial oxides of nitrogen (NO<sub>x</sub>) sources. In January 2024, EPA added five more states to the Plan in a Supplemental Proposal. The Good Neighbor Plan was then tied up in court, including being legally stayed in some places. In June 2024, the U.S. Supreme Court stayed the entire Plan pending review of severability concerns – that is, about how it would function after courts stopped implementation in more than half of the 23 states originally covered in the program.<sup>2</sup>

EPA is now proposing to approve SIPs in upwind states that fail to fully address their emissions that impact downwind states. These proposed approvals undercut the upwind states' Clean Air Act obligations and unwind backstops without showing how downwind states will attain the 2015 ozone NAAQS with an adequate margin of safety. EPA is framing this proposal as a reconsideration of the 2024 Good Neighbor Plan final rule and Phase 1 of a broader rollback.<sup>3</sup> EPA's proposed actions are contrary to Clean Air Act's Good Neighbor Provisions and are arbitrary, considering the historical record that shows persistent interstate ozone contributions of upwind states and a long-standing, court-approved need for federal backstops in the form of FIPs when SIPs are inadequate to reduce transported ozone pollution.<sup>4</sup> EPA leans on litigation-driven stays rather than data-driven scientific and technical analyses, which in fact show the extent of interstate pollution linkages and that downwind attainment/maintenance will be assured through the implementation of 2024 final FIP. In *EPA v. EME Homer City* (2014), the Supreme Court upheld EPA's cost-effective regionwide approach to reduce ozone transport and rejected a requirement to allocate reductions strictly by proportional contributions, confirming EPA may quantify states' obligations and, upon SIP failure, promulgate a FIP.<sup>5</sup> This proposal conflicts with the Supreme Court's framework in *EME Homer City* and with EPA's own modeling/threshold practices.

### **Health Science Data**

In this proposal, EPA ignores downwind health impacts and does not evaluate how approving these SIPs avoids impacting downwind populations that still experience transported ozone. EPA's own existing science assessment shows ozone to cause respiratory inflammation, lung function decrements, asthma exacerbations, ER visits, hospitalizations and premature mortality.<sup>6</sup> Controlled human studies have shown adverse effects in healthy exercising adults at 60–70 parts per billion (ppb) over multi-hour exposures.

In fact, the health impacts of ozone are even greater than are reflected by the current 2015 ozone NAAQS. In its most recent meeting, the independent panel of experts that advises EPA – the Clean Air Scientific Advisory Committee (CASAC) – found the current 70 ppb standard to be

---

<sup>2</sup> EPA. (02/13/2023). [Rule on Air Plan Disapprovals: Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards](#); Jenks, C., Greco, L., & Dewey, S. (07/02/2024). [Legal Analysis - The Supreme Court Pauses the Good Neighbor Plan](#). Harvard Law School; [EPA Response to Judicial Stay Orders](#)

<sup>3</sup> EPA. (01/30/2026). [Proposed Rule on Interstate Transport Plan Review for the 2015 Ozone NAAQS](#), Harvard Law School. (01/30/2026). [Regulatory Tracker: Air Transport Rules: Cross-State Air Pollution Rule/Good Neighbor Plan Rule](#)

<sup>4</sup> [Environmental Protection Agency et al. v. EME Homer City Generation, L. P., et al.](#) 04/29/2014; [Interstate Transport for the 2015 Ozone NAAQS | US EPA](#)

<sup>5</sup> *EPA v. EME HOMER CITY GENERATION, L. P.*, Supreme Court, 696 F. 3d 7, reversed and remanded <https://www.law.cornell.edu/supremecourt/text/12-1182>; <https://supreme.justia.com/cases/federal/us/572/12-1182/case.pdf>

<sup>6</sup> EPA. (04/2020). [Integrated Science Assessment for Ozone and Related Photochemical Oxidants](#), EPA/600/R-20/012

inadequate to protect public health with a margin of safety. In EPA's 2023 reconsideration of the 2020 ozone NAAQS review, a near-unanimous CASAC concluded that the primary ozone NAAQS is "not sufficiently protective" and recommended tightening to 55–60 ppb to satisfy the Clean Air Act's "adequate margin of safety" requirement;<sup>7</sup> EPA then aborted the reconsideration process and restarted the review in 2023–24 rather than finalize a stronger standard as warranted by science.<sup>8</sup>

Evidence indicates effects down into the ~40 ppb range. Clinical and epidemiological evidence supports a smooth dose response extending below 60 ppb; consistent with the epidemiological evidence, expert review of controlled human exposure studies in the *American Journal of Respiratory and Critical Care Medicine* found smooth, continuous dose-response relationship for ozone between ~40 and 120 ppb, with statistically significant lung function decrements at 70 ppb and symptom responses at 60 ppb over 6.6 hours, i.e. effects increase progressively with concentration without exhibiting a clear safe threshold.<sup>9,10</sup>

The Regulatory Impact Analysis (RIA) supporting the EPA's 2023 Good Neighbor Plan<sup>11</sup> included a distributional impact analysis that showed how pollution transport controls reduce ozone exposures in overburdened communities near both EGUs and non-EGU sources, which the current SIP approval proposal does not update or rebut.

Approving these SIPs, despite evidence of harm at and below 70 ppb and no analysis of how this proposal would reduce exposures in communities facing the greatest air pollution burden, fails the Clean Air Act's mandate to protect vulnerable populations with an "adequate margin of safety" and unfairly perpetuates burdens on downwind states.

### **Economic Data**

This proposal overlooks EPA's own prior RIAs for the 2015 ozone NAAQS<sup>12</sup> and the 2023 Good Neighbor Plan<sup>13</sup> that clearly show quantified net health benefits exceeding costs of tighter ozone controls. The Good Neighbor Plan's RIA shows not only these benefits over the analysis years but also the distributional impacts on downwind communities in cases where 2026 design values improve under modeled transport controls. The 2023 RIA tabulates total monetized human health benefits for ozone (avoided premature mortality, hospitalizations, ER visits, asthma symptoms) including climate benefits from CO<sub>2</sub> reductions, compliance costs, and net benefits for each analysis year (see ES.5–ES.8, Chapters 5, 8).<sup>14</sup>

For the 2015 ozone NAAQS, the Congressional Research Service reported that EPA's health benefits (avoided premature deaths and diseases) would exceed costs of installing pollution controls nationwide (which are often overstated) by 2025;<sup>15</sup> for the 2023 Good Neighbor Plan,

---

<sup>7</sup> CASAC. (06/09/2023). [CASAC Review of the EPA's Policy Assessment \(PA\) for the Reconsideration of the Ozone National Ambient Air Quality Standards \(External Review Draft Version 2\)](#)

<sup>88</sup> EPA. (04/24/2024). [Workshop To Inform Review of the Ozone National Ambient Air Quality Standards](#), [ORD–2023–0435; FRL–11881–01–ORD]

<sup>9</sup> Schelegle, E. S. *et al.* (2009). [6.6-Hour Inhalation of Ozone Concentrations from 60 to 87 Parts per Billion in Healthy Humans](#). *American Journal of Respiratory and Critical Care Medicine*, 180(3)

<sup>10</sup> Brown, J. S. (2009). [Acute Effects of Exposure to Ozone in Humans How Low Can Levels Be and Still Produce Effects?](#) *American Journal of Respiratory and Critical Care Medicine*, 180(3).

<sup>11</sup> EPA. (03/2023). [Regulatory Impact Analysis for Final Federal Good Neighbor Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard](#), EPA-452/R-23-001

<sup>12</sup> EPA. (09/2015). [Regulatory Impact Analysis of the Final Revisions to the National Ambient Air Quality Standards for Ground-Level Ozone](#)

<sup>13</sup> EPA. (03/2023). [RIA for Final Federal GNP on Ozone Transport for 2015 Ozone NAAQS](#), EPA-452/R-15-007

<sup>14</sup> EPA. (03/2023). [RIA for Final Federal GNP on Ozone Transport for 2015 Ozone NAAQS](#), EPA-452/R-15-007

<sup>15</sup> Congressional Research Service (CRS). (08/16/2018). [Implementing EPA's 2015 Ozone Air Quality Standards](#), R43092

EPA's RIA quantified sizable health benefits from EGU and industrial NO<sub>x</sub> reductions.<sup>16</sup> This proposal does not reconcile its deregulatory SIP approvals with those quantified benefits.

Power-sector compliance under the Good Neighbor Plan relies overwhelmingly on operating existing NO<sub>x</sub> controls rather than installing new ones. EPA itself states that early-year compliance is achieved by "optimizing existing post-combustion control," and the RIA shows 232 EGUs with existing selective catalytic converters (SCRs) and 39 with existing selective noncatalytic converters (SNCRs) beginning to fully operate these units under the rule.<sup>17</sup>

For industrial sectors, Step-3 determinations (of EPA's 4 -Step Interstate Transport Framework<sup>18</sup>) identify feasible and widely available combustion technologies (e.g. low NO<sub>x</sub> burners, over-fire air) and post-combustion NO<sub>x</sub> controls (e.g. SCR, SNCR), which are already in operation at facilities within each regulated source category, form the basis for sector-wide NO<sub>x</sub> standards starting in 2026.<sup>19,20</sup>

Pausing or unwinding pollution control obligations of upwind states shifts external costs of pollution exposures - such as increased healthcare needs, missed work and school - onto downwind communities.<sup>21</sup>

### Technical Data

- a. EPA's own record confirms feasible, quantified NO<sub>x</sub> reductions from EGUs and industrial sources

EPA's 2023 Good Neighbor Plan RIA identifies both EGU and non-EGU industrial NO<sub>x</sub> control technologies as feasible and widely deployed and provides quantified emissions reductions and compliance costs.<sup>22</sup> All covered non-EGU industrial sectors (cement and cement products, iron and steel, glass manufacturing, engines and compressors in pipeline natural gas transport, industrial boilers, and municipal waste combustors) already operate combustion or post-combustion NO<sub>x</sub> controls. For EGUs, the final Good Neighbor Plan uses Integrated Planning Model (IPM)-based budgets that assume immediate reductions from optimizing existing post-combustion controls, with phased installation of additional SCR/SNCR and state-of-the-art combustion controls thereafter.<sup>23</sup> This record demonstrates that non-EGU emissions reductions are feasible, cost-effective, and already quantified in EPA's federal analyses.

- b. EPA's prior modeling shows persistent interstate transport and ozone linkages

---

<sup>16</sup> EPA. (03/2023). [RIA for Final Federal GNP on Ozone Transport for 2015 Ozone NAAQS](#), EPA-452/R-15-007

<sup>17</sup> Jenks, C.& Dobie, H. A. (03/21/2023). [Legal Analysis - 2023 Good Neighbor Plan](#). Harvard Law School

<sup>18</sup> [EPA's Four Step Interstate Transport Framework](#) forms the backbone of every transport rule from CSAPR → Revised CSAPR Update → 2023 Good Neighbor Plan:

Step 1: Identify downwind nonattainment and maintenance receptors using future-year photochemical modeling; Step 2: Identify which upwind states "significantly contribute" or "interferes with maintenance" by quantifying contributions with source-apportionment modeling and a contribution threshold (historically EPA applied the 1% of NAAQS threshold); Step 3: For each linked state, evaluate what cost-effective NO<sub>x</sub> reductions are needed from EGUs and relevant non-EGUs; Step 4: Implement those reductions through enforceable SIP provisions or, if needed, a federal plan.

<sup>19</sup> Kirkland & Ellis LLP. (04/13/2023). [EPA's Final Good Neighbor Plan for the 2015 Ozone National Ambient Air Quality Standards: Notable Features, Implications and Next Steps](#);

<sup>20</sup> Jenks, C.& Dobie, H. A. (03/21/2023). [Legal Analysis - 2023 Good Neighbor Plan](#). Harvard Law School

<sup>21</sup> [Legal Analysis - The Supreme Court Pauses the Good Neighbor Plan](#). Harvard Law School

<sup>22</sup> EPA. (03/2023). [RIA for Final Federal GNP on Ozone Transport for 2015 Ozone NAAQS](#), EPA-452/R-15-007

<sup>23</sup> EPA. (03/2023). [RIA for Final Federal GNP on Ozone Transport for 2015 Ozone NAAQS](#), EPA-452/R-15-007

The technical support documents (TSDs) supporting EPA's Cross-State Air Pollution Rule (CSAPR)<sup>24</sup> and 2024 Good Neighbor Plan rule<sup>25</sup> used 2016 platform CAMx source apportionment modeling to show that regional transport remains a dominant driver of Maximum Daily 8-hour Average (MDA8) ozone exceedances in the Ozone Transport Region and the Midwest-to-Northeast corridor, with upwind states significantly contributing to downwind design values. These analyses applied EPA's 4-Step Framework, identifying upwind states whose contributions meet or exceed the historically used 1% of the NAAQS (0.70 ppb) significance threshold.<sup>26</sup>

This proposal lacks standard components that were included in CSAPR, the Revised CSAPR Update and the 2023 Good Neighbor Plan rulemakings.<sup>27</sup> There is no new photochemical modeling, no updated CAMx/CMAQ modeling for source apportionment-, no state-by-state upwind to downwind contribution matrices, no maintenance receptor demonstrations, and no downwind monitor data to counter the agency's own prior findings. The omission of interstate linkages deprives the public of the technical basis required to evaluate whether the statutory "significant contribution" test is met. EPA also fails to show that contributions would fall below the 1% (0.70 ppb) threshold at all relevant receptors and yet proceeds to approve SIPs based on that unsupported conclusion.

- c. EPA is approving SIPs that rely on older guidance and modeling without conducting new photochemical modeling of its own

The SIPs that EPA proposes to approve expressly rely on EPA's 2018 interstate transport memoranda - the March 27, 2018 modeling memorandum (projecting interstate contributions with an outdated modeling platform) and the August 31, 2018 "contribution threshold" memorandum (which suggested an absolute 1 ppb test as an "alternative" to the long-used 1% of the NAAQS screen) - which EPA now treats as adequate for linkage determinations instead of the national CAMx source apportionment approach EPA used for the 2023 Good Neighbor Plan.<sup>28</sup>

By contrast, EPA's own CSAPR/GNP technical record used national CAMx source-apportionment with a receptor-by-receptor linkage analysis applying the 1% of NAAQS (0.70 ppb) threshold to identify upwind "significant contribution" (Steps 1–2 of the 4 Step Framework).<sup>29</sup> In this approval proposal EPA did not perform its own fresh photochemical modeling (such as updated CAMx/CMAQ source apportionment for 2026–2032 attainment horizons) to demonstrate that linkages have disappeared or that maintenance receptors are protected. The proposal also does not include the state-by-state upwind to downwind contribution matrices and receptor lists that have been standard in CSAPR, the Revised CSAPR Update, and the 2024 Good Neighbor Plan.

- d. Departure from the EME Homer City framework without reasoned explanation.

The proposal pivots from EPA's established, court approved approach (quantify linkages; apply cost effective-, interstate control obligations) to approve SIPs despite ongoing downwind

---

<sup>24</sup> EPA. (03/2020). [Air Quality Modeling Technical Support Document for the Final Revised Cross-State Air Pollution Rule Update](#)

<sup>25</sup> EPA. (03/30/2022). [Federal Implementation Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standards - Informational Webinar](#)

<sup>26</sup> CRS. (12/23/2020). [Ozone and Particulate Matter Air Standards: EPA Review](#), IF11288, Ver 8

<sup>27</sup> EPA. (01/30/2026). [Proposed Rule on Interstate Transport Plan Review for the 2015 Ozone NAAQS](#)

<sup>28</sup> EPA. (01/30/2026). [Proposed rule; reconsideration of final rule: Interstate Transport Plan Review for the 2015 Ozone NAAQS](#). 91(20) Fed. Reg. 4006-4045; 40 CFR Part 52 [EPA–HQ–OAR–2025–0192]

<sup>29</sup> Yun, J. et al. (10/21/2024). [A comparison of CAMx ozone source apportionment modeling results using emissions from two Electricity Generating Unit projection models and their impacts on upwind state contributions to downwind monitors](#). Presented at the 23<sup>rd</sup> Annual CMAS Conference, Chapel Hill, NC

nonattainment/maintenance risks. In *EPA v EME Homer*, the Supreme Court affirmed EPA's authority and responsibility to quantify obligations and fill gaps with FIPs when SIPs are insufficient.<sup>30</sup> This proposal does not show that the approved SIPs assure downwind attainment/maintenance, as CAA Sec. 110 requires. Under *EME Homer City*, EPA must apply a quantitative and workable method to identify upwind obligations. By discarding the long used 1% significance threshold and relying on older, less protective guidance, EPA provides no reasoned basis for departing from its own precedent or the analytical rigor upheld by the Supreme Court.

e. Procedural Failures: Missing Technical Record and Lack of Transparency

The proposal announces broad reversals - withdrawals of prior disapprovals and error-corrections – without providing supporting modeling in the docket, nor updated analyses for Steps 1–2 of the Interstate Transport Framework, and no transparent technical basis for concluding that upwind contributions have diminished. This constitutes inadequate engagement with the record and fails to satisfy the Administrative Procedure Act's requirement for a reasoned explanation grounded in the evidence.<sup>31</sup> The Clean Air Act's Good Neighbor Provision protects downwind states' ability to attain or maintain the NAAQS - EPA cannot approve upwind SIPs that undercut states' obligations under the provision. The record lacks a showing that downwind receptors will achieve the 2015 ozone NAAQS with an adequate margin of safety.

**EPA should NOT finalize this proposal without first issuing a comprehensive technical support document that includes:**

- Revised modeling (receptors, linkages, sectoral contributions) using EPA's own 2016 platform updates to demonstrate that each approved SIP fully eliminates significant contribution and interference with maintenance under the 1% of NAAQS screen using the four-step framework; future year design value projections (by monitor); state contribution apportionment tables; linkage determination for each of the eight states; tagged CAMx source apportionment modeling files for at least 2026 and 2030, with full documentation of the base-case and control-case scenarios;
- Publication of full lists of projected nonattainment *and* maintenance receptors for 2026/2030, including base and controlled design values, operational meteorology source years, and model performance statistics for the relevant ozone seasons used to justify each state approval;
- Publication of state/receptor contribution matrices and linkages (from CAMx source apportionment) for 2026 and 2030 under both thresholds -  $\geq 0.70$  ppb (1% of NAAQS) and  $\geq 1.0$  ppb - so the public can see which linkages vanish only because EPA chose a more lenient threshold;
- Demonstration that interference with maintenance is prevented in addition to addressing nonattainment linkages, consistent with historic practice;
- Control analysis data (from Step 3) including cost curves, assumed dollars per ton cut points, and tonnage reductions for EGUs and non-EGU industrial sources for candidate units in each covered state so the public can verify whether the "no significant contribution" conclusion stands even if cost effective reductions are available;
- Explanation of why excluding or relaxing NOx contributions from industrial non-EGU sectors in approved SIPs won't jeopardize downwind attainment;

---

<sup>30</sup> [EPA v. EME HOMER CITY GENERATION, L. P., Supreme Court, 696 F. 3d 7, reversed and remanded](#)

<sup>31</sup> <https://www.law.cornell.edu/supct/html/07-582.ZC1.html>

- A complete record addressing *EME Homer City* compliance, downwind states' rights, and an updated benefits analysis that weighs quantified health benefits and equity impacts of transport controls versus the costs claimed by upwind sources;
- Explanation of how approvals preserve regional workability, i.e. the integrity of the Good Neighbor Plan if other states remain unregulated, addressing the severability concerns the courts flagged.

Absent these rigorous technical analyses, EPA cannot substantiate that Alabama, Arizona, Kentucky, Minnesota, Mississippi, Nevada, New Mexico, Tennessee, Iowa, and Kansas are meeting their Good Neighbor obligations under the Clean Air Act. EPA must maintain its backstop FIP authority from the Clean Air Act and not finalize these upwind SIP approvals that would impair downwind attainment of the 2015 ozone NAAQS and jeopardize public health.

Signed,

Alliance of Nurses for Healthy Environments

American Academy of Pediatrics

American College of Chest Physicians

American Lung Association

American Thoracic Society

Asthma and Allergy Foundation of America

Health Care Without Harm

International Society for Environmental Epidemiology – North America Chapter

The Medical Society Consortium on Climate and Health

National Association of Pediatric Nurse Practitioners

National League for Nursing

National Medical Association

Oncology Advocates United for Climate and Health – International

Physicians for Social Responsibility