

July 13, 2026

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

Re: EPA's Reconsideration of Ozone Reclassification State Implementation Plan Rule (Docket EPA-HQ-OAR-2025-0192)¹

Dear Administrator Zeldin:

The American Lung Association has long advocated for stringent science-based air quality standards to protect public health. EPA's longstanding work setting and implementing strong National Ambient Air Quality Standards (NAAQS) has reduced asthma attacks, missed days of work and school, and premature deaths nationwide. However, our 2026 "State of the Air" report – which uses EPA's own air quality data – found that 38% of the population, some 129.1 million people, were exposed to levels of ozone that put their health at risk over the period covered by the report.

Implementation of the current ozone standards is a critical part of the solution. However, we are concerned that EPA's proposed reconsideration of the state implementation plan (SIP) requirements for reclassified nonattainment areas would weaken implementation of the standards, resulting in continued ozone pollution that could have been cleaned up in some communities. We urge EPA to withdraw the proposal.

Air pollution is a significant driver of public health burden. Ground-level ozone is a harmful air pollutant that can irritate and inflame the lungs, causing coughing, throat irritation, chest discomfort and shortness of breath. It can worsen asthma and increase the risk of respiratory illnesses and hospital visits, and repeated exposure may reduce lung function and contribute to long-term respiratory health effects, particularly in vulnerable populations such as children, older adults and people with existing lung disease.^{2,3}

Stringent, science-based air quality standards are effective only if the requirements for attaining the standards are fully implemented and enforced. In this rule, EPA is proposing that when a nonattainment area for the ozone NAAQS does not meet the standard by the statutory deadline and is reclassified to a higher nonattainment class, the area would only need to meet its SIP obligations associated with its newer, higher classification and not the unmet requirements from its previous classification. We are concerned that this proposal would make the NAAQS implementation process less effective, leading to worse air pollution than would have been the case without this proposal.

¹ EPA. (06/12/2026). [Federal Register :: Ozone Reclassification State Implementation Plan Rule](#), Docket Id: EPA-HQ-OAR-2025-0201.

² [Health Effects of Ozone Pollution | US EPA](#)

³ [Integrated Science Assessment \(ISA\) for Ozone and Related Photochemical Oxidants](#) (Final Report, Apr 2020)

Reclassification of an ozone nonattainment area to a higher class usually occurs because the area failed to attain the NAAQS on time. EPA's January 17, 2025 rule on ozone SIP requirements⁴ states that when a nonattainment area is reclassified to a higher nonattainment class, some requirements from the prior lower classification still remain due (i.e. "leftover" SIP requirements). In this proposal, EPA is reconsidering this rule by applying a different interpretation of the Clean Air Act (CAA) in which only those SIP requirements tied to the area's new classification would apply after reclassification, and states would not have to separately complete unfinished requirements from the previous classification.

The Clean Air Act's ozone NAAQS implementation mechanism for nonattainment areas is explicitly cumulative in substance and is sequential, with each higher classification adding new requirements without eliminating earlier ones. Under CAA Section 182, pollution control planning requirements for lower-level classification (such as emission inventories, Reasonably Available Control Technology, Reasonable Further Progress plans and control analyses) are foundational prerequisites for higher-classification planning and attainment demonstrations. These are not optional or redundant elements; rather, they are statutory requirements. The statute does not say lower-level obligations disappear upon reclassification - it says nonattainment areas progressively face more stringent obligations as they are reclassified to a higher class. The 2025 rule reflected this by requiring completion of leftover SIP elements from prior classifications.

This proposal effectively conflates "classification status" with "obligations already triggered." Eliminating "leftover" requirements would allow states to skip required statutory obligations that were already triggered when the area was previously classified. This could result in delayed cleanup of air quality challenges – a missed attainment deadline could then lead to fewer outstanding obligations, with fewer incentives to complete earlier SIP submissions and meet deadlines before reclassification. This would effectively weaken enforcement leverage and state accountability for delayed SIP elements.

The lower-classification SIP requirements must be retained because they serve as intermediate milestones or Reasonable Further Progress checkpoints on the path to attainment, triggering adoption of pollution controls earlier and installing accountability mechanisms when an area is already struggling to attain the NAAQS. The nonattainment areas of Dallas-Fort Worth, Houston-Galveston-Brazoria, and San Antonio in Texas; Milwaukee and Sheboygan county in WI; the IL-IN-WI tristate NAA in the greater Chicago metro region; the Denver metro region in CO; Las Vegas, NV; and the Northern Wasatch Front and Uinta Basin in Utah have all been struggling with very poor air quality for years, with ozone levels steadily trending upwards. The NY-NJ-CT tristate NAA adjoining New York City, the multiple NAAs in CA (including Los Angeles - San Bernardino counties, Los Angeles - South Coast Air Basin, Morongo Band of Mission Indians, Riverside County, San Diego County and San Joaquin Valley) show stubbornly and dangerously high ozone levels with their 2025 ozone design values at or above 80 ppb. At a time when the need is urgent for advanced air quality management

⁴ EPA. (01/17/2025). [Federal Register :: State Implementation Plan Submittal Deadlines and Implementation Requirements for Reclassified Nonattainment Areas Under the Ozone National Ambient Air Quality Standards](#)

and expeditious implementation of much stronger pollution controls, removing SIP elements risks lengthening the time that the health of millions of residents in these nonattainment areas is endangered by unhealthy levels of ozone.

If a SIP element was triggered when the area was first designated to a nonattainment class and had an attendant statutory deadline which was not completed, then eliminating it amounts to retroactively excusing a missed statutory duty. It is inconsistent with the CAA statutory structure requiring attainment planning continuity.

SIP deadlines were intended to force action by a certain date. If those obligations disappear upon reclassification, then a missed lower classification deadline no longer has the same regulatory consequence because the state can now shift to the longer timelines and schedules of the higher level classification – this amounts to kicking the compliance can down the road with the state effectively receiving much more time after failing to attain. Removing prior requirements could weaken SIP completeness, diminish the value of the interim checkpoints and delay emission reductions, while reducing accountability for missed deadlines and failure to attain.

When EPA revises or replaces NAAQS, it historically imposes anti-backsliding requirements to ensure air quality protections are not weakened during transitions (e.g. 1997 → 2008 ozone rule).⁵ Eliminating leftover SIP requirements would function similarly to removing previously required controls or planning elements – effectively amounting to regulatory backsliding, especially if earlier obligations were tied to emissions reductions.

In summary, this EPA proposal would weaken the integrity of the Clean Air Act's ozone nonattainment program by allowing areas that have failed to attain the ozone NAAQS to avoid completing SIP requirements that were already triggered under their previous classification. It would undermine the Act's progressive framework for achieving cleaner air, and delay the planning and emissions reductions needed to protect public health, particularly for children, older adults, and individuals with asthma and other respiratory conditions. We therefore ask EPA to withdraw this proposal and to retain the existing requirement that states complete all applicable SIP obligations, ensuring that reclassification leads to stronger, not fewer, commitments toward attaining and maintaining healthy air quality.

⁵ <https://www.federalregister.gov/documents/2015/03/06/2015-04012/implementation-of-the-2008-national-ambient-air-quality-standards-for-ozone-state-implementation>