

August 27, 2026

Lee Zeldin, Administrator
U.S. Environmental Protection Agency
William J. Clinton Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Re: EPA's Proposed Air Plan Approval and Redesignation of the Detroit, Michigan Area to Attainment of the 2015 Ozone Standards (Docket ID: EPA-R05-OAR-2022-0004)¹

Dear Administrator Zeldin:

The American Lung Association urges EPA to withdraw its proposal to redesignate the Detroit ozone Moderate nonattainment area to attainment for the 2015 ozone National Ambient Air Quality Standard (NAAQS) until the state demonstrates that all Moderate-area controls are fully adopted and implemented.

Our organization works to improve lung health in Michigan by helping people with asthma and COPD manage their disease. We also work to address unhealthy levels of air pollution both indoors and outdoors. Instead of improving public health in the state, this proposal would delay progress toward cleaner, healthier air for residents of the Detroit region. The proposal further contradicts both the statutory processes of the Clean Air Act and the Sixth Circuit Court decision vacating a similar redesignation action from the previous EPA.²

In this proposal, EPA is concluding that the Detroit Moderate nonattainment area (NAA) meets the Clean Air Act (CAA) criteria for redesignation, relying in part on adjusted ozone design values that exclude monitor data associated with wildfire smoke on several days in 2023 and 2025 pursuant to Michigan's exceptional events demonstration. In doing so, the agency is also adjusting some SIP submission and implementation deadlines associated with the area's prior Moderate nonattainment classification, proposing to approve Michigan's updated ozone maintenance plan through 2040 and the state's new motor vehicle emissions budgets for volatile organic compounds (VOCs) and nitrogen oxides (NOx) for 2035 and 2040.

The Detroit area (Livingston, Macomb, Monroe, Oakland, St. Clair, Washtenaw, and Wayne Counties) was originally designated as a Marginal nonattainment area in June 2018 and, after failing to attain the standard by the Marginal NAA deadline, was reclassified to Moderate NAA in February 2023, according to the statutory processes laid out in the Clean Air Act. In May 2023, EPA finalized Michigan's Clean Data Determination and redesignated Detroit to attainment of the 2015 ozone NAAQS, a decision that was challenged in court. In December 2025, the Sixth Circuit vacated EPA's 2023 redesignation to attainment, finding that the agency had incorrectly interpreted the Clean Air Act section 107(d)(3)(E)(v) requirement that the state "has met" all applicable requirements before redesignation. The court ultimately concluded that redesignation cannot be granted merely because EPA believes requirements

¹ [Federal Register :: Air Plan Approval; Michigan; Redesignation of the Detroit, MI Area to Attainment of the 2015 Ozone Standards](#)

² *Ibid* 1: "On December 5, 2025, the Court upheld the EPA's clean data determination and, regarding the redesignation, concluded that the EPA erred only with respect to its legal interpretation of CAA section 107(d)(3)(E)(v), which requires that a State 'has met' all requirements applicable to the area as a prerequisite to redesignation. The Court vacated the EPA's redesignation of the Detroit area and issued its mandate in the case on February 24, 2026."

can be addressed later. The Clean Air Act requires states to demonstrate full compliance with all Moderate NAA obligations *before* redesignation.

EPA's current proposal once again does not satisfy the requirements of the statute. The agency is proposing to redesignate the area to attainment while simultaneously extending deadlines for certain SIP submissions, implementation measures, and Basic Inspection and Maintenance requirements that are associated with the Moderate NAA. The practical consequence of EPA's proposal is that Michigan would receive redesignation to being in attainment of the ozone NAAQS despite not having completed all actions associated with its Moderate classification, which is substantially the same outcome that the court previously rejected.

Ozone is causally linked to serious health harms including asthma exacerbation, reduced lung function, and other adverse effects, particularly among children, older adults, and people with preexisting morbidities. Premature redesignation could reduce the pressure on the state for timely implementation of emissions-reduction measures that protect these populations. Detroit-area communities, particularly those near major transportation corridors, industrial facilities, freight hubs and high-traffic roadways, often experience cumulative pollution burdens from multiple sources. EPA's proposal of an area-wide attainment determination for the Detroit area could ignore some sources of localized ozone precursor emissions and further burden communities facing unequal health risks.

EPA has not adequately explained how its proposed redesignation satisfies the Sixth Circuit's interpretation of §107(d)(3)(E)(v) if significant Moderate NAA measures remain pending or subject to extended implementation deadlines. Allowing redesignation before all required controls are operating may undermine the public health protections that Congress intended Moderate-area requirements to provide.

The proposal also does not address how the proposed redesignation is consistent with the Clean Air Act's health-protective objectives when the proposed attainment depends on exclusion of ozone episodes that materially affected actual population exposure. Further, the proposed redesignation does not adequately protect public health given the increasing recurrence of wildfire-related ozone episodes and climate-driven ozone risks.

We therefore urge EPA to not redesignate the Detroit Moderate NAA to attainment until Michigan has demonstrated that the area has fully adopted and demonstrated the effectiveness of all Moderate nonattainment area pollution controls.

Thank You.

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