**FACT SHEET**

**Proposed Rule: Regulatory Requirements for Adding New Substances to the List of Hazardous Air Pollutants under Clean Air Act Section 112**

**ACTION**

* On September 6, 2023, the U.S. Environmental Protection Agency (EPA) proposed to address the regulatory impacts created when a new compound is added to the Clean Air Act (CAA) section 112 list of hazardous air pollutants (HAP).
* This proposed action clarifies the regulatory requirements that occur immediately upon the listing of a new HAP, including the need for facilities to include the new HAP when calculating projections of future HAP emissions and when a facility can trigger new requirements under the Clean Air Act after a new HAP listing.
* It clarifies when a facility moves from being regulated under the Clean Air Act as a “minor” source to a “major” source of hazardous air pollutants. It also proposes the timeline that facilities have to comply with Clean Air Act requirements.
* This action will not have immediate direct impacts on emissions of a newly listed HAP.

**BACKGROUND**

* Congress created a list of hazardous air pollutants (also known as air toxics) under section 112 of the CAA. EPA is required to evaluate and control emissions of hazardous air pollutants from certain stationary sources.
* HAPs include a range of chemicals, including certain volatile organic chemicals, pesticides, herbicides, metal compounds, and radionuclides that present tangible hazard, based on scientific studies of exposure to humans and other mammals. People exposed to toxic air pollutants at sufficient concentrations and durations may have an increased chance of getting cancer or experiencing other serious health effects. These health effects can include damage to the immune system, as well as neurological, reproductive (e.g., reduced fertility), developmental, respiratory, and other health problems.
* The CAA allows any person to petition EPA to modify the list of hazardous air pollutants by adding or deleting a substance from the list. To add a substance, the petition must provide adequate data for EPA to determine that emissions, ambient concentrations, bioaccumulation, or deposition of the substance are known to cause or may reasonably be anticipated to cause adverse effects to human health or the environment.
* In January 2022, EPA added a substance to the list for the first time. Prior to the listing of 1-bromopropane in 2022, EPA had removed several compounds from the list of HAP but had never added a compound.
* Following the first addition of a substance to the list, EPA recognized that it would be beneficial to clarify information about the regulatory requirements that apply after a new HAP was added to the list. This proposal serves the public, states, and regulated community by making such clarifications.
* This action proposes changes to the NESHAP General Provisions, 40 FR part 63, subparts A and C.

**HOW TO COMMENT**

* EPA will accept comment on the proposal for 60 days after publication in the Federal Register.
* Comments, identified by Docket ID No. EPA-HQ-OAR-2022-0441, may be submitted by one of the following methods:
	+ Go to <https://www.regulations.gov/> and follow the online instructions for submitting comments.
	+ Send comments by email to: a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2022-0441.
	+ Fax your comments to: (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2020-0371.
	+ Mail your comments to: EPA Docket Center, Environmental Protection Agency,
	+ Mail Code: 28221T, 1200 Pennsylvania Ave., NW, Washington, DC 20460, Attention Docket ID No. EPA-HQ-OAR-2021-0200.
	+ Deliver comments in person to: EPA Docket Center, 1301 Constitution Ave., NW, Room 3334, Washington, DC. Note: In-person deliveries (including courier deliveries) are only accepted during the Docket Center’s normal hours of operation. Special arrangements should be made for deliveries of boxed information.

**FOR MORE INFORMATION**

* Interested parties can download a copy of the proposed rule, as well as a redline-strikeout copy of the proposed changes to subparts A and C from EPA's website at the following address: <https://www.epa.gov/stationary-sources-air-pollution/infrastructure-new-hap-additions>.
* Today’s action and other background information are also available electronically at <https://www.regulations.gov/>, EPA’s electronic public docket and comment system.
* For further technical information about the rule, contact Susan Miller, EPA’s Office of Air Quality Planning and Standards, at (919) 541-2443 or miller.susan@epa.gov.
* For more information on the list of hazardous air pollutants under the CAA and modifications to the list, visit: <https://www.epa.gov/haps/initial-list-hazardous-air-pollutants-modifications>.