

Fact Sheet

Proposed Rule: Proposed Approval of State Plans to Address Cross-State Transport of Ozone Forming Air Pollutants

Summary of Action

- On January 27, 2026, U.S. Environmental Protection Agency (EPA) proposed phase 1 of its reconsideration of the deeply flawed Biden-era “Good Neighbor Plan.”
- Under phase 1, EPA is proposing to approve State Implementation Plan (SIP) submissions from eight states regarding interstate transport for the 2015 8-hour ozone National Ambient Air Quality Standards (NAAQS).
 - Alabama
 - Arizona
 - Kentucky
 - Minnesota
 - Mississippi
 - Nevada
 - New Mexico
 - Tennessee
- If this action is finalized as proposed, EPA intends to also withdraw proposed SIP disapprovals the Biden EPA issued for five states in February 2024. In the February 2024 proposal, EPA proposed error corrections of SIP approvals for Iowa and Kansas finalized in April 2022. The February 2024 proposal also included proposed disapprovals for Arizona, New Mexico, and Tennessee.
- Under EPA Administrator Lee Zeldin’s *Powering the Great American Comeback* initiative, this proposed action reflects the agency’s renewed commitment to cooperative federalism and recognizes the important responsibility EPA shares with our state air agency partners to ensure clean air for all Americans.
- The Clean Air Act’s (CAA) “good neighbor” or “interstate transport” provision requires that each state’s SIP contain adequate provisions to prohibit emissions from within the state from significantly contributing to nonattainment or interfering with maintenance of the NAAQS in other states.
- This proposal also relies upon a one part per billion (ppb) threshold for determining whether further evaluation of an upwind state’s emissions is needed.
- The proposed action, if finalized, would resolve the covered states’ obligations to eliminate significant contribution to nonattainment, or interference with maintenance, of the 2015 8-hour ozone NAAQS in other states.
- In further reconsidering the “Good Neighbor Plan,” EPA intends to take a separate action in 2026, consistent with this proposal, to address interstate transport obligations for the 2015 8-hour ozone NAAQS for the remaining states covered in the final Good Neighbor Plan, including areas of Indian Country located within the geographic bounds of the covered states.

Background

- On October 1, 2015, EPA promulgated a new 8-hour ozone NAAQS of 70 ppb, which is met at an ambient air quality monitoring site when the 3-year average of the annual fourth highest daily maximum 8-hour concentration does not exceed 70 ppb.
- The CAA requires all states to develop and send to EPA for review SIP submissions containing adequate provisions prohibiting significant contribution to nonattainment or interference with maintenance of the NAAQS in other states. For the 2015 8-hour ozone NAAQS, these SIP submissions were due to EPA by October 1, 2018.

- On February 13, 2023, the Biden EPA finalized the disapproval or partial disapproval of 21 states' ozone transport SIPs, and on February 16, 2024, proposed the partial disapproval of five additional states' SIPs. For 23 states with disapproved SIPs (or those who did not submit an ozone transport SIP), on March 15, 2023, the Biden EPA finalized the troubled "Good Neighbor Plan" (GNP) federal rule, which established strict NO_x emissions control measures for:
 - Power plants
 - Natural gas pipelines
 - Cement and cement product manufacturing
 - Iron and steel mills and ferroalloy manufacturing
 - Glass and glass product manufacturing
 - Metal ore mining
 - Basic chemical manufacturing
 - Petroleum and coal products manufacturing
 - Pulp, paper, and paperboard mills, and
 - Solid waste combustors or incinerators
- In June 2024, the U.S. Supreme Court stayed enforcement of the GNP pending judicial review (*Ohio v. EPA*. 144 S. Ct. 2040 (2024)). EPA has taken administrative action to stay the GNP in its entirety in all 23 states.
- In a declaration filed with the D.C. Circuit on March 10, 2025, EPA indicated it would reconsider the scope of states, the scope of sources, and the definition of significant contribution for the GNP. Since the spring of 2025, litigation over the GNP and the 2023 SIP disapproval has been put into abeyance pending EPA's reconsideration proceedings.
- EPA has applied a nationally consistent approach using a 4-step interstate transport framework to evaluate interstate ozone transport obligations for many years. The Supreme Court upheld this framework in 2014 (*EME Homer City Generation v. EPA*). States are not required to follow this approach, but many have used the basic methodology in their SIPs.
 - Step 1 - Identify monitoring sites projected to have problems attaining/maintaining the NAAQS (i.e., receptors).
 - Step 2 - Identify states that impact receptors from Step 1 in downwind states sufficiently such that the states are considered "linked," warranting further analysis.
 - Step 3 - Identify emissions reductions necessary (if any) to eliminate significant contribution to nonattainment or interference with maintenance of the NAAQS at the locations identified in Steps 1 and 2.
 - Step 4 - Adopt permanent and federally enforceable measures needed to achieve those emissions reductions identified in Step 3.
- All states included in this proposed action are approved at Step 2 as their emissions are not projected to exceed the air quality impact threshold. As a result, they are no longer considered for further inquiry.
 - EPA's proposed approvals rely in the first instance upon the modeling results states used to evaluate their impact on ozone concentrations in downwind states when they were developing their SIP submissions.
 - EPA relies on more recent modeling only to corroborate a state's preferred modeling, or to demonstrate that since submission of a SIP, a linkage of the submitting state to a downwind monitor is no longer projected.

How to Comment

- EPA will accept comments for 30 days after the proposal is published in the *Federal Register*.
- Comments, identified by Docket ID No. EPA-HQ-OAR-2025-0192, may be submitted via one of the following methods:
 - Go to <https://www.regulations.gov/> and follow the online instructions for submitting a comment (our preferred method).
 - Send an email message to a-and-r-docket@epa.gov, Attention Docket ID No. EPA-HQ-OAR-2025-0192.
 - Fax your comments to: (202) 566-9744, Attention Docket ID No. EPA-HQ-OAR-2025-0192.
 - Mail: U.S. Environmental Protection Agency, EPA Docket Center, Docket ID No. EPA-HQ-OAR-2025-0192, Mail Code 28221T, 1200 Pennsylvania Avenue NW, Washington, DC 20460.
 - Hand/Courier Delivery: EPA Docket Center, WJC West Building, Room 3334, 1301 Constitution Avenue NW, Washington, DC 20004. The Docket Center's hours of operation are 8:30 a.m. to 4:30 p.m., Monday-Friday (except federal holidays).

More Information

- Interested parties can download a copy of the proposed rule from EPA's website at <https://www.epa.gov/Cross-State-Air-Pollution/interstate-transport-2015-ozone-naaqs>.