



ASSISTANT ADMINISTRATOR FOR AIR AND RADIATION

WASHINGTON, D.C. 20460

February 19, 2026

MEMORANDUM

SUBJECT: Update to Guidance on Regional Haze State Implementation Plans for the Second Implementation Period

FROM: Aaron Szabo
Assistant Administrator

A handwritten signature in blue ink, appearing to read "Aaron Szabo", is written over the printed name and title.

TO: Regional Administrators, Regions 1 – 10

The purpose of this memorandum is to distribute an update to the regional haze guidance document titled “Guidance on Regional Haze State Implementation Plans for the Second Implementation Period” issued on August 20, 2019 (“2019 Guidance”). This update addresses analyzing energy and non-air quality environmental impacts in determining reasonable progress. The U.S. Environmental Protection Agency (EPA) prepared this non-binding guidance document update to assist states with the preparation of any remaining second planning period regional haze state implementation plans (SIPs) that are due to the EPA, as well as any future revisions to those SIPs. This guidance update addresses a near-term issue while the EPA simultaneously moves forward with the previously [announced](#) effort to revise the Regional Haze Rule (RHR).¹

Since development of the 2019 Guidance, the EPA has seen significant increases in electricity demand and strain on the reliability of the United States’ electrical grid. Consequently, the EPA does not support states encouraging or forcing an electric generating facility to close in order to comply with the Clean Air Act’s (CAA) regional haze requirements.

The 2019 Guidance included recommendations on how states should evaluate and consider the four CAA statutory factors² when determining the emission reduction measures that are necessary to make reasonable progress toward Congress’s visibility goal. With respect to the third statutory factor, “energy and non-air environmental impacts of compliance,” the 2019 Guidance provides that the inquiry “generally involves assessing the impacts of a control measure on the energy consumed by a source,” and “recommend[s] that states focus their analysis on direct energy consumption at the source.”³ However, the 2019 Guidance does not address considering impacts on the electrical grid and grid reliability. This has led to confusion with respect to how grid reliability should be considered as part of the reasonable progress analysis.

¹ See Advance Notice of Proposed Rulemaking, “Visibility Protection: Regional Haze State Plan Requirements Rule Revision,” 90 FR 47677 (Oct. 2, 2025).

² See CAA section 169A(g)(1), 42 U.S.C. § 7491(g)(1).

³ 2019 Guidance at 33.

This guidance update clarifies that the EPA encourages states to consider potential impacts on grid reliability when determining the emission reduction measures that are necessary to make reasonable progress. Specifically, the EPA encourages states to consider these impacts when analyzing energy and non-air quality environmental impacts (*i.e.*, the third statutory factor).⁴ Of special emphasis, states should consider the grid reliability impacts of any future electric generating unit closure that would become federally enforceable if approved into the SIP.

The EPA notes that the Supreme Court has held unlawful the use of generation shifting as a form of emissions control in other contexts.⁵ Therefore, when considering grid reliability, states should focus their analyses on whether an emission control measure or facility closure might create reliability concerns.

This memorandum does not change or substitute for provisions or requirements of the CAA or RHR or create any new requirements. Rather, this memorandum clarifies and provides further information on existing statutory and regulatory requirements. The EPA evaluates and acts on SIP submissions on a case-by-case basis, reviewing each submission against the applicable requirements. The EPA's approval or disapproval of a SIP submission is subject to judicial review in the appropriate U.S. Circuit Court of Appeals pursuant to CAA section 307(b)(1). This memorandum does not constitute or prejudge EPA action on any SIP submission but rather clarifies the Agency's interpretation of the applicable statutory and regulatory requirements against which submissions will be evaluated in subsequent, separate actions.

Please share this memorandum with your staff, as well as colleagues at state, local, and tribal air agencies. If you have questions about this document, please contact Scott Mathias, Director of the Office of State Air Partnerships, at 919-541-5310 or Mathias.Scott@epa.gov for further information.

⁴ See 2019 Guidance at Steps 4.e and 5.c.

⁵ See *West Virginia v. EPA*, 597 U.S. 697 (2022).