



GOVERNOR GREG ABBOTT

February 6, 2025

The Honorable Lee Zeldin
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20760

Re: State Designations for the 2024 Revised Primary Annual Fine Particulate Matter
National Ambient Air Quality Standard (NAAQS or Standard)

Dear Administrator Zeldin:

On February 7, 2024, the Biden–Harris Administration’s U.S. Environmental Protection Agency (EPA) authorized a substantial lowering of the primary annual fine particulate matter (PM_{2.5}) NAAQS by pointing to alleged public health benefits. Ironically, the legally required scientific evidence used to support the revision was nearly identical to the evidence the Trump Administration used in 2020 to conclude that the 2020 PM_{2.5} NAAQS was protective of public health.

The State of Texas, along with numerous other states, private entities, and interest groups filed suit challenging the revised PM_{2.5} Standard. The petitioners correctly state that the revised PM_{2.5} NAAQS is unlawful, violates the federal Clean Air Act (FCAA), and should be vacated. *See Commonwealth of Kentucky and State of West Virginia, et al. v. EPA*, D.C. Cir. Dkt. No. 24-1050 (consolidated with 24-1051, 24-1052, 24-1073, and 24-1091). Rather than revising the PM_{2.5} NAAQS pursuant to the FCAA’s explicit authorization—to focus on “public health”—the previous EPA seems to have heavily relied on President Biden’s policies of advancing environmental justice. This is supported by the fact that this is the first time in history EPA has ever voluntarily initiated and effectuated a reconsideration of a NAAQS outside the normal statutory review period. Even though the case remains pending, I reiterate Texas’ view that the previous Trump Administration’s 2020 decision should be reinstated. I additionally urge EPA to reconsider the 2024 PM_{2.5} NAAQS.

The consequences of arbitrarily revising the PM_{2.5} Standard are significant and far reaching. Designating areas as “nonattainment” results in staggering economic costs and complex permitting requirements. One study estimated the costs to implement the 2015 eight-hour ozone NAAQS to be between \$3.2 and \$36.2 billion dollars for one nonattainment county.¹ These costs include increased expenses for pre-construction permitting (new source review), general and transportation conformity, and other regulatory hurdles for air quality planning. Additionally, there are potential national

¹ Nivin, Steven R. Ph.D., LLC for Alamo Area Council of Governments, Potential Cost of Nonattainment in the San Antonio Metropolitan Area, February 21, 2017, <https://aacog.gov/sites/default/files/2022-07/Potential%20Cost%20of%20Nonattainment%20in%20the%20San%20Antonio%20Metropolitan%20Area%20%28Report%29.pdf>

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security implications for areas with military and Department of Defense operations due to delays in, or the constricting of, critical military defense operations.

Section 107(d) of the FCAA requires the governor of each state to submit to EPA a list of all areas with a designation of attainment, nonattainment, or unclassifiable, within one year of the promulgation of a new or revised NAAQS. Because of the Biden–Harris Administration’s arbitrary and unlawful adoption of the revised PM_{2.5} NAAQS, I urge EPA to defer all designations. Alternatively, because the FCAA requires that governors submit designations to EPA, I am designating all counties within the State of Texas with regulatory monitors and complete data meeting the 2024 PM_{2.5} NAAQS as attainment, and all remaining counties will continue to be designated as “attainment/unclassifiable.”

Sincerely,

A handwritten signature in black ink, appearing to read "Greg Abbott", written in a cursive style.

Greg Abbott
Governor

GA:bhd

cc: The Honorable John Cornyn, United States Senator
The Honorable Ted Cruz, United States Senator

W. Scott Mason IV, EPA Administrator for Region 6
Brooke Paup, Chairwoman, Texas Commission on Environmental Quality
Kelly Keel, Executive Director, Texas Commission on Environmental Quality