

**ASSEMBLY CONCURRENT  
RESOLUTION No. 144**

**STATE OF NEW JERSEY  
218th LEGISLATURE**

INTRODUCED FEBRUARY 8, 2018

**Sponsored by:**

**Assemblywoman NANCY J. PINKIN**

**District 18 (Middlesex)**

**Assemblyman JOHN F. MCKEON**

**District 27 (Essex and Morris)**

**Co-Sponsored by:**

**Assemblyman Houghtaling**

**SYNOPSIS**

Condemns EPA decision to withdraw from “once-in-always-in” policy under Clean Air Act.

**CURRENT VERSION OF TEXT**

As introduced.



**(Sponsorship Updated As Of: 2/16/2018)**

1   **A CONCURRENT RESOLUTION** condemning the United States  
2   Environmental Protection Agency for its decision to withdraw  
3   the “once-in-always-in” policy under the Clean Air Act.  
4

5   **WHEREAS**, Hazardous air pollutants in the air, many of which are  
6   classified as toxic, have long been recognized as serious health  
7   threats to the people of our nation; and

8   **WHEREAS**, This threat has led to ground-breaking federal legislation  
9   such as the Clean Air Act, enacted in 1970, and the important  
10   regulations adopted pursuant to it as well as the subsequent  
11   amendments to the federal law; and

12   **WHEREAS**, This federal law, its regulations, and the state laws and  
13   regulations implementing it throughout the country have achieved  
14   significant improvements in air quality and reductions in hazardous  
15   air pollutants but the levels of these pollutants in our air, especially  
16   those that are classified as toxic, continue to warrant concern and  
17   aggressive monitoring and regulation; and

18   **WHEREAS**, In response to the levels of toxic air pollutants in a number  
19   of states, including significantly high levels in New Jersey, the  
20   Clean Air Act established stringent controls on hazardous pollutants  
21   released into the atmosphere; and

22   **WHEREAS**, The establishment of the “once-in-always-in” policy under  
23   the Clean Air Act is an important part of these controls regulating  
24   major sources of hazardous air pollutants, such as power plants and  
25   large industrial facilities; and

26   **WHEREAS**, A major source of air pollutants under the federal law is a  
27   facility that releases 25 tons or more of hazardous air pollutants into  
28   the atmosphere each year; and

29   **WHEREAS**, The United States Environmental Protection Agency (the  
30   EPA) announced on Thursday, January 25, 2018, its intention to  
31   end the “once-in-always-in” policy under the Clean Air Act that has  
32   protected the health of the people of our nation for more than 20  
33   years and established that once a source of air pollutants was  
34   identified as a major source, it should continue to be regulated as a  
35   major source of air pollution even after it has achieved reductions in  
36   its pollution output; and

37   **WHEREAS**, These reductions, and further reductions, are necessary to  
38   achieve the cumulative effects of air pollution reduction protective  
39   of the environment and the health of our people, making it  
40   necessary to continue to monitor and regulate the sources of the  
41   highest amounts of pollution as major sources of pollution so that  
42   the greatest reductions in hazardous air pollutants can be achieved;  
43   and

44   **WHEREAS**, Despite the reductions in air pollutants made by major  
45   sources to date, there continues to be a high health risk from  
46   hazardous air pollutants that warrants maintaining the “once-in-  
47   always-in” policy under the Clean Air Act; and

1   **WHEREAS**, The EPA fully recognizes these high levels of hazardous  
2       air pollutants, the significance of the health threat from hazardous  
3       air pollutants, and the link between toxic air pollutants and  
4       increased cancer risk; and

5   **WHEREAS**, The EPA National-Scale Air Toxic Assessment found that  
6       the national average cancer risk level was 36 in a million with many  
7       urban areas as well as transportation corridors, such as Interstate 95  
8       passing through New Jersey, showing a risk above the national  
9       average, with the most significant toxic air pollutant, benzene,  
10      contributing over 30 percent of the average individual cancer risk  
11      nationally identified in the 2002 assessment; and

12   **WHEREAS**, The 2002 assessment also showed that all of New Jersey  
13      and most of the northeast seaboard north of Virginia had an  
14      increased cancer risk level above the national average with a cancer  
15      risk level of 26 to 50 people in a million and pockets of 51 to 75  
16      people in a million; and

17   **WHEREAS**, New Jersey, as the most densely populated state in the  
18      nation and with the second poorest air quality in the nation, has a  
19      particular interest in maintaining stringent regulation of air  
20      pollution; and

21   **WHEREAS**, Hazardous air pollutants disproportionately adversely affect  
22      lower income populations and children, especially in urban areas  
23      where exposure to major sources of hazardous air pollutants and  
24      toxic air pollutants can be the greatest; and

25   **WHEREAS**, The “once-in-always-in” policy under the Clean Air Act is  
26      an important part of the ongoing effort to reduce the harmful effects  
27      of hazardous air pollutants in the air by maintaining the controls  
28      and regulations imposed on major sources of hazardous air  
29      pollutants and by continuing to require compliance with state-of-  
30      the-art air pollution reduction technologies and further reduction in  
31      the amount of hazardous air pollutants from these facilities through  
32      other regulatory measures; and

33   **WHEREAS**, The science of air pollution is such that monitoring of air  
34      pollution reductions is an ongoing issue that requires constant  
35      vigilance and assessment and the controls already in place in fact  
36      may not yet be sufficient to achieve and maintain the reductions  
37      needed for human health; now, therefore,

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39        **BE IT RESOLVED** *by the General Assembly of the State of New*  
40        *Jersey (the Senate concurring):*

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42        1. The Legislature of the State of New Jersey condemns the  
43        United States Environmental Protection Agency for its decision to  
44        withdraw the “once-in-always-in” policy under the Clean Air Act  
45        and urges the President of the United States to instruct the agency to  
46        maintain this vital policy for the health of the people of our nation.

1       2. Copies of this resolution, as filed with the Secretary of State,  
2 shall be transmitted to the President and Vice President of the  
3 United States, the Administrator of the United States Environmental  
4 Protection Agency, and each member of the New Jersey  
5 Congressional delegation.

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STATEMENT

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10       This concurrent resolution condemns the United States  
11 Environmental Protection Agency for its decision to withdraw the  
12 “once-in-always-in” policy under the Clean Air Act.