# ASSEMBLY CONCURRENT RESOLUTION No. 144

## STATE OF NEW JERSEY

### 218th LEGISLATURE

INTRODUCED FEBRUARY 8, 2018

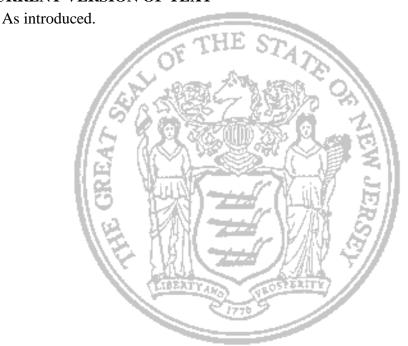
Sponsored by: Assemblywoman NANCY J. PINKIN District 18 (Middlesex) Assemblyman JOHN F. MCKEON District 27 (Essex and Morris)

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**



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

A CONCURRENT RESOLUTION condemning the United States Environmental Protection Agency for its decision to withdraw the "once-in-always-in" policy under the Clean Air Act.

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- WHEREAS, Hazardous air pollutants in the air, many of which are classified as toxic, have long been recognized as serious health threats to the people of our nation; and
- WHEREAS, This threat has led to ground-breaking federal legislation such as the Clean Air Act, enacted in 1970, and the important regulations adopted pursuant to it as well as the subsequent amendments to the federal law; and
- WHEREAS, This federal law, its regulations, and the state laws and regulations implementing it throughout the country have achieved significant improvements in air quality and reductions in hazardous air pollutants but the levels of these pollutants in our air, especially those that are classified as toxic, continue to warrant concern and aggressive monitoring and regulation; and
- WHEREAS, In response to the levels of toxic air pollutants in a number of states, including significantly high levels in New Jersey, the Clean Air Act established stringent controls on hazardous pollutants released into the atmosphere; and
- WHEREAS, The establishment of the "once-in-always-in" policy under the Clean Air Act is an important part of these controls regulating major sources of hazardous air pollutants, such as power plants and large industrial facilities; and
- WHEREAS, A major source of air pollutants under the federal law is a facility that releases 25 tons or more of hazardous air pollutants into 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 protected the health of the people of our nation for more than 20 32 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 its pollution output; and 36
- WHEREAS, These reductions, and further reductions, are necessary to achieve the cumulative effects of air pollution reduction protective of the environment and the health of our people, making it necessary to continue to monitor and regulate the sources of the highest amounts of pollution as major sources of pollution so that the greatest reductions in hazardous air pollutants can be achieved; and
- WHEREAS, Despite the reductions in air pollutants made by major sources to date, there continues to be a high health risk from hazardous air pollutants that warrants maintaining the "once-inalways-in" policy under the Clean Air Act; and

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- WHEREAS, The EPA fully recognizes these high levels of hazardous air pollutants, the significance of the health threat from hazardous air pollutants, and the link between toxic air pollutants and increased cancer risk; and
- WHEREAS, The EPA National-Scale Air Toxic Assessment found that the national average cancer risk level was 36 in a million with many urban areas as well as transportation corridors, such as Interstate 95 passing through New Jersey, showing a risk above the national average, with the most significant toxic air pollutant, benzene, contributing over 30 percent of the average individual cancer risk nationally identified in the 2002 assessment; and
- WHEREAS, The 2002 assessment also showed that all of New Jersey and most of the northeast seaboard north of Virginia had an increased cancer risk level above the national average with a cancer risk level of 26 to 50 people in a million and pockets of 51 to 75 people in a million; and
  - WHEREAS, New Jersey, as the most densely populated state in the nation and with the second poorest air quality in the nation, has a particular interest in maintaining stringent regulation of air pollution; and
  - WHEREAS, Hazardous air pollutants disproportionally adversely affect lower income populations and children, especially in urban areas where exposure to major sources of hazardous air pollutants and toxic air pollutants can be the greatest; and
  - WHEREAS, The "once-in-always-in" policy under the Clean Air Act is an important part of the ongoing effort to reduce the harmful effects of hazardous air pollutants in the air by maintaining the controls and regulations imposed on major sources of hazardous air pollutants and by continuing to require compliance with state-of-the-art air pollution reduction technologies and further reduction in the amount of hazardous air pollutants from these facilities through other regulatory measures; and
  - WHEREAS, The science of air pollution is such that monitoring of air pollution reductions is an ongoing issue that requires constant vigilance and assessment and the controls already in place in fact may not yet be sufficient to achieve and maintain the reductions needed for human health; now, therefore,

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

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

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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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8	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.