

**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)

SYNOPSIS

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

CURRENT VERSION OF TEXT

As introduced.



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,

38

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

41

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.

6

7

8

STATEMENT

9

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.