



**American  
Forest & Paper  
Association**



AMERICAN  
WOOD COUNCIL

**DATE:** March 7, 2024

**TO:** General Counsels Coordinating Committee  
Environment Policy Committee  
Government Affairs Coordinating Committee  
Air Quality Subcommittee  
American Wood Council Environmental Issues Committee  
American Wood Council Public Affairs Committee

**FROM:** Andrew J. Topps, Vice President, General Counsel & Corporate Secretary  
Susan Gardinier Kimball, Assistant General Counsel  
Paul Noe, Vice President, Public Policy  
Julie Landry, Vice President, AF&PA Government Affairs  
Tim Hunt, Senior Director, Air Quality Programs  
Will Layden, Vice President, AWC Government Affairs

**RE:** FYI: Particulate Matter (PM) National Ambient Air Quality Standard (NAAQS) Rule Published in Federal Register and Lawsuit Filed in District of Columbia Circuit Court (DC Circuit)

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Dear Members,

Yesterday, EPA published in the Federal Register its final rule under the Clean Air Act entitled, "Reconsideration of the National Ambient Air Quality Standards for Particulate Matter," at 89 Fed. Reg. 16,202.

EPA reviewed the PM NAAQS in 2020 as part of its regular statutory obligation and chose to maintain the NAAQS for fine particulate matter (sometimes referred to as PM<sub>2.5</sub>) at 12 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ). Today's rule is the outcome of EPA's decision to "reconsider" its 2020 PM NAAQS decision and lower the primary annual NAAQS from 12  $\mu\text{g}/\text{m}^3$  down to 9  $\mu\text{g}/\text{m}^3$ .

Also yesterday, AF&PA and AWC filed as part of an industry coalition a [petition for review](#) in the D.C. Circuit challenging EPA's decision to lower the PM NAAQS. [Twenty-four states](#) together filed a petition for review to challenge the rule, and Texas filed its own [petition for review](#) challenging this decision as well. The DC Circuit issued an [order](#) yesterday afternoon consolidating the cases and ordering petitioners to file a statement of the issues they will raise by April 5, 2024. The consolidated cases can be found at *Kentucky v. EPA*, No. 24-1050 (D.C. Cir.).

As you know, AF&PA and AWC filed extensive comments on the rule that addressed, among other things, EPA's failure to consider costs to comply with the rule, which we argued is required when the Agency reconsiders a NAAQS, and that the lower standard would significantly either reduce the scope of or entirely thwart critical modernization projects that, ironically, would reduce overall emissions.

The rule is scheduled to go into effect on May 6, 2024. We will continue to work with industry coalition partners to craft our legal strategy going forward, and keep members informed as necessary. If you have any questions, please email me, Paul Noe ([paul\\_noe@afandpa.org](mailto:paul_noe@afandpa.org)) or Tim Hunt ([tim\\_hunt@afandpa.org](mailto:tim_hunt@afandpa.org)).

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