

Congress of the United States
Washington, DC 20515

March 28, 2025

The Honorable Lee Zeldin
Administrator
Environmental Protection Agency (EPA)
1200 Pennsylvania Ave. NW
Washington, DC 20460

Dear Administrator Zeldin:

I was appalled to learn that EPA has invited regulated entities to apply for exemptions in lieu of complying with existing standards for hazardous air pollutants required pursuant to Section 112 of the Clean Air Act. The invitation for mass-exemptions to these standards flies in the face of Congressional intent and could have serious public health consequences, which appear not to have been given any consideration in your exemption process.

As you know, Section 112 of the Clean Air Act seeks to protect human health and the environment from hazardous air pollutants. This class of emissions includes many dangerous pollutants, including asbestos, benzene, hydrogen chloride, and mercury, which are known to cause cancer and other serious health impacts.

Standards developed pursuant to Section 112 are informed by public processes, which include robust scientific and public health analysis of the risks of air pollution. These processes also consider technologies and techniques that industrial sources can adopt to mitigate those risks, often relying upon existing, cost-effective solutions already in use by regulated entities. It is astonishing that these standards, which take years to develop, could be undone simply by a polluter sending a template email to the agency responsible for protecting the public from dangerous air pollution.

While Section 112 standards have been developed through these robust processes, EPA's public comments indicate that exemptions will be granted based on the arbitrary whims of President Trump, which may include actions to benefit his political supporters, regardless of the potential public health and environmental harms to those that live and work near exempted facilities. EPA and the regulated community should expect that Congress and the American people will closely scrutinize any exemptions granted through this process.

While Section 112(i)(4) of the Clean Air Act is clear that the President must report to Congress on the issuance of any exemption, the American people have an immediate right to know which entities are pursuing exemptions and how those exemptions may affect the air they breathe. With that in mind, I request the following information for each regulated entity seeking an exemption through this process not later than Monday, April 7, 2025:

1. the name of each regulated entity requesting an exemption;
2. the specific emissions standard or limitation subject to the request;
3. the location of any facility or affected source subject to the request;
4. the length of time sought to delay compliance for each request; and
5. an explanation for why—
 - A. the technology necessary to implement the standard is not available; and
 - B. the exemption would be in the national security interests of the United States.

I look forward to your response to ensure appropriate transparency of EPA's Section 112 exemption process.

Sincerely,



Paul D. Tonko
Member of Congress