



August 21, 2026

Administrator Lee Zeldin
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington DC 20004

Re: EPA's proposed rule on Minor New Source Review Program Air Permitting Public Participation Requirements for State Implementation Plans (EPA-HQ-OAR-2025-1212)¹

Administrator Zeldin:

The undersigned health and medical organizations represent health professionals, individuals who are at greater risk of health harms from air pollution, and communities across the country facing emissions from nearby polluting sources. We advocate for full implementation and enforcement of the protections under the Clean Air Act and for community members and health experts to have the opportunity to weigh in on decisions that affect the air they breathe. EPA's proposed rule to revise Clean Air Act New Source Review (NSR) regulations would weaken requirements for public participation in the permitting process for many sources. We oppose this proposed change and urge EPA to withdraw it.

Specifically, the proposal would give state and local air agencies much greater discretion in determining whether, when, and how the public can participate in permitting decisions for minor NSR sources that are approved through State Implementation Plans (SIPs). The proposal would effectively reduce federal minimum public participation requirements for permits involving new minor stationary sources, minor modifications,

¹ EPA. (7/6/2026). <https://www.federalregister.gov/documents/2026/07/07/2026-13667/minor-new-source-review-program-air-permitting-public-participation-requirements-for-state>

synthetic minor sources, and some permit-by-rule or general permit authorizations, leaving more decisions about notice, comment opportunities, and public involvement to state and local permitting authorities.

This proposal undercuts a core principle of the Clean Air Act - to ensure consistent public participation across the country in air pollution regulations - by delegating that fundamental obligation to states/local authorities and setting up a patchwork system of unequal public participation protections.

Our organizations highlight the following concerns with the proposal:

1. Public participation is a core principle of the Clean Air Act and must not be weakened

In this proposed rule, EPA is expressly shifting decisions about public access and public participation in minor source permitting decisions entirely to state and local agencies. Delegating the determination of the appropriate level of public participation opportunities in air permitting decisions for new or modified minor sources from a consistent federal framework will lead to a patchwork of state and local approaches, even though Clean Air Act protections are national in scope. We anticipate in many locations, this proposal would lead to reduced opportunities for public participation, given that legal requirements for public notice and comment vary significantly among states and local jurisdictions across the country. If states or local agencies are allowed to provide minimal public notice and fewer opportunities for comment, communities may only learn about new or expanded pollution sources in their neighborhoods after permits have been issued.

Enabling robust public participation from the outset in permitting decision-making means the public can review and comment on emissions estimates, modeling assumptions, and permit conditions; identify errors; highlight nearby sensitive populations and local conditions; and flag operational concerns or technology alternatives to regulators to consider during permit review. Public participation is thus an important source of information that can improve permit quality and function as a key accountability mechanism.

A federally enforceable minimum floor for public participation is necessary to ensure consistency, transparency and accountability nationwide. EPA must retain strong federal minimum public participation requirements for NSR permitting programs for minor sources.

2. Reduced opportunity for public input would mean less community oversight of permitting decisions, reducing transparency, accountability and public trust

Unequal public access to permitting decisions and fewer formal public participation opportunities could undermine public confidence in state permitting programs, even if the permits ultimately comply with air quality standards. EPA characterizes the proposal as a flexibility measure intended to increase state discretion over those participation requirements, but the changes the agency proposes risk reducing transparency, accountability, and public engagement in decisions that can affect local air quality and

public health. Affected residents may more often accept permitting decisions when they had a meaningful opportunity to review and comment on them.

Less notice and fewer comment opportunities make it harder for community concerns - about the potential impacts on nearby schools, hospitals, childcare centers, nursing homes, or neighborhoods that could be affected by emissions - to be considered before a permit is issued. Public scrutiny helps ensure that regulators fully evaluate any potential increased risk of localized pollution burden.

Meaningful public participation often improves agency decision-making by bringing local knowledge and technical concerns into the administrative record. Public notice and comment requirements allow communities, local governments, technical experts, and affected stakeholders to identify errors, modeling concerns, emissions issues, and inconsistencies before permits are finalized. In August 2024, EPA released updated guidance on improving public participation in its decision-making processes – “Achieving Health and Environmental Protection Through EPA’s Meaningful Engagement Policy”² – after a thorough consideration of the substantial comments it received, including comments from the American Lung Association and its partners³, on improving public accessibility and engagement in federal rulemaking during a robust notice and comment period,

We urge EPA to withdraw the proposed rule and instead implement the strategies identified in its 2024 Public Involvement Policy, whose purpose is, in the agency’s own words, “to promote an EPA-wide approach to meaningful involvement that can be tailored for program and regional needs and outline practices that EPA staff can choose to use as they design public outreach components of EPA’s decisions and carefully consider public input. This policy builds upon EPA’s established commitment to meaningful involvement and is grounded in the acknowledgment that EPA actions informed by the individuals with lived experience and expertise and processes that are inclusive of a diverse set of voices result in strengthened decisions to protect health and the environment.” Implementing these strategies – and not finalizing this proposal to weaken public participation requirements – would advance EPA’s mission to protect public health and welfare.

3. Reduced opportunity for public input means cumulative impacts may be overlooked

Individual sources, even if classified as “minor” under NSR rules, often involve small increases in pollutant emissions that affect local residents, and many such “minor” projects can collectively have significant air-quality impacts. Public review and input during the permitting process can help identify those cumulative pollution concerns which may not be apparent when permits are evaluated one at a time. The state can then consider the cumulative impacts and assess cumulative risks from proposed and existing sources before it makes the final determination on minor source permitting applications. Federal oversight and guidance on public engagement requirements for

² EPA. (Aug, 2024). [Achieving Health and Environmental Protection Through Meaningful Engagement Policy](#)

³ American Lung Association *et al.* (Jan, 2024). <https://www.regulations.gov/comment/EPA-HQ-OEJECR-2023-0326-0027>; Docket ID: EPA-HQ-OEJECR-2023-0326; Tracking #: lrh-5lwl-02y9

minor source permitting decisions are essential to protect air quality across the country and to safeguard the health of all communities.

4. Communities already burdened by air pollution may see more exposure

Communities already experiencing higher pollution burdens because of their location (such as from local industrial parks or major highways) frequently rely on permit notices and comment opportunities as their primary mechanism to learn about new emission sources and be able to influence – or at least participate in – permitting decisions about projects that could add to already-high levels of air pollution. Reducing participation opportunities could make it harder for those communities to engage with regulators on issues of critical importance to community health. This concern is particularly important because air permitting decisions can affect the ability of a location to attain or maintain the National Ambient Air Quality Standards for criteria pollutants. By giving state and local agencies the discretion to reduce public involvement, EPA's proposal could make it more difficult for overburdened communities to participate in decisions that may affect local air quality and worsen public health.

Conclusion

Public participation is not an administrative burden to be minimized; it is a cornerstone of the Clean Air Act that promotes transparency, accountability, better-informed permitting decisions and public trust. Reducing federal safeguards and allowing participation requirements to vary across state or local jurisdictions risk limiting community oversight, overlooking cumulative and localized pollution impacts and disproportionately harming communities already burdened by air pollution. For all these reasons, EPA should withdraw this proposed rule and maintain strong, federally enforceable minimum public participation requirements for minor NSR permitting programs nationwide to protect public health and welfare.

Alliance of Nurses for Healthy Environments
American College of Chest Physicians
American Lung Association
American Thoracic Society
Asthma and Allergy Foundation of America
Children's Environmental Health Network
Citizens Action Coalition of Indiana
Climate Health Now
Connecticut Health Professionals for Climate Action
Gary Advocates for Responsible Development (GARD)
Georgia Clinicians for Climate Action
Health Professionals for a Healthy Climate
Idaho Clinicians for Climate and Health
Improving Kids Environment (part of Hoosier Environmental Council)
Indiana Conservation Voters
International Society for Environmental Epidemiology-North America Chapter
Medical Students for a Sustainable Future (MS4SF)
Mothers & Others for Clean Air

Medical Society Consortium on Climate and Health
NH Healthy Climate
Oncology Advocates United for Climate and Health - International
Physicians for Social Responsibility
Utah Physicians for a Healthy Environment