

# CLEAN AIR ACT (CAA): EJ Hook Fact Sheet

## Summary of Law

The CAA is intended to:

- Protect public health
- Decrease air pollution
- Regulate emissions into the air from stationary sources (for example power plants, factories) and mobile sources (for example cars)

EPA sets standards and rules to regulate air pollution, issues permits to emit certain levels of air pollution, and delegates regulatory authority to the states.

## Environmental Justice “Hooks”

There are many provisions in the CAA you can use to achieve environmental justice goals:

1. **Air Quality Standards:** EPA can consider the impacts and health risks on sensitive populations when setting or revising the National Ambient Air Quality Standards, the New Source Performance Standards, and the National Emissions Standards for Hazardous Air Pollutants.
2. **Mobile Source Standards:** When designing emissions standards, EPA can consider the health impacts on communities of emissions from motor vehicles, toxic emissions from vehicles, emissions along bus routes, and emissions from fuels (Sections 202 and 211).
3. **Urban Area Source Program:** EPA is required to conduct a research monitoring program of urban area sources of air pollution, focusing on the public health risks posed by hazardous air pollution. After monitoring is complete, EPA must submit to Congress a strategy for controlling hazardous air pollutants in urban areas (Section 112(k)).
4. **Title V:**
  - If EPA fails to object to a permit, citizens can petition the agency to object within 60 days of the review period under section 505(b).
  - Section 504(a)-(c) may authorize EPA to impose permit conditions that help communities ensure that facilities comply with the law, such as requiring the facility to provide information about its emissions to the community.
  - Section 504(b)'s requirement that facilities that receive permits engage in monitoring, record-keeping, and reporting can provide affected communities access to information that could lead to enforcement action or citizen suits, where necessary.
5. **Enforcement:** Section 113 gives EPA broad discretion in choosing when and where to bring an enforcement action. It can consider environmental justice concerns when determining what penalties to impose for a violation. EPA can seek comments from affected communities on proposed settlements with polluters and take emergency action to stop emission of air pollutants in order to protect public health, welfare, or the environment (Section 303).

## 6. **Information Gathering:**

- CAA requires pollution sources to monitor their emissions and share this information with affected communities. Any information obtained by EPA is available to the public, except where it constitutes a trade secret (Section 114(c)).
- EPA may require that owners or operators of emissions sources: (1) establish and maintain records; (2) make reports; (3) install, use, and maintain monitoring equipment; (4) sample their emissions; (5) keep records on control equipment; (6) submit compliance certifications; and (7) provide other information as required by EPA (Section 114(a)).

## 7. **Research and Development:**

- EPA is authorized to research the health and welfare effects of air pollution on, and investigate problems of concern to, low-income communities and communities of color. EPA can work with communities to carry out research, and should ensure that its research results are shared with affected communities (Section 103).
- EPA is required to research the short and long-term effects of air pollutants, including wood smoke, on human health (Section 103(d)), and to establish and maintain an air toxics clearinghouse and center to provide technical information and assistance to state and local agencies and others (Section 112(l)(3)).

## 8. **Financial Assurance:**

- Community groups and individuals can seek technical and financial aid from EPA for activities aimed at preventing and controlling air pollution, such as collecting information, clarifying test results, and/or purchasing monitoring equipment (Section 103(a)(2)).
- EPA could condition its grant assistance to state air pollution control agencies on the consideration of cumulative impacts in the process of establishing air quality standards, and on considering demographic factors in developing an alert system (Section 105).

## 9. **Public Participation:**

*Community residents can provide public comments on Draft Title V Permits; EPA consideration of a state's Title V program; EPA approval of a State Implementation Plan (SIP), or the revision of a SIP; EPA's decision whether to redesignate an area as Prevention of Significant Deterioration (PSD); and EPA's proposed consent orders or settlement agreements with a polluter.*

*Community residents can participate in public hearings on Draft Title V permits; Draft Prevention of Significant Deterioration (PSD) permits; revisions of a State Implementation Plan (SIP); proposed redesignation of a PSD area.*

For more details on how to use the CAA to achieve environmental justice, please see:

1. *Opportunities for the Advancement of Environmental Justice: An Analysis of EPA Statutory Authorities* (Environmental Law Institute, 2001).
2. *A Citizen's Guide to Using Federal Environmental Laws to Secure Environmental Justice.* (Environmental Law Institute, 2002).