

CHAMBER OF COMMERCE
OF THE
UNITED STATES OF AMERICA

R. BRUCE JOSTEN
EXECUTIVE VICE PRESIDENT
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June 25, 2014

The Honorable Jeff Flake
United States Senate
Washington, DC 20510

The Honorable Pete Olson
U.S. House of Representatives
Washington, DC 20515

Dear Senator Flake and Representative Olson:

The U.S. Chamber of Commerce, the world's largest business federation representing the interests of more than three million businesses of all sizes, sectors, and regions, as well as state and local chambers and industry associations, and dedicated to promoting, protecting, and defending America's free enterprise system, commends you on the introduction of S. 2526 and H.R. 4957, respectively, titled the "Commonsense Legislative Exceptional Events Reform (CLEER) Act." This legislation would bring much-needed reforms to the process under which the Environmental Protection Agency (EPA) determines "exceptional events" under the Clean Air Act by requiring those determinations to be based upon established criteria and evidence, allowing for judicial appeals of decisions, and instituting timelines to provide regulatory certainty for the states.

"Exceptional events" are unusual or naturally occurring events that can affect air quality, but are not reasonably controllable or preventable. These events, which can include dust storms and wildfires, can cause areas to exceed federal air quality standards. Currently, states and local agencies are required to prove to the "EPA's satisfaction" that an "exceptional event" caused an exceedance of air quality standards. However, the process lacks an established set of criteria, has no timelines for the EPA's review of state documentation, and decisions are not judicially appealable.

The CLEER Act would provide commonsense solutions to these problems. It would require the EPA to work with the states to create a set of criteria in order to determine "exceptional events." The bill also would mandate that the EPA's "exceptional events" decisions give substantial deference to state findings. Additionally, it would set a ninety-day deadline for the EPA's review of states' "exceptional events" submissions. Finally, the bill would allow state and local agencies to appeal the EPA's determinations in a court of law.

The Chamber applauds both of you for introducing the CLEER Act and looks forward to working with you on this important legislation.

Sincerely,



R. Bruce Josten