

Resolution No. 3

Date: 6/6/2014

City: Washington, DC

NAHB Resolution

Title: Clean Air Act Issues
Sponsor: Environmental Issues Committee
Submitted by: Chuck Ellison

WHEREAS, the Clean Air Act directs the Environmental Protection Agency (EPA) to set national ambient air quality standards (NAAQS) for specific air pollutants, including ozone (smog), carbon monoxide, lead, nitrogen dioxide, sulfur dioxide and particulate matter (soot);

WHEREAS, EPA has previously exceeded its regulatory authority in revising its NAAQS for ground-level ozone and particulate matter to a more stringent level unsupported by relevant data, resulting in a non-attainment designation for hundreds of counties.

WHEREAS, after designation, each state is required to submit to EPA a detailed State Implementation Plan (SIP) describing the emission reduction strategies it will implement to achieve and maintain those standards within its boundaries;

WHEREAS, SIP-based emissions reductions must be credible and federally enforceable because the responsibility of implementation falls on the federal government if a state fails to perform adequate SIP implementation;

WHEREAS, EPA has no authority over state and local code enforcement;

WHEREAS, despite this mandate EPA has suggested that states adopt several SIP-based requirements for reducing emissions that are problematic and ill-conceived and that can negatively affect the building industry, such as:

1. Allowing state and local governments to adopt mandatory land use controls in return for emissions reduction credit in the state's SIP — a practice and outcome that is unsupported by the federal government's own data;
2. Requiring the installation of pollution control measures on the existing stock of in-use non-road diesel construction equipment that was produced prior to the federal pollution control measures that are now required for new diesel engines — an effort that would impact an estimated 6 million vehicles, with costs averaging \$2,500 per vehicle;

3. Supporting the use of mandatory energy efficiency requirements to gain emissions reductions from housing — an action that is unwarranted due to the lack of data supporting its effectiveness and the misuse of authority; and
4. Urging state and local governments to seek SIP credit for programs that impose impact fees or other disincentives for homes for the American people because of the perception that home building attracts regulated emissions,

NOW, THEREFORE, BE IT RESOLVED that the National Association of Home Builders urge the Environmental Protection Agency (EPA) to:

1. Withdraw its policy allowing state and local governments to adopt land use controls, including regulating indirect sources of emissions, in exchange for air quality credits unless there are verifiable emissions reductions;
2. Continue to implement the voluntary diesel retrofit program and provide additional incentive-based options (including financial incentives) for diesel retrofiting;
3. Cease to allow states to adopt mandatory energy efficiency requirements in exchange for air quality credits;
4. Set National Ambient Air Quality Standards for ground-level ozone and particulate matter at levels that do not exceed the statutory limit of “requisite to protect the public health” with an “adequate margin of safety” as interpreted by the U.S. Supreme Court to mean “sufficient, but not more than necessary.”

Board of Directors Action:	Approved
Executive Board Action:	Recommends Approval
Resolutions Committee Action:	Recommends Approval
Land Development Committee Action:	Recommends Approval
Construction, Codes and Standards Committee Action:	Recommends Approval
Legal Action Committee Action:	Recommends Approval
Environmental Issues Committee Action:	Recommends Approval
Energy & Green Building Subcommittee of the Construction, Codes and Standards Committee Action:	Recommends Approval

This resolution updates and replaces policy due to sunset: 2010.4 No. 8 Clean Air Act Issues