



July 24, 2024

DOEE Air Quality Division
ATTN: Joseph Jakuta: Affirmative Defense Removal
1200 First Street NE, Fifth Floor
Washington, DC 20002

The Anacostia Parks & Community Collaborative (APACC) is a network of residents and organizations who come together to celebrate the Anacostia River. Our membership includes environmental experts and diverse local voices, reflecting our community-first vision for how the Anacostia River can support the well-being of residents who live and play in and around its park and river system. We appreciate the opportunity to comment on the Proposed Rulemaking for the Removal of Clean Air Act Title V Emergency Affirmative Defense Provisions.

We all know what air pollution looks like, from plumes of white smoke rising from an industrial plant to dirty fossil fuel burning appliances generating harmful gases inside our homes. But its effects on our health are often less visible. Decades of research have shown that air pollutants such as ozone and particulate matter increase the amount and severity of lung and heart disease. Our city's children and teenagers are particularly vulnerable because their organs and immune systems are still developing, and air pollution increases their risk of developing diseases throughout their lives.

That is why APACC supports the proposed rule and calls on the district to eliminate all air pollution loopholes from its air operating permitting programs that fossil fuel operators have exploited for years to pollute our city, particularly in disfavored communities that bear the harms of coexisting with toxic industries. It is not uncommon for industrial polluters to hide behind factory malfunctions that release more harmful air pollution during a single event than they're legally allowed in an entire year, and often without facing any serious consequences. As long as these loopholes exist, polluters will continue to exploit them.

Adopting this rule would be in line with other commitments the district has made to improve local air quality, including the passing of the Healthy Homes bill that will replace thousands of fossil-fuel powered appliances with electric appliances, and Advanced Clean Cars II to facilitate the transition to zero emission vehicles. DOEE also recently took a big step toward addressing air quality disparities in our city by installing an ambient air monitor at the Bald Eagle Recreation Center in Bellevue. The district is a leader on clean air issues and should be actively opposing any policies or legal challenges from groups like the American Petroleum Industry that threaten this progress.

Finally, this loophole should have been closed almost a decade ago when the Environmental Protection Agency repealed the affirmative defense in 2016 but was stymied by Big Pollution who still fights to keep dangerous loopholes like this one going. Thank you.