



**Testimony of Serena McIlwain
Secretary of the Environment, State of Maryland**

**Regarding the U.S. Environmental Protection Agency’s Final Action,
“Federal Implementation Plan Addressing Regional Ozone Transport for the
2015 Ozone National Ambient Air Quality Standard”**

Before the U.S. Senate Committee on the Environment and Public Works

March 29, 2023

Good morning Chair Carper, Ranking Member Capito, Senator Cardin, and members of the Committee. My name is Serena McIlwain and I am the Secretary of the Maryland Department of the Environment, or MDE. Thank you for inviting me here today to discuss this important step by the Environmental Protection Agency to ensure that citizens of every state and every community in America enjoy clean air.

Over the past 50 years, the Clean Air Act has benefited millions of Americans, largely through the federal-state partnership embodied in that landmark environmental law. While we have enjoyed great progress, interstate transport of air pollution is still a problem for many states, including Maryland. EPA’s new Good Neighbor rule is a significant step in the right direction to address ozone pollution that is carried by the wind across state lines. The State of Maryland, through Governor Moore’s administration and MDE, strongly supports EPA’s rule. We welcome the promise that its requirements – placed on Maryland as well as other states – will ensure that, indeed, we are all good neighbors.

Maryland takes its obligations as an upwind state seriously. Under this rule, Maryland will continue to show leadership in addressing ozone pollution from our state that enters into the New York and Connecticut area downwind. At the same time, Maryland will benefit from the pollution reductions in the rule. Research shows that ozone levels in air entering Maryland from upwind states often already approach the health-based standard as it reaches our borders. That means the ozone concentration in our air will exceed the standard and threaten our citizens' health no matter how well we control our own pollution sources.

The Rule Provides Public Health Benefits

The rule requires immediate and long-term pollution reductions from power plants and certain industrial sources. The reductions resulting from the rule will improve air quality, saving lives and improving public health in communities across the nation. Maryland agrees with EPA's analysis that the rule's proven, cost-effective measures will deliver cleaner air and substantial health benefits, including:

- prevention of premature deaths;
- reduced hospital and emergency room visits;
- reduced lost work and school days; and
- a decrease in asthma symptoms for millions of Americans.

The rule further provides for a broad range of secondary benefits including improved visibility in national parks and increasing protection for sensitive ecosystems and coastal waterways, including the Chesapeake Bay.

This Rule Advances Environmental Justice and Puts States on a Level Playing Field

EPA's rule requires pollution reductions from all 23 states named in the rule, including Maryland. Maryland is a leader in effective and innovative air pollution control programs that have provided substantial pollution reductions both in our state and across state lines. But the proven programs in place in Maryland are not in place in many other states named in this rule. That is not fair, and it is not just. This rule fixes that. It will put the states on an equal footing. It requires other states to limit pollution from power plants and some industrial sources in a manner that is equally as stringent as the limits already implemented in Maryland and other leadership states.

I don't say all of this about Maryland's programs just to brag, but to show that the actions required under this EPA rule are already proven to work. They have been shown to be a technically feasible and cost-effective way to reduce pollution. EPA's limits will increase equity between the states that have already incurred costs to reduce pollution and the states that have more cost-effective reductions left to achieve.

In the end, it is critical for all of us to reduce our contributions to the unhealthy air that overburdened communities in downwind states are too often forced to endure.

To be good neighbors.

Maryland Supports the Daily Backstop Emission Rate

Maryland strongly supports the daily emissions rate backstop as the most effective way to limit daily emissions. Attainment of the ozone standard is measured on key days, meaning that daily minimization of emissions is critical to attaining of the standard.

EPA's common-sense requirement is too simple to ignore: power plants that have already paid for, designed, and installed advanced pollution controls should be required to operate them every day of the ozone season.

EPA's daily emission backstop will work in tandem with the ozone season emission budgets. The budgets give power plants a measure of flexibility in operating their controls, while the daily emission rate ensures that downwind states are granted a necessary measure of assurance that they will be protected on a daily basis by continuous operation of the installed pollution controls.

Maryland Supports the New 2026 Emission Reduction Requirements

It is unreasonable, in this day, to have large emitting power plants operate without advanced pollution controls, or indeed any controls at all. Maryland supports EPA's requirement for uncontrolled power plants to install pollution controls by 2026. This group of sources, which has not previously been required to participate in programs to reduce ozone pollution transport, will achieve significant emissions reductions when adequately controlled.

Conclusion

In closing, Maryland supports EPA's rule as a comprehensive and protective approach to addressing ozone pollution transport. The final rule is reasonable, achievable, equitable, and brings much needed pollution reductions for downwind states and overburdened communities.

Thank you for this opportunity to testify. I look forward to the discussion.