

119TH CONGRESS
1ST SESSION

H. R. 4218

To amend the Clean Air Act to facilitate State implementation of national ambient air quality standards, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 27, 2025

Mr. CARTER of Georgia (for himself, Mr. GRIFFITH, Mr. ALLEN, Mr. BALDERSON, Mr. LATTA, Mr. NEWHOUSE, and Mr. WEBER of Texas) introduced the following bill; which was referred to the Committee on Energy and Commerce

A BILL

To amend the Clean Air Act to facilitate State implementation of national ambient air quality standards, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clean Air and Eco-
5 nomic Advancement Reform Act” or the “CLEAR Act”.

6 **SEC. 2. FACILITATING STATE IMPLEMENTATION OF NA-**
7 **TIONAL AMBIENT AIR QUALITY STANDARDS.**

8 (a) **TIMELINE FOR REVIEW OF NATIONAL AMBIENT**
9 **AIR QUALITY STANDARDS.**—Paragraphs (1) and (2)(B)

1 of section 109(d) of the Clean Air Act (42 U.S.C.
2 7409(d)) are amended by striking “five-year intervals”
3 each place it appears and inserting “10-year intervals”.

4 (b) CONSIDERATION OF ATTAINABILITY.—Section
5 109(b)(1) of the Clean Air Act (42 U.S.C. 7409(b)(1))
6 is amended by inserting after the first sentence the fol-
7 lowing: “If the Administrator, in consultation with the
8 independent scientific review committee appointed under
9 subsection (d), finds that a range of levels of air quality
10 for an air pollutant are requisite to protect public health
11 with an adequate margin of safety, as described in the
12 preceding sentence, the Administrator may, as a sec-
13 ondary consideration in establishing and revising the na-
14 tional primary ambient air quality standard for such air
15 pollutant, consider likely attainability of the standard.”.

16 (c) OPPORTUNITY FOR STATES TO CORRECT DEFICI-
17 CIENCY PRIOR TO PROMULGATION OF FEDERAL IMPLE-
18 MENTATION PLAN.—Section 110(c)(1) of the Clean Air
19 Act (42 U.S.C. 7410(c)(1)) is amended—

20 (1) by striking “at any time”; and

21 (2) by adding at the end the following: “Before
22 promulgating the Federal implementation plan, the
23 Administrator shall give the State at least one year
24 after such finding or disapproval to submit a plan or
25 plan revision to correct the deficiency. If the State

1 submits a plan or plan revision to correct the defi-
2 ciency, the Administrator may, notwithstanding the
3 2-year deadline under this paragraph to promulgate
4 a Federal implementation plan, take up to 3 years
5 after such finding or disapproval to promulgate a
6 Federal implementation plan.”.

7 (d) CONTINGENCY MEASURES FOR EXTREME OZONE
8 NONATTAINMENT AREAS.—Section 172(c)(9) of the Clean
9 Air Act (42 U.S.C. 7502(c)(9)) is amended by adding at
10 the end the following: “Notwithstanding the preceding
11 sentences and any other provision of this Act, such meas-
12 ures shall not be required for any nonattainment area for
13 ozone classified as an Extreme Area.”.

14 (e) PLAN SUBMISSIONS AND REQUIREMENTS FOR
15 OZONE NONATTAINMENT AREAS.—Section 182 of the
16 Clean Air Act (42 U.S.C. 7511a) is amended—

17 (1) in subsection (b)(1)(A)(ii)(III), by inserting
18 “and economic feasibility” after “technological
19 achievability”;

20 (2) in subsection (c)(2)(B)(ii), by inserting
21 “and economic feasibility” after “technological
22 achievability”;

23 (3) in subsection (e), in the matter preceding
24 paragraph (1)—

1 (A) by striking “The provisions of clause
 2 (ii) of subsection (c)(2)(B) (relating to reduc-
 3 tions of less than 3 percent), the provisions of
 4 paragraphs” and inserting “The provisions of
 5 paragraphs”; and

6 (B) by striking “, and the provisions of
 7 clause (ii) of subsection (b)(1)(A) (relating to
 8 reductions of less than 15 percent)”; and

9 (4) in paragraph (5) of subsection (e), by strik-
 10 ing “, if the State demonstrates to the satisfaction
 11 of the Administrator that—” and all that follows
 12 through the end of the paragraph and inserting a
 13 period.

14 (f) PLAN REVISIONS FOR MILESTONES FOR PARTIC-
 15 ULATE MATTER NONATTAINMENT AREAS.—Section
 16 189(c)(1) of the Clean Air Act (42 U.S.C. 7513a(c)(1))
 17 is amended by inserting “, which take into account techno-
 18 logical achievability and economic feasibility,” before “and
 19 which demonstrate reasonable further progress”.

20 **SEC. 3. EMISSIONS BEYOND CONTROL.**

21 (a) EXCEPTIONAL EVENTS.—Section 319(b) of the
 22 Clean Air Act (42 U.S.C. 7619(b)) is amended—

23 (1) in the subsection heading, by inserting “OR
 24 ACTIONS TO MITIGATE WILDFIRE RISK” after
 25 “EVENTS”;

1 (2) in paragraph (1)—

2 (A) in the paragraph heading, by striking
3 “DEFINITION OF EXCEPTIONAL EVENT” and in-
4 serting “DEFINITIONS”;

5 (B) in subparagraph (A), by redesignating
6 clauses (i) through (iv), as subclauses (I)
7 through (IV), respectively;

8 (C) by striking “(A)” and all that follows
9 through “an event that—” and inserting the
10 following:

11 “(A) EXCEPTIONAL EVENT.—

12 “(i) IN GENERAL.—The term ‘excep-
13 tional event’ means an event that—”;

14 (D) by amending subclause (III) of sub-
15 paragraph (A)(i), as redesignated, to read as
16 follows:

17 “(III) is an event that is—

18 “(aa) a natural event;

19 “(bb) caused by a human
20 activity that is intended to mirror
21 the occurrence or reoccurrence of
22 a natural event; or

23 “(cc) caused by a human ac-
24 tivity that is unlikely to recur;
25 and”;

1 (E) by striking subparagraph (B) and in-
2 serting the following:

3 “(ii) EXCLUSIONS.—In this sub-
4 section, the term ‘exceptional event’ does
5 not include—

6 “(I) ordinarily occurring stagna-
7 tion of air masses;

8 “(II) meteorological inversions;
9 or

10 “(III) air pollution relating to
11 source noncompliance.”; and

12 (F) by adding at the end the following:

13 “(B) ACTION TO MITIGATE WILDFIRE
14 RISK.—The term ‘action to mitigate wildfire
15 risk’ means a prescribed fire or similar meas-
16 ure, undertaken in accordance with State ap-
17 proved practices, to reduce the risk and severity
18 of wildfires.”;

19 (3) in paragraph (2)—

20 (A) in subparagraph (A)—

21 (i) by striking “March 1, 2006” and
22 inserting “18 months after the date of en-
23 actment of the CLEAR Act”;

24 (ii) by inserting “revisions to” before
25 “regulations”; and

1 (iii) by adding “or actions to mitigate
2 wildfire risk” before the period at the end;
3 (B) in subparagraph (B)—

4 (i) by inserting “or action to mitigate
5 wildfire risk” after “an exceptional event”;
6 and

7 (ii) by striking “paragraph (3)” and
8 inserting “this section”; and

9 (C) by adding at the end the following:

10 “(C) REGIONAL ANALYSIS.—When more
11 than one State notifies the Administrator of its
12 intent to submit a petition for an exceptional
13 event or an action to mitigate wildfire risk for
14 the same air quality event, the Administrator
15 shall conduct regional modeling and analysis,
16 upon request by one or more States, to satisfy
17 the analysis required for an exceptional event or
18 an action to mitigate wildfire risk petition for
19 such air quality event.

20 “(D) TRANSPARENCY.—Not later than 12
21 months after the date of enactment of the
22 CLEAR Act, the Administrator shall establish
23 and update monthly a public website describing
24 the status of all submitted petitions for excep-

1 tional events and actions to mitigate wildfire
2 risk.”;

3 (4) in paragraph (3)(A)—

4 (A) by redesignating clauses (ii) through
5 (v) as clauses (iii) through (vi), respectively;
6 and

7 (B) by inserting after clause (i) the fol-
8 lowing:

9 “(ii) the principle that actions to miti-
10 gate wildfire risk can play an important
11 role in reducing the magnitude and fre-
12 quency of wildfires;”;

13 (5) in paragraph (3)(B)—

14 (A) in clause (i), by inserting “or action to
15 mitigate wildfire risk” before “must be”;

16 (B) by amending clause (ii) to read as fol-
17 lows:

18 “(ii) a clear causal relationship must
19 exist, or be reasonably expected to exist,
20 between the measured exceedances of a na-
21 tional ambient air quality standard and the
22 exceptional event or action to mitigate
23 wildfire risk to demonstrate that the excep-
24 tional event or action to mitigate wildfire
25 risk caused a specific air pollution con-

centration at a particular air quality monitoring location;” and

(C) by amending clause (iv) to read as follows:

“(iv) there are criteria and procedures for the Governor of a State to petition the Administrator to exclude air quality monitoring data that is directly due to exceptional events or actions to mitigate wildfire risk from use in determinations by the Administrator with respect to—

“(I) area or source exceedances or violations of the national ambient air quality standards;

“(II) the designation, redesignation, classification, or reclassification of an area;

“(III) the demonstration by a State of attainment of a national ambient air quality standard;

“(IV) attainment determinations;

“(V) attainment date extensions;

“(VI) finding a State implementation plan to be inadequate; or

1 “(VII) preconstruction dem-
2 onstrations under section 165(a)(3).”;
3 and

4 (6) by striking paragraph (4).

5 (b) APPLICABILITY OF SANCTIONS AND FEES IF
6 EMISSIONS BEYOND CONTROL.—The Clean Air Act (42
7 U.S.C. 7401 et seq.) is amended by inserting after section
8 179B the following new section:

9 **“SEC. 179C. APPLICABILITY OF SANCTIONS AND FEES IF**
10 **EMISSIONS BEYOND CONTROL.**

11 “(a) IN GENERAL.—Notwithstanding any other pro-
12 vision of this Act, with respect to any nonattainment area
13 that is classified under section 181 as a Severe Area or
14 an Extreme Area for ozone or under section 188 as a Seri-
15 ous Area for particulate matter, no sanction or fee under
16 section 179 or 185 shall apply with respect to a State (or
17 an area or source therein) on the basis of a deficiency de-
18 scribed in section 179(a), or the failure to attain a na-
19 tional ambient air quality standard for ozone or particu-
20 late matter by the applicable attainment date, if the State
21 demonstrates that the State would have avoided such defi-
22 ciency, or such standard would have been attained, but
23 for one or more of the following:

24 “(1) Emissions emanating from outside the
25 nonattainment area.

1 “(2) Emissions from an exceptional event (as
2 defined in section 319(b)(1)).

3 “(3) Emissions from mobile sources to the ex-
4 tent the State demonstrates that—

5 “(A) such emissions are beyond the control
6 of the State to reduce or eliminate; and

7 “(B) the State is fully implementing such
8 measures as are within the authority of the
9 State to control emissions from the mobile
10 sources.

11 “(b) NO EFFECT ON UNDERLYING STANDARDS.—
12 The inapplicability of sanctions or fees with respect to a
13 State (or an area or source therein) pursuant to sub-
14 section (a) does not affect the obligation of a State, area,
15 source, or other entity under other provisions of this Act
16 to establish and implement measures to attain a national
17 ambient air quality standard for ozone or particulate mat-
18 ter.

19 “(c) PERIODIC RENEWAL OF DEMONSTRATION.—
20 For subsection (a) to continue to apply with respect to
21 a State (or an area or source therein), the State involved
22 shall renew the demonstration required by subsection (a)
23 at least once every 5 years.”.

1 **SEC. 4. CLEAN AIR SCIENTIFIC ADVISORY COMMITTEE.**

2 (a) COMPOSITION OF INDEPENDENT SCIENTIFIC RE-
3 VIEW COMMITTEE.—Section 109(d)(2)(A) of the Clean
4 Air Act (42 U.S.C. 7409(d)(2)(A)) is amended—

5 (1) by striking “one person representing State
6 air pollution control agencies” and inserting “three
7 persons representing State air pollution control
8 agencies”; and

9 (2) by adding at the end the following: “The
10 persons representing State air pollution control
11 agencies shall be from geographically diverse areas
12 with at least one person representing a State located
13 in Region 1, 2, 3, or 5 of the Environmental Protec-
14 tion Agency, one person representing a State located
15 in Region 4, 6, or 7 of the Environmental Protection
16 Agency, and one person representing a State located
17 in Region 8, 9, or 10 of the Environmental Protec-
18 tion Agency.”.

19 (b) CONSIDERATION OF ADVERSE PUBLIC HEALTH,
20 WELFARE, SOCIAL, ECONOMIC, OR ENERGY EFFECTS.—
21 Section 109(d)(2) of the Clean Air Act (42 U.S.C.
22 7409(d)(2)) is amended by adding at the end the fol-
23 lowing:

24 “(D) Prior to establishing or revising a national am-
25 bient air quality standard, the Administrator shall re-
26 quest, and such committee, after receiving public com-

1 ments, shall assess and provide advice under subpara-
2 graph (C)(iv) regarding any adverse public health, welfare,
3 social, economic, or energy effects which may result from
4 various strategies for attainment and maintenance of such
5 national ambient air quality standard.”.

○