



# END POLLUTION LOOPHOLES FOR STARTUPS, SHUTDOWNS, AND MALFUNCTIONS:

## Talking Points

### **Key Message:**

[Tell the EPA](#) you support its proposal to close harmful emissions loopholes that allow industry to illegally pollute North Carolina's air.

These loopholes cover times when industrial facilities are starting up, shutting down, or are malfunctioning (SSM); factories might temporarily exceed their allowable emissions limits by releasing huge amounts of pollution during these brief periods of abnormal activity. But the current SSM loopholes are so broad that they effectively neutralize the Clean Air Act and hand polluters a blank check for emissions.

Although the EPA's proposal to close some of its exemptions is significant, we ask to also urge the EPA to close [dozens of similar loopholes its current federal regulations allow](#). As long as polluters are able to evade the Clean Air Act's clear mandate that emissions limitations apply "continuously," our region's air will not be protected to the degree the law requires.

### **SSM Loopholes:**

- These loopholes can allow industrial polluters to release large spikes of harmful pollution over hours or days that neighboring communities breathe.

- A study in Texas found that these SSM events are “frequent, large in magnitude, [and] last from a few hours to several days (or even weeks).”
- There have been occurrences when industrial polluters release more harmful air pollution during a single spike from an SSM event than they are permitted to emit in an entire year.
- These events release dangerous air pollutants hazardous to human health, including soot, ozone pollution, and several known carcinogens and neurotoxins.
- SSM events are more likely to occur during disasters (such as hurricanes). As climate change continues to fuel more intense storms, SSM events could become worse and more frequent.

### **Environmental Justice:**

- The pollution spikes permitted by SSM loopholes disproportionately affect Black and brown communities.
- These toxic flares pollute the surrounding air and cause serious health problems for fence-line communities.
- Along the Gulf Coast, these loopholes are driving an environmental injustice crisis because of the high concentration of polluters along Cancer Alley.
- In North Carolina, we are particularly concerned about the excess emissions from compressor stations for natural gas pipelines and wood pellet “biomass” mills, which process timber burned for electricity in Europe.
- These mills are disproportionately located in rural, lower-wealth, and BIPOC communities in eastern North Carolina

## **Issue Background:**

- In 2015, the Obama Administration announced action to close loopholes in state air quality regulations—including North Carolina’s—that allow prolonged, uncontrolled pollution from industrial facilities during startup, shutdown, and malfunction (“SSM”) events. These loopholes violate the Clean Air Act, which requires pollution controls to operate “continuously.”
- But the Trump Administration blocked EPA’s efforts to bring North Carolina’s rules into compliance with federal law, and exemptions for these pollution spikes were unlawfully permitted to continue in North Carolina and elsewhere.
- After a legal challenge brought by the Southern Environmental Law Center on behalf of CleanAIRE NC alongside national partners, EPA agreed to finally close these loopholes in North Carolina and other states, ensuring that the Clean Air Act protects the air we breathe day in and day out, as the law requires.

## **Call to Action:**

After eight years of waiting, [we need you to thank the EPA for finally closing SSM loopholes and protecting North Carolinians from these dangerous pollution events](#). Specifically, we would ask the EPA to require North Carolina to close them more quickly than proposed. EPA has suggested giving the state the maximum time allowable to act: 18 months. But the state has been on notice since 2015 that its exemptions violated the Clean Air Act; EPA should not put North Carolinians’ health at risk for another year and a half when we know these pollution spikes can and should be eliminated more quickly.

In addition, please include in your comments to the EPA a request that they move quickly to close the other [unlawful SSM loopholes in federal regulations](#).