

FACT SHEET

Amendments to Regional Consistency Regulations

Action

- On July 21, 2016, the U.S. Environmental Protection Agency (EPA) finalized revisions to its Regional Consistency regulations, under the Clean Air Act (CAA). This action will streamline the application of regional or local court decisions across the regional offices.
- These revisions introduce a narrow procedural exception under which an EPA regional office no longer needs to seek headquarters concurrence to diverge from national policy in geographic areas covered by such an adverse court decision. This exception will apply where Federal court decisions concerning the CAA have regional or local applicability.
- These changes give the EPA the flexibility to implement CAA programs on a national scale while also minimizing delay in implementing court rulings concerning certain EPA actions under the CAA.

Background

- Congress established the regional consistency requirements as part of the 1977 Clean Air Act Amendments which required that the EPA issue regulations to promote consistency among EPA Regional offices and States in implementing the Clean Air Act.
- EPA promulgated the Regional Consistency regulations on December 24, 1980, to assure consistent application of CAA rules, regulations and policy nationwide.
- EPA became aware of the need for this final rule as a result of a D.C. Circuit Court decision in *NEDACAP vs. EPA*. This decision, vacated an EPA policy memo concerning a title V permitting decision under the CAA.

More Information

- To read the final Regional Consistency regulations amendments, visit <https://www.epa.gov/criteria-air-pollutants>.