

April 13, 2026

Dear Member of Congress,

The undersigned organizations **urge you to oppose H.R.6387**, the Fire Improvement and Reforming Exceptional Events (FIRE) Act; **H.R.6409**, the Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) Act; **and H.R.6398**, the Reducing and Eliminating Duplicative Environmental Regulations (RED Tape) Act on the House Floor. These bills would give industry free passes to pollute, endanger public health and the environment, and undermine the Clean Air Act's solutions to improve air quality.

The goal of the Clean Air Act is straightforward: to protect human health and the environment from emissions that pollute the air. These proposals would enable corporate polluters to skirt the law and the processes in place to minimize pollution and improve air quality. The FIRE Act and the FENCES Act both seek to undermine the national ambient air quality standards (NAAQS) program, a centerpiece of the Clean Air Act, and to weaken protections for people's health including the most vulnerable populations. These bills are provisions of the "Smoggy Skies Act," introduced in previous Congresses to ardent opposition by environmental advocates, health and medical professionals, and conservation groups - leading to its rejection at each turn.¹

The Clean Air Act has led to significant improvements in air quality – weakening it will lead to worse air quality. Combined emissions of the six criteria pollutants have dropped by 78% since 1970.² However, that does not mean the job is done. According to the American Lung Association's 2025 State of the Air Report, over 156 million people in the United States are living in areas with unhealthy levels of ozone or particle pollution.³ In addition, 97% of our national parks are harmed by air pollution that impairs visibility and scenic views, reducing visitors' enjoyment of our nation's natural spaces, and adversely impacting habitats and wildlife.⁴

Over the past several decades, as the Clean Air Act has achieved notable reductions in pollution,⁵ our understanding of the science of pollution – and of the threat to human health, safety, and ecosystems – has deepened.⁶ And in the past year, in large part due to an unprecedented presidential abuse of the Clean Air Act to exempt favored industries from safeguards,⁷ pollution has increased.⁸ Coupled with the blatant dereliction of enforcement

¹ Earthjustice, "Groups Urge Members of Congress to Reject Bill Weakening Air Standards" (2024) <https://earthjustice.org/press/2024/groups-urge-members-of-congress-to-reject-bill-weakening-air-standards>; Letter from health groups: "Smoggy Skies Act Will Codify Unhealthy Air" (2024) <https://www.lung.org/getmedia/0f4cbd4c-3354-4629-86bc-7f68ab20032c/Letter-from-Health-Groups-on-Smoggy-Skies-Act.pdf>; <https://www.npca.org/articles/1594-house-votes-to-weaken-clean-air-protections-for-parks-visitors> (2017)

² EPA, "Our Nation's Air: Trends Through 2023" <https://gispub.epa.gov/air/trendsreport/2024/#home>

³ American Lung Association, State of the Air 2025, <https://www.lung.org/research/sota/key-findings>

⁴ NPCA, "NPCA Finds Air Pollution Harms 97% of National Parks" (Mar 4, 2024)

<https://www.npca.org/articles/3699-npca-finds-air-pollution-harms-97-of-national-parks>

⁵ IEC report prepared for NRDC, "The Benefits and Costs of U.S. Air Pollution Regulations" (May 2020)

<https://www.nrdc.org/sites/default/files/iec-benefits-costs-us-air-pollution-regulations-report.pdf>

⁶ For example, see the Institute for Policy Integrity's report "Lifting the Smog: Debunking Myths Around Particulate Matter Standards" (Feb 2026) <https://policyintegrity.org/publications/detail/lifting-the-smog>

⁷ Earthjustice, "Polluters can now email their way out of clean air laws, courtesy of Trump" (May 2, 2025)

<https://earthjustice.org/experts/james-pew/polluters-can-now-email-their-way-out-of-clean-air-laws-courtesy-of-trump>;

Union of Concerned Scientists, "Trump Administration Clean Air Act Exemptions Increase Toxic Air Pollution for Millions" (Dec 9, 2025) <https://www.ucs.org/about/news/trump-administration-action-increases-air-pollution>

⁸ NRDC, "Coal Pollution Spikes After Trump's Free Pass to Pollute" (Mar 5, 2026)

<https://www.nrdc.org/media/coal-pollution-spikes-after-trumps-free-pass-pollute>

responsibilities by the current EPA,⁹ corporate polluters are emitting more and being held accountable much less.

The American people do not want this. Polling conducted in 2025 shows that a substantial, bipartisan majority of voters feel that “all companies should be required to follow air pollution rules required by the Clean Air Act.”¹⁰ Americans do not support relaxing proven public health safeguards so companies can further pollute overburdened areas, disregard the needs of communities, and avoid accountability for public harm. Weakening clean air protections to favor industry is counter to the will of the people. Congress must stand against industry handouts and stand up for public health and the environment by opposing these bills:

H.R.6387, the Fire Improvement and Reforming Exceptional Events (FIRE) Act, would broaden the definition of an exceptional event (for which air quality monitoring data may be excluded for purposes of certain regulatory decisions) to include virtually any natural event – even hot days or droughts, which are common occurrences. By proposing an overly expansive definition of exceptional events, it would create new opportunities for entities to abuse the existing processes for handling exceptional events in regulatory decisionmaking. Section 319 of the Clean Air Act, and further regulations and guidance through EPA’s Exceptional Events Rule, already clarifies the process for states to exclude air monitoring data affected by exceptional events like wildfires from being considered in the determination of their attainment status under the NAAQS program. And EPA’s 2016 Exceptional Events Rule is clear that prescribed fires, an important tool to protect communities from wildfire risk, can be eligible as an exceptional event.¹¹ In 2019, EPA released an additional resource, “Prescribed Fire Guidance” to further support state agencies.¹² Most fundamentally, H.R.6387 would weaken NAAQS implementation and the process to clean up unhealthy levels of air pollution, harming Americans throughout the country.

H.R.6409, the Foreign Emissions and Nonattainment Clarification for Economic Stability (FENCES) Act, would let areas of the country with polluted air violating NAAQS (areas designated “nonattainment”) blame foreign emissions as a means of avoiding taking tangible and commonsense measures to protect public health and improve air quality. Section 179B of the Clean Air Act already lays out a process for areas to obtain some regulatory relief if they would meet the NAAQS “but for emissions originating outside the United States.” But the area must still take the same reasonable steps any nonattainment area must take to reduce local air pollution. H.R.6409 would destroy that sensible balance, giving free passes to states and industries so they can avoid taking steps to clean up pollution, and forcing everyday Americans to continue to breathe dangerously polluted air.

H.R.6398, the Reducing and Eliminating Duplicative Environmental Regulations (RED Tape) Act, would remove the requirement under the Clean Air Act that EPA review and comment on newly authorized federal construction projects and other major federal agency actions that already require review under the National Environmental Policy Act (NEPA). Section

⁹ Earthjustice, “Zeldin wants you to think his EPA is serious about environmental enforcement. The evidence tells a different story.” (March 18, 2026)

<https://earthjustice.org/experts/laura-thoms/zeldin-wants-you-to-think-his-epa-is-serious-about-environmental-enforcement-the-evidence-tells-a-different-story>

¹⁰ Data For Progress, “Voters Reject Trump’s Free Pass to Polluters” (April 30, 2025)

<https://www.dataforprogress.org/insights/2025/4/30/voters-reject-trumps-free-pass-to-polluters>

¹¹ EPA Exceptional Events Rule, 2016

<https://www.epa.gov/air-quality-analysis/federal-register-notice-final-revisions-exceptional-events-rule>

¹² EPA Prescribed Fire Guidance, 2019

<https://www.epa.gov/newsreleases/epa-releases-additional-resource-prescribed-fires-support-air-agencies>

309 of the Clean Air Act ensures that, before agencies spend taxpayer dollars, pass regulations, and begin construction on federal projects, the federal government has adequately considered relevant health, economic, and environmental impacts. Eliminating Section 309 review would fundamentally undermine a critical mechanism by which the EPA fulfills its mission of protecting human health and the environment. This proposal places industry priorities – bypassing responsible review – above public health and welfare.

In summary, these bills are misleading: while posturing as commonsense solutions, they cater to industry’s deregulatory wishlist, sacrificing cleaner air so corporate polluters can evade existing processes that safeguard and improve air quality. These bills would dramatically weaken the Clean Air Act and undermine the right to clean, safe air that the law affords the American public. None of these proposals will lead to cleaner air, healthier communities, a stronger workforce, a more resilient environment, or a more secure economy.¹³

Congress must reject these proposals masquerading as real solutions. We urge you to vote against these bills when they go to the House floor for a vote.

Sincerely,

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Air Alliance Houston
Alliance of Nurses for Healthy Environments
Asthma & Allergy Foundation of America - Michigan Chapter
Beyond Toxics
Center for Biological Diversity
Central California Environmental Justice Network
Change the Chamber
Chesapeake Climate Action Network Action Fund
Clean Air Council
Climate Action Campaign
Climate Justice Alliance
Creation Justice Ministries
Dayenu
Deep South Center for Environmental Justice
Earthjustice Action
EcoMadres
EDF Action
Endangered Species Coalition
Environmental Law & Policy Center
Environmental Protection Network.
Georgia Conservation Voters
GreenLatinos
Greenpeace USA
Indivisible Georgia Coalition
Inland Ocean Coalition

¹³ Letter from Health Groups Opposing Legislation to Weaken the Clean Air Act <https://www.lung.org/getmedia/df4ad0da-ac2b-40b5-aa8b-64f92ae34aac/Letter-from-Health-Groups-on-Clean-Air-Act-Legislation.pdf>; Earthjustice, “Putting Industry Claims to Rest: Data Reveals Economic Success Amidst Clean Air Rules” (October 10, 2023) <https://earthjustice.org/experts/robyn-winz/putting-industry-claims-to-rest-data-reveals-economic-success-amidst-clean-air-rules>

Kentucky Resources Council
Kettle Range Conservation Group
League of Conservation Voters
Los Padres ForestWatch
Michigan Clinicians for Climate Action
Moms Clean Air Force
Natural Resources Defense Council
Nature for All
Next 100 Coalition
Northeast Ohio Black Health Coalition
Nuclear Information and Resource Service
Ocean Conservation Research
Partnership for Policy Integrity
Physicians for Social Responsibility
Physicians for Social Responsibility Pennsylvania
Physicians for Social Responsibility, San Francisco Bay
Pipe Line Awareness Network for the Northeast
Respiratory Health Association
Sierra Club
Standing Trees
The CLEO Institute
Union of Concerned Scientists
WE ACT for Environmental Justice
West Berkeley Alliance for Clean Air and Safe Jobs
WildEarth Guardians
Young, Gifted & Green