

# Republican bill would constrain EPA action on smog

By Nico Portuondo

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Texas Republican Rep. August Pfluger is sponsoring legislation that could effectively paralyze EPA's ability to enforce smog standards in his home state.

The "[Show the Data Act of 2024](#)" would amend the Clean Air Act to ban EPA from flunking a certain region for its ozone levels without using data from that state.

“The EPA has relied too heavily on modeling and behind-closed-doors data to try and redesignate areas like the Permian Basin without sufficient and direct evidence,” Pfluger said in a statement. “This approach disregards local input and threatens to impose new regulatory burdens that could worsen inflationary pressures.”

The [agency in 2022 proposed](#) that certain areas in the Permian Basin could be in "non-attainment" with the 2015 70-parts-per-billion ozone standard. Pfluger represents a Texas portion of the oil and gas hub.

Ozone, a lung irritant that is the main ingredient in smog, is formed by the reaction of nitrogen oxides and volatile organic compounds in sunlight. Oil and gas operations produce both classes of pollutants.

The EPA "non-attainment" designation meant regulators would have to come up with a long-term cleanup plan, likely translating to new controls on energy producers.

But after blowback from Texas Gov. Greg Abbott (R) and the oil and gas industry, the [agency scrubbed all public mention of failing](#) at least parts of the nation's largest oil- and gas-producing hub.

Monitoring in the New Mexico portion of the Permian shows the area exceeds 2015 ozone standards. That means the agency potentially has a reasonable basis to propose restrictions.

But Pfluger's bill would make sure any future "non-attainment" rulings use data found within the affected state. Texas would not be subject to the New Mexico data. EPA does not maintain any air quality monitors in Texas.

Lyssa Bell, a spokesperson for Pfluger, said the purpose of the legislation is solely "to ensure that any designation is based on real data from the state affected — not on modeling."

House Republicans also recently passed [H.R. 7650](#), the "Air Quality Standards Implementation Act," through the Energy and Commerce Committee, which would amount to a historic retooling of the Clean Air Act's machinery for setting and implementing National Ambient Air Quality Standards for six pollutants. It awaits a floor vote.

*Reporter Sean Reilly contributed.*