

*Filed via regulations.gov*

May 4, 2026

Honorable Lee Zeldin, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, N.W.  
Washington, DC 20460-0001

**Re: Docket ID No. EPA-HQ-OAR-2025-0068**

Dear Administrator Zeldin:

On behalf of 119 legislators across 30 states, we write in opposition to the U.S. Environmental Protection Agency's (EPA) proposal that would weaken public health protections by removing pyrolysis from the definition of combustion units in section 129 of the Clean Air Act (CAA). As state lawmakers, we support a wide range of actions to address the life cycle of plastic in our environment and economy, but we do not support EPA's proposed action to remove federal baseline clean air protections.

### **Pyrolysis and Federal Standards**

Pyrolysis units combust waste and produce hazardous air pollutants, which can include dioxins/furans, benzene, formaldehyde, polychlorinated biphenyls (PCBs), and other dangerous chemicals (1). Retaining the CAA's protections that set emission limits for hazardous air pollutants is an essential safeguard for communities that are already disproportionately impacted by multiple sources of pollution, including those who are particularly vulnerable, such as children and the elderly.

The CAA, for decades, has explicitly and plainly categorized pyrolysis as combustion under the "municipal waste combustion units" definition in [section 129](#) (2). Changing how EPA categorizes pyrolysis units will not change the dangerous air pollutants these units emit; it will only weaken controls on these harmful emissions. The CAA authorizes the permitting of incineration units, but does so only with strong safeguards, which this proposal attempts to circumvent. The proposed exemption is inconsistent with EPA's long-held position that pyrolysis units are incinerators and should be regulated as such.

### **Impact on States**

If pyrolysis is exempted from CAA section 129's standards for solid waste incineration, there will no longer be a protective floor or baseline for regulations across the country. This is especially concerning in the states that have attempted to deregulate pyrolysis by either defining it as recycling or exempting it from municipal solid waste disposal and categorizing it as manufacturing. Removing these protections creates a dangerous

gap in clean air protections and creates an unnecessary burden for states with limited resources to construct new regulatory systems.

Importantly, pyrolysis units emit significant amounts of hazardous air pollutants (3), even though many emit levels of smog-forming pollution and toxic particulate matter that generally fall below levels considered to be Major Sources under the CAA. Again, changing the federal legal category of these facilities does not reduce their emissions of hazardous air pollutants; instead, it reduces the tools available for monitoring and addressing harmful pollution. In states with existing exemptions, communities will no longer have systems in place that provide information and engagement opportunities where these facilities are sited.

### Final Considerations

We appreciate the opportunity to weigh in on this proposed rule. As described above, this proposed action would remove federal baseline clean air protections on hazardous air pollutants, create an undue burden on states with limited resources for developing new regulatory systems, and remove systems in place for providing critical information and engagement opportunities.

Considering these impacts, we respectfully urge you to consider the aforementioned concerns expressed by state policymakers when reviewing this proposed rule change, and maintain public health protections by keeping pyrolysis in the definition of combustion units in section 129 of the CAA.

Thank you for your time and consideration.

Signed,

Minnesota Representative Sydney Jordan  
(MN-060A)

Oregon Senator Janeen Sollman  
(OR-015)

Arizona Senator Kiana Sears  
(AZ-009)

Colorado Representative Karen McCormick  
(CO-011)

Connecticut Representative Lucy Dathan  
(CT-142)

Connecticut Representative Mary Mushinsky  
(CT-085)

Connecticut Representative John-Michael  
Parker  
(CT-101)

Georgia Representative Lisa Campbell  
(GA-035)

Georgia Representative Doreen Carter  
(GA-093)

Georgia Representative Eric Gisler  
(GA-121)

Georgia Representative Kim Schofield  
(GA-063)

Hawaii Representative Nicole Lowen  
(HI-007)

Hawaii Representative Amy Perruso (HI-046)	Iowa Senator Art Staed (IA-040)
Illinois Representative Joyce Mason (IL-061)	Indiana Representative Carolyn Jackson (IN-001)
Massachusetts Senator James Eldridge (MA-Senate Middlesex and Worcester)	Massachusetts Senator Dylan Fernandes (MA-Senate Plymouth and Barnstable)
Massachusetts Representative Mindy Domb (MA-House 3rd Hampshire)	Massachusetts Representative Steven Owens (MA-House 29th Middlesex)
Massachusetts Representative Angelo Puppolo (MA-House 12th Hampden)	Maryland Senator Brian Feldman (MD-015)
Maryland Senator Karen Lewis Young (MD-003)	Maryland Delegate Regina Boyce (MD-043A)
Maryland Delegate Lorig Charkoudian (MD-020)	Maryland Delegate Linda Foley (MD-015)
Maryland Delegate David Fraser-Hidalgo (MD-015)	Maryland Delegate Terri Hill (MD-012A)
Maryland Delegate Julie Palakovich Carr (MD-017)	Maryland Delegate Sheila Ruth (MD-044B)
Maryland Delegate Jen Terrasa (MD-013)	Maine Senator Nicole Grohoski (ME-007)
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Maine Representative Arthur Bell (ME-103)	Maine Representative Sally Cluchey (ME-052)
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Maine Representative Gary Friedmann (ME-014)	Maine Representative Sharon Frost (ME-058)

Maine Representative Valli Geiger (ME-042)	Maine Representative Cheryl Golek (D-ME-099)
Maine Representative Scott Harriman (D-ME-094)	Maine Representative Marc Malon (ME-133)
Maine Representative Kristi Mathieson (ME-151)	Maine Representative Ann Matlack (ME-043)
Maine Representative Michele Meyer (ME-150)	Maine Representative Christina Mitchell (ME-110)
Maine Representative Matt Moonen (ME-117)	Maine Representative William Pluecker (ME-044)
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New Hampshire Representative Jessica LaMontagne (NH-House Strafford 17)	New Hampshire Representative Peter Schmidt (NH-House Strafford 14)
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Rhode Island Senator Bridget Valverde  
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Rhode Island Representative Edith Ajello  
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Vermont Representative William Greer  
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Vermont Representative Larry Satcowitz  
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Vermont Representative Amy Sheldon  
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Vermont Representative Dara Torre  
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Virginia Delegate Irene Shin  
(VA-008)

Washington Representative Liz Berry  
(WA-036)

West Virginia Delegate Evan Hansen  
(WV-079)

Wisconsin Senator Melissa Ratcliff  
(WI-016)

Wisconsin Senator James Wall  
(WI-030)

Wisconsin Representative Alex Joers  
(WI-081)

Wisconsin Representative Supreme Moore  
Omokunde  
(WI-017)

Wyoming Representative Ken Chestek  
(WY-013)

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1. Gohar, H., Panzera, A., Schiavon, A., Ardolino, D. L., Cencic, S., Reichardt, P., Perazzini, W., De Marco, F., Bonadonna, G., & Lucian, M. C. (2024). Air-Polluting Emissions from Pyrolysis Plants: A Systematic Mapping. *Environments*, 11(7), 149. <https://doi.org/10.3390/environments11070149>

2. Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Other Solid Waste Incineration Units, 70 Fed. Reg. 74870 (Dec. 16, 2005) <https://www.govinfo.gov/content/pkg/FR-2005-12-16/pdf/05-23716.pdf>

3. Gohar et al., 2024