

112TH CONGRESS  
2D SESSION

# H. R. 6378

To provide for the designation of, and the award of grant with respect to, air and health quality empowerment zones.

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## IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 12, 2012

Mr. McNERNEY (for himself and Mr. COSTA) introduced the following bill; which was referred to the Committee on Energy and Commerce

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## A BILL

To provide for the designation of, and the award of grant with respect to, air and health quality empowerment zones.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Air and Health Quality  
5 Empowerment Zone Designation Act of 2012”.

6 **SEC. 2. AIR AND HEALTH QUALITY EMPOWERMENT ZONES.**

7 (a) DESIGNATION OF AIR AND HEALTH QUALITY  
8 EMPOWERMENT ZONES.—

1           (1) IN GENERAL.—The Administrator may des-  
2           ignate an area as an air and health quality em-  
3           powerment zone if—

4                   (A) the air pollution control district or  
5                   other local governmental entity authorized to  
6                   regulate air quality for the area submits an ap-  
7                   plication under paragraph (2) nominating the  
8                   area for such designation; and

9                   (B) the Administrator determines that—

10                           (i) the information in the application  
11                           is reasonably accurate; and

12                           (ii) the nominated area satisfies the  
13                           eligibility criteria described in paragraph  
14                           (3).

15           (2) NOMINATION.—To nominate an area for  
16           designation under paragraph (1), the air pollution  
17           control district or other local governmental entity  
18           authorized to regulate air quality for the area shall  
19           submit to the Administrator an application that—

20                   (A) demonstrates that the nominated area  
21                   satisfies the eligibility criteria described in  
22                   paragraph (3); and

23                   (B) includes a strategic plan that—

24                           (i) is designed for—

1 (I) addressing air quality chal-  
2 lenges and achieving attainment of air  
3 quality standards in the area; and

4 (II) improving the health of the  
5 population in the area;

6 (ii) describes—

7 (I) the process by which the dis-  
8 trict or local governmental entity is a  
9 full partner in the process of devel-  
10 oping and implementing the strategic  
11 plan; and

12 (II) the extent to which local in-  
13 stitutions and organizations have con-  
14 tributed to the planning process;

15 (iii) identifies—

16 (I) the amount of State, local,  
17 and private resources that will be  
18 available for carrying out the strategic  
19 plan; and

20 (II) the private and public part-  
21 nerships to be used (which may in-  
22 clude participation by, and coopera-  
23 tion with, institutions of higher edu-  
24 cation, medical centers, and other pri-

1                   vate and public entities) in carrying  
2                   out the strategic plan;

3                   (iv) identifies the funding requested  
4                   under any Federal program in support of  
5                   the strategic plan;

6                   (v) identifies baselines, methods, and  
7                   benchmarks for measuring the success of  
8                   the strategic plan; and

9                   (vi) includes such other information  
10                  as may be required by the Administrator;  
11                  and

12                  (C) provides written assurances satisfac-  
13                  tory to the Administrator that the strategic  
14                  plan will be implemented.

15                  (3) ELIGIBILITY CRITERIA.—To be eligible for  
16                  designation under paragraph (1), an area must meet  
17                  all of the following criteria:

18                  (A) NONATTAINMENT.—The area has been  
19                  designated as being—

20                          (i) in extreme nonattainment of the  
21                          national ambient air quality standard for  
22                          ozone; and

23                          (ii) in nonattainment of the national  
24                          ambient air quality standard for PM<sub>2.5</sub>.

1 (B) AGRICULTURAL SOURCES.—The area  
2 had—

3 (i) emissions of oxides of nitrogen  
4 from farm equipment of at least 30 tons  
5 per day in calendar year 2011; or

6 (ii) emissions of volatile organic com-  
7 pounds from farming operations of at least  
8 3 tons per day in calendar year 2010.

9 (C) AIR QUALITY-RELATED HEALTH EF-  
10 FECTS.—As of the date of designation, the area  
11 meets or exceeds the national average per cap-  
12 ita incidence of asthma.

13 (D) ECONOMIC IMPACT.—As of the date of  
14 designation, the area experiences unemployment  
15 rates higher than the national average.

16 (E) MATCHING FUNDS.—The air pollution  
17 control district or other local governmental enti-  
18 ty submitting the strategic plan under para-  
19 graph (2) for the area agrees that it will make  
20 available (directly or through contributions  
21 from the State or other public or private enti-  
22 ties) non-Federal contributions toward the ac-  
23 tivities to be carried out under the strategic  
24 plan in an amount equal to \$1 for each \$1 of  
25 Federal funds provided for such activities. Such

1 non-Federal matching funds may be in cash or  
2 in-kind, fairly evaluated, including plant, equip-  
3 ment, or services.

4 (4) PERIOD OF DESIGNATION.—A designation  
5 under paragraph (1) shall remain in effect during  
6 the period beginning on the date of the designation  
7 and ending on the earlier of—

8 (A) the last day of the tenth calendar year  
9 ending after the date of the designation; or

10 (B) the date on which the Administrator  
11 revokes the designation.

12 (5) REVOCATION OF DESIGNATION.—The Ad-  
13 ministrator may revoke the designation under para-  
14 graph (1) of an area if the Administrator determines  
15 that—

16 (A) the area is in attainment with the na-  
17 tional ambient air quality standards for PM<sub>2.5</sub>  
18 and ozone; or

19 (B) the air pollution control district or  
20 other local governmental entity submitting the  
21 strategic plan under paragraph (2) for the area  
22 is not complying substantially with, or fails to  
23 make progress in achieving the goals of, such  
24 strategic plan.

1 (b) GRANTS FOR AIR AND HEALTH QUALITY EM-  
2 POWERMENT ZONES.—

3 (1) IN GENERAL.—For the purpose described in  
4 paragraph (2), the Administrator may award one or  
5 more grants to the air pollution control district or  
6 local governmental entity submitting the application  
7 under subsection (a)(2) on behalf of each air and  
8 health quality empowerment zone designated under  
9 subsection (a)(1).

10 (2) USE OF GRANTS.—A recipient of a grant  
11 under paragraph (1) shall use the grant solely for  
12 the purpose of carrying out the strategic plan sub-  
13 mitted by the recipient under subsection (a)(2).

14 (3) AMOUNT OF GRANTS.—The amount award-  
15 ed under this subsection with respect to a designated  
16 air and health quality empowerment zone shall be  
17 determined by the Administrator based upon a re-  
18 view of—

19 (A) the information contained in the appli-  
20 cation for the zone under subsection (a)(2); and

21 (B) the needs set forth in the application  
22 for those anticipated to benefit from the stra-  
23 tegic plan submitted for the zone.

1 (4) TIMING OF GRANTS.—To the extent and in  
2 the amount of appropriations made available in ad-  
3 vance, the Administrator shall—

4 (A) award a grant under this subsection  
5 with respect to each air and health quality em-  
6 powerment zone on the date of designation of  
7 the zone under subsection (a)(1); and

8 (B) make the grant funds available to the  
9 grantee on the first day of the first fiscal year  
10 that begins after the date of such designation.

11 (5) AUTHORIZATION OF APPROPRIATIONS.—To  
12 carry out this subsection, there is authorized to be  
13 appropriated \$20,000,000 for each of fiscal years  
14 2013 through 2017.

15 (c) DEFINITIONS.—In this section:

16 (1) ADMINISTRATOR.—The term “Adminis-  
17 trator” means the Administrator of the Environ-  
18 mental Protection Agency.

19 (2) PM<sub>2.5</sub>.—The term “PM<sub>2.5</sub>” means particu-  
20 late matter with a diameter that does not exceed 2.5  
21 micrometers.

22 **SEC. 3. REPORT TO CONGRESS.**

23 Not later than 5 years after the date of the enact-  
24 ment of this Act, the Administrator of the Environmental  
25 Protection Agency—



1           (1) shall submit a report to the Congress on the  
2           impact of this Act; and

3           (2) may include in such report a description of  
4           the impact of this Act in regard to—

5                   (A) the reduction of particulate matter and  
6                   nitrogen oxides emissions;

7                   (B) the reduction of asthma rates and  
8                   other health indicators; and

9                   (C) economic indicators.

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