Kentucky Conservation Committee

Established 1975

Talking Points: House Bill 137 (2025)
"An Act Relating to Air Quality Monitoring"

House Bill 137 (Rep. Jim Gooch Jr.) (Oppose)

- **The bill prevents the use of citizen-based data and evidence** in bringing complaints and enforcing laws related to air quality. The bill undermines the Air Pollution Control District (APCD) and Division of Air Quality's (DAQ's) ability to maintain its delegated authority over the Clean Air Act in Kentucky, which allows for the use of "any credible evidence" in assessing compliance, violations, and penalties.
- **The bill allows only the most current version of the applicable data collection method, emission test, or monitoring method approved by the U.S. EPA** to be used to determine compliance with the Clean Air Act (CAA) and the state statutes regulations that implement the CAA in Kentucky. Any data collected using a method that does not meet those requirements cannot not be admissible or considered in any enforcement proceeding initiated by the Energy and Environment Cabinet, air pollution control board, air pollution control officer, or a private citizen.
- **Citizen scientists and data collection are imperative to holding polluters accountable** for violating clean air laws. This can be through eyewitness testimony, photographs and video, air or water sampling, odor observations, and other ways to document emissions. In fact, the Clean Air Act (CAA) heavily relies on citizens to bring those lawsuits to hold polluters accountable through citizen suits. The CAA and its implementing regulations specifically allow for violations of permits, State Implementation Plans (SIPs), and penalties to be based on "any information available" and on "credible evidence." HB 137 will unlawfully change that standard. HB 137 is also imposing on the judiciary's authority to determine the admissibility of evidence in any specific case, calling the bill's constitutionality into question.
- This bill will not only make it much more difficult to bring violators into compliance, but **it will also threaten Kentucky's delegated authority to implement the Clean Air Act,** and would instead require the federal government to do so. Regulation and enforcement are always more efficient the closer the regulating authority is to the polluter. By losing that delegated authority to administer and enforce the Clean Air Act, both the polluters and the people the Clean Air Act is designed to protect will lose, especially in vulnerable communities such as West Louisville.