

ALASKA DEPARTMENT OF ENVIRONMENTAL CONSERVATION



18 AAC 50 AIR QUALITY CONTROL

Response to Comments
Air Quality Regulations Repeal of 18 AAC 50.081

November 21, 2025

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Introduction

This document provides the Alaska Department of Environmental Conservation's (DEC) response to public comments received regarding the October 7, 2025, Comment Period on the repeal of Air Quality Regulations 18 AAC 50.081.

Opportunities for Public Comment

The public notice dated October 3, 2025, and published on October 7, 2025, on-line and in the Fairbanks Daily News-Miner solicited comments from the public on DEC's proposal to repeal 18 AAC 50.081:

- (1) 18 AAC 50.030 is proposed to be amended to update the *State Air Quality Control Plan*, adopted by reference, by incorporating the proposed repeal of 18 AAC 50.081.
- (2) 18 AAC 50.081 is proposed to be repealed to remove regulations no longer considered necessary to meet the requirements of the Clean Air Act for the Fairbanks North Star Borough PM_{2.5} Nonattainment Area Serious State Implementation Plan (SIP).

The public notice provided information on the opportunities for the public to submit comments. Options for submitting written comments included submitting comments via DEC's Air Online Services online comment form, mail, or email.

The Division provided an opportunity for individuals to submit oral comments during public hearings held in Fairbanks, Alaska, on November 7, 2025. XX public comments were received during the public hearing.

The deadline to submit comments was November 12, 2025, at 11:59 p.m. This provided a 36-day period for the public to review the proposal and submit comments.

DEC received emailed or electronically submitted comments from the following:

- Rylih Bodyfelt
- Traci and Keith Dianoski
- Jesse Garn
- Joel Johnson
- Daniel Kiernan
- Morgan Huskey
- William Majetich
- Gene DuVal
- Jason Demlow
- Amanda Foster
- Dave Foster
- Billy Blackburn

- James H. Johnson
- Steven S Wiseman
- Patrice R. Lee, Citizens for Clean Air

DEC received oral comments during the November 7, 2025, public hearings from the following:

- Rylih Bodyfelt
- Heather Ferguson

This document responds to the comments received and includes the comments received, DEC's response, and any changes to the proposed repeal based on comments and DEC's response.

Rylie Bodyfelt Comments

Rylie Bodyfelt Comment: I write in strong support of the proposed repeal of regulation 18 AAC 50.081 and urge DEC to fully remove the requirement of mandatory energy ratings to be done prior to listing real estate for sale AND that real estate professionals act as enforcers of energy-rating or air-quality-transaction regulations in the Fairbanks North Star Borough area. I believe this regulation imposes undue burdens, mis-allocates responsibility, and conflicts with sound policy and equity considerations.

Key points in support of repeal:

1. Real estate professionals should not be tasked as regulatory police. Requiring real-estate brokers or sellers to enforce or verify energy ratings or air-quality transaction conditions places them in a compliance role for which they are not trained and which is not part of their standard function. It creates confusion about roles and increases liability and cost for transactional parties.

2. Inconsistent with federal precedent and voluntary frameworks.

The Environmental Protection Agency (EPA) and related federal programs such as ENERGY STAR have long emphasized voluntary energy-rating, benchmarking and disclosure programs rather than mandating real-estate-transaction enforcement by third parties. For example:

The ENERGY STAR program was launched by EPA in 1992 as a voluntary label and partnership program.

State energy-efficiency policy guidance from EPA highlights “Building Labeling/Disclosure” policies that require owners/lessors to disclose energy usage or ratings at sale or lease—not requiring real-estate agents to police the system.

3. Thus, imposing mandatory energy/air-quality rating enforcement via real-estate transactions is outside the norm of voluntary, market-based programs and risks being overly prescriptive.

4. Cost, complexity and unintended consequences for homeowners and real-estate market

Requiring energy ratings or air-quality pre-conditions tied to real-estate sales adds potentially significant cost and delays for sellers and buyers. It may act as a deterrent to property transfers, impose unequal burdens on lower-income homeowners or older housing stock, and could have a chilling effect on the marketplace.

In a context like Fairbanks North Star Borough, where housing stock may be older and energy/air-quality upgrades expensive or unavailable, tying compliance to sale transactions risks penalizing both sellers and buyers.

5. Focus available resources on core air-quality imperatives

The stated regulatory purpose of the repeal is that 18 AAC 50.081 is “no longer considered necessary to meet the requirements of the Clean Air Act for the Fairbanks North Star Borough PM2.5 Nonattainment Area Serious SIP.” Given that status, the regulation appears redundant or superfluous. Repealing it allows DEC to refocus on the most effective air-quality strategies (e.g., emissions controls, source regulation) rather than transaction policing.

6. Equity and fairness concerns.

Mandating energy ratings for real-estate transactions may disproportionately impact homeowners with fewer resources for upgrades, or those selling older or less efficient homes. It may also shift costs onto real-estate professionals or home-buyers in ways that are not transparent. Removing this burden promotes fairness and avoids adding hidden barriers to homeownership and mobility.

To Conclude: The proposed repeal of 18 AAC 50.081 is a welcome step toward reducing unnecessary regulatory burdens on property transactions and aligning Alaska's approach with best practices focused on voluntary disclosure and cost-effective programs rather than prescriptive transaction requirements. I strongly encourage DEC to adopt this repeal and resist re-imposing similar transaction-based mandates in the future.

Thank you for your time and consideration. I appreciate the opportunity to comment on this proposal.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Traci and Keith Dianoski Comment

Traci and Keith Dianoski Comment: I fully support the repeal of 18 AAC 50.081 for the reasons outlined below.

Dear EPA Administrator,

I am writing to express my concern regarding the recent mandate under 18 AAC 50.081, which requires all sellers within the PM2.5 Non-Attainment Area to obtain an energy rating before listing their properties for sale.

While I support the goals of improving energy efficiency and air quality, the implementation of this regulation presents substantial challenges.

The required energy ratings, costing up to \$1,200, are a significant financial obstacle for homeowners looking to sell. This not only discourages property listings but also threatens to reduce the overall housing inventory, driving up prices in an already tight market.

The broad application of this mandate to all residential property types, including those not typically evaluated (like multifamily units), condo units or distressed properties. There is no existing infrastructure to implement this policy, in addition to the lack of qualified energy raters for our annual sales volume, delaying the start of listing and depressing home sales and creating unneeded barriers for first time home ownership by limiting housing options and excessive costs.

Beyond this, mandating energy ratings as part of real estate transactions is an overreach. The act of getting an energy ratings will not improve air quality. Energy ratings were originally designed to assess a home's efficiency—not to identify noncompliant heating devices. Their use in compliance enforcement increases costs for homeowners and disrupts transactions without directly improving air quality.

I respectfully urge the EPA to repeal this requirement (Provision 18 AAC 50.081) from the Alaska Air Quality SIP or to pause the implementation for collaboration with stakeholders to develop a more balanced, practical approach that genuinely supports the goals of environmental stewardship without undermining the Alaskan Housing Market.

Thank you for considering my perspective.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Jesse Garn Comment

Jesse Garn Comment: I support the repeal of 18 AAC 50.081. I believe this to be the right decision. This would have been an extremely burdensome regulation on each and every homeowner. The delays and financial burden would have put the purchasing of homes out of many people's financial reach. Thank you!

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Joel Johnson Comment

Joel Johnson Comment: I think that repealing this is a great idea. It never should have been proposed and certainly never should have been accepted as it was written.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Daniel Kiernan Comment

Daniel Kiernan Comment: I would like to voice my approval of the repeal and appreciate the consideration towards practicality of what it means to live in Alaska.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Morgan Huskey Comment

Morgan Huskey Comment: I support the repeal of 18 AAC 50.081. Maintaining this requirement adds cost and complexity to real estate transactions without improving air quality outcomes. Repealing this section aligns with the EAP-approved plan and supports Fairbanks' housing affordability and accessibility.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

William Majetich Comment

William Majetich Comment: Yes repeal it. Obviously. Wood literally grows on trees. It's renewable energy.

Fine the fires we have every summer if you have a problem with burning wood. Once they've complied you can start pestering us.

PS: I can't get the notices to load. I don't know if this is what kind of feed back you're looking for, but here it is.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Gene DuVal Comment

Gene DuVal Comment: This regulation is a bad idea. Energy ratings have little to do with PM 2.5, while being an extreme violation of owners privacy.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Jason Demlow Comment

Jason Demlow Comment: I strongly oppose the air quality regulation. I am in favor of repealing it! It is unnecessary and brings undue hardships on residential home owners.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Amanda Foster Comment

Amanda Foster Comment: I support the repeal of 18AAC 50.081. Maintaining this requirement adds cost and complexity to real estate transactions without improving air quality outcomes. Repealing this section aligns with EPA-approved plan and supports Fairbanks housing affordability and accessibility.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Dave Foster Comment

Dave Foster Comment: I support the repeal of 18 AAC 50.081. Maintaining this requirement adds cost and complexity to real estate transactions without improving air quality outcomes. Repealing this section aligns with EPA-approved plan and supports Fairbanks housing affordability and accessibility.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Billy Blackburn Comments

Billy Blackburn Comment: The repeal is the best thing that could be done with this regulation. Thank you.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

James H Johnson Comment

James H Johnson Comment: Please repeal 18 AAC 50.081. Please reference my earlier comments to ADEC and EPA for specific criticism of this regulation if you need additional support.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Steven S. Wiseman Comment

Steven S. Wiseman Comment: Reducing regulations, especially ones that essentially are unnecessarily punitive vs the alleged benefits they are supposed to provide is what I believe you should strive for. This regulation should be repealed for this reason.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Patrice Lee Comments

Patrice Lee Comment 1: A certification was one of the very few requirements added to the most recent SIP.

To not have a certification program makes the new SIP very little different from the one that was not accepted, in part previously. How is the remaining SIP acceptable with the certification program that was in the recommended, eliminated? What will take its place for a control measure?

Response: Regarding the question of how the remaining SIP is acceptable, DEC is assuming that the commenter is asking how the SIP is approvable. SIP approval is EPA's responsibility and not an item that DEC can respond to. Regarding the second question of what will take its place for a control measure, DEC has not proposed any other control measures at this time.

Revisions based on response: None.

Patrice Lee Comment 2: Enforcement of the current SIP is very low. Is this figured into the need for more enforcement efforts by the state? Enforcement is key to the Clean Air Act.

Response: DEC agrees with the commenter; enforcement is a key component in the Clean Air Act. Enforcement and compliance rates for control measures that require large scale behavioral changes, such as the curtailment program, are factored into the projected emission reductions for future years. These future year projected emission reductions are model inputs that are used to estimate the attainment date. Taking into account the current enforcement and compliance rates, DEC has projected that 2027 is the most expeditious attainment date for the entire area.

Revisions based on response: None.

Patrice Lee Comment 3: The new certification program, as proposed by ADEC should have been more in control of ADEC.

The Real Estate businesses in Fairbanks are not set up administer a certification program as proposed. They don't have a central or coordinated structure to oversee such a certification program.

As to the objection that there aren't enough "certifiers", the real estate industry as a whole had enough time to request and train more certification workers.

The cost to people in our community who are adversely affected by bad air quality far outweighs any cost for certification.

Response: DEC acknowledges the commenter's views regarding implementation of this control measure. However, EPA directed DEC to remove this requirement as a condition of SIP approval. As a result, the home energy audit provision is being repealed in full. Because the requirement will no longer exist in regulation, DEC has no further response regarding implementation options.

Revisions based on response: None.

Patrice Lee Comment 4: The purpose of the Clean Air Act is to set and enforce a Clean Air Act standard that is health protective. How is the current, proposed accepted SIP anymore health protective than previous SIPs that were not accepted or partially accepted? What enforcement standard will be enough of a curtailment to be health protective?

Response: As stated in an earlier response, SIP approval is EPA's responsibility and not an item that DEC can respond to. However, DEC would like to remind the commenter that the final partial approval and partial disapproval of the Fairbanks SIP that was published in December 2023 was based on numerous deficiencies including, but not limited to: point source sulfur dioxide controls, point source particulate matter controls, contingency measures, requirements for wood sellers, controls on residential coal fired heating devices, requirements for coffee roasters, weatherization requirements, vehicle idling requirements, attainment year inventory, attainment demonstration, reasonable further progress, motor vehicle emission budgets, and quantitative milestones. DEC's 2024 SIP submission reflects a substantial amount of planning work to resolve these deficiencies and submit a plan that is protective of public health while maintaining the social norms and economic viability of the community.

Regarding the enforcement standard needing to be protective of human health, please refer to the response from the commenter's second comment explaining how enforcement and compliance rates are factored into the projected and modeled expeditious attainment year of 2027.

Revisions based on response: None.

Patrice Lee Comment 5: The seller of a home should bear the cost of certification, so as not to discourage home buyers OR how about "Targeted Airshed" grant money be approved to use for the purpose of this requirement.

Home buyers want and need to know the status of their prospective home heating system and its affects on their immediate and greater environment.

Relatively few homes are actually sold in the greater Fairbanks area 20-100? If 100 homes were sold that would only be 8.3 or 9 per month. With two certifiers, they would each have only 4.5 or 5 homes to certify each month. That doesn't seem like an overload.

The ADEC should require the certification, insist that the seller pay for it, (or use TAG grants and administer the program internally. (Please don't expect the real estate agents or their minimally regulated group to administer the program as currently proposed.

Response: DEC acknowledges the commenter's views on cost responsibility and potential use of Targeted Airshed Grant funding. However, EPA directed DEC to remove this requirement as a condition of SIP approval. As a result, the home energy audit provision is being repealed in full. Because the requirement will no longer exist in regulation, DEC has no further response regarding implementation options or cost frameworks.

Revisions based on response: None.

Patrice Lee Comment 6: Instead of removing one of the VERY few requirements to help clean up our air, restructure the program requirements to meet the requirements of the Clean Air Act and insure the program can be carried out efficiently and with the desired intent, reducing air pollution everywhere possible.

Response: DEC acknowledges the commenter's views regarding implementation of this control measure. However, EPA directed DEC to remove this requirement as a condition of SIP approval. As a result, the home energy audit provision is being repealed in full. Because the requirement will no longer exist in regulation, DEC has no further response regarding implementation options.

Revisions based on response: None.

Patrice Lee Comment 7: A review of the required versus voluntary aspects of the current SIP should be carried out and audited to see if it meets the requirements and intent of the Clean Air Act.

All air quality SIP requirements should lead to cleaner air as soon as possible. The health and wellbeing of breathers in the non attainment area depends on that. That is the intent of the law.

Please review the SIP again in light of the law and it's intent.

Response: DEC appreciates the commenter's position and agrees that the Clean Air Act requires clean air as expeditiously as possible. DEC has followed all EPA guidance regarding claiming emission reductions for voluntary measures. Ultimately it is EPA's responsibility to determine whether DEC's plan meets the requirements that the commenter mentions.

Revisions based on response: None.

Rylie Bodyfelt Hearing Comment

Rylie Bodyfelt Hearing Comments: My name is Rylie Bodyfelt, and I'm a Realtor in Fairbanks. I am here to urge you to appeal 18 AAC 50.081 because this regulation harms the Alaskans of Interior Alaska.

This rule makes real estate professionals responsible for enforcing a state regulation. Something no other industry is asked to do. We are forced into the role of compliance officers. And if a seller/buyer fails to complete an energy rating, the Realtor carries the liability.

That is inappropriate and outside the scope of our profession. If this regulation also -- or this regulation also causes real financial harm. It has the possibility of killing deals when buyers are on deadlines, especially military families who get reassigned; it forces sellers, often those with the fewest resources to spend money they don't have just to be allowed to sell their home; it delays closings; increased costs; and makes housing less accessible during a time when our community desperately needs more housing stability and not more obstacles.

A regulation that threatens somebody's ability to sell their home is not a policy issue, it's a property rights issue. The State of Alaska should not require private citizens and Realtors to act as its enforcement arm. Repealing this regulation protects homeowners, respects private property rights, and removes a barrier to housing.

Please repeal 18 AAC 50.081. Thank you.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.

Heather Ferguson Hearing Comment

Heather Ferguson Hearing Comments: My name is Heather Ferguson, and I am speaking in support of the repeal for the Administrative Code.

I am concerned with the code in regards to how it would affect the consumers and our property owners here locally in town. Prior to putting a property on the market, they may not have actually sold the house. It puts people in financial distress. And the actual act of having an energy rating does nothing for the air quality.

I'm also concerned about what that would do to the market. The increased barriers for sellers, just as far as getting their property ready or the increased cost.

I'm also concerned with the applicability of the code. It just says "anything residential in nature," which can include condos, properties that are in distress, don't have heat.

And there's no actual energy rating for condo associations. And if there was, it could be upwards of \$50,000, which condos or people that are getting their homes repossessed or, you know, somebody that has a big shop and a residential in nature inside that shop.

The applicability of the code also was very confusing and would be hard for sellers to abide by. I would also be concerned with the sellers that didn't want to follow the rules. And then what would happen with -- as far as Realtors and their licensing and what our actual role on all of that would be?

So I encourage the repeal of this code. And thanks for the opportunity.

Response: DEC acknowledges the commentor's support of the proposed repeal of 18 AAC 50.081.

Revisions based on response: None.