

May 25, 2021

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Dear Mr. Goffman and Dr. Orme-Zavaleta:

On behalf of the National Association of Clean Air Agencies (NACAA)<sup>1</sup>, we are writing to you regarding recommendations the association made to the Biden-Harris Administration related to air toxics issues and to request that EPA undertake a collaborative process with us for addressing these issues. On January 15, 2021, NACAA submitted “Improving Our Nation’s Clean Air Program: Recommendations from the National Association of Clean Air Agencies to President-Elect Biden’s and Vice President-Elect Harris’ Administration,”<sup>2</sup> which included several recommendations related to air toxics. Specifically, the document stated:

*There are toxic and hazardous air pollutants that pose significant risks to human health and for which more robust EPA action is necessary. These are emerging and persistent issues that require increased focus. Examples of pollutants and source categories that are of great concern are per- and polyfluoroalkyl substances*

<sup>1</sup>NACAA is the national, non-partisan, non-profit association of air pollution control agencies in 41 states, including 115 local air agencies, the District of Columbia and four territories. The air quality professionals in our member agencies have vast experience dedicated to improving air quality in the U.S. These comments are based upon that experience. The views expressed in these comments do not represent the positions of every state and local air pollution control agency in the country.

<sup>2</sup><http://www.4cleanair.org/sites/default/files/Documents/NACAA2021PresidentialTransitionDocument-01152021.pdf>

*(PFAS), ethylene oxide, diesel particulate matter, fumigation and the recently listed 1-bromopropane. EPA's efforts should include additional research, federal regulation and assistance to state and local agencies as they address these difficult issues. EPA should also prioritize addressing the disproportionate risk of harm faced by frontline communities.*

To provide further context to our recommendations, we offer the following additional details about our positions and suggestions related to the issues identified in the transition document. For each of these topics, we would like to know the best point of contact at EPA with whom NACAA can continue discussions.

### Per- and Polyfluoroalkyl Substances (PFAS)

EPA has announced efforts to address per- and polyfluoroalkyl substances (PFAS), in some cases focusing on the impacts to water quality. At the same time, in the absence of federal regulations to address emissions of PFAS into the air, several state and local air quality agencies have undertaken programs to address this problem, both individually and by banding together to pool information and strategies with other jurisdictions. We anticipate and hope that EPA's efforts to address PFAS will increase focus on air quality in the future. In the immediate near term, while awaiting federal action on air emissions, state and local air agencies would benefit from additional federal research on PFAS, including studies about air emissions and the development of health-related reference concentrations.

NACAA hosted two webinars in late 2020 for its members and interested EPA officials, during which state and local agencies discussed their PFAS-related efforts and the resources they believe are necessary. NACAA would be open to additional collaborations with EPA – webinars or other avenues – to promote the exchange and expansion of information on this topic.

### Ethylene Oxide

Considering the serious adverse health implications related to exposure to ethylene oxide (EtO), NACAA urges EPA to seek the best options for ameliorating these unacceptable risks and protecting the public with an ample margin of safety. Additionally, as NACAA has indicated in previous comments,<sup>3</sup> we urge EPA to continue to rely on the Integrated Risk Information System (IRIS) estimates for EtO that were updated in 2016, following an extensive review. NACAA would like to work with EPA as the agency moves ahead on EtO-related activities, including the development of regulations and efforts to inform the public about risks in their areas.

### Diesel Exhaust

Diesel exhaust is an issue of great concern to state and local air quality agencies due to the serious health consequences it poses. It is especially problematic in the context of environmentally overburdened communities and has serious implications related to climate

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<sup>3</sup> [http://www.4cleanair.org/sites/default/files/Documents/MON-NACAA\\_Comments\\_2-6-20.pdf](http://www.4cleanair.org/sites/default/files/Documents/MON-NACAA_Comments_2-6-20.pdf) and [http://www.4cleanair.org/sites/default/files/Documents/hydrochloric\\_acid\\_RTR\\_comments.pdf](http://www.4cleanair.org/sites/default/files/Documents/hydrochloric_acid_RTR_comments.pdf)

change as well. Accordingly, it is imperative that EPA continue to take the steps necessary to reduce emissions from diesel engines.

With respect to the carcinogenicity of diesel exhaust, EPA's National Air Toxics Assessment (NATA) website states: "EPA has concluded that diesel exhaust is among the substances that the national assessment suggests pose the greatest cancer risk" and "...the International Agency for Research on Cancer (IARC) elevated its classification of diesel exhaust to 'carcinogenic to humans' (Class 1) in 2012."<sup>4</sup> The expeditious establishment by EPA of a cancer unit risk estimate (URE) for diesel exhaust would be very useful for federal, state and local programs that are addressing this pollutant.

### Listing of n-Propyl Bromide/1-Bromopropane

On June 18, 2020, EPA announced its decision to grant petitions to add n-propyl bromide (n-PB, also referred to as 1-bromopropane) to the list of hazardous air pollutants (HAPs) under the Clean Air Act. However, at that time the agency did not add n-PB to the list and announced that there would be a separate process to do so. During the public comment period on the n-PB listing proposal, NACAA recommended that EPA grant the petition to list n-PB and urged the agency to develop regulations that call for appropriate controls as envisioned by the Clean Air Act.<sup>5</sup> In order for protection from the risks related to emissions of n-PB to be afforded nationwide as soon as possible, it is imperative that EPA carry out the rest of the process to list and develop regulations for this pollutant expeditiously. Since some state and local agencies have already begun programs to address n-PB, we recommend that EPA consult with NACAA and those agencies as it works through the rule-development process.

### Source Category List and Fumigation

NACAA previously expressed concern that there are sources emitting major amounts of listed HAPs for which there are no applicable source categories listed under Section 112(c) and, consequently, no national Maximum Achievable Control Technology (MACT) standards.<sup>6</sup> We requested that EPA formally evaluate the completeness of the source category list under Section 112(c) and, further, develop a MACT standard for a category of special concern – the methyl bromide fumigation source category. We would like to reiterate that request and note that, in light of more recent state and local activities to address fumigation (using methyl bromide as well as other substances), EPA may wish to broaden its evaluation to consider fumigation with other chemicals. We urge EPA to work with NACAA on its efforts to address fumigation since many agencies have already been collaborating to gather useful information and share strategies.

### Air Toxics Workshop

Prior to the COVID pandemic, EPA staff announced that the agency was planning to organize and host an air toxics conference for federal, state, local and tribal agencies. This would have been a valuable opportunity for beneficial exchanges of information and

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<sup>4</sup> <https://www.epa.gov/national-air-toxics-assessment/nata-frequent-questions#background6>

<sup>5</sup> <http://4cleanair.org/sites/default/files/Documents/n-PB-NACAAComments-05072015.pdf>

<sup>6</sup> <http://www.4cleanair.org/sites/default/files/Documents/NACAASourceCategoryListLetter3-21-16.pdf>

communication about a variety of air toxics topics. NACAA had offered to help plan the agenda and participate in the conference. Understandably, these plans were put on hold due to the pandemic. We recommend that EPA recommence planning for this important forum and, once again, NACAA is willing to provide assistance, such as input into the agenda and topics to be covered and other elements related to planning the conference.

### National Air Toxics Assessment

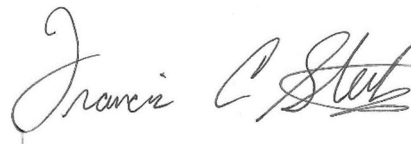
NACAA recently requested that EPA complete and release the 2017 National Air Toxics Assessment (NATA) as soon as possible.<sup>7</sup> NATA is the best, most complete assessment of HAP human health risk that is available to many air quality agencies and the public. Without the 2017 NATA, agencies will have to continue to rely on 2014 data, which is far too outdated. We understand that EPA wishes to develop other ways to release this type of information that is timelier and more streamlined, and we agree this is a good idea. In the meantime, we urge EPA to complete the 2017 NATA and release the results. NACAA would be happy to provide input to EPA as the agency develops a more streamlined system to replace NATA that would be timely and equally useful (e.g., including information of the same granularity).

Thank you for your consideration of these recommendations. Please do not hesitate to contact us or Mary Sullivan Douglas of NACAA at [mdouglas@4cleanair.org](mailto:mdouglas@4cleanair.org) to discuss these recommendations and how we can work together.

Sincerely,



Latrice Babin, PhD  
Harris County, Texas  
Co-Chair  
NACAA Air Toxics Committee



Francis C. Steitz  
New Jersey  
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<sup>7</sup> [http://www.4cleanair.org/sites/default/files/Documents/NACAA\\_NATA\\_letter\\_04-22-21.pdf](http://www.4cleanair.org/sites/default/files/Documents/NACAA_NATA_letter_04-22-21.pdf)