NACAA
national association of clean air agencies

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U.S. Environmental Protection Agency
EPA Docket Center
Docket ID Number EPA-HQ-OAR-2018-0417
Mail-Code 28221T
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Sir/Madam:

On behalf of the National Association of Clean Air Agencies (NACAA), thank you for this opportunity to comment on the proposed National Emissions Standards for Hazardous Air Pollutants: Hydrochloric Acid Production Residual Risk and Technology Review (RTR), which were published in the *Federal Register* on February 4, 2019 (84 *Federal Register* 1570). NACAA is the national, non-partisan, non-profit association of air pollution control agencies in 41 states, including 114 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 United States. 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.

NACAA would like to offer the following comments and recommendations related to elements of the proposed rule.

Use of the Updated IRIS Risk Values for Ethylene Oxide

NACAA is troubled by a statement in the proposal related to the use of the updated risk value for ethylene oxide (EtO) for regulatory purposes. In this section, EPA refers to a 2016 update to the cancer unit risk value for EtO in the agency's Integrated Risk Information System (IRIS), which resulted in elevated facility-wide risks calculated for the Hydrochloric Acid Production source category. EPA states that the facility-wide EtO emissions are not part of the hydrochloric acid source category, "[n]evertheless, the EPA is interested in receiving public comments on the use of the update (*sic*) risk value for regulatory purposes."[1]

To be clear from the outset, it is correct and appropriate for EPA to use the updated IRIS risk value for EtO for regulatory purposes. It is troubling that the agency would even consider doing otherwise. IRIS has been and should continue

[1] 84 *Federal Register* 1584.

to be EPA's primary source for this type of risk information. The IRIS database, which contains vast stores of valuable information, has been in existence since 1985. According to EPA,

> [t]he goal of the IRIS Program was to foster consistency in the evaluation of chemical toxicity across the Agency. Since then, the IRIS Program has become an important public resource as well. The IRIS Program has evolved with the state of the science to produce high-quality evidence-based assessments and to provide an increasing number of opportunities for public input into the IRIS process.

IRIS's information and its processes for evaluating substances have undergone extensive internal and external examination and peer review. In the Hydrochloric Acid RTR proposal EPA itself articulates the fact that IRIS is the first place from which the agency seeks unit risk estimates (UREs), only turning to other sources when IRIS does not contain the necessary data:

> For residual risk assessments, we generally use UREs from the EPA's Integrated Risk Information System (IRIS). For carcinogenic pollutants without IRIS values, we look to other reputable sources of cancer dose-response values, often using California EPA (CalEPA) UREs, where available.[2]

With respect to the IRIS EtO risk value specifically, it was updated in 2016 following an extremely thorough and comprehensive, peer-reviewed evaluation that took nearly two decades, beginning in December 1998.[3] It included in-depth assessments on the part of EPA and multiple rounds of extensive internal and external review and public comment, all of which were well documented.

Considering the importance of the IRIS process in general and the comprehensive nature of the EtO review in particular, there would be no justification for abandoning the use of the updated EtO information during the regulatory process. In fact, for EPA to hint that it is contemplating whether or not to use a value that was so recently and thoroughly reviewed and updated undermines the IRIS assessment process itself.

Concentrations at Census Tract Centroids

In assessing the cancer risks related to the source category, EPA used long-term concentrations affecting the census blocks within 50 kilometers of each facility.[4] This analysis dilutes the effect of sources' emissions by estimating the impact at the centroid of the census block instead of at the property line or wherever the maximum exposed individual is. Census blocks can be large geographically, depending on the population density, so the maximum point of impact can be far from the centroid. It could be elsewhere in the census block, including at or near the property line where people may live or work. EPA itself alludes to this problem in the proposal.[5] Further, even if the area near the property line is not developed, over time homes and businesses could locate closer to the facility. While it is possible that population distribution is homogenous over a census block, this assumption is not necessarily accurate in considering the

[2] 84 *Federal Register* 1576.
[3] https://cfpub.epa.gov/ncea/iris_drafts/recordisplay.cfm?deid=329730
[4] 84 *Federal Register* 1576.
[5] 84 *Federal Register* 1580.

predicted impacts from the location of a source. NACAA recommends EPA identify and use the truly maximum individual risk, irrespective of its location in the census block, rather than using the predicted chronic exposures at the census block centroid as surrogates for the exposure concentrations for all people living in that block.

Facility-Wide and Cumulative Risks

We are pleased that EPA has recognized the importance of considering the impact of emissions from all HAP-emitting operations in a facility to determine the facility-wide risks, rather than focusing solely on the source category that is the subject of the regulation.[6] In this case, it is especially important that EPA also considered emissions of EtO and trichloroethylene and we urge EPA to take additional steps to address those risks in additional actions.

Acute Exposure

We have expressed our concerns in the past with EPA's use of Acute Exposure Guideline Levels (AEGLs) or Emergency Response Planning Guidelines (ERPGs) values to address acute exposures in the residual risk assessments. It appears EPA is still using them for those purposes in this proposal.[7] These limits were developed for accident release emergency planning and are not appropriate for assessing daily human exposure scenarios. In the December 2002 EPA document, "A Review of the Reference Dose and Reference Concentration Processes," the agency stated that the primary purpose of the AEGL program is to develop guidelines for once-in-a-lifetime short-term exposures to airborne concentrations of acutely toxic chemicals. They are not meant to evaluate the acute impacts from routine emissions that occur over the life of a facility. Unlike the reference concentrations (RfCs) for chronic exposures, the AEGLs and ERPGs do not include adequate safety and uncertainty factors and cannot be relied upon to protect the public from the adverse effects of exposure to toxic air pollutants. The use of AEGLs or ERPGs in residual risk assessments is not appropriate and does not ensure that public health is adequately protected from the acute impacts of HAP exposure. We are gratified to see that EPA has included the use of the California Reference Exposure Levels (RELs) to address acute exposures in the residual risk assessments[8] and we continue to urge EPA to use the RELs for these assessments.

Thank you for this opportunity to comment on the proposal. Please contact us if we can provide additional information.

Sincerely,

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Co-Chair
NACAA Air Toxics Committee

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[6] 84 *Federal Register* 1579.
[7] 84 *Federal Register* 1577.
[8] 84 *Federal Register* 1577.