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U.S. Environmental Protection Agency
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Docket ID No. EPA-HQ- OAR-2015-0072

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA) offers the following comments on the U.S. Environmental Protection Agency's (EPA's) reconsideration of the National Ambient Air Quality Standards (NAAQS) for particulate matter (PM). NACAA is the national, nonpartisan, non-profit association of air pollution control agencies in 40 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.

On June 10, 2021, EPA Administrator Michael S. Regan announced that the agency would reconsider the December 18, 2020, decision by former EPA Administrator Andrew Wheeler to retain, without revision, the 2012 PM NAAQS, highlighting that the agency will conduct the reconsideration "in a manner that adheres to rigorous standards of scientific integrity and provides ample opportunities for public input and engagement."¹

Since that time, Administrator Regan has reconstituted the membership of the chartered Clean Air Scientific Advisory Committee (CASAC) and reinstated the CASAC PM Panel to support CASAC in providing advice to the agency as it reconsiders the PM NAAQS. On September 30, 2021, and October 8, 2021, EPA announced the availability, for public review and comment, of the *Supplement to the 2019 Integrated Science Assessment [ISA] for Particulate Matter [External Review Draft]* (Supplemental Draft ISA, Docket ID No. EPA-HQ-ORD-2014-0859)² and the *Policy Assessment for Reconsideration of the National Ambient Air Quality Standards for Particulate Matter, External Review Draft* (Draft PA, Docket ID No. EPA-HQ- OAR-2015-0072),³ respectively.

NACAA supports the reconsideration of the December 2020 PM NAAQS decision. In its comments on the April 29, 2020, proposed decision, the association wrote that "after closely tracking EPA's PM NAAQS Review since it was initiated in December 2014, NACAA concludes that this review process was flawed; that it resulted in a flawed proposed decision by the EPA Administrator, particularly with respect to

¹ <https://www.epa.gov/newsreleases/epa-reexamine-health-standards-harmful-soot-previous-administration-left-unchanged>

² <https://www.govinfo.gov/content/pkg/FR-2021-09-30/pdf/2021-20504.pdf>

³ <https://www.govinfo.gov/content/pkg/FR-2021-10-08/pdf/2021-22067.pdf>

the primary PM_{2.5} standards; that the Administrator's proposed action should be withdrawn; and that a revised review process should be undertaken." NACAA cited these specific reasons for its conclusion:⁴

- 1) Then-Administrator Pruitt's May 8, 2018, memorandum, "Back-to-Basics Process for Reviewing NAAQS," set the stage for a rush to judgment;
- 2) CASAC lacked the expertise needed to conduct the PM NAAQS review and the Administrator's dismissal of the PM Panel seriously exacerbated this deficit;
- 3) EPA and CASAC did not consider the latest science;
- 4) CASAC's approach to making a causal determination of mortality due to PM_{2.5} exposure demanded an unreasonable and unnecessary burden of proof;
- 5) in proposing to retain the current NAAQS without revision (and ultimately finalizing that decision) the Administrator ignored the advice of his own staff as provided in the final PA and, instead, stoked doubt about the preponderance of clear evidence in the final ISA and final PA that supported strengthening the primary PM_{2.5} standards and left completely unaddressed at-risk populations and issues of environmental justice; and
- 6) highly credible parties (including EPA staff, some members of CASAC and 20 members of the disbanded CASAC PM Panel reconvened as the Independent PM Review Panel [IPMRP]) found that the scientific evidence supported strengthening the primary PM_{2.5} standards.

NACAA's support for this reconsideration is also consistent with the positions articulated in its January 15, 2021, transition paper, "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," in which the association stated, "Scientific and technical integrity must be the core principle underpinning all federal, state and local air and climate rules and programs. It is imperative that EPA restore its commitment to this principle within the agency and revoke or repair policies that are contrary to it." Among NACAA's related recommendations are the following:⁵

- 1) EPA should rely on a science-based process that prioritizes public health for establishing, reviewing and revising NAAQS; final decisions should be guided by a complete and robust process and a thorough review of the latest available science by, and with sound advice from, highly qualified experts from a wide array of disciplines and with a diversity of perspectives;
- 2) the recent review of the PM NAAQS was deeply flawed and, as a result, the process and the final decision – to retain the current standards without revisions – were degraded; EPA should review this decision immediately and when it does so, it is imperative that, rather than a review process that prioritizes efficiency over the protection of public health, EPA return to a thorough, credible NAAQS review process;
- 3) EPA's seven-member CASAC lacked the expertise to conduct the recent PM reviews, particularly without the support of its advisory PM Panel; the incoming EPA Administrator should return to making relevant expertise and knowledge the central criteria for CASAC appointments, with an emphasis on criteria that consider breadth and depth of expertise and experience, a balance of scientific perspectives, continuity of knowledge and an understanding

⁴ https://www.4cleanair.org/wp-content/uploads/Documents/NACAA_Comments-PM_NAAQS_Proposal-06292020-lh.pdf

⁵ <https://www.4cleanair.org/wp-content/uploads/NACAA2021PresidentialTransitionDocument-01152021.pdf>

of EPA's mission and environmental programs; the Administrator should also reinstate the PM Panel to support the work of CASAC; and

- 4) EPA should reengage the scientific, technical and policy expertise of the career staff that has been the hallmark of the agency's program and regulatory development since the Clean Air Act's inception.

EPA staff, in the January 2020 final *Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter*, concluded that an annual primary PM_{2.5} standard at a level below 10 micrograms per cubic meter ($\mu\text{g}/\text{m}^3$) and potentially as low as 8 $\mu\text{g}/\text{m}^3$ (versus the current standard of 12 $\mu\text{g}/\text{m}^3$) could be supported and a 24-hour primary PM_{2.5} standard as low as 30 $\mu\text{g}/\text{m}^3$ (versus the current standard of 35 $\mu\text{g}/\text{m}^3$) could be supported.⁶ The IPMRP, in an October 22, 2019, letter to then-Administrator Andrew Wheeler, advised that the annual standard should be revised to a range of 10 $\mu\text{g}/\text{m}^3$ to 8 $\mu\text{g}/\text{m}^3$ and the 24-hour standard to a range of 30 $\mu\text{g}/\text{m}^3$ to 25 $\mu\text{g}/\text{m}^3$.⁷

In its October 8, 2021, Draft PA prepared for the reconsideration, EPA staff offers its preliminary conclusions, for peer review by CASAC and comment by the public, that available evidence suggests that the current annual PM_{2.5} standard of 12 $\mu\text{g}/\text{m}^3$ could be tightened to as low as 8 $\mu\text{g}/\text{m}^3$ and the current daily standard of 35 $\mu\text{g}/\text{m}^3$ to as low as 30 $\mu\text{g}/\text{m}^3$.⁸ We look forward to an open, inclusive and robust review by CASAC and the PM Panel (though we note the provided time frame is quite short), the consideration of all public comments and the outcome.

Regarding consideration of the latest science, literature supporting strengthening the primary PM_{2.5} standards continues to mount. New literature is included in the recent Supplemental Draft ISA and NACAA encourages EPA staff to consider relevant studies that continue to emerge and include them in a provisional review as part of this reconsideration process. We further note the remarks of EPA Administrator Regan at the October 14, 2021, meeting of CASAC and the PM Panel, during which he stated, "Race plays a significant role in determining one's risk from exposure to PM." Citing an April 28, 2021, study published in *Science Advances*,⁹ the Administrator said, "PM_{2.5} pollution disproportionately and systemically affects people of color in the United States." The Administrator went on to explain the researchers' findings that Black Americans and other people of color are exposed to a disproportionately higher level of particulates, even when controlling for other demographic factors, emphasizing that "science and environmental justice must go hand-in-hand so that we can truly fulfill EPA's long-standing mission to protect all human health and the environment. We must be explicit about the full meaning of the essential mission, recognizing our responsibility to protect the health and environment of *all* people in *all* communities, especially those historically marginalized, overburdened, underserved and living with the legacy of structural racism."¹⁰

NACAA supports this statement and its goal, consistent with its January 15, 2021, transition paper, in which the association recommends that "EPA should make the consideration of racial justice and protection of overburdened communities from the impacts of pollution and climate change a central focus

⁶ https://www.epa.gov/sites/production/files/2020-01/documents/final_policy_assessment_for_the_review_of_the_pm_naags_01-2020.pdf

⁷ <https://ucs-documents.s3.amazonaws.com/science-and-democracy/IPMRP-FINAL-LETTER-ON-DRAFT-PA-191022.pdf>

⁸ https://www.epa.gov/system/files/documents/2021-10/draft-policy-assessment-for-the-reconsideration-of-the-pm-naags_october-2021_0.pdf

⁹ <https://www.science.org/doi/10.1126/sciadv.abf4491>

¹⁰ <https://www.youtube.com/watch?v=i3BaEwtBD-g> (starting around minute 12)

across all its activities, as well as exploring ways to involve overburdened communities in environmental regulatory decisions that affect their residents.”¹¹

The December 2020 decision to retain the current PM NAAQS left completely unaddressed at-risk populations and issues of environmental justice notwithstanding the fact that EPA staff, in the final ISA for that decision, cited “strong evidence demonstrating that black and Hispanic populations, in particular, have higher PM_{2.5} exposures than non-Hispanic white populations” and “consistent evidence across multiple studies demonstrating an increase in risk for non-white populations.” In one of the studies from which this information is drawn – “Air pollution and mortality in the Medicare population,” published in the *New England Journal of Medicine* on June 29, 2017 – researchers concluded, “In the entire Medicare population, there was significant evidence of adverse effects related to exposure to PM_{2.5} and ozone at concentrations below current national standards. This effect was most pronounced among self-identified racial minorities and people with low income.” The researchers further concluded that “men; black, Asian, and Hispanic persons; and persons who were eligible for Medicaid (i.e., those who had low socioeconomic status) had a higher estimated risk of death from any cause in association with PM_{2.5} exposure than the general population....*Among black persons, the effect estimate for PM_{2.5} was three times as high as that for the overall population.*”¹² [emphasis added] To put an even finer point on this finding, Black Americans’ relative risk of premature death from exposure to PM_{2.5} is 21 percent compared to that of the general population’s, at 7 percent. The PM_{2.5} standards must address this inequity and provide requisite health protection for all.

Also not addressed by the December 2020 PM NAAQS decision, and which must be addressed by the PM_{2.5} standards, is the increased, or possibly increased, risk of PM_{2.5}-related adverse health impacts among various other subpopulations, including older adults; those with pre-existing cardiovascular or respiratory disease; and populations that are overweight or obese, have particular genetic variants, are of low socioeconomic status or are current or former smokers.

On behalf of NACAA, thank you for this opportunity to comment on the PM NAAQS reconsideration and the Supplemental Draft ISA and Draft PA. We look forward to EPA’s and CASAC’s continued work on this important initiative. If you have any questions, please contact either of us or Nancy Kruger, Deputy Director of NACAA.

Sincerely,



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¹¹ *Supra* note 5

¹² <https://www.nejm.org/doi/full/10.1056/NEJMoa1702747>