



Comments of Hayden Hashimoto;
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at Public Hearing on Proposed Review of the
National Ambient Air Quality Standards for
Particulate Matter

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Good morning, my name is Hayden Hashimoto and I am an attorney and Legal Fellow with Clean Air Task Force. CATF seeks to protect public health and the environment from the impacts of harmful air pollution by advocating for policies that enable the development and deployment of pollution control technologies and by encouraging cleaner and more efficient energy production through research, analysis, and public advocacy.

The National Ambient Air Quality Standards (NAAQS) program is a cornerstone of the Clean Air Act and was established to protect human health and the environment from the harmful effects of so-called “criteria pollutants”—including the airborne particulates that are the subject of this proposal.

The Act says that the NAAQS must be set at a level requisite to protect public health while also “allowing an adequate margin of safety.” The Administrator is required to issue air quality criteria that “accurately



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reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air.” More specifically, those criteria must include information on “any known or anticipated adverse effects on welfare.” The statutory language shows that Congress never intended to require certainty from EPA regarding adverse effects before setting the standard.

EPA acknowledges that the statute’s adequate margin of safety requirement “was intended to address uncertainties associated with inconclusive scientific and technical information available at the time of standard setting.” But the Agency then argues that the presence of uncertainty in the precise health outcomes prohibits it from tightening the fine particulate matter standard.

For decades, EPA has recognized improvements and progress in public health science that have provided stronger evidence of a connection between adverse health effects and ambient concentrations of fine particulate matter at lower levels. Previous reviews of the particulate matter NAAQS have consistently led to an updated standard to account for the latest scientific knowledge.



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By contrast, this latest review ignores advances in science in favor of a rushed process to reach a proposal to retain the 2012 NAAQS for fine particulate matter.

Along the way, EPA has undermined its own process in a number of ways, including by reducing opportunities for public review and comment on science and policy documents and refusing to provide second drafts for external review. Drafting the policy assessment *before* finalizing the integrated science assessment, is a particularly telling anomaly in this proceeding—here the intended policy seems to be the driver, not the best and latest science. Perhaps most critically, EPA dramatically reduced the expertise available for external review of the science and policy documents by disbanding the Clean Air Scientific Advisory Committee’s Particulate Matter Panel. This change was so concerning that the Committee, despite being composed of Trump EPA appointees, asked the Administrator to reinstate the panel. The Administrator refused, instead setting up a new pool of consultants who could not join deliberations and could only communicate in writing with the Committee.

EPA’s policy assessment document is quite clear in stating that the science reasonably calls into question the adequacy of the current annual



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standard for fine particulate matter, and therefore considers alternative standards from 8-11 $\mu\text{g}/\text{m}^3$. EPA admits “that several key epidemiologic studies report positive and statistically significant $\text{PM}_{2.5}$ health effect associations based largely, or entirely, on air quality likely to be allowed by the current primary $\text{PM}_{2.5}$ standards,” and that “the current primary PM standards could allow a substantial number of $\text{PM}_{2.5}$ -associated deaths in the U.S.”

This proposal gives little weight to the progress or the details of the science, and instead relies on asserted “considerable uncertainty” in the science. Ironically, having fired the very people (in the CASAC PM panel) who could cut through the alleged “uncertainty,” the Administrator relies heavily on the views of only certain members of the CASAC in this proposal. It is noteworthy that former members of the Agency’s CASAC PM panel were concerned enough to convene independently, concluding that the public health science supports tightening the annual $\text{PM}_{2.5}$ standard.

EPA claims that its desire for a timely and efficient process supports its decision—but tellingly EPA does not offer any *public health* benefits to rushing a proposal to make no changes to the standard. And if, as EPA claims, it is concerned about the statutory review deadline, that fails to explain why this is



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rushed but the long-delayed update of the carbon monoxide standards has not been taken up. The far more plausible explanation is that this review is being rushed because fine particulates result from burning oil and coal, and therefore it is a priority of the fossil fuel industry to avoid further tightening of the particulate matter standards.

A robust body of scientific evidence links chronic exposure to fine particulate matter to asthma attacks, heart attacks, bronchitis, and premature death. These conditions often require hospital and emergency room visits. Right now, the coronavirus pandemic is placing additional strain on an already stressed health care system and is disproportionately impacting groups who already suffer from respiratory illnesses. EPA, having the opportunity to move towards better air quality across the country, has—at this difficult time—chosen *not* to take the steps available to it to better the situation for everyone who breathes, especially the most vulnerable. At the very least, EPA needs to extend the comment period for this proposal, as the Agency has previously provided 90 days for comments on a NAAQS proposal, and 60 days during a pandemic is unreasonable.

The Clean Air Act requires that the NAAQS must reflect the latest scientific knowledge. Despite EPA's



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assertions, scientific progress has *reduced* uncertainty concerning the link between harmful health effects and lower concentrations of PM_{2.5}. By law, the NAAQS must keep pace. We urge EPA to withdraw this proposal and set a standard based on science that protects public health with an adequate margin of safety and protects groups that may be at increased risk for adverse health effects.

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