



March 28, 2013

MEMORANDUM

SUBJECT: March 18, 2003 draft CASAC letter on CASAC's review of the *Draft Policy Assessment for the Review of the Lead National Ambient Air Quality Standards*

FROM: Lydia N. Wegman, Director
Health and Environmental Impacts Division
Office of Air Quality Planning and Standards

TO: Aaron Yeow
Designated Federal Officer
Clean Air Scientific Advisory Committee
EPA Science Advisory Board Staff Office

This memorandum provides comments on the March 18, 2013 draft letter from the Clean Air Scientific Advisory Committee (CASAC) to the Administrator on the Lead Review Panel's (the Panel) review of the draft document, *Policy Assessment for the Review of the Lead National Ambient Air Quality Standards, External Review Draft*, prepared by the Environmental Protection Agency's (EPA) Office of Air Quality Planning and Standards (OAQPS) staff as part of EPA's ongoing review of the national ambient air quality standards (NAAQS) for Lead (Pb). I am requesting that you forward this memorandum to the Panel members prior to the April 1 teleconference at which the Panel will be discussing the March 18 draft letter.

We would like to raise a concern regarding certain comments and recommendations in the March 18 draft letter on the draft Policy Assessment that are beyond the scope of the Policy Assessment and this review of the Pb NAAQS. Specifically, the draft letter provides views concerning public health effects occurring outside the US which the draft letter suggests may stem in part from the domestic attainment strategies associated with the current Pb NAAQS. The letter also advises EPA to carefully consider the recommendations of a draft Report prepared for the Secretariat for the Commission for Environmental Cooperation (CEC). (March 18 draft letter, page 2, line 26 through page 3, line 5).

- The letter cites section 109(d)(2)(C)(iv) of the Clean Air Act, which refers to advising "the Administrator of any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such national ambient air quality standards."

While the issue of lead poisoning in other nations is an important one, it is unrelated to the decisions that need to be made in this review of the NAAQS, and unrelated to the issues before CASAC in reviewing this draft PA. In reviewing the NAAQS, the

Administrator does not consider the numerous economic and other effects of attainment strategies. These effects are not relevant considerations in determining what level of lead in the ambient air is requisite to protect public health in the US with an adequate margin of safety.

The Supreme Court confirmed that the cost of implementing attainment strategies is not relevant in setting the NAAQS. Among other things, the Court rejected the argument that, because public health impacts could result from some such strategies, EPA should consider costs of implementation strategies as part of the NAAQS standard setting process. Issues related to implementation are instead considered under other provisions of the CAA. Here, the issues of health impacts outside the US and any relationship to export of lead products are certainly important, but not relevant to the review of the NAAQS, or CASAC's advice on this review.

- With regard to the CEC reference, the draft letter refers to the draft report on spent lead acid batteries prepared for the Secretariat for the CEC. EPA is engaged on this issue – and the EPA Administrator is one of the three members of the CEC Council, its senior governing body. In this role, the Administrator will be considering the findings of the final version of the report.

On both of these issues, if CASAC chooses to provide advice separate from their advice on the Pb NAAQS review, then it would help to clarify this – that CASAC's purpose is not to provide advice on the NAAQS review, but instead is to highlight the need for careful consideration of this separate policy issue. The letter should also be clear that CASAC and the Panel have not considered these unrelated issues in providing any advice on the NAAQS. Our concern here is the need for a clear differentiation between these issues and the different issues that EPA and CASAC are charged to consider in the review of the NAAQS.

We also have three specific comments related to the factual basis of text on page 9 of the Responses to Charge Questions (attached to the March 18 draft letter).

- On lines 11-12, the draft comments state that “it is inaccurate to indicate that no new information has accrued relevant to the impact of U.S. air Pb policy on exposures, health effects, and health and economic damage outside the U.S. *{emphasis added}*“, thus implying that the Policy Assessment makes such a statement. The Policy Assessment does not make such a statement.
- On lines 13-14, the paragraph states that the exclusion of consideration of impacts on populations outside of the U.S is “a significant change from previous NAAQS reviews”. That is not the case. No such considerations were described in the 2007 policy assessment (then called a Staff Paper) prepared for the most recent prior review of the Pb NAAQS.
- On lines 29-32, the draft comments state that “most likely high exposures resulting in serious health effects are occurring in areas in the United States not currently being monitored.“ The EPA knows of no information supporting such a statement nor does the letter provide any support for this statement.

Thank you for your consideration of these comments on the March 18, 2013 draft letter.

cc: Chris Zarba, SAB, OA
Holly Stallworth, SAB, OA
John Vandenberg, ORD/NCEA-RTP
Mary Ross, ORD/NCEA-RTP
Ellen Kirrane, ORD/NCEA-RTP
Deirdre Murphy, OAQPS/HEID
Karen Martin, OAQPS/HEID