

**August 25, 2010 Comments on the EPA CASAC Particulate Matter Review Panel Draft Letter on
Policy Assessment for the Review of Particulate Matter National Ambient Air Quality Standard—
Second External Review Draft (June 2010)**

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I'm Nick Goldstein. Assistant General Counsel for the American Road and Transportation Builders Association or ARTBA. ARTBA represents more than 5,000 members nationwide involved in all sectors of the U.S. transportation, design and construction industry.

I'd like to begin by thanking the committee for the opportunity to speak at today's teleconference of the PM review panel. The purpose of reviewing the max for PM is to bridge the gap between the scientific information and the judgments required of the EPA administrator in determining whether it's appropriate to retain or revise the PM standard. It is with this stated purpose in mind that ARTBA urges the EPA not to embark on any course of action, which would result in the heightening of the current PM max.

In reviewing the PM max, EPA must be cognizant of the impact that more stringent PM standards would have on other federal initiatives. Nearly 36,000 people die on U.S. highways each year and many federally funded highway improvements are designed specifically to address safety issues. As such, imposing new PM standards that lead to highway improvements being denied could be counter productive to improving public health.

In considering the PM max and any possible changes, it is important to note the EPA's own reports have indicated an overall decline in air pollution thus far and the EPA recently stated between 1980 and 2008, GDP increased 126%, energy consumption increased 29%, U.S. population increased 34% and during the same time period, total emissions of the 6 principal air pollutants dropped by 54%. In addition, the transportation sectors in doing its share in helping to achieve reductions in overall PM levels. Specifically the FHWA has documented a 50% reduction in PM emissions from motor vehicle travel since 1970, despite an increase of 112% in the number of vehicles and 157% increase in the number of vehicle miles traveled during the same time period. Any tightening of the PM max by the EPA would greatly increase the stringency of PM regulation at a time when the existing standards are already resulting in noticeable progress.

New requirements open the door to possible litigation and sanctions potentially resulting in the loss of federal funding for transportation improvement projects. This would be self defeating if the federally funded highway projects underway in these and other counties are the driving force behind the dramatic reductions in PM and other pollutants, which are already taking place. Furthermore, existing projects seem to be in compliance with the Clean Air Act when first undertaken could be thrown out of compliance once new standards are approved, exposing them to costly and time consuming litigation.

In conclusion, ARTBA urges the committee to take notice of the current progress that has been and will be made in cutting the overall levels of PM before approaching policy decisions, which would result in further regulations. Additional regulations at this point is akin to moving the goal post and would run the risk of diluting current compliance efforts that should not be pursued. As such, ARTBA strongly feels any recommendations that tighten the PM standard, ignore the public health and welfare of those citizens and areas where transportation and improvement projects would be placed at risk. ARTBA remains committed to helping achieve a cleaner environment through the continuation of proven technological and regulatory efforts. Thank you again.