

June 4, 2019

EPA update from the Office of Air and Radiation (OAR) for distribution to the SAB.

Science Advisory Board (SAB) Discussions of OAR Spring 2018 Regulatory Agenda

The SAB Work Group initiated its review of planned major actions in the Spring 2018 regulatory agenda. Based on information provided by OAR during its review the Work Group plans to recommend two proposed OAR actions for further review and consideration by the SAB at its June 5, 2019 meeting. Those actions in the Spring 2018 regulatory agenda are “Mercury and Air Toxics Standards for Power Plants Residual Risk and Technology Review and Cost Review” ([2060-AT99](#)) and “Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy” ([2060-AU09](#)).

On December 27, 2018, EPA issued a proposed revised Supplemental Cost Finding for the Mercury and Air Toxics Standards, as well as the Clean Air Act required “risk and technology review.” After taking account of both the cost to coal- and oil-fired power plants of complying with the MATS rule (costs that range from \$7.4 to \$9.6 billion annually) and the benefits attributable to regulating hazardous air pollutant (HAP) emissions from these power plants (quantifiable benefits that range from \$4 to \$6 million annually), as EPA was directed to do by the United States Supreme Court, the Agency proposes to determine that it is not “appropriate and necessary” to regulate HAP emissions from power plants under Section 112 of the Clean Air Act. The emission standards and other requirements of the MATS rule, first promulgated in 2012, would remain in place, however, since EPA is not proposing to remove coal- and oil-fired power plants from the list of sources that are regulated under Section 112 of the Act. EPA published the Federal Notice for the proposed rule on February 27, 2019 and the comment period closed on March 25, 2019. A public hearing was held on March 18, 2019. EPA anticipates a final action before the end of the calendar year.

For the “Rulemaking to Establish Light-Duty Vehicle Greenhouse Gas Emission Standards and Corporate Average Fuel Economy” action, EPA and the U.S. Department of Transportation’s National Highway Traffic Safety Administration (NHTSA) on August 2, 2018 issued a notice of proposed rulemaking for the SAFE Vehicles rule for model years 2021-2026 passenger cars and light-trucks. EPA and NHTSA jointly proposed standards that would reduce the stringency of the light-duty vehicle greenhouse gas standards for model years (MY) 2021-2026 to the MY2020 levels, and sought comment on a wide range of alternatives. The agencies estimate that the proposed SAFE Vehicles standards would result in a net benefit of \$290 billion. EPA held three public hearings on the rule and the public comment period ended on October 26, 2018. EPA has received more than 600,000 public comments, and we will consider these comments for the final rule. EPA’s OAR presented on the proposed SAFE rule to the CAAAC at its September 2018 meeting, consistent with CAAAC’s chartered objective to provide advice, information, and recommendations on policy and technical issues associated with implementation of the Clean Air Act. OAR answered CAAAC member questions and provided further clarification on this action. The EPA believes that CAAAC and its Mobile Sources Technical Review Subcommittee would be more appropriate venues for any future necessary advice on these actions. The Final Rule Stage for this action has been announced in the Spring 2019 regulatory agenda and EPA expects a final action during the summer of 2019.