

From: Will Ollison
Sent: Friday, May 30, 2014 11:29 AM
To: Hanlon, Edward
Subject: RE: CASAC public comment

Please post the following item to your website as public comment to inform CASAC-AMMS deliberations scheduled for June 12, 2014: May 30 API comments that were submitted to Holly Stallworth. All the best...

From: Will Ollison
Sent: Friday, May 30, 2014 10:12 AM
To: Stallworth, Holly
Cc: Hanlon, Edward
Subject: RE: Consideration of Altitude Effects in CASAC's 5-12-14 Draft Letter to the Administrator on the O3 HREA

May 30, 2014

Dr. Holly Stallworth
Designated Federal Officer (DFO)
Via email: Stallworth.holly@epa.gov

Re: Draft Letters on the Clean Air Scientific Advisory Committee (CASAC) Review of EPA's Second Draft Health Risk and Exposure Assessment (HREA) for the Review of the Ozone (O3) National Ambient Air Quality Standards and Second Draft Policy Assessment (PA) for the Review of the Ozone National Ambient Air Quality Standards (NAAQS)

Dear Dr. Stallworth:

Attached is additional API public comment for CASAC's consideration at its June 4, 2014 teleconference finalizing draft letters to the Administrator on the O3 HREA and PA.

Unfortunately, there was apparently insufficient time during its May 28th teleconference to address the altitude effect on HREA estimations and PA conclusions resulting from the mixing ratio formulation of the current O3 NAAQS and this brief supplemental comment provides additional reasons why this issue should be addressed during CASAC's June 4th teleconference.

Sincerely,

Will Ollison
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Washington, DC 20005



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May 30, 2014

Dr. H. Christopher Frey
Chair, Clean Air Scientific Advisory Committee
Science Advisory Board
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Mr. George A. Allen
Chair, Clean Air Scientific Advisory
Air Monitoring & Methods Subcommittee
Science Advisory Board
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Draft Letters on the Clean Air Scientific Advisory Committee (CASAC) Review of EPA's Second Draft Health Risk and Exposure Assessment (HREA) for the Review of the Ozone (O₃) National Ambient Air Quality Standards and Second Draft Policy Assessment (PA) for the Review of the Ozone National Ambient Air Quality Standards (NAAQS)

Dear Dr. Frey and Mr. Allen:

In its draft letters to the Administrator, CASAC fails to address an altitude bias in the present mixing ratio form of the primary O₃ NAAQS. Briefly, residents at high altitude locations such as Denver, CO inspire about 20% less O₃ when exposed to given ambient O₃ levels at a given breathing rate than do residents at sea level. This altitude effect and its implications are discussed in API written comments submitted May 20, 2014 for CASAC consideration and March 27, 2014 for CASAC-AMMS consideration.

We encourage CASAC to ask the Agency to correct this altitude bias in gaseous NAAQS by adjusting inhaled O₃ dose to local barometric pressure in the final revised O₃ HREA response estimations and by providing compliance determinations akin to those available in current PM regulations that account for this bias (40 CFR 50, Appendices J & L, 2.2). A CASAC discussion of this issue may best fit within its responses to EPA HREA charge question #4 and PA Chapter 3 charge question #2.

It is crucial that the mixing ratio formulation bias error be corrected since presently high altitude monitoring data, unadjusted with respect to actual resident dose, penalize such municipalities by effectively requiring them to attain a more stringent O₃ standard (e.g., by 20% in Denver, CO) than coastal cities. Unaddressed, this municipal inequity may result in a NAAQS that violates the Clean Air Act since courts¹ require that a national NAAQS formulation stringency be uniformly "sufficient, but not more than necessary" in all cities.

Sincerely,

¹ Whitman v. American Trucking, 531 U.S. 457, 473 (2001) - *We agree with the Solicitor General that the text of § 109(b) (1) of the CAA at a minimum requires that "[f]or a discrete set of pollutants and based on published air quality criteria that reflect the latest scientific knowledge, [the] EPA must establish uniform national standards at a level that is requisite to protect public health from the adverse effects of the pollutant in the ambient air."* Tr. of Oral Arg. in No. 99-1257, p. 5. Requisite, in turn, "mean[s] sufficient, but not more than necessary." Id., at 7