

COARSE PARTICULATE MATTER COALITION

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July 23, 2010

Dr. Jonathan M. Samet
Chairman
Clean Air Scientific Advisory Committee
EPA Science Advisory Board (1400F)
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW.
Washington, DC 20460

Re: Second Draft PM Policy Assessment

Dear Dr. Samet:

Attached for Committee review are the technical comments of the Coarse Particulate Matter Coalition on the June 2010 draft PM Policy Assessment (PA).¹ Dr. John Richards, the author of the attached comments, will make a brief oral presentation at the Committee meeting on July 26. As a result of the short time limit, his presentation will focus on the spatial nonuniformity point, but he will be available to answer any questions you may have with regard to other points raised in the comments.

The second draft PA recommends coarse PM alternatives ranging from retention of the current 24-hour standard to adoption of a new standard more than 50% tighter than the current standard.² Adoption of a more stringent standard would cause widespread noncompliance at our member operations, acting in effect as a production limit.

It is important to note that the second draft PA reiterates EPA's position to date that the currently available scientific evidence could be interpreted to support retention of the existing PM10 standard. The reason for this is that the currently available health studies suffer from a series of scientific limitations that have been widely acknowledged.

¹ Current members of the Coalition include the Corn Refiners Association, National Cotton Council, National Oilseed Processors Association, the National Stone, Sand & Gravel Association and Kennecott Utah Copper, LLC.

² The Coalition recognizes that a shift to the 98th percentile form, as the PA recommends for the more stringent alternatives, could affect the relative stringency of the standards. However, as discussed in the attached comments, the implications of such a shift remain extremely uncertain. Further, there is no guarantee that a tighter standard in the final regulations would be accompanied by a change in form.

The magnitude of these limitations is reflected by the wide disparity between the alternatives that staff have recommended: retain the current standard, or essentially cut the level in half. As discussed in the draft PA and other EPA documents, the major uncertainties include:

- Concerns about the much smaller health effects database for coarse PM (as opposed to fine PM and other criteria pollutants);
- Concerns that the coarse PM monitoring data used in the health studies are substantially inaccurate and cannot now be replicated;
- Uncertainty in the prediction of ambient concentrations under current and alternative standard levels;
- The presence in the health studies of other pollutants, such as fine PM, nitrogen dioxide, vehicle emissions, vegetative burning, regional sulfates, carbon dioxide, sulfur dioxide and natural endotoxins;
- Inconsistencies among the coarse PM study results, including many studies that did not find statistically significant adverse health effects.

These concerns are addressed in the attached comments and in EPA's PM Integrated Science Assessment, which concludes that the health data for coarse PM are merely "suggestive" of a causal relationship with adverse effects. EPA also has concluded that these limitations render the coarse PM data unfit for quantitative risk assessment, a conclusion with which the Committee has agreed. If the new studies are sufficiently uncertain as to preclude meaningful assessment of potential risk, they should not be interpreted to require any more stringent standard, and certainly not a tightening of over 50%.

The courts have held that current law prohibits consideration of economic effects in the establishment of these standards. Accordingly, balanced scientific decisions are all the more important, particularly in these economic times. During the debates on the current Clean Air Act, Senator Edmund Muskie, one of the fathers of the Act, and others repeatedly made the point that national standards are not intended to protect against all effects. They are simply "the best judgment we had on the basis of the available evidence as to what the unacceptable health effects in terms of the country as a whole would be," without "overprotecting to the degree of inhibiting economic growth and the opportunities people need in order to enhance their lives."³

³ *Hearings Before the Subcommittee on Environmental Pollution of the Senate Committee on Environment and Public Works*, 95th Cong., 1st Sess., Part 3 at 6-7, 8, 37 (1977); see also 1977 Legis. Hist. at 1030 (Senate debate), 2577-86 (House Report).

We ask the Committee to ensure that EPA's interpretations of the scientific evidence for coarse PM are reasonably balanced and necessary to protect public health, without causing the unnecessary economic dislocation that will surely result if the scientific studies are unduly stretched. In this case, we believe such considerations argue for retention of the existing standards. We urge you to recommend such an approach, and we thank you for considering these issues of vital importance to our industries and the people who rely on them.

Sincerely,

Kurt E. Blase

Counsel for the Coarse PM Coalition