

July 25, 2000

EPA-SAB-EC-COM-00-005

Honorable Carol M. Browner
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Subject: Executive Committee Commentary on Residual Risk Program

Dear Ms. Browner:

The Executive Committee (EC) of the Science Advisory Board (SAB) is writing to alert you to potentially significant issues arising from with the Agency's efforts to implement the residual risk requirements of the Clean Air Act Amendments of 1990.

In 1998, the SAB sent you a report (EPA-SAB-EC-98-013) on its review the Agency's Report to Congress on the methodology to be used in assessing the residual risks associated with the post-Maximum Achievable Control Technology (MACT) emissions of hazardous air pollutants (HAPs) from 174 source categories across the country. The Board endorsed the Agency's plan but identified the need to see the methodology applied to a specific case in order to determine whether the methodology was viable in practice, as well as in principle.

This spring, the SAB reviewed an Agency interim workproduct that indicates how the Office of Air and Radiation (OAR) plans to implement this methodology in practice. The results of that review were sent to you in May in the *"Advisory on the USEPA's Draft Case Study of the Residual Risks of Secondary Lead Smelters"* (EPA-SAB-EC-ADV-00-005). In short, the Board found that the Agency has made a good faith start in using the methodology to assess the residual risks from this source category but went on to cite significant scientific problems that raise serious concerns about the potential for the Residual Risk Program, as currently conceived, to successfully achieve its goals. In particular, we understand that secondary lead smelters were selected as the first HAPs source category for the residual risk exercise, in part, because it contains a limited number (24) of facilities, and because it has a large monitoring data base, compared to most of the other 173 source categories. In light of the relatively favorable knowledge base for this case study and the quite limited success that it has achieved

to date, the SAB believes that the large number of data-poor categories will prove to be even more intractable to this type of analysis than the secondary lead smelter category has been shown to be to date. In summary, it is not clear that scientific analysis will be able to generate the type of information envisioned in the CAAA. While decisions can be made in the absence of such scientific information, they will not be sufficiently precise for the intended purpose.

While our concerns may turn out to be ill-founded, we recommend that the Agency and Congress seriously re-consider the current Clean Air Act Amendments mandates and their implementation strategy that depends on scientific analyses that will be resource-demanding, at a minimum, and, quite possibly, impossible to carry out in a credible manner.

In summary, while we certainly endorse the concept of science-based decision making at the Agency, we also recognize that no one is well served by asking science to take on an impossible task.

We would look forward to meeting with Agency leaders and Congressional personnel to discuss these concerns and what might be done about them.

Sincerely,


Dr. Morton Lippmann, Interim Chair
Science Advisory Board

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