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Sent via e-mail to: mccarthy.gina@epa.gov

Regina McCarthy
Assistant Administrator
USEPA
Washington DC

Re: American Petroleum Institute's suggestions on Charge Questions to the Clean Air Scientific Advisory Committee Regarding Reconsideration of the March 2008 Ozone National Ambient Air Quality Standard, Docket ID No. EPA-HQ-OAR-2005-0172

Please find suggestions by the American Petroleum Institute ("API") for the charge questions that EPA is now preparing for a review by Clean Air Scientific Advisory Committee (CASAC) on a teleconference on February 18, 2011 from 1:00 p.m. to 5:00 p.m. The API is the primary trade association of America's oil and natural gas industry, representing more than 450 members involved in all aspects of the industry.

The API submitted comments on the U.S. Environmental Protection Agency's ("EPA's") "Proposed Rule (Reconsideration) National Ambient Air Quality Standards for Ozone, Docket ID No. EPA-HQ-OAR-2005-0172, which was published on January 19, 2010 at 75 *Fed. Reg.* 2,938 (the "Proposed Rule (Reconsideration)"). API also presented comments at the public hearings on February 2, 2010 in Arlington, Virginia and Houston, Texas.

On December 8, 2010 Assistant Administrator Regina McCarthy filed a declaration to the court (State of Mississippi, et al., v. U.S. Environmental Protection Agency, Case. No. 08-1200,

D.C. Cir.) (Ozone NAAQS Litigation). In the declaration, EPA's plan to develop questions in December 2010 and January 2011 was addressed, along with the planned public meeting of CASAC in February 2011.

On January 26, 2011, EPA provided notice in the Federal Register of the CASAC public meeting, to be held as a teleconference on February 18, 2011 from 1 p.m. to 5 p.m. API has concerns that this consultation is being held in the format of a half-day teleconference instead of public meeting where the CASAC committee would have a better opportunity to benefit from public participation to assist in their deliberations. Further, the scope of the charge questions remains a mystery as we have not been able to learn from the Designated Federal Officer for CASAC, or OAQPS staff the likely date of release of the questions. In light of this circumstance and to assist EPA, API prepared the following four questions that we suggest should be reviewed by CASAC as they consider the (old) record that you requested they review:

1. In its proposed reconsideration, EPA concluded that ambient levels of ozone cause cardiovascular mortality independent of other pollutants, although there is geographic heterogeneity in O₃-associated mortality across the country. How does CASAC resolve this apparent lack of population dose/response?

2. EPA has relied on single pollutant epidemiological models in developing estimates of ozone associated risks, although there is evidence of confounding by other pollutants, such as PM. How does CASAC resolve this apparent multi-pollutant 'double counting' in estimating ozone risks?

3. EPA has relied on a no-threshold assumption for mortality effects to estimate population risks and regulatory benefits far below the range of proposed ozone standards, all the way down to policy relevant background levels. How does CASAC resolve the predominance of estimated population risk at PRB levels with the relatively modest benefit of a further standard reduction to 60-70 ppb?

4. EPA recomputed a statistical significance of selected 60 ppb O3 responses from the Adams 2006 study of 6.6 hour chamber exposures under quasi-continuous exercise. This conflicted with the conclusions and conventional statistical approaches of the author and other researchers. How does CASAC resolve this departure from the accepted practice of assessing all of the available data?

API hopes that you will include these questions as you finalize the charge that EPA will submit to CASAC. Please contact me at (202) 682-8340 or feldman@api.org with any questions.

Sincerely,

/s/

Howard J. Feldman

Cc:

Steve Page (page.steve@epa.gov)

Lydia Wegman (wegman.lydia@epa.gov)