

Additional Comments re. the ISA and PA – Ian von Lindern – March 31, 2013

Response to OAQPS March 28, 2013 Memo entitled:

March 18, 2003 draft CASAC letter on CASAC's review of the *Draft Policy Assessment for the Review of the Lead National Ambient Air Quality Standards*

The environmental and public health perspective of airborne lead is not a problem solved, but a dilemma displaced. Air lead levels in the US have decreased. Nevertheless, hundreds of millions of tons of previously emitted lead continue to cycle in the biosphere. Millions of tons of new and recycled lead are produced and released globally every year. The most significant public health and ecological effects of air-related lead, and the main areas where scientific inquiry can best advance the public interest today are:

- i) adverse human health effects at low dose exposures;
- ii) effects of legacy lead in non-air media; and
- iii) adverse human health effects at high exposures among stressed, disadvantaged populations in poor and middle-income countries.

The ISA-PA process does an exhaustive review of the first; demonstrates the lack of knowledge, and need for monitoring and scientific inquiry of the second; and excludes and ignores the third. In this context, the process - by design and definition - constrains and censors the scientific review and limits the scope of the PA. The PA fails to convey the scope, limitations and censorship to the Administrator and the public.

The five-year review process was designated, not only to determine whether a numerical revision to the standard is warranted, but to also provide a scientific basis for assessing the effectiveness of NAAQS as a remedy to resolve threats to public health and the environment. In that context, there are indications that the implementation of the lead NAAQS, without appropriate safeguards and considerations in other programs and regulatory venues, is endangering human health and the environment outside the US. Scientific and technical information is accumulating to support that contention, and to provide a basis for addressing the ill-effects. EPA has chosen to delete that information from its review process and to address the narrow question of revising the ambient standard for select populations in the US.

Aside from the question of whether this is an ill-advised approach to self-evaluation by the Agency, there is an inherent obligation to be transparent to the Administrator and the public with respect to the level of censorship and limits placed on the review.

It is heartening to know that that the EPA is involved in the CEC process. It seems that transmitting knowledge to the Administrator regarding potential global ill-effects of US regulatory actions would aid the Administrator in meaningfully participating in those and other international programs to alleviate childhood lead poisoning.

With regard to the alleged factual errors on Page 9 of the draft response to comments, the PA is silent on the point that EPA, in the ISA, excluded high level exposure outside the US in the review. Such studies

were included in previous AQCDs, thus the public, Administrator and Staff Papers had access to vetted information in this regard. The main point the EPA Staff misses is that, although it is proper to limit the PA to specific policy related analysis, it is a disservice to science, and pre-determines the outcome of the PA, to limit the review of the evidentiary basis in the ISA. On the last alleged factual error, extensive discussions during the Panel reviews concluded that the most significant exposures associated with airborne lead in the US today are likely occurring with legacy emissions manifesting in other media. Neither the ISA, nor EPA Staff presentations, indicated any systematic monitoring programs in this regard. The point of the response to comments is that the PA should inform the Administrator as to the degree of censorship, and deletions inherent in the review.