

February 22, 2007

Stephen L. Johnson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, DC 20460

Dear Administrator Johnson:

I am writing on behalf of NESCAUM to share our member agencies' response to the U.S. Environmental Protection Agency's (EPA) new process, unveiled on December 7, 2006, for setting, reviewing, and revising the National Ambient Air Quality Standards (NAAQS). NESCAUM is an association of the air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

Setting the NAAQS is among the most important decisions that the EPA Administrator makes. These standards are a cornerstone of the nation's air pollution control program, whose goal is to protect public health and the environment. We agree that the NAAQS review process needs some improvement. We were especially pleased that EPA undertook its examination of the process with an eye towards improving EPA's ability to comply with the five-year timelines mandated in the Clean Air Act for completing the reviews. We applaud EPA's decision to establish and maintain a repository for health and environmental studies related to the criteria pollutants that will make those studies available on an on-going basis. This will assist in expediting the review process.

We are, however, very concerned that EPA has chosen to significantly minimize the role of the Clean Air Scientific Advisory Committee (CASAC) in the NAAQS review process. In section 109 of the Clean Air Act, Congress created a specific and special role in the NAAQS review process for an independent review committee of expert scientists (subsequently established as CASAC). The language of section 109 clearly articulates Congress's intent that CASAC be more than a stakeholder, and outlines a proactive, rather than reactive, role for this committee. CASAC has played a central role in providing *up front* reviews of air quality criteria and the NAAQS, as well as in recommending to the Administrator the creation of a new NAAQS or revisions to an existing standard. We believe that EPA's new process would sidestep congressional intent by delaying input from this independent scientific review committee until after EPA has developed its documents and positions and released them to the public for general review. This approach would compromise EPA's goal to expedite the NAAQS review process.

Moreover, EPA's decision to eliminate the Criteria Document and the EPA Staff Paper from the NAAQS review process represents a marked departure from a science-based process that has

been in place for nearly three decades and has generally served us well. The Criteria Document has allowed EPA analysts to review new scientific studies independent of policy or management considerations and has provided a sound scientific basis upon which to initiate a NAAQS review. The Staff Paper has served to put the new scientific information into a policy-relevant context. Replacing these documents with an "Integrated Science Assessment" at the outset would result in blurring the line between science and policy, and consequently make the review process more, not less, complex.

The NESCAUM states appreciate the complexity and challenges of making policy decisions in the face of scientific uncertainty, particularly when dealing with issues affecting public health. By maintaining a clear delineation between science and policy, these decisions can be better scrutinized and debated. We urge you to reconsider your recent policy on NAAQS reviews with respect to the Integrated Science Assessment and the role of the CASAC. At your convenience, we would be happy to meet with you and discuss these issues in greater detail.

Sincerely,



Arthur N. Marin
Executive Director

cc: NESCAUM Directors