

April 11, 2008

To: Docket ID No. EPA-HQ-2005-00036 (Electronic Submittal)

RE: Control of Hazardous Air Pollutants from Mobile Sources: Early Credit Technology Requirement Revision; Direct Final Rule and Proposed Rule

NESCAUM (Northeast States for Coordinated Air Use Management) submits the following comments on EPA's Direct Final Rule and Proposed Rule for "Control of Hazardous Air Pollutants from Mobile Sources: Early Credit Technology Requirement Revision." NESCAUM is an association of state air pollution control agencies in Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

By this action, EPA proposes to amend 40 CFR § 80.1275 to include benzene alkylation as an acceptable means for refiners to generate early benzene credits, prior to 2011, towards ultimate compliance with the 0.62 volume percent benzene level in gasoline. Further, EPA proposes to incorporate a provision in the rule allowing refiners to use other unspecified operational or technological changes for the purpose of benzene reduction, and secure approval through petition, rather than through future rulemaking. The refiner simply would have to demonstrate that the change would result in a net reduction in the refiner's average gasoline benzene level. NESCAUM opposes these proposed changes because they will weaken the current protections afforded under the existing rule.

Benzene is classified as a known human carcinogen, according to EPA's Carcinogen Risk Assessment Guidelines. Epidemiological studies provide clear evidence for causal association between benzene exposure and various forms of leukemia. Further, there is evidence of links between benzene exposure and increased risk of developing serious diseases, such as aplastic anemia, Hodgkin's lymphoma, and other cancers.¹ The compelling evidence of these serious adverse human health effects serves to emphasize the essential need for the Mobile Source Air Toxics program to protect the public from excessive exposure to benzene.

We contend that alkylation of benzene at the refinery goes counter to ultimately ensuring maximum reduction of public exposure to benzene. While reducing gasoline's benzene content at the refinery is very important, it should not be relied upon as the exclusive means for reducing benzene emissions. The majority of the public's exposure to fuel-borne benzene occurs when gasoline and its combustion byproducts are emitted from motor vehicles. Therefore, the overall success of a gasoline benzene strategy should be judged by its effect when the fuel is consumed.

Along with our comments, we are submitting to the docket a study from the Swiss Federal Laboratories for Materials Testing and Research.² According to this study, benzene is formed by

¹ EPA, Integrated Risk Information System, <http://www.epa.gov/iris/subst/0276.htm>.

² Bruehlmann, et al, *Benzene: A Secondary Pollutant formed in the Three-Way Catalyst*, Environmental Science and Technology, 2005, 39, 331-338.

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the motor vehicle's exhaust system catalyst, particularly under transient driving conditions, and emitted to the atmosphere. One of the prominent mechanisms for formation of this benzene is de-alkylation of alkylated aromatic compounds. Therefore, we are very concerned that if EPA amends the rule to allow refiners to use benzene alkylation as a means to reduce average benzene levels in gasoline at the refinery, the effect will be to increase the volume of a precursor component in gasoline that enhances later benzene formation by the motor vehicle catalyst.

We oppose revising 40 CFR § 80.1275 to include benzene alkylation as an acceptable means for refiners to generate early benzene credits. Further, we oppose the inclusion of a petition process for approving future operational changes at the refinery that fail to take into account the potential emissions impacts at the tailpipe. We therefore urge EPA to withdraw the direct final rule and take no further action on the proposed rule. If you have any questions, please contact Eric Skelton of my staff at (617) 259-2028.

Sincerely,

A handwritten signature in cursive script, appearing to read "Arthur N. Marin".

Arthur N. Marin
Executive Director

Cc: NESCAUM Directors