

June 27, 2016

Janet G. McCabe, Acting Assistant Administrator  
Office of Air and Radiation  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

*Re: NESCAUM States' Support of the Clean Air Act Advisory Committee (CAAAC) Air Toxics Workgroup's Urban Air Toxics Recommendations, November 18, 2015*

Dear Ms. McCabe:

The Northeast States for Coordinated Air Use Management (NESCAUM) offer the following comments on the CAAAC Air Toxics Workgroup's Recommendations to the U.S. Environmental Protection Agency (USEPA) presented on November 18, 2015. NESCAUM is the regional association of state air pollution control agencies representing Connecticut, Maine, Massachusetts, New Hampshire, New Jersey, New York, Rhode Island, and Vermont.

Our main concern is that in light of its limited resources, the USEPA should focus on implementing programs at the local and state level rather than on further refining air toxics program development tools and conducting basic research. The USEPA's currently available programs and resources need to be utilized in results-oriented actions that immediately address existing air toxics problems. Simply put, much is known on the societal impacts of air toxics. It is time to act on this current knowledge without delay, and give priority to those most affected.

NESCAUM supports all of the recommendations presented to the USEPA as steps in addressing our main concern, but we focus below on the ones that primarily affect the Northeast (listed in no particular order of priority):

#6: A collaborative approach generally generates "buy-in" and possibly new ideas, promotes awareness, and enhances participation in and development of local programs. The USEPA should invest more resources to partner directly with communities, local governments, tribes, states, and business communities in a collaborative fashion on community air toxics strategies.

#7: Because Environmental Justice (EJ) communities are disproportionately affected by air toxics and often other air quality problems that act synergistically, the USEPA's focus should be on where the problem has the biggest impact. The USEPA should develop a cumulative impacts policy that includes, but goes beyond, participation that results in reducing air pollution in EJ communities and overburdened communities. The USEPA should use a

screening tool that incorporates a cumulative impacts index to identify EJ and other communities with high levels of cumulative impacts.

#9: The USEPA should carry out its statutory obligation to review, revise, and publish, as appropriate, the Clean Air Act (CAA) Section 112(b) (1) list of hazardous air pollutants (HAPs). New chemicals have been added, old chemicals have been replaced in industrial settings, and the level of knowledge regarding toxicity of many chemicals has changed since the development of the initial HAPs list. There needs to be an evaluation of the chemicals that are being used to replace HAPs for possible inclusion on the HAP list. The stagnation of the list can result in community air toxics problems that are not well defined, and in some instances unregulated.

#10: The USEPA should encourage supplemental environmental projects that focus on reducing urban and tribal areas' exposure to air toxics, with a particular focus on diesel particulate emissions. Such projects include the Diesel Emission Reduction Act (DERA) programs that have been implemented in many areas of the country. The USEPA should request that Congress continue and sustain funding for the DERA program. Even though diesel exhaust cannot be measured with complete certainty at this time, actions to reduce diesel exhaust emissions should not wait to be implemented. Likewise, the USEPA should encourage state enforcement authorities to prioritize projects that reduce urban and tribal area air toxics as part of state compliance agreements.

#11: In settlement negotiations with companies regarding violations of the CAA that result in excess toxic emissions, the USEPA should direct penalty funds to states, tribes and localities to specifically mitigate future excess emissions equal to or greater than the toxic emissions experienced. This is a fair and direct approach in allocating funds to the root cause and alleviating the specific toxic emissions problem at the specific location.

#15/#18 - #20: The USEPA should continue its efforts to work in a collaborative manner with state and local air pollution agencies to identify data gaps and limitations of the National Emissions Inventory (NEI) in order to significantly improve the point and area source inventories. The USEPA should continue to support and collaborate with programs to gather indoor, outdoor, and personal monitoring data. Among other uses, such data should be used to enhance ambient and human exposure modeling to better characterize both the individual and the synergistic risk of personal, indoor, and ambient exposure to air toxics and inform strategies to address air toxics that are most harmful.

The recommendations regarding additional data collection, support for community monitoring/citizen science, the best practice platform, and the business recognition program should be considered for regional implementation.

#21: The USEPA should develop a sustainable platform from which best practices related to air toxics can be continually highlighted and shared between all stakeholders, including communities, industries, federal, state, tribal and local governments, environmental groups, academia, etc.

#23: When state/local/tribal governments can reap the benefits of their efforts through recognition (financial or otherwise), they will prioritize addressing the air toxics problem more readily. The emphasis should be placed on “air toxics” rather than “innovation.” The USEPA should develop a recognition program for state, local, or tribal governments who value community engagement and whose efforts are making a difference in the communities they serve, particularly related to air toxics issues.

#24: The USEPA should create a standing independent committee that reports to the CAAAC consisting of members representing community groups, industry, and state/local/tribal governments that evaluates and reviews progress on the programs and processes related to urban air toxics, and shares information at least annually. NESCAUM would support this or some other process for tracking progress on implementation of the recommendations.

#25: Because it is critical for the USEPA to evaluate the effectiveness of its programs in order to focus on the most effective ones, the USEPA should conduct a systematic review – using the criteria provided in the body of these recommendations – to evaluate the effectiveness of federal programs that specifically address urban air toxics – by or before January 2017.

Thank you for the opportunity to comment on the final recommendations of the Urban Air Toxics Workgroup. Continued improvements in urban air quality are an extremely important issue and cannot be accomplished without a strong federal and state agency partnership. We look forward to the USEPA’s response to these specific recommendations for improving urban air quality across the nation.

Sincerely,



Arthur N. Marin  
Executive Director

cc: NESCAUM Directors  
NESCAUM Air Toxics and Public Health Committee  
David Conroy, USEPA Region 1  
Richard Ruvo, USEPA Region 2