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VIA ELECTRONIC FILING

Anne Idsal, Acting Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1301 Constitution Ave NW
Washington, DC 20460

Nov. 12, 2019

RE: Docket EPA-HQ-OAR-2015-0072 Policy Assessment for Review of the National Ambient Air Quality Standards for Particulate Matter, External Review Draft

Dear Assistant Administrator Idsal,

On behalf of the Pennsylvania Chamber of Business and Industry, the largest, broad-based business advocacy organization in the Commonwealth of Pennsylvania, thank you for the opportunity to comment on the EPA's draft Policy Assessment for Review of National Ambient Air Quality Standards for Particulate Matter, External Review Draft (Draft PA).

The PA Chamber, which represents nearly 10,000 member companies of all sizes and across all commercial and industrial categories, believes that environmental excellence and economic growth are mutually-compatible objectives, and that environmental and natural resources laws and programs should be framed and implemented to concurrently meet these twin objectives. The PA Chamber advocates for environmental laws, regulations and policies that:

- are based on sound science and a careful assessment of environmental objectives, risks, alternatives, costs, and economic and other impacts;
- set environmental protection goals, while allowing and encouraging flexibility and creativity in their achievement;
- allow market-based approaches to seek attainment of environmental goals in the most cost-effective manner;
- measure success based on environmental health and quality metrics rather than fines and penalties;
- assess compliance based on clear, predictable and defined criteria established through stakeholder processes and with sound science;
- do not impose costs which are unjustified compared to actual benefits achieved;
- do not exceed federal requirements unless there is a clear, broadly accepted, scientifically-based need considering conditions particular to Pennsylvania;
- develop a private-public relationship which promotes working together to meet proper compliance; and
- ensure timely regulatory approvals and authorizations.

With respect to air quality, the PA Chamber advocates for cost effective air laws, regulations and policies based on sound principles that are reasonable and technologically and economically feasible to protect and enhance public health and the environment without placing in-state businesses at a competitive

disadvantage. The PA Chamber supports regulatory policy which balance societal environmental, energy, and economic objectives, fit rationally within any finally adopted and applicable national or international strategy, and capitalize on the availability of Pennsylvania's diverse natural resources to facilitate economic development in the Commonwealth. It should be noted that this approach to economic growth and environmental stewardship is also written into the Clean Air Act itself, where Section 101(b) directs EPA to implement the provisions of the Act in a manner "to promote public health and welfare and the productive capacity of [the] population."

With this perspective in mind, the PA Chamber respectfully submits the following comments regarding the Draft PA. These comments supplement oral remarks delivered to the EPA's Clean Air Scientific Advisory Committee on October 22.

First, state and federal monitoring data make clear the state of Pennsylvania is nearing statewide attainment of both particulate matter (2.5 and 10) standards. Industry has worked in concert with regulators to achieve a dramatic reduction in both emissions and monitored ambient levels of particulate matter over the past three decades. Total particulate matter emissions have been reduced by 31% since 1990, and all but one monitoring point measured attainment for both the annual and 24-hour PM 2.5 standard. Preliminary 2018 design values, accessible on EPA's interactive Design Values Map, shows that the one monitor (Pittsburgh-Liberty-Clairton) that measured non-attainment for the 24-hour standard is now measuring at or below 35 ug/m³ – a dramatic reduction compared to the same monitor's data reading at 50 ug/m³ ten years ago. It is expected that additional reductions will occur as existing state and federal requirements are implemented.

In part because of this progress, the PA Chamber opposes lowering the annual or 24-hour standard. While case law has established the EPA Administrator is not required to consider economic effects when establishing a new NAAQS, CASAC is under no such prohibition – in fact, it is quite the opposite. Clean Air Act Section 109 obligates CASAC to advise the Administrator on any adverse public health, welfare, social, economic or energy effects that may result from attainment and maintenance of NAAQS. In addition to any discussion of estimated health benefits from a proposed lower NAAQS, the PA should also address the impacts of excessive regulatory burdens placed on economic growth that may result from increasingly larger incremental revisions to the NAAQS.

To explicate one particular regulatory burden: major point sources operating in non-attainment area rules must not only operate LAER (lowest achievable emission rate) controls on their emission sources, which is the most stringent set of controls in the country and which are required without consideration of cost, but also acquire and surrender emission reduction credits (ERCs) from other sources in the same non-attainment county or region. PA Chamber members are reporting there is currently a shortage of PM 2.5 ERCs available in Pennsylvania. Should the standard for PM 2.5 be lowered, the natural result, directly attributable to this lack of ERCs in the marketplace, will diminish the prospects for economic expansion of existing facilities or construction and operation of greenfield projects in any Pennsylvania county or region that ends up designated for non-attainment. Further, being reclassified as attainment once a county or region is designated non-attainment is no small task, even once an areas starts measuring attainment-level concentrations – the vagaries of the Clean Air Act require multiple years of monitoring and modeling, as well as the state drafting a maintenance plan, leaving areas designated as non-attainment with a likely seven- to ten-year process in order to be reverted to attainment.

There appears to be little discussion in the draft PA of the national availability of ERCs or the economic implications for a county or region that is designated non-attainment. We encourage CASAC and EPA staff to address these areas in a final recommendation to the Administrator, and for the Administrator and

staff to also carefully consider the implications of a lower 24-hour or annual PM standard. Throughout the Draft PA, EPA staff note there is a significant amount of uncertainty in the science associated with the health effects of a much lower PM standard, noting that depending on how much weight the agency gives to this uncertainty will result in a selection among a wide range of potential revisions to the NAAQS – or retain it at its current level. Table C-6 in the Draft PA notes that average modeled PM 2.5 concentrations differed from actual observed levels by over 1 ug/m³ and by as much as 2.7 ug/m³. Such a difference is larger than the range of alternative standards being considered. Given this uncertainty and the economic consequences of designating an area as non-attainment, we strongly encourage retaining the current standards for particulate matter.

In closing, thank you for the opportunity to submit comments on behalf of our broad-based membership and for your consideration of our perspective in this matter.

Sincerely,

A handwritten signature in black ink, appearing to read "Kevin Sunday". The signature is written in a cursive, flowing style.

Kevin Sunday
Director, Government Affairs