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VIA ELECTRONIC FILING

Joseph Goffman, Principal Deputy Assistant Administrator
Office of Air and Radiation
U.S. Environmental Protection Agency
1301 Constitution Ave NW
Washington, DC 20460

March 28, 2023

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

Dear Principal Deputy Assistant Administrator Goffman,

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 proposed rulemaking to retain the current National Ambient Air Quality Standards for particulate matter. This written comments supplement oral remarks delivered at EPA's virtual public hearing held on Feb. 22, 2023. The PA Chamber supports retaining the current standards, for the reasons stated below.

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."

First, state and federal monitoring data make clear the state of Pennsylvania is measuring 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 more than 31% since 1990, and all one monitoring points are measuring attainment for both the annual and 24-hour PM 2.5 standard. Preliminary 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 supports retaining 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, this is not binding for reconsideration determinations. Section 109 of the obligates the Clean Air Scientific Advisory Committee to advise the Administrator on any adverse public health, welfare, social, economic or energy effects that may result from attainment and maintenance of NAAQS. As such, it is eminently reasonable for the Administrator to consider such adverse effects that the burden of lower NAAQS may have on the regulated community – especially when EPA's supporting documentation notes that point source emission sources, which would face the heaviest of compliance burdens, are responsible for less than 20% of particulate matter emissions.

In particular, one such regulatory burden is that of major point sources operating in non-attainment area rules, who 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 are also required to procure 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. In jurisdictions with such constraints, credit prices have been reported in excess of \$60,000 per ton. 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, including highway infrastructure, 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.

The Biden administration has, through statements of policy and through the legislation signed into law (including the Infrastructure Investment and Jobs Act and the Inflation Reduction Act), clearly expressed a desire to expand domestic manufacturing output and modernize the nation's infrastructure. This is a goal shared by members of Congress on both sides of the aisle. A significant decrease in the National Ambient Air Quality Standard will result in a more restrictive permitting regime for new and expanded infrastructure and manufacturing in much of the country. Lowering the NAAQS for particulate matter will conflict with the goals of the White House and Congress due to a more protracted permitting process for new infrastructure and significant compliance burdens for existing operations.

In closing, we strongly encourage EPA to retain the current standards. We 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 style with a large, stylized initial "K".

Kevin Sunday
Director, Government Affairs