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S. William Becker

June 11, 2008

U. S. Environmental Protection Agency  
Air and Radiation Docket  
Room 3334  
1301 Constitution Avenue, NW  
Washington, DC 20460

Re: Docket ID No. EPA-HQ-OAR-2006-0735

To Whom It May Concern:

The National Association of Clean Air Agencies (NACAA), the association of air pollution control agencies in 53 states and territories and over 165 metropolitan areas across the country, is pleased to provide preliminary comments on EPA's proposed revisions to the lead National Ambient Air Quality Standards (NAAQS). NACAA has several fundamental concerns with EPA's proposed revisions to the lead standard.

NACAA strongly believes that in setting and revising National Ambient Air Quality Standards, such as for lead, it is essential that EPA follow the science and incorporate the views of EPA's independent science advisors, the Clean Air Scientific Advisory Committee (CASAC). Our association agrees with the major points raised by CASAC in its letter of January 22, 2008 to EPA Administrator Steve Johnson, in which the Committee makes specific recommendations for setting the primary and secondary standards.

First, with respect to the primary standard, NACAA urges EPA to set a standard within CASAC's recommended range, with an upper bound no higher than 0.20 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), with a monthly averaging time. As CASAC noted, children exposed to lead tend to have lower IQs and face increased risk of Attention Deficit Hyperactivity Disorder, either of which may create other undesired consequences, such as reading problems, poor school performance and delinquency. Lead exposure in adults is linked to cardiovascular problems, including increased blood pressure, renal effects, hypertension and even death. In its proposed rule, EPA fails to include recent, relevant and replicable scientific studies on

observed health effects from concentrations of lead in blood at levels well below those considered by the agency. Specifically, EPA ignores significant evidence from studies that observed health effects at blood lead concentrations below 7.5 ug/DL. Instead, EPA is proposing to use 9 ug/DL as a baseline, rather than as the recommended not-to-exceed level. From this approach, it appears that EPA considers lowered IQ an acceptable public health outcome. Moreover, EPA does not summarize the scientific treatment of uncertainty, and fails to address how it will establish a lead NAAQS that includes an adequate margin of safety. These deficiencies should be remedied in the final rule.

Second, we also concur with CASAC that the secondary lead standard should be no less stringent than the primary standard in order to ensure that there is no reversal of the current downward trend in lead concentrations in the environment.

NACAA is also concerned about the flaws in EPA's new NAAQS review process, which eliminates development of EPA staff papers that historically contained useful, policy-relevant analyses of the science and presented options for revising the standard. The new process fails to solicit CASAC's views until publication of the Advance Notice of Proposed Rulemaking (ANPR) – seriously undermining CASAC's role in the process. We agree with CASAC that the ANPR for the lead NAAQS represented “a remarkable weakening of the scientific foundation of the NAAQS review process.” NACAA strongly urges that EPA reinstate the former process.

### **Monitoring Considerations**

Revising the health- and welfare-based NAAQS for lead goes hand in hand with measuring lead in the air and, ultimately, assuring that all areas of the country meet the new standards. EPA's proposed rule raises several concerns relating to ambient air monitoring.

First, NACAA urges EPA to provide adequate federal funding for the expanded monitoring network that may be necessary to support a revised lead NAAQS. As noted by CASAC, the current lead monitoring network consists of 189 monitoring sites. EPA's preliminary planning indicates that the agency envisions deployment of at least 500 additional monitors at a cost of approximately \$9.5 million. Although our assessment is that actual costs are apt to be significantly higher, particularly in light of the ongoing expenditures necessary to operate and maintain the new network, one thing is clear: An expanded lead monitoring network must be federally funded at requisite levels. State and local air agency budgets have been generally flat for a number of years, with some agencies struggling to match funds to support core programs. Without additional funding for lead monitoring, provided under Section 103 of the Clean Air Act so that matching funds are not required, many agencies will be unable to fulfill this new responsibility. And, without an adequate monitoring network to determine compliance, the new standards will be meaningless.

Second, with regard to the indicator for monitoring lead, NACAA continues to believe that there may be significant advantages to replacing high-volume Total Suspended Particulate samplers

with low-volume PM<sub>10</sub> samplers at appropriate sites. CASAC advocated such a change in its January 22 letter to the EPA Administrator, and will be revisiting this issue in July. NACAA looks forward to CASAC's further consideration of this issue. In addition, in promulgating the lead NAAQS requirements, the association encourages EPA to follow three guidelines for monitoring: First, monitoring networks should be based on health endpoints. Second, monitoring experts should have flexibility in determining the most effective ways to measure source- and population-related ambient lead levels. Finally, methods must be developed (and funding provided) for adequately and accurately measuring all lead particle sizes in the ambient air.

### **Implementation of the New Standards**

The usual agency practice for revising the NAAQS has been to first promulgate a rule setting the health- and welfare-based standards, and then to promulgate a rule that addresses the numerous implementation issues relating to the rule, including network design and cost, monitoring methods, sampling frequencies and other technical and cost-related matters. The lead NAAQS revisions, however, lump together these two rules into one compressed rule. Although, theoretically, this two-in-one rule approach could benefit the states and localities – preventing the frustrating delays of the PM<sub>2.5</sub> and 8-hour ozone implementation rules – the lead implementation provisions in the proposed rule are insufficient to give state and local agencies adequate guidance. It is not evident that an attempt has been made to update lead control strategy documents. Those documents referenced in the proposed rule date to the early 1990s; and no guidance on lead emissions inventory development is included. EPA must provide, in a timely manner, further details on how the new lead NAAQS are to be implemented. Otherwise, states and localities will be left with little meaningful guidance on how to achieve the new standards.

### **Conclusion**

NACAA supports CASAC's recommendation that the primary lead NAAQS be set in a range with an upper bound no higher than 0.20 ug/m<sup>3</sup>, utilizing a monthly averaging period. In addition, we recommend that the secondary lead standard be set at a level no less stringent than the primary standard. Adequate federal funding must be provided for the new lead monitoring network that will be required and enhanced implementation guidance must be developed expeditiously by EPA.

If you have questions or desire additional information, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, consisting of a stylized initial 'S' followed by a long horizontal line extending to the right.

S. William Becker