

In this week's Washington Update:

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We also provide links to information on events taking place during the week ahead.

This Week in Review

(1) EPA Staff Recommends Strengthening PM NAAQS (January 27, 2020) – EPA staff posted its final "Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter" (Final PM PA), in which it provides its analysis of the scientific basis for policy options for consideration by the EPA Administrator when he makes his decision on whether or not to revise the PM NAAQS. In the Final PM PA, EPA staff concludes that "the available scientific evidence, air quality analyses, and the risk assessment...can reasonably be viewed as calling into question the adequacy of the public health protection afforded by the combination of the current annual and 24-hour primary standards." This conclusion differs from the advice offered by a majority of CASAC's members in its December 16, 2019 final report providing "consensus responses" to the EPA staff's September 2019 Draft PM PA. After much debate, CASAC noted in its final report a split among its members: five contended the science does not support strengthening the annual PM_{2.5} standard and two contended that the science casts doubts on the adequacy of the standard. CASAC also stated that it found that there is not recent scientific evidence that calls into question the adequacy of the 24-hour PM_{2.5} standard. For further information: <https://www.epa.gov/naaqs/particulate-matter-pm-standards-policy-assessments-current-review-0> and [https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentCASAC/E2F6C71737201612852584D20069DFB1/\\$File/EPA-CASAC-20-001.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/LookupWebProjectsCurrentCASAC/E2F6C71737201612852584D20069DFB1/$File/EPA-CASAC-20-001.pdf)

(2) House Leaders Propose \$760-Billion Infrastructure Plan (January 29, 2020) – U.S. House of Representatives' Transportation and Infrastructure Committee Chairman Peter DeFazio (D-OR), Energy and Commerce Committee Chairman Frank Pallone (D-NJ) and Ways and Means Committee Chairman Richard Neal (D-MA) offered a \$760-billion framework to fund infrastructure investments over five years, laying the groundwork for future legislative action that may fund investments that limit climate damage as well as investments in infrastructure like highways, rail,

airports and expanded broadband access. In the framework, the Democrats propose \$329 billion for roads and bridges, \$55 billion for passenger rail, \$30 billion for airport investments, \$50.5 billion for wastewater infrastructure, \$86 billion for expanding broadband access for rural areas and \$12 billion for a "next-generation" 911 system for emergency calls. The Committee Chairmen's framework also "puts America on the path to zero emissions from the transportation sector" with proposals including increasing the availability of charging stations for electric and zero-emissions vehicles, making roads safer for pedestrians and bicyclists and investing in zero-emission buses for public transit. The issue of how to pay for the infrastructure investments will fall primarily to the House Ways and Means Committee, which has indicated it plans to hold a hearing on the issue next week, and to Democratic leaders in the House. For further information: <https://transportation.house.gov/download/01/29/2020/moving-forward-framework>

(3) EPA Updates Timeline for Developing Emission Estimating Methodologies for Animal Feeding Operations (January 28, 2020) – EPA announced an updated timeline for the development and release of draft emission estimating methodologies for animal feeding operation (AFO) emissions. The agency had planned to begin releasing the first draft methodologies in January 2020, but is now planning to do so beginning in July 2020. Between July 2020 and July 2021, EPA expects to release a series of draft models covering different types of farms and pollutants. EPA is currently analyzing information received as part of the National Air Emissions Monitoring Study, which monitored 24 AFO sites in nine states during a two-year period to measure emissions of particulate matter, ammonia, hydrogen sulfide and volatile organic compounds. For further information: <https://www.epa.gov/afos-air/national-air-emissions-monitoring-study#naems-status>

(4) Court Rules Against EPA on Three Extensions to Exemptions from Biofuels Mandate (January 24, 2020) – The U.S. Court of Appeals for the Tenth Circuit concluded that EPA exceeded its statutory authority when it granted three petitions from small refineries in Idaho, Oklahoma and Wyoming seeking extensions to exemptions from the Clean Air Act's (CAA) biofuel mandates. The court found that although the CAA allows EPA to grant extensions to small refinery exemptions, the statute "limits exemptions to situations involving 'extensions,' with the goal of forcing the market to accept escalating amounts of renewable fuel over time." Because the three petitioning refineries in this case did not consistently receive exemptions in the years prior to their petitions, the court found "there was nothing for the agency to extend" and, therefore, vacated EPA's orders granting the exemption extension petitions and remanded them to the agency for further proceedings consistent with the court's opinion. For further information: <http://www.4cleanair.org/sites/default/files/Documents/Litigation-Refinery Exemptions-10th Circuit-012420.pdf>

(5) Analysis Shows Nearly a Third of Americans Live in Areas That Had at Least 100 Days of "Degraded" Air Quality in 2018 (January 28, 2020) – An analysis of EPA's Air Quality Index reveals that 108 million Americans – nearly a

third of the population – live in areas of the country where ozone and/or PM levels were “moderate” (yellow) or worse on at least 100 days in 2018. In “Trouble in the Air: Millions of American’s Breathed Unhealthy Air in 2018,” Environment America, U.S. PIRG Education Fund and Frontier Group say 1) each year such exposure causes millions of people to suffer from adverse health effects related to air pollution and tens of thousands to die prematurely; 2) global warming will make air pollution worse; 3) people in every state face health risks from ozone; and 4) particulate pollution is widespread and exposes millions of people to potential health harms. The group calls upon federal, state and local policymakers to pursue policies to reduce transportation emissions; move away from fossil fuels; and strengthen, and rigorously enforce, air quality and emission standards “to fully protect human health.” For further information:

<https://environmentamericacenter.org/feature/amc/trouble-air>

(6) EPA Issues RTR for Asphalt Processing and Asphalt Roofing Manufacturing (January 30, 2020) – EPA issued amendments to the National Emission Standards for Hazardous Air Pollutants (NESHAP) for Asphalt Processing and Asphalt Roofing Manufacturing facilities in response to its Risk and Technology Review (RTR). The original rule was issued in 2003; EPA issued the proposal on May 2, 2019. In the final rule, EPA has determined that the risks from this source category are acceptable and that there are no new cost-effective controls available. The rule clarifies that the standards apply during periods of startup, shutdown and malfunction and requires electronic reporting of performance test results, notifications of compliance status and semi-annual reports. The rule also provides additional flexibility for monitoring and requires compliance testing at least once every five years. For further information: <http://epa.gov/stationary-sources-air-pollution/asphalt-processing-and-asphalt-roofing-manufacturing-national>

The Week Ahead

- [Senate Committee on Commerce, Science and Transportation Subcommittee on Transportation and Safety Hearing, "Keep on Truckin': Stakeholder Perspectives on Trucking in America,"](#) in Washington, DC – February 4, 2020
 - [House Committee on Appropriations Subcommittee on Interior, Environment and Related Agencies Hearing, "Strengthening Community Recycling Programs: Challenges and Opportunities,"](#) in Washington, DC – February 5, 2020
 - [House Committee on Energy and Commerce Subcommittee on Energy Hearing, "Modernizing the Natural Gas Act to Ensure It Works for Everyone,"](#) in Washington, DC – February 5, 2020
 - [House Committee on Science, Space and Technology Subcommittees on Investigations and Oversight and Energy Hearing, "Management and Spending Challenges within the Department of Energy's Office of Energy Efficiency and Renewable Energy,"](#) in Washington, DC – February 5, 2020
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