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This Week in Review

(1) Researchers Conclude Urgent Action Needed to Reduce Risk of Mortality from Increasing Wildfires (September 8, 2021) – In a paper published in *Lancet Planetary Health* a group of researchers report the results of their assessment of the association, across various regions of the world, between short-term exposure to PM_{2.5} from wildfires and death. In “Mortality risk attributable to wildfire-related PM_{2.5} pollution: a global time series study in 749 locations,” the authors explain that although more frequent and “unprecedentedly large” wildfires are occurring in many regions of the world the association between fire-related PM_{2.5} and mortality has not been well characterized. To conduct their time series study, the researchers collected data from 2000 through 2016 on daily death counts from 749 cities in 43 countries and regions for all causes, cardiovascular causes and respiratory causes and used a three-dimensional chemical transport model (GEOS-Chem) to estimate daily concentrations of wildfire-related PM_{2.5}. Using a quasi-Poisson time series model to examine the association between fire-related PM_{2.5} exposure and mortality in each city the researchers then pooled the effect estimates using a random-effects meta-analysis to calculate the population attributable factor and relative risk of annual mortality due to wildfire-related PM_{2.5}. Their analysis included a total of 65.6 million all-cause deaths, 15.1 million cardiovascular deaths and 6.8 million respiratory deaths. Based on their research, they concluded that an estimated 33,510 all-cause deaths, 6,993 cardiovascular deaths and 3,503 respiratory deaths were attributable to acute wildfire-related PM_{2.5} exposure annually on average. Moreover, they concluded, “This study provides robust epidemiological evidence for acute effects of wildfire-related PM_{2.5} exposure on mortality, based on a large multi-country dataset and standard

statistical method. Policy makers and public health professionals should raise awareness of wildfire pollution to guide prompt public responses and take actions to reduce exposure. Effective wildland management policies and practices should be implemented to manage vegetation and mitigate climate change as far as possible.” For further information:

[https://www.thelancet.com/journals/lanph/article/PIIS2542-5196\(21\)00200-X/fulltext?source=email](https://www.thelancet.com/journals/lanph/article/PIIS2542-5196(21)00200-X/fulltext?source=email)

(2) Biden Administration Announces Initiative to Reduce Aviation Emissions by 20 Percent by 2030 (September 9, 2021)

– The Biden Administration announced a set of cross-agency actions that will result in the production and use of three billion gallons of cost-competitive sustainable aviation fuel (SAF) that will enable a 20-percent reduction in aviation emissions by 2030 compared to business as usual. Members of the industry trade group Airlines for America – including United, American and Delta – pledged to work with government leaders and other stakeholders to quickly expand the production and deployment of SAF so that it is available in the U.S. by 2030. In a statement, the Administration said, “This transformation to a zero-carbon aviation sector will require coordinated innovation and leadership from the Federal government, aircraft manufacturers, airlines, fuel producers, and airports.” The initiative brings together the departments of Energy, Transportation, Agriculture and Defense as well as EPA and the Department of Energy, which will collaborate to expedite the regulatory approval of new feedstocks that could be used in the production of SAF. This initiative is part of a broader cross-agency effort by the Administration to decarbonize the aviation sector, and the economy, by 2050. For further information: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/09/fact-sheet-biden-administration-advances-the-future-of-sustainable-fuels-in-american-aviation/> and <https://www.airlines.org/news/u-s-airlines-announce-3-billion-gallon-sustainable-aviation-fuel-production-goal/>

(3) CASAC Seeks Nominees for Advisory Panels on NAAQS for Lead and NO_x-SO_x-PM (September 8, 2021)

– EPA’s Science Advisory Board (SAB) Staff Office published a notice in the *Federal Register* (86 Fed. Reg. 50,345) soliciting public nominations of scientific experts for two *ad hoc* review panels of the chartered Clean Air Scientific Advisory Committee (CASAC). The review panels will provide advice through CASAC on the scientific and technical aspects of air quality criteria and the primary and secondary National Ambient Air Quality Standards (NAAQS) for lead and the secondary NAAQS for oxides of nitrogen, oxides of sulfur and particulate matter. The SAB Staff Office writes in the *Federal Notice* that “a balanced review panel includes candidates who possess the necessary domains of knowledge, the relevant scientific perspectives (which, among other factors, can be influenced by work history and affiliation), and the collective breadth of experience to adequately address the charge.” Selection criteria include scientific and/or technical expertise, knowledge and experience (primary factors); availability and willingness to serve; absence of financial conflicts of interest; absence of an appearance of a lack of impartiality; skills working in committees, subcommittees and advisory panels; and for the panel as a

whole, diversity of expertise and viewpoints. Nominations must be submitted by September 29, 2021 in accordance with the instructions in the *Federal Register* notice. A new, simplified nomination form is being used for this process. Self-nominations are welcome. Once a list of candidates is compiled EPA will seek public comment. For further information: <https://www.govinfo.gov/content/pkg/FR-2021-09-08/pdf/2021-19301.pdf> and <https://casac.epa.gov/ords/sab/f?p=105:23:15483273758516>

(4) Environmental Groups Sue to Compel EPA Action on SSM SIP Revisions (September 8, 2021) – The Sierra Club, Environmental Integrity Project and Natural Resources Defense Council filed a lawsuit seeking to compel EPA to

perform its nondiscretionary duties to correct State Implementation Plans (SIPs) that contain unlawful startup, shutdown, and malfunction (SSM) provisions. The lawsuit stems from EPA's 2015 "SSM SIP Call," which required 45 state and local air agencies to submit, by November 22, 2016, SIP revisions correcting unlawful provisions that exempt facilities from complying with emission limits during SSM events or allow facilities to invoke affirmative defenses to civil penalties for such violations. EPA found in the SSM SIP Call that such provisions violate the Clean Air Act and EPA's then-existing SSM policy. The CAA requires EPA, within six months of a deadline to submit a proposed SIP revision, to determine whether the revision is administratively complete. If a state does not submit a proposed revision within six months after it is due, EPA must find that the state "failed to submit" a complete plan revision in response to the SIP Call. EPA also has a mandatory duty to take final action on SIP revision submittals within 12 months of the submittals becoming administratively complete. The environmental groups assert in their complaint that EPA is in violation of its mandatory duty to find that the following 12 states and air districts have failed to submit a SIP revision in response to the SSM SIP Call: Alabama, Arkansas, San Joaquin Valley Air Pollution Control District (CA), District of Columbia, Illinois, Forsyth County (NC), Ohio, Rhode Island, South Dakota, Shelby County (TN), Energy Facility Site Evaluation Council (WA) and Southwest Clean Air Agency (WA). They further allege that EPA is in violation of its duty to take final action on SIP revision submittals for the following 29 states and air districts: Alaska, Arizona, Maricopa County (AZ), Eastern Kern Air Pollution Control District (CA), Imperial County Air Pollution Control District (CA), Colorado, Delaware, Florida, Georgia, Indiana, Kansas, Kentucky, Louisiana, Maine, Michigan, Minnesota, Missouri, Mississippi, Montana, New Jersey, New Mexico, Albuquerque-Bernalillo County (NM), North Dakota, Oklahoma, South Carolina, Tennessee, Virginia, Washington, and West Virginia. "The Administrator's failure to perform these nondiscretionary duties particularly impacts vulnerable environmental justice communities, which often face increased, dangerous exposure to air pollution during SSM events," the groups state. They ask the court to declare that the EPA Administrator is in violation of the CAA for failure to perform his nondiscretionary duties and to issue an injunction requiring the Administrator to act by certain dates. The suit was filed in the U.S. District Court for the Northern District of California (*Sierra Club v. Regan*, Case No. 4:21-cv-06956-DMR). For further information:

<https://www.4cleanair.org/wp-content/uploads/Sierra-Club-v.-Regan-N.D.-Cal.-Complaint-9-8-21.pdf>

(5) D.C. Circuit Denies Biofuels Producers' Petition for Rehearing of Decision to Vacate Regulatory Provision Allowing Year-Round Sale of E15 Fuel (September 9, 2021) – The U.S. Court of Appeals for the District of Columbia Circuit denied a petition for rehearing or rehearing *en banc* of its July 2 decision to strike down the provision of EPA's 2019 "E15 Rule" that authorized year-round sale of E15 (gasoline blended with up to 15 percent ethanol). The petition was filed on August 16 by biofuels producers participating as intervenors in the litigation (see related article in the August 14-20, 2021 *Washington Update*). In their rehearing petition, Growth Energy, the National Corn Growers Association and the Renewable Fuels Association argued that the court's three-judge panel erred when it unanimously determined EPA had exceeded its authority in promulgating a new interpretation of when limits on fuel volatility can be waived and its related determination that that E15 is "substantially similar" to E10 fuel. The court issued two successive orders denying the requests for panel rehearing and rehearing *en banc*. It noted in the latter order that no members of the full court requested a vote on the petition. For further information: <https://www.4cleanair.org/wp-content/uploads/Am.-Fuel-Petrochem.-Manus.-v.-EPA-Order-Denying-Panel-RH-9-9-21.pdf> and <https://www.4cleanair.org/wp-content/uploads/Am.-Fuel-Petrochem.-Manus.-v.-EPA-Order-Denying-RH-en-Banc-9-9-21.pdf>

(6) Governor Hochul Takes Mobile Source Actions to Support New York's Goals of Reducing GHG Emissions by 85 Percent by 2050 (September 8, 2021) – New York Governor Kathy Hochul signed into law a bill (A.4202/S.2758) setting 2035 as the goal for all new passenger cars and trucks sold in the state to be zero-emissions. The new law also applies to off-road vehicles and equipment sold in New York as well as to new medium- and heavy-duty vehicles, for which the deadline is 2045. In addition, the law calls for the preparation, by 2023, of a zero-emissions vehicle development strategy to hasten implementation of the state programs and policies needed to achieve the goals of the law; the New York State Energy Research and Development Authority will lead this effort. Governor Hochul also directed the New York State Department of Environmental Conservation (DEC) to release a proposed rule to significantly reduce emissions from trucks with the goal of a final rule that accelerates zero-emission truck sales in order to improve air quality across the state and, in particular, in communities disproportionately affected by transportation-related pollution. In a press statement, DEC Commissioner Basil Seggos said, "The codification of our EV goals and Advanced Clean Truck regulation will combat the detrimental effects of climate change while reducing ozone, particulate matter, and mobile source air toxic pollution in communities that have borne the brunt of pollution from vehicles for far too long. When adopted, this new regulation will require an increasing percentage of all new trucks sold in New York to be zero-emissions vehicles beginning with the 2025 model year, cementing our state as a national leader on actions to address climate change while spurring economic opportunities

and helping to reduce air pollution." Both actions were timed to precede Climate Week 2021 and support the state's goal of reducing greenhouse gas emissions by 85 percent by 2050. For further information:

<https://www.governor.ny.gov/news/advance-climate-week-2021-governor-hochul-announces-new-actions-make-new-yorks-transportation>

(7) EPA Publishes ANPRM on Pyrolysis and Gasification Units (September 8, 2021)

– EPA published in the *Federal Register* (86 Fed. Reg. 50,296) an Advanced Notice of Proposed Rulemaking (ANPRM) soliciting data and comments to assist in the potential development of regulations for pyrolysis and gasification units. These units are used to convert solid or semi-solid feedstocks, including solid waste (e.g., municipal solid waste, commercial and industrial waste, hospital/medical/infectious waste, sewage sludge, other solid waste), biomass, plastics, tires, and organic contaminants in soils and oily sludges to useful products such as energy, fuels and chemical commodities. Pyrolysis and gasification are often described as heat-induced thermal decomposition processes. EPA says it has learned that these processes are more widely being used to convert waste into useful products or energy. The agency also believes that there is considerable confusion in the regulated community regarding the applicability of CAA section 129 regulations for solid waste incineration units to pyrolysis and gasification units. The ANPRM is intended to provide an opportunity for stakeholders, including state and local clean air agencies, to participate in the information-gathering process for future potential rulemaking. The deadline for submitting comments is November 8, 2021. For further information:

<https://www.govinfo.gov/content/pkg/FR-2021-09-08/pdf/2021-19390.pdf> and <https://www.epa.gov/stationary-sources-air-pollution/advance-notice-proposed-rulemaking-pyrolysis-and-gasification>

(8) Climate Coalition Asks for Another COP26 COVID Delay (September 7, 2021)

– The Climate Action Network (CAN), an international coalition that convenes more than 1,500 environmental organizations from around the world, has called for the 26th Conference of the Parties (COP26) of the United Nations Framework Convention on Climate Change (UNFCCC) to be delayed. COP26 is the major international climate summit where delegates from 190 countries have planned to meet to negotiate international commitments to reduce greenhouse gas (GHG) emissions. The COP26 conference was originally slated to take place in Glasgow, Scotland, in October 2020, but was delayed by a year due to the COVID crisis, and is now scheduled to take place from October 31 to November 12, 2021. The talks are aiming to spur more ambitious commitments by countries to achieve net-zero GHG emissions by 2050 and keep the global average temperature rise to well below 2 degrees Celsius during this century, in line with the 2015 Paris Climate Accord. In a letter to the UNFCCC, CAN argues COP26 should be delayed, saying access to them would be unequal because many countries are still struggling to achieve widespread vaccination against COVID-19, and vaccination is strongly urged for participation. In June 2021, the UK, host nation of COP26, announced it would offer vaccines to delegates who need them with vaccinations starting in September 2021. CAN's letter argues that this will not be

soon enough or protect participants adequately: “It is evident that a safe, inclusive and just global climate conference in early November will be impossible given the failure to support Covid19 vaccine access to millions of people in poor countries, the rising costs of travel and accommodation, including for quarantine in and outside the UK, and the uncertainty in the course of the Covid19 pandemic.... The full and meaningful representation of those on the frontlines of the climate emergency, and with the least resources to cope, is critical to produce a credible political outcome from COP26. We do not believe this is possible under the current circumstances.” For further information:

<https://climatenetwork.org/2021/09/07/can-cop26-postponement-statement/>

(9) Shipping Industry Group Backs Carbon Price for Ocean-Going Vessels

(September 6, 2021) – The members of the major international trade group representing international maritime cargo companies have agreed to a proposal to the United Nations (UN) for a levy paid by all vessels trading globally above 5000 tonnes for their CO₂ emissions. The International Chamber of Shipping represents commercial shipowners and operators covering over 80% of the world merchant fleet, and provided the proposal to the International Maritime Organization (IMO), the UN’s regulatory body on shipping. “The industry is desperate to see zero-carbon ships brought to the water by shipyards by 2030. However, at current rates of production, zero-carbon fuels are not commercially available at the scale needed for the global fleet,” according to the proposal. Funds raised by the levy would go into an ‘IMO Climate Fund’ that would subsidize zero-carbon fuels and deploy hydrogen and ammonia infrastructure in ports in both developed and developing economies. The shipping industry is estimated to account for nearly 3% of global GHG emissions. For further information: <https://www.ics-shipping.org/press-release/international-chamber-of-shipping-sets-out-plans-for-global-carbon-levy/>

(10) DC’s Phillips Nominated for FERC (September 10, 2021) - President Joseph Biden Jr. has nominated Willie Phillips, Chair of the Public Service Commission of the District of Columbia (DCPSC) to be a Commissioner of the Federal Energy Regulatory Commission (FERC), which regulates wholesale power markets, gas pipelines, and other energy infrastructure in the U.S. Phillips has chaired the DCPSC since 2018. Before his tenure at the DCPSC, he served as Assistant General Counsel for the North American Electric Reliability Corporation (NERC), which sets reliability and security standards for the bulk power system in the U.S. and Canada. He also worked in private practice for two law firms working on regulatory compliance matters. He earned a Juris Doctor from Howard University School of Law and a Bachelor of Science from the University of Montevallo. If confirmed by the Senate, Phillips would fill the FERC seat recently vacated by former Republican Commissioner Neil Chatterjee and bring a Democratic majority to the five-member FERC. For further information: <https://www.whitehouse.gov/briefing-room/statements-releases/2021/09/09/president-biden-intends-to-nominate-willie-l-phillips-jr-as-a-commissioner-of-federal-energy-regulatory-commission-ferc/>

The Week Ahead

- [National Council of Energy Policy Virtual Annual Meeting "Coordinated Electricity Planning"](#) – September 13-15, 2021
 - [The Progressive Policy Institute Virtual Discussion on "Improving Electricity Transmission Siting Opportunities to Meet America's Consumer, Economic, and Clean Energy Climate Goals"](#) – September 14, 2021
 - [Senate Committee on Environment and Public Works Business Meeting and Hearing on EPA Nominees, in Washington, DC](#) – September 15, 2021
 - [The Hill Virtual Discussion on "The Road to Zero-Emission Trucks: Fleets and Shippers"](#) – September 15, 2021
 - [Center for Transportation and the Environment 2021 Zero Emission Bus Conference, in Denver, CO](#) – September 15-17, 2021
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