

Oral Comments of Shyamala S Rajan, American Lung Association
Chartered CASAC Meeting on NAAQS Process
April 25, 2024

Good Morning, I am Shyamala Rajan, Director of Nationwide Clean Air Policy at the American Lung Association. Our organization considers the National Ambient Air Quality Standards to be the heart – or more pertinently the lungs – of the Clean Air Act (CAA). The Clean Air Act requires the standards to be based on the best science and to be requisite to protect public health with an adequate margin of safety. Failing to update standards or delaying the review of the NAAQS denies the public the cleaner air promised by the CAA. On behalf of people with lung disease that the Lung Association serves, I offer a few comments on the NAAQS process.

1. On the timing of NAAQS process

The Clean Air Act mandates a five-year timeline between successive NAAQS reviews of each of the 6 criteria air pollutants. EPA must meet this timeline. But it seems that the schedule for the NAAQS process is all too frequently determined by litigation or the threat of a lawsuit, or public petition, instead of the unambiguous CAA requirement. As the agency responsible for implementing the CAA, EPA must prioritize completing reviews in the five-year timeline.

The recently initiated NO₂ and ozone NAAQS are examples. The NO₂ review should have been completed last year and the full review of ozone is due by December 2025. Yet both reviews are starting only now. We have not yet seen a rationale for the delay in either case.

EPA must follow the Clean Air Act on the NAAQS process including its timing and in ensuring a rigorous scientific review.

We also ask that EPA withdraw its 2018 memo on its approach to the NAAQS review process and replace it with new clear and transparent guidelines that will ensure future NAAQS reviews are scientifically robust, highly efficient, and timely processes. Any further delay in doing so will continue to harm public health and the environment.

2. On the scientific underpinnings of the NAAQS process

Strict adherence to scientific data and scientific analyses should underlie EPA's rulemaking process in setting national air pollution standards. EPA recently released its draft scientific integrity (SI) policy, which states that the policy's purpose is to "ensure EPA decisions are based on or informed by science that has completed independent peer review and has been finalized."¹ "Reviewing Science, Including the Use of Federal Advisory Committees"² is among the seven specific areas that EPA's SI Policy covers. We commented in support of this section of the policy,³ and urge EPA to uphold it. We note that EPA did not follow these practices in its recently completed PM NAAQS reconsideration and the aborted ozone NAAQS reconsideration

¹ EPA. (Jan 23, 2023). [Draft Scientific Integrity Policy](#), page 14

² EPA. (Jan 23, 2023). [Draft Scientific Integrity Policy](#), page 13

³ [American Lung Association Comment on EPA's Scientific Integrity Policy Draft](#); Document ID: EPA-HQ-ORD-2023-0240-0001; Tracking #: Isy-y5en-shnb

process. In both, EPA disregarded the recommendations of the overwhelming majority on the CASAC panels.

In its recent final rule on the PM_{2.5} NAAQS, EPA revised the annual standard from 12 to 9 µg/m³ despite compelling scientific evidence supporting an even lower limit.⁴ The agency also chose not to revise the short-term standard, contrary to the recommendations of a majority of the PM CASAC panel.⁵ The agency's own regulatory impact analyses showed much greater public health benefits from a stronger PM_{2.5} NAAQS for both long-term and short-term exposures, especially for Black people.⁶

In the ozone NAAQS reconsideration process, EPA initially said that it could not complete the process any more expeditiously than the end of 2024 based on the time that was necessary for the CASAC to complete its science review and the time that EPA needed to update the draft Policy Assessment (PA). Then, after extensive deliberations by the diverse 18-member CASAC panel and following their near-unanimous recommendation to strengthen the current ozone standard and public input asking for a more protective standard, EPA aborted the entire process and announced its decision to start anew after a lengthy delay.

The clear advice of the majority of a broad and diverse scientific panel, arrived at after extensive scientific reviews, must not be ignored. EPA staff must seriously consider CASAC advice throughout the review process and must justify to the public if its recommendations to the Administrator differ from those of CASAC. While consensus recommendations would be an optimal outcome of CASAC deliberations, those of the majority should be sufficient to inform EPA's decisions.

3. On the issue of Integrated Science Assessment (ISA) and Policy Assessment (PA):

EPA must act on CASAC advice on the ISA. EPA should also produce additional drafts of ISA if CASAC recommends doing so. This work can be completed within the CAA-mandated review period.

Restricting the science assessment to one draft, as well as not engaging in iterative consultations with CASAC, and ignoring CASAC, ill-serve public-health and run afoul of setting science-based standards mandated by the CAA. This is not acceptable. EPA should produce an additional draft of both ISA and PA, if asked for by CASAC, to ensure that its recommendations are accurately captured and incorporated into the final versions of these documents that are utilized in decision-making. Additionally, in the Risk and Exposure Assessment (REA), either as a stand-alone document or as part of a PA, and in the PA, EPA must include alternatives. This is

⁴ Chen, J. *et al.* (Dec, 2023). [Long-Term Exposure to Low-Level PM_{2.5} and Mortality: Investigation of Heterogeneity by Harmonizing Analyses in Large Cohort Studies in Canada, United States, and Europe.](#) *Environ Health Perspect.* 131(12):127003. "increased mortality risk associated with PM_{2.5} exposure down to the lowest observed level of 3.7 µg/m³ with a steep slope observed from 7 to 9 µg/m³"

⁵ CASAC. (Mar 18, 2022). [CASAC Review of the EPA's Policy Assessment for the Reconsideration of the National Ambient Air Quality Standards for Particulate Matter](#) (External Review Draft); EPA-CASAC-22-002

⁶ EPA. (Dec, 2022). [Regulatory Impact Analysis for the Proposed Reconsideration of the National Ambient Air Quality Standards for Particulate Matter PM_{2.5} NAAQS](#); EPA-452/P-22-001

essential for the EPA Administrator to act meaningfully in making final decisions on the standards. Lack of adequate data in the REA makes it a minimal information problem, which hampers CASAC deliberations on the PA.

4. Conclusion

By conducting the NAAQS review processes for all six criteria pollutants in a timely and transparent manner, by utilizing the scientific expertise of broadly diverse and robust CASAC panels to the fullest and integrating their recommendations in setting the standards, EPA can boost public confidence and better protect public health, as required by the CAA.