



U.S. Chamber of Commerce

Statement of the U.S. Chamber of Commerce

Public Comment on the Environmental Protection Agency's
Proposed Rule entitled
"Reconsideration of the
National Ambient Air Quality Standards for
Particulate Matter"

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Thank you for the opportunity to speak today regarding the Environmental Protection Agency’s proposed rule, entitled “Reconsideration of the National Ambient Air Quality Standards for Particulate Matter.”¹ I am Chad Whiteman and I am speaking on behalf of the U.S. Chamber of Commerce.

The Chamber supports air quality standards that are necessary to protect public health and welfare, and our members have worked across decades to plan and invest in air quality improvements that we benefit from today. Businesses have worked with EPA and their state partners to significantly lower ambient concentrations of fine particulate matter (PM_{2.5}) and other criteria pollutants. These emissions reductions have occurred while the U.S. economy, population, and energy use has steadily grown—undoubtedly a testament to innovation and to successful collaboration between EPA, states, and industry to adopt new emissions control technologies and practices in a sound, cost-effective manner.

This progress is detailed in EPA’s 2022 Air Trends and National Emissions Inventory reports. The reports show that annual PM_{2.5} concentrations have declined by 37 percent since 2000, driven by major emissions reductions from mobile sources and the power sector. Total sulfur dioxide and nitrogen oxide emissions, which may contribute to the secondary formation of PM_{2.5} precursors under certain atmospheric conditions, were reduced by 85 percent and 53 percent, respectively, during this time period.

As a result, America’s air is cleaner than ever. The vast majority of PM_{2.5} emissions, over 84 percent, now come from non-point sources such as wildfires and road dust. These non-point emission sources are much more difficult for individual regions and states to control. By contrast, only 16 percent of PM_{2.5} emissions come from industrial sources and power plants, with further improvements likely as cleaner energy sources continue to come online.

Traditional PM_{2.5} emissions sources are well controlled, requiring the agency to consider novel control approaches as the agency considers as much as a 33 percent reduction in the existing annual standards. Twenty counties are still out of attainment with the current 12 ug/m³ annual standard. Even the extreme and infeasible option of eliminating *all* emissions from industrial sources, electric power plants, and vehicles

¹ 88 Fed. Reg. 5558 (January 27, 2023)

might not be enough to meet the existing standard at certain ambient monitors, let alone to drive ambient emissions reductions to meet a tighter PM 2.5 NAAQS.

One concern with EPA's proposal is that the agency has not identified all necessary control pathways to meet lower standards. The agency states in its Regulatory Impact Analysis that "[t]he estimated PM2.5 emissions reductions from these control applications do not fully account for all the emissions reductions needed to reach the proposed and more stringent alternative standard levels in some counties in the northeast, southeast, west, and California."² This is one reason the Chamber asked EPA to propose maintaining the current standards as an option for serious consideration. It is untenable for the agency to propose standards for which the agency has not articulated a feasible path to compliance. Importantly, lack of identification of all control pathways means that the proposal underestimates regulatory costs and also raises the serious possibility that the only path to compliance in some areas will be closure of existing manufacturing and industrial facilities.

The suite of control technologies that the agency did consider – which would only take the country part-way to compliance – would cover a range of point and non-point sources. A review of the options under consideration demonstrates the impact to homeowners, businesses, and governments. For instance, one option is to require homeowners to changeout existing wood-burning fireplaces with natural gas fireplaces. Because commercial and residential cooking is the largest PM2.5 emissions source in some counties, another option is to require small businesses to install catalytic oxidizers or electrostatic precipitators to reduce emissions from restaurants. A third option would require state and local governments to embark on massive road paving programs to reduce dust from unpaved roads and road shoulders. Paving roads and shoulders would account for up to 82 percent of the compliance costs under certain stringency levels considered. But, with the limited resources available to state and local governments, as well as the control scenarios' significant impact on homeowners and small businesses, it is a big gamble that these could be implemented. This means the agency will likely have to seriously consider costly control strategies on industrial facilities that are already well controlled.

² Environmental Protection Agency, Regulatory Impact Analysis for the Proposed Reconsideration of the National Ambient Air Quality Standards for Particulate Matter, December 2022, https://www.epa.gov/system/files/documents/2023-01/naaqs-pm_ria_proposed_2022-12.pdf

Falling back on prescriptive national or regional regulatory programs would be costly and likely blunt investment and job growth. In a suite of recent clean air regulations, the agency routinely estimated the ambient air quality benefits and industry's compliance costs. The costs of these programs can be significant as seen from just ten of the largest rules issued by the Office of Air and Radiation (OAR) from January 2021 through December 2022. Based on EPA's own estimates, the regulatory costs of ten of the largest OAR rulemakings issued over the last 24 months exceed \$500 billion dollars. For perspective, those costs are larger than the third quarter 2022 gross domestic product for each of 36 different states.³ While the agency routinely claims the health benefits for these programs, it does not properly account for their costs when setting new NAAQS standards.

Negative economic effects may result from efforts to attain tighter standards due to this discretionary proposal. In 2011, the White House Office of Management and Budget (OMB) acknowledged this concern in their letter to the EPA Administrator that returned the 2011 ozone NAAQS final rule to the Administrator to consider, among other things, the policy directive of EO 13563 "to minimize regulatory costs and burdens."⁴ As a practical matter, it is important that EPA recognize the potential direct and indirect economic impacts that can accompany more stringent NAAQS requirements. High NAAQS compliance costs have the potential to adversely affect jobs, business investment, and permitting in a broad range of important economic sectors and activities, even having impacts in areas of the country that are in attainment with the standards.

Current tools to address NAAQS are being pushed to their limits as new, more stringent air standards are moved closer to background concentrations of criteria pollutants. The role of background PM when considering the appropriate NAAQS levels is of growing importance in regions throughout the country. The margin between background PM concentrations and the NAAQS is shrinking, leaving little space for economic growth as it couples increasingly higher compliance costs with incrementally smaller emissions reductions.

³ Alabama, Alaska, Arizona, Arkansas, Colorado, Connecticut, Delaware, Hawaii, Idaho, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Hampshire, New Mexico, North Dakota, Oklahoma, Oregon, Rhode Island, South Carolina, South Dakota, Tennessee, Utah, Vermont, West Virginia, Wisconsin, and Wyoming.

⁴ Office of Management and Budget, Letter to the Environmental Protection Agency on "Reconsideration of the 2008 Ozone Primary and Secondary National Ambient Air Quality Standards," https://www.reginfo.gov/public/return/EPA_Return_Letter_9-2-2011.pdf

In addition to domestic emissions, PM emissions from other countries are regularly transported to the United States. Transport of smoke from fires in Canada, Mexico, Central America, and Siberia have been documented in multiple studies. According to EPA, smoke from fires contributes 43 percent of PM2.5 emissions in the U.S. per year, with much higher localized contributions near fire-affected areas. With the frequency and longevity of the fire season growing, larger amounts of particles and gaseous PM precursors are expected to result. Forestry management would appear to offer the most opportunity to reduce PM2.5 emissions from fires.

Considerable progress continues in reducing PM2.5 emissions from commercial activities, but a growing contribution of emissions comes from non-point sources that are difficult to control. The potential dampening of economic growth across a broad swath of the economy coupled with growing uncertainty about the effects of increasingly lower ambient PM concentrations is concerning. For these reasons and the others stated previously, the Chamber recommends that EPA repropose the rulemaking and consider maintaining the current PM NAAQS levels. Also, the agency should provide a complete estimate of the costs of all control pathways needed to arrive at attainment levels and to implement expected rulemakings.

Thank you for the opportunity to provide our comments.

Sincerely,

A handwritten signature in cursive script that reads "Chad Whiteman".

Chad Whiteman
Vice President, Environment and Regulatory Affairs
U.S. Chamber of Commerce