

U.S. Environmental Protection Agency
Mailcode 6102T
1200 Pennsylvania Avenue, NW
Washington, D.C. 20460
Attention Docket ID Number: EPA-HQ-OAR-2006-0735

<DATE>

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

To Whom It May Concern:

The <TRIBE NAME> is pleased to provide comments on the EPA's proposed revisions to the lead National Ambient Air Quality Standards (NAAQS). <TRIBE NAME> has several fundamental flaws with the EPA's proposed revisions to the lead standard.

<Possibly add a paragraph about your tribe – population, land size, possible lead sources, etc.>

<TRIBE NAME> believes that when setting and revising the lead NAAQS it is paramount that the EPA follow the science and incorporate the views of the EPA's independent science advisors, the Clean Air Scientific Advisory Committee (CASAC). We agree with the major points raised by CASAC in its letter dated January 22, 2008 which was sent to the EPA Administrator Steve Johnson. In this letter CASAC makes specific recommendations for setting the primary and secondary standards.

Primary and Secondary Standard

First, with respect to the primary standard, <TRIBE NAME> urges the 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. According to the American Heart Association, American Indian and Alaskan Village populations suffer at a disproportional rate of cardiovascular problems. Almost 25% of the cause of death for tribal members is due to disease of the heart or stroke.¹ The EPA calculated the benefits of avoiding IQ loss for children under the age of 7 that would result from a strengthened lead NAAQS. These estimates also include co-benefits associated with other health

¹ American Heart Association, Statistical Fact Sheet — Populations 2007 Update: American Indians/Alaska Natives and Cardiovascular Diseases — Statistics - Causes of Death for American Indian/Alaska Native Males and Females;
<http://www.americanheart.org/downloadable/heart/1168553154544FS02AMIN07.pdf>

improvements expected to occur as a result of fine particulate matter reductions resulting from controls applied to reduce the lead levels. The EPA estimated benefits would be between \$3.0 billion and \$8.2 billion for a standard set at 0.20 ug/m³.² In its proposed rule, the 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, the EPA ignores significant evidence from studies that observed health effects at blood lead concentrations below 7.5 ug/DL. Instead, the EPA is proposing to use 9 ug/DL as a baseline, rather than as the recommended not-to-exceed level. From this it appears that the EPA considers lowered IQ an acceptable public health result. Furthermore, the 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, <TRIBE NAME> concurs 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 concentration in the environment.

NAAQS Review Process

<TRIBE NAME> is also concerned about the flaws in the EPA's new NAAQS review process, which has eliminated the development of EPA staff papers that historically provided 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.” <TRIBE NAME> urges that EPA reinstate the former process.

Monitoring Considerations

Revising the health-based and welfare-based NAAQS for lead is directly related with measuring lead in the air. Monitoring for lead nationally, including potentially impacted tribal lands, assures that all areas of the country meet the new standard. We believe the EPA's proposed rule raises several concerns relating to ambient air monitoring.

First, <TRIBE NAME> urges the EPA to provide adequate federal funding for the expanded monitoring network that may be necessary to support a revised lead NAAQS standard. As noted by CASAC, the current lead monitoring network consists of 189 monitoring sites. The EPA's preliminary planning indicates that the Agency envisions deployment of at least 500 additional monitors at a cost of approximately \$9.5 million. We would argue that this price will naturally increase with the current state of the

² EPA, Regulatory Impact Analysis of EPA's Proposed Revisions to the National Ambient Air Quality Standards for Lead – Fact Sheet.

economy. According to its own estimations, the Agency concludes that at full implementation of the proposed lead standards in 2020 the costs in that year would be approximately \$840 million to meet a standard of 0.20 ug/m³.³ One thing is clear - an expanded lead monitoring network must be federally funded at requisite levels. Tribal, State, and local air agency budgets have all been stretched, and without additional funding under Section 103 of the Clean Air Act, many agencies will be unable to fulfill this new requirement. Furthermore, we urge the Agency to ensure that tribal concerns are included into a lead monitoring network. Without an adequate monitoring network, with tribal participation, the new standards will be meaningless.

Second, with regard to the indicator for monitoring lead, <TRIBE NAME> feels that there may be advantages to replacing high-volume Total Suspended Particulate samplers with low-volume PM₁₀ samplers at appropriate sites. CASAC advocated such a change in its January 22 letter to the EPA Administrator Johnson. In addition, in promulgating the lead NAAQS requirements, <TRIBE NAME> encourages the EPA to follow the National Association of Clean Air Agencies (NACAA) 3 recommended guidelines. First, monitoring networks should be based on health endpoints. Second, monitoring experts should have flexibility in determining the most effective ways to measure source-related 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. We would also add that tribes must be considered for inclusion into such a monitoring network.

Third, we have concern over the Agency's plan to require a small network of monitors to be placed in urban areas with populations greater than 1 million to gather information on the general population's exposure to lead in air. This study will most certainly be void of tribal data. When the Agency originally proposed the PM NAAQS standard in 2007, it voided areas of 100,000 or less from protection under the rule. At that time tribes demonstrated that this stipulation would exempt all but one tribe from protection under the proposed PM standard. We again state that urban population studies fail to include the majority of tribal populations. Therefore, we urge the Agency to state the specific number of monitors for which they are referring to. We also urge the Agency to look at rural studies of lead in addition to the urban area studies planned.

Implementation of the New Standards

<TRIBE NAME> agrees with NACAA's assessment of the NAAQS process for this rule. According to NACAA, the normal Agency practice for revising the NAAQS has been to first promulgate a rule setting the health-based 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. The lead implementation provisions in the proposed rule are insufficient to give Tribes, States, and local agencies adequate

³ EPA, Regulatory Impact Analysis of EPA's Proposed Revisions to the National Ambient Air Quality Standards for Lead – Fact Sheet.

guidance. Furthermore it is not evident that an attempt has been made to update lead control strategy documents. Those documents referred to in the proposed rule date to the early 1990s. No guidance on lead emission inventory development is included. We believe the EPA must provide, in a timely manner, further details on how the new lead NAAQS are to be implemented for tribes and states.

Conclusion

<TRIBE NAME> would again like to thank the Agency for this opportunity to provide public comment. If you have any questions, please feel free to contact <name>, <title>, at <phone> or via email at: <email address>.

Respectfully submitted,