



January 16, 2008

Attn: Docket No. EPA-HQ-OAR-2006-0735  
Environmental Protection Agency  
Mail code 6102T  
1200 Pennsylvania Ave., NW  
Washington DC, 20460

The following comments from the Union of Concerned Scientists (UCS) Scientific Integrity Program are in regards to the Advanced Notice of Proposed Rulemaking for the National Ambient Air Quality Standards for Lead (42 FR 71488, Docket No. EPA-HQ-OAR-2006-0735).

The Union of Concerned Scientists requests that the EPA take steps to restore the role of independent science in the Lead National Ambient Air Quality Standards (NAAQS) review, and more generally in the NAAQS process. While the Clean Air Act (CAA) requires the EPA to promulgate regulations that “accurately reflect the latest scientific knowledge,”<sup>1</sup> the recent decision to significantly reduce the role of the Clean Air Scientific Advisory Committee (CASAC) and EPA staff scientists has compromised the scientific integrity of the NAAQS process.

Specifically, the EPA's insistence on soliciting comments on the revocation of the lead as a criteria air pollutant,<sup>2</sup> despite strong, unanimous opposition to such an action by CASAC,<sup>3</sup> clearly represents a failure to “accurately reflect the latest scientific knowledge.” The committee considers and dismisses any reasoning to revoke the lead NAAQS, including (but not limited to) an analysis of the current sources and dispersal of lead; the significantly lowered levels of ambient lead since the inception of the CAA; and limits on lead emissions which would be enforceable under other statutes.<sup>4</sup> CASAC further stated that the EPA has failed to present “any rigorous analyses or other information ... [that would lead] the CASAC to reconsider its previous recommendation”.<sup>5</sup>

CASAC also unanimously recommended that the EPA substantially lower the current primary (health based) and secondary (welfare based) lead NAAQS values.<sup>6</sup> Research conducted since the original promulgation of the 1978 Lead NAAQS has made it apparent that adverse health

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<sup>1</sup> The Clean Air Act, as amended in 1990. <http://www.epa.gov/oar/caa/>

<sup>2</sup> EPA Advanced Notice of Proposed Rulemaking for the National Ambient Air Quality Standards for Lead. Dec 17, 2007. <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-23884.pdf>

<sup>3</sup> CASAC comments to Administrator Johnson. Subject: CASAC's Review of the 1<sup>st</sup> Draft Lead Staff paper and Draft Lead Exposure and Risk Assessments. March 27, 2007. (*hereafter CASAC, March 2007*)  
[http://yosemite.epa.gov/sab/sabproduct.nsf/989B57DCD436111B852572AC0079DA8A/\\$File/casac-07-003.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/989B57DCD436111B852572AC0079DA8A/$File/casac-07-003.pdf)  
and CASAC comments to Administrator Johnson. Subject: CASAC Review of the 2<sup>nd</sup> Draft Lead Human Exposure and Health Risk Assessments Document. Sept 27 2007 (*hereafter CASAC, Sept 2007*)  
[http://yosemite.epa.gov/sab/sabproduct.nsf/2DCD6EF49CDD37B285257364005F93E4/\\$File/casac-07-007.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/2DCD6EF49CDD37B285257364005F93E4/$File/casac-07-007.pdf)

<sup>4</sup> CASAC, March 2007.

<sup>5</sup> CASAC, Sept 2007

<sup>6</sup> CASAC, March 2007.

effects occur “at blood level concentrations and environmental exposures well below those previously thought to pose important risks.”<sup>7</sup>

UCS is deeply concerned about the ability of the EPA to ensure that NAAQS regulations “accurately reflect the latest scientific knowledge” under the new process which removes the Staff Paper and replaces it with policy-oriented risk assessments.<sup>8</sup> CASAC has consistently criticized the documents produced in this NAAQS review for failing to contain staff-derived scientific opinions<sup>9</sup> and to present “a complete, well-documented exposure and risk assessment,” concluding that they are “not adequate for regulatory decision-making.”<sup>10</sup>

The new process has reduced the role of the Clean Air Scientific Advisory Committee (CASAC) to that of a public commenter. The Clean Air Act requires the establishment of this independent scientific review committee so that they may review and recommend revisions of existing standards. The EPA should reinstate CASAC to its historical level of review, and actively modify its current recommendations in response to their criticism.

To summarize, UCS wishes to remind the EPA that the Clean Air Act requires that the agency to set NAAQS levels that, “allowing an adequate margin of safety, are requisite to protect public health” and that “accurately reflect the latest scientific knowledge.”<sup>11</sup> These standards must be set without regard to cost considerations, as stated by the Supreme Court in *Whitman v. American Trucking Associations*. As lead is a pollutant for which there is ample scientific evidence demonstrating harm to public health and welfare, it should be retained as a criteria pollutant under the NAAQS process. The EPA should reduce the lead NAAQS limit to be consistent with the recommendations of its staff scientists and CASAC. Furthermore, the agency should revoke its new review process which places policy analyses above that of scientific review.

Sincerely,



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Union of Concerned Scientists

About UCS: The Union of Concerned Scientists is a leading science-based nonprofit working for a healthy environment and a safer world. The UCS Scientific Integrity Program mobilizes scientists and citizens alike to defend science from political interference and restore scientific integrity in federal policy making.

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<sup>7</sup> CASAC, March 2007.

<sup>8</sup> Marcus Peacock. Process for Reviewing National Ambient Air Quality Standards. Dec 7, 2006. [http://www.epa.gov/ttnnaqs/memo\\_process\\_for\\_reviewing\\_naaqs.pdf](http://www.epa.gov/ttnnaqs/memo_process_for_reviewing_naaqs.pdf)

<sup>9</sup> CASAC, March 2007.

<sup>10</sup> CASAC, Sept 2007.

<sup>11</sup> The Clean Air Act, as amended in 1990. <http://www.epa.gov/oar/caa/>