



September 24, 2019

Mr. Andrew Wheeler, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, SW  
Washington, DC 20460

Re: Reclassification of Major Sources as Area Sources Under Section 112 of the Clean Air Act. Docket ID EPA-HQ-OAR-2019-0282.

Dear Administrator Wheeler:

The undersigned health and medical organizations write to strongly oppose EPA's proposed amendments to reclassify major sources as area sources under Section 112 of the Clean Air Act. These changes will allow thousands of tons more emissions of some of the most dangerous air pollutants, threatening the health and lives of millions of Americans, including our patients and the public. EPA's proposed revisions would fail to follow the requirements of the Clean Air Act and the Act's intended purpose: to protect human health from a vast array of dangerous air pollutants. This is unacceptable.

[EPA's current requirements provide proven protections from toxic air pollutants.](#)

**For nearly 25 years, EPA has required steps to limit emissions of 187 toxic air pollutants as required by the Clean Air Act.** Those toxic pollutants, also known as Hazardous Air Pollutants (HAPs), include carcinogens like asbestos, benzene and formaldehyde; acid gases like hydrochloric acid; and neurotoxins like toluene and polychlorinated biphenyls (PCBs). These steps have also reduced many non-HAPS emissions that harm respiratory health directly, including emissions of nitrogen oxides and sulfur dioxides.

**Such programs have worked to reduce pollution for decades, removing millions of tons of pollution from the air our children breathe.** Since 1995, EPA has required manufacturers, foundries, smelters, oil and gas plants and industrial boilers to install technology that the cleanest, similar facilities have used to limit emissions—and then to keep using it to reduce these toxic emissions.

In 2014, EPA provided its [Second Integrated Urban Air Toxics Report to Congress](#) on the progress made in reducing these toxic pollutants over the prior two decades. The report found that **from 1990 to 2012,**

these HAP reductions had cut an estimated 1.5 million tons per year of hazardous air pollutants from stationary sources and roughly 3 million tons of criteria pollutants as a co-benefit of HAP reductions.<sup>1</sup>

### [EPA's proposal would likely increase the emissions of these pollutants.](#)

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**By weakening the long-established protections against toxic air pollutants, EPA will allow major pollution sources in communities across the nation to spew more dangerous chemicals into the air the nation breathes.** EPA's proposal would dramatically weaken pollution control requirements for facilities classified as major sources, allowing them to increase their emissions. In its own assessment, EPA predicts that more than 3,900 facilities will take advantage of these weaker standards—roughly half of all the major pollution sources in the nation.

**Adopting these changes would essentially invite the facilities to increase their emissions.** This change literally removes requirements to run the equipment already in place that limits these toxic emissions and replaces it with a request for voluntary controls. That has about as much chance of success as if speed limits were removed and people were asked to voluntarily keep their speed to the safe level.

**These facilities are big polluters.** To be in the major source category, the facility must have the potential to emit more than 10 tons per year of any one of the 187 toxic pollutants or 25 tons a year of any combination of these toxins. There are nearly 8,000 such facilities across the nation, according to EPA's tally.

**These sources could significantly increase emissions under this change.** A recent study by the [Environmental Integrity Project](#) gave this example: A major source that produced more than 10 tons of lead before the 1995 change would have had to install and use a control measures that would have dropped its emissions by 90 percent. Now, under this proposed change, instead of 2,000 pounds a year, the plant could spew 18,000 pounds of lead into the air each year. In another example, a chemical plant could go from emitting its current 490 pounds of methanol each year to emitting 19,510 pounds annually—nearly 40 times as much—under this new policy.<sup>2</sup>

### [EPA provides no real assessment of the cost to health and life.](#)

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EPA summarized the risks to human health from several, although not all, the hazardous air pollutants. Unfortunately, **this assessment does not adequately convey the impact on human health and lives from this proposal.**

The lengthy list of hazardous air pollutants that these facilities emit could not even be fully discussed in the Regulatory Impact Analysis (RIA). These are the four mentioned in the RIA:

- Benzene, a known carcinogen that causes leukemia, is frequently used in many of these facilities.
- Ethylbenzene, which is linked to respiratory and neurological effects and classified as a possible carcinogen, is primarily produced in styrene production.
- Toluene is linked to central nervous system problems, including depression, tremors, impaired hearing and speech.
- Vinyl Chloride, linked to liver damage and found to cause cancer in the liver, is emitted in the production of PVC plastic and vinyl products.

**EPA acknowledges that many of these toxic emissions are also precursors to ozone and particulate matter**, and that the tools that reduce these hazardous air pollutants can also provide the co-benefits of reducing criteria pollutants including ozone and particulate matter.

EPA wisely recognizes that particulate matter shortens human life, causes heart attacks, worsens asthma, causes coughing and difficulty breathing, and decreases lung function, among other expanding evidence of harm. Not mentioned is that the World Health Organization has determined that particulate matter causes lung cancer. As EPA recognizes, no threshold exists below which particulate matter causes no harm.

EPA also describes the current understanding of the threats to lives and health of other well-studied pollutants that these hazardous emissions produce or contribute to: ozone, nitrogen oxides and sulfur dioxides.

Despite including evidence of the well-established dangers of some pollutants in the RIA, EPA defers any attempt to estimate their impact on health. Even though the agency has available emissions data for these facilities, EPA explains that it could not provide quantitative estimates of the health effects of these added toxic emissions. That, in part, seems to reflect EPA's own acknowledged reality: that the information about emissions from these facilities is based, at best, on limited information and averaged test results.

This is a powerful statement about why this proposal must not be enacted. **EPA did not provide good estimates on the impact of these rollbacks because no one can adequately assess how bad the situation will be.** Studies to help monetize the number of increased cases of cancer, central nervous system dysfunction, or liver damage—just to name a few—that these increased air pollutants will bring or enable do not exist.

That lack of accounting for the harm to human health speaks volumes about what remains uncertain about the impacts of this proposed rule. The lack of a health assessment underlines the wide range of risk to human health if EPA opens the door to letting these sources spew more toxic pollution: basically, until they do it, no one will know how bad it will be.

**EPA did count, despite limited data, one outcome: how much money the change would save for corporations.** EPA estimated the financial benefits for each company by site based on a detailed facility-by-facility analysis. Even though those data are limited as well, EPA completed these detailed analyses for three different scenarios. This reads as if the only issue of concern is how much money these businesses will save by being allowed to spread even more toxic, cancer-causing, brain damaging pollutants to their neighbors and communities.

### **EPA's proposal clearly violates Clean Air Act language.**

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EPA has historically based its enforcement of Section 112 of the Act on the correct interpretation of this requirements. The language defines a major source as follows:

"The term "major source" means any stationary source or group of stationary sources located within a contiguous area and under common control *that emits or has the potential to emit* considering controls, in the aggregate, 10 tons per year or more of any hazardous air pollutant or 25 tons per year or more of any combination of hazardous air pollutants. (Emphasis added).

“[T]hat emits or has the potential to emit” provides a straightforward description that means **these sources should remain categorized and regulated as major sources because they can or could spew tons of these dangerous emissions** into the lungs of people who live and work downwind.

### **[Our organizations urge EPA to reject this proposed rule.](#)**

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If EPA adopts this approach, millions of Americans will face greater risk from these deadly pollutants. The people who live near these polluting facilities deserve the protection that the Clean Air Act intended, whether they are in “Cancer Alley” in Louisiana<sup>3</sup>, or in Chicago where 32,000 people, more than half of them low income, live within one mile of an affected plant.<sup>4</sup>

Millions of the people who will suffer the most are our patients or live in the communities we serve. Changing this quarter-century approach to protecting public health completely fails to follow the clear meaning of the Clean Air Act and violates the very mission of the law. We urge EPA to reject this proposed rule and to maintain the proven protections currently in place.

Sincerely,

**Allergy & Asthma Network**

**Alliance of Nurses for Healthy Environments**

**American Lung Association**

**American Public Health Association**

**Association of Schools and Programs of Public Health**

**Health Care Without Harm**

**National Medical Association**

**Physicians for Social Responsibility**

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<sup>1</sup> U.S. Environmental Protection Agency. National Air Toxics Program: [The Second Integrated Urban Air Toxics Report to Congress](#). EPA-456/R-14-001. August 21, 2014.

<sup>2</sup> Environmental Integrity Project (EIP). [Toxic Shell Game: EPA Reversal Opens Door to More Hazardous Air Pollution](#). March 26, 2018.

<sup>3</sup> Lartely J and Laughland O. : “Cancer Town: ‘Almost every household has someone that has died from cancer’ A small town, a chemical plant and the residents’ desperate fight for clear air.” The Guardian. May 6, 2019.

<https://www.theguardian.com/us-news/ng-interactive/2019/may/06/cancertown-louisiana-reserve-special-report>

<sup>4</sup> Environmental Integrity Project, pg 14.