

# Policy Assessment for Review of the NAAQS for Particulate Matter: Comments Submitted by Five State Attorney Generals



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Attorney Generals from five states filed comments on the United States Environmental Protection Agency's ("EPA") September 2019 document titled:

*Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter – External Review Draft ("Policy Assessment")*

See EPA -452/P-19-001 (Sept. 2019).

The comments were filed by Attorney Generals (collectively "AGs") from the states of:

- California
- Minnesota
- New York
- New Jersey
- Rhode Island

Particulate matter is a generic term for a diverse class of chemically and physically different substances that exist as discrete particles. They may be either liquid droplets or solids and have a wide range in sizes.

Larger particulates are denominated PM-10 and smaller PM-2.5. Because of their smaller size, PM-2.5 can remain in the air for significant periods of time.

The United States Environmental Protection Agency ("EPA") established a National Ambient Air Quality Standard ("NAAQS") for particulate matter in 1971. The AGs note in their November 12th comments:

... Since that time, and as the science has advanced, EPA – consistent with its duty under the Clean Air Act to set primary NAAQS with an adequate margin of safety to protect public health – has continually ratcheted down the PM NAAQS through establishing additional standards for coarse particles, particulate matter smaller than 10 microns ("PM10") and fine particles, particulate matter smaller than 2.5 microns ("PM2.5") and by strengthening the standards.

The AGs comments state that EPA's efforts (as implemented by the states) between 2000 and 2018 resulted in decreased daily ambient concentrations of PM10 and PM2.5 by 31 and 34 percent, respectively. They further state however that PM exposure continues to present significant health and welfare risks and a disproportionate impact on environmental justice communities. As a result, the AGs

state that their comments are being submitted on the Draft Policy Assessment to “raise concerns about fundamental problems with EPA’s current review of the PM NAAQS.”

By way of summary, the specific “problems” the AGs state they have identified include:

1. EPA’s consolidation of several key elements of the NAAQS review process and elimination of review and comment opportunities on multiple interim drafts of the key documents prepared as part of the review.
2. EPA’s decision to disband and discontinue its longstanding practice of relying on a large group of scientific experts, known as the CASAC PM Review Panel (“PM Review Panel”), to review and provide necessary analysis and feedback on the EPA’s review of PM NAAQS, and instead rely on the under-equipped seven-member CASAC.
3. Former Administrator’s Pruitt’s “Back-to-Basics” policy memo that bars scientific experts that have received EPA grant funding from participating on any EPA advisory committee including the CASAC and the PM Review Panel; and
4. The lack of transparency in (a) how EPA evaluated and selected the scientific experts appointed to CASAC and the expert consultant pool formed to provide additional scientific expertise that was lost when EPA disbanded the PM Review Panel, and (b) in how EPA has made significant midstream changes to the PM NAAQS review without notice or an opportunity for the CASAC and public to comment.

A copy of the comments can be downloaded [here](#).