

# United States Senate

WASHINGTON, DC 20510

June 29, 2020

The Honorable Andrew Wheeler  
Administrator  
U.S. Environmental Protection Agency  
1301 Constitution Ave. NW  
Washington, DC 20460

Dear Administrator Wheeler:

We write in opposition to Environmental Protection Agency's (EPA's) April 14, 2020 proposal to retain the current National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) and forego more protective standards.<sup>1</sup> This proposal rejects the latest science and ignores the recommendations of EPA's own scientists and public health experts. More importantly, hundreds of thousands of lives could be lost every year if this proposal is finalized; lives that are disproportionately in low-income communities, communities of color, and Tribal and indigenous communities. We strongly urge you to reject this proposal and instead pursue updates to the particulate matter NAAQS that protect public health and follow the direction of the Clean Air Act as Congress intended.

As you know, particulate matter, commonly called soot, is air pollution made up of a mixture of small particles and liquid droplets and created often by uncontrolled fossil fuel combustion or industrial processes.<sup>2</sup> When particulate matter is inhaled, it can become embedded deep into the lungs and sometimes cross into the bloodstream.<sup>3</sup> For over half a century, we have known there is a link between particulate matter air pollution and serious health problems such as asthma, heart attacks and other respiratory ailments.<sup>4</sup> In 2011 alone, particulate matter air pollution was responsible for more than 100,000 American deaths and cost our society over \$800 billion in health costs and lost lives.<sup>5</sup> Yet the deadly nature of particulate matter continues to reveal itself as scientists learn more about how particulate matter affects the human body. For example, since your agency's last scientific review, scientists have found growing evidence of links between long-term exposure to particulate matter and diabetes.<sup>6</sup>

The latest science also reinforces what we have known for some time: that low-income communities, communities of color, and Tribal and indigenous communities, especially those most vulnerable, are disproportionately affected by particulate matter air pollution. According to EPA staff, the scientific evidence is clear that nonwhite children are much more likely to die

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<sup>1</sup> <https://www.govinfo.gov/content/pkg/FR-2020-04-30/pdf/2020-08143.pdf>

<sup>2</sup> <https://www.epa.gov/pm-pollution/particulate-matter-pm-basics#PM>

<sup>3</sup> Id.

<sup>4</sup> <https://www.epa.gov/pm-pollution/health-and-environmental-effects-particulate-matter-pm>

<sup>5</sup> <https://www.pnas.org/content/116/18/8775>

<sup>6</sup> U.S. EPA. Integrated Science Assessment (ISA) for Particulate Matter (Final Report, 2019). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-19/188, 2019

from particulate matter exposure than previously understood.<sup>7</sup> A study released this month after reviewing 32 million births found that pregnant mothers exposed to particulate matter and other pollutants were more likely to give birth to premature, underweight or stillborn children, with African American mothers most at risk.<sup>8</sup>

Based on the newest research, EPA scientists recommended strengthening the annual fine particulate matter standard from 12 micrograms per cubic meter of air to somewhere between 10 and 8 micrograms per cubic meter of air.<sup>9</sup> After the examination of just 30 metro areas in the U.S., EPA scientists concluded that setting the annual fine particulate matter standard at 9 micrograms per cubic meter of air would prevent up to 12,500 premature deaths each year.<sup>10</sup> In October 2018, the EPA's Clean Air Scientific Advisory Committee's Particulate Matter Review Panel, which was tasked with reviewing potential changes to these standards, was *summarily dismissed* without notice.<sup>11</sup> Members of this committee subsequently formed the Independent Particulate Matter Review Panel to finalize the work of reviewing evaluations of these standards prepared by EPA career scientists.<sup>12</sup> In their report, this panel also found that current fine particle health standards are not adequate to protect public health and that retaining the current standards was not scientifically justifiable.<sup>13</sup> They also recommended that the national health standards be strengthened to save thousands of lives and prevent tens of thousands of heart attacks.<sup>14</sup>

Despite staff recommendations and the science clearly dictating a stronger standard to protect public health, EPA has decided against strengthening the particulate matter NAAQS in its April 14, 2020 proposal. This proposal not only goes against the advice of our nation's scientific and medical experts, but it also is contrary to Executive Order 12898, which requires EPA to consider the environmental impacts of all EPA rulemakings, including NAAQS, on low-income communities, communities of color, and Tribal and indigenous communities disproportionately affected by environmental injustice.<sup>15</sup> It is unconscionable that EPA's proposal fails to tighten the particulate matter air quality standards despite peer reviewed science showing that African Americans and other communities of color have increased risks of premature death from exposure to particulate matter. Failing to tighten the standard means unhealthy air for yet another generation of brown, black, and economically disadvantaged children.

EPA's decision also makes little sense given what Americans are facing right now. Our country is working around the clock to respond to a respiratory pandemic, the effects of which are likely exacerbated by particulate air pollution. As noted in the staff report issued by the Environment

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<sup>7</sup> Id.

<sup>8</sup> [https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260?utm\\_source=For\\_The\\_Media&utm\\_medium=referral&utm\\_campaign=ftm\\_links&utm\\_term=061820](https://jamanetwork.com/journals/jamanetworkopen/fullarticle/2767260?utm_source=For_The_Media&utm_medium=referral&utm_campaign=ftm_links&utm_term=061820)

<sup>9</sup> <https://www.washingtonpost.com/health/2020/04/14/epa-pollution-coronavirus/>

<sup>10</sup> Id.

<sup>11</sup> [https://www.epw.senate.gov/public/\\_cache/files/1/d/1d7a81eb-2042-425b-b23d-ad91ad642fce/99ED701B6DC74677CDEB56888497D96C.051820-epw-as.pdf](https://www.epw.senate.gov/public/_cache/files/1/d/1d7a81eb-2042-425b-b23d-ad91ad642fce/99ED701B6DC74677CDEB56888497D96C.051820-epw-as.pdf)

<sup>12</sup> Id.

<sup>13</sup> <https://www.regulations.gov/document?D=EPA-HQ-OAR-2015-0072-0037>

<sup>14</sup> <https://ucs-documents.s3.amazonaws.com/science-and-democracy/IPMRP-FINAL-LETTER-ON-DRAFT-PA-191022.pdf>

<sup>15</sup> <https://www.archives.gov/files/federal-register/executive-orders/pdf/12898.pdf>

and Public Works Committee on May 20, 2020, “*A Pandemic of Pollution*”, new studies have found that Americans living in areas with higher levels of particulate matter pollution are more likely to die from COVID-19 than those living in areas with cleaner air.<sup>16</sup> Failure to impose more stringent nationwide particulate matter air quality standards is an assault on all Americans, but particularly on residents of low-income communities, communities of color, and Tribal and indigenous communities who are disproportionately exposed to air and water pollution and bear a higher burden of disease due to many other contributing factors.<sup>17</sup>

The cost of protecting public health is far less than the cost of breathing polluted air, especially today during COVID-19. That is why we urge EPA to heed the advice of its own scientists and seize this opportunity to strengthen the particulate matter NAAQS. Failure to do so would put American families at risk and be yet another decision where this administration chooses to ignore the science to place polluters over public health.<sup>18</sup>

If you have any questions, please feel free to ask the appropriate member of your staff to contact Laura Gillam ([Laura\\_Gillam@epw.senate.gov](mailto:Laura_Gillam@epw.senate.gov)) or Michal Freedhoff ([Michal\\_Freedhoff@epw.senate.gov](mailto:Michal_Freedhoff@epw.senate.gov)) of the Environment and Public Works Committee staff. Thank you for your attention to this matter. With best regards, we are,

Sincerely yours,



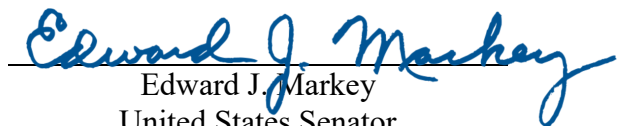
Thomas R. Carper  
Ranking Member  
Committee on Environment and  
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Benjamin L. Cardin  
United States Senator



Margaret Wood Hassan  
United States Senator



Edward J. Markey  
United States Senator



Chris Van Hollen  
United States Senator



Michael F. Bennet  
United States Senator

<sup>16</sup> [https://www.epw.senate.gov/public/\\_cache/files/1/d/1d7a81eb-2042-425b-b23d-ad91ad642fce/99ED701B6DC74677CDEB56888497D96C.051820-epw-as.pdf](https://www.epw.senate.gov/public/_cache/files/1/d/1d7a81eb-2042-425b-b23d-ad91ad642fce/99ED701B6DC74677CDEB56888497D96C.051820-epw-as.pdf)

<sup>17</sup> Id.

<sup>18</sup> [https://www.epa.gov/sites/production/files/2020-05/documents/eo\\_12866\\_wood\\_heaters\\_nsps\\_2060-au87\\_proposed\\_amendments\\_may\\_15\\_2020.pdf](https://www.epa.gov/sites/production/files/2020-05/documents/eo_12866_wood_heaters_nsps_2060-au87_proposed_amendments_may_15_2020.pdf)



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Richard J. Durbin  
United States Senator



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Kirsten Gillibrand  
United States Senator



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Cory A. Booker  
United States Senator



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Jeffrey A. Merkley  
United States Senator



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Robert Menendez  
United States Senator



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Kamala D. Harris  
United States Senator



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Bernard Sanders  
United States Senator



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Sheldon Whitehouse  
United States Senator

/s/ Jack Reed

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Jack Reed  
United States Senator