

Comments of Liz Mueller
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On
The U.S. Environmental Protection Agency Notice of Proposed Rulemaking
Increasing Consistency and Transparency in Considering Benefits and
Costs in the Clean Air Act Rulemaking Process

Docket ID No. EPA-HQ-OAR-2020-00044

July 1, 2020

Liz – Testimony for cost benefit hearing

Good afternoon. My name is Liz Mueller – spell name – and I am the National Director of Advocacy for the American Lung Association’s Healthy Air Campaign. Thank you for the opportunity to speak on this topic and I urge you to listen very carefully to all of the comments provided today.

The American Lung Association strongly opposes the proposed changes to calculating and utilizing cost benefit analysis in EPA rulemaking. The proposal has dangerous implications for public health as it could result in inaccurate calculations of the health benefits of reducing harmful emissions. I urge EPA to maintain the existing, longstanding practice for calculating the full benefits and costs of federal rules and ask the Administration to abandon these efforts.

This proposal is another example of EPA seeking to solve a problem that does not exist. EPA itself has recognized that the longstanding guidelines have provided excellent and well-vetted insight and it has a long history of using cost-benefit analysis. If there is anything that should be updated in the way EPA calculates costs and benefits, it’s that the current system actually *undervalues* health benefits due to the inability of current models to adequately show the full impacts of reductions in air pollution on health.

There are a couple of examples that highlight how health benefits have been undervalued. Since EPA implemented the original Mercury and Air Toxic Standards cost-benefit analysis, new studies have emerged showing that the full benefits to health were actually far greater than originally thought. However, in a telling foreshadowing to this proposal, EPA’s recent final rule to undermine the Mercury and Air Toxic Standards did not consider these studies, even though they showed that up to 11,000 premature deaths would be prevented. This purposeful obliviousness resulted in a determination that the costs to implement the standards weren’t justified. Simply ignoring the full benefits to health is an approach that was deeply concerning when it came to the mercury and air toxics standards, and applying this approach to other regulations across the agency will have far-reaching and damaging impacts to the public health of this country.

The Clean Air Act has led dramatic improvements in air quality over the last 50 years. In a study done on the impact of the Clean Air Act from 1990 until 2020, EPA estimated that the benefits

of implementing the regulations and emissions reductions mandated by the Clean Air Act outweighed the costs by more than 30 to one. Further external analyses show incredible benefits from cleaner air. Up to 370,000 deaths prevented, almost 200,000 fewer hospital admissions for respiratory and cardiovascular illnesses, and up to \$3.8 trillion in net economic benefits are evidence that steps taken to clean up the air as mandated by the Clean Air Act are working and need to be strengthened, not dismantled.

I want to end my testimony by calling out the vagueness of the way this proposal is written and referred to by the Agency. In his remarks and endorsements regarding the proposal, Administrator Wheeler has suggested that the proposal would have a substantive impact on rulemakings and affect private citizens. But the text of the rule itself refers to the proposal as “procedural” and that it wouldn’t regulate “any person or entity outside the EPA”. It also declares that the procedural rule is exempt from the notice and comment requirements set forth in the Administrative Procedure Act. This lack of clarity begs the question – which is it? Will this rule be procedural, or will it have a substantive impact on rulemaking *without* the necessary public comment period mandated in the Administrative Procedure Act? We strongly oppose the basis for this rulemaking, but at the very least EPA and Administrator Wheeler need to clarify the scope and purpose of this rule before any further action is taken.

In a time where COVID-19 continues to wreak havoc across our country, Americans don’t need another threat to their health. In proposing this rule, EPA is disregarding the health benefits of reducing air pollution which could fundamentally obstruct further reductions in pollution – reductions that are needed not only to prevent the worst impacts of climate change, but the immediate reductions that are needed right now in low-income areas and communities of color across the country. Americans don’t need another threat to their health. I urge EPA to abandon this effort to change the structure of cost-benefit analysis and to instead strengthen the commitment to protecting the public health.

Thank you.