



February 9, 2022

White House Environmental Justice Advisory Council
Comments re: Docket ID No. EPA-HQ-OA-2021-0683

Chair Richard Moore, Chair Peggy Shepard, Vice Chair Carletta Tilousi and Vice Chair Catherine Coleman Flowers:

Thank you for the expertise, time and commitments to environmental justice displayed at the public meeting on January 26 and 27. Public comments were provided on behalf of the American Lung Association at the meeting by Liz Scott, National Director of Advocacy for Healthy Air. We welcome this opportunity to provide expanded written comments on the various regulatory actions that this Administration needs to take to protect health and to deliver on environmental justice commitments. We urge WHEJAC to call on President Biden to use regulatory authority to reduce emissions and protect public health by taking the actions outlined below. Our comments are supplemented by a petition signed by 900 individuals urging President Biden to prioritize historically burdened communities for pollution clean-up.

Recommendation: The administration should quickly finalize the proposal to reinstate the appropriate and necessary finding and propose stronger standards for mercury and air toxics.

The previous administration rescinded the appropriate and necessary finding that allowed EPA to set standards for the emissions of mercury and air toxics. Those standards were health-protective, popular and already fully implemented at the time the finding was rescinded. Mercury is a potent neurotoxin that can cause devastating birth defects, including brain damage. Other toxic chemicals emitted from power plants also threaten the air nearby communities breathe. These pollution controls that were already implemented were estimated to prevent up to 11,000 premature deaths annually. Due to systemic racist practices, the communities living within the radius of a power plant are disproportionately communities of color. Further, elevated levels of mercury in fish can have a disproportionate impact on specific populations, including Native Americans.¹ The reinstating of the appropriate & necessary finding is a justice issue.

During the public meeting on January 26, we expressed disappointment that the proposal was held up at the Office of Management and Budget for nearly 6 months. Since the public meeting, the administration has announced the proposal. We encourage the Biden administration to finalize the proposal to reinstate the appropriate and necessary finding and then follow the science and the Clean Air Act to set even stronger mercury and air toxics standards.

¹ Gochfeld, M., & Burger, J. (2011). Disproportionate exposures in environmental justice and other populations: the importance of outliers. *American journal of public health*, 101 Suppl 1(Suppl 1), S53–S63.
<https://doi.org/10.2105/AJPH.2011.300121>

Recommendation: The administration should propose the strongest possible nitrogen oxide standards for medium- and heavy-duty vehicles and move towards electrification.

Another regulation currently under consideration is a forthcoming proposed rule setting stronger nitrogen oxide and other pollutant standards for heavy-duty vehicles. The transportation sector is a significant source of air pollution. With communities of color often located near highways, ports and transportation hubs, people of color bear a disproportionate burden of some of the most visible and dangerous pollution. Setting stronger standards for trucks and other heavy-duty vehicles will yield health benefits across the board but especially in those areas hardest hit. It is critical that the administration quickly propose this rule so it can be finalized before the end of 2022 so it can be implemented in 2027.

Recommendation: The administration should follow the Clean Air Act and propose stronger standards for particulate matter and ozone to better protect health with an adequate margin of safety.

The Lung Association also encourages EPA to swiftly move through reviewing the 2020 particulate matter and ozone National Ambient Air Quality Standards. The 2020 review discounted key science and ultimately finalized standards that were not adequate to protect public health. A recent study from the Health Effects Institute found that if the particulate matter standards were even slightly stronger, as many as 143,000 deaths could have been prevented over a decade.² The American Lung Association's 2021 "State of the Air" report found that over 4 in 10 Americans are living in areas with unhealthy levels of particulate matter or ozone pollution. People of color were also three times more likely than whites to live in areas with the most polluted levels. We appreciate that this administration is reviewing the science and we urge the swift yet robust finalization of these standards.

Recommendation: The administration should strengthen the recently proposed methane standards from new and existing oil and gas wells to reduce methane pollution by 65% of 2012 levels by 2025.

In October 2021, the Biden administration proposed new standards on methane emissions from new and existing oil and gas wells. Methane is a dangerous greenhouse gas that is eighty-six times more potent than carbon dioxide. To avoid climate change from reaching even more catastrophic levels, the nation must immediately and dramatically reduce greenhouse gases, including methane. The proposal from EPA is an important step forward but must go further. Setting even stronger final methane rules will not only reduce methane but will also reduce the levels of co-pollutants that are released from oil and gas wells, like volatile organic compounds, or VOCs. VOCs can cause cancer and birth defects and affect the nervous system. They also contribute to ozone pollution, which can cause respiratory and cardiovascular harm, stroke and premature death.

Communities living near oil and gas operations – which can include lower-income households, people of color or Tribal communities – are especially at risk from these toxic emissions. Stronger final standards – which should reduce methane pollution from new and existing oil and gas operations by 65% of 2012 levels by 2025 – are crucial to protect health.

² (2022). Assessing Adverse Health Effects of Long-Term Exposure to Low Levels of Ambient Air Pollution: Implementation of Causal Inference Methods. *Health Effects Institute, Research Report 211*
<https://www.healtheffects.org/publication/assessing-adverse-health-effects-long-term-exposure-low-levels-ambient-air-pollution-0>

Recommendation: The administration should quickly begin the process of setting new greenhouse gas standards and mileage standards for light-duty passenger cars for Model Years 2027 and beyond.

And finally, we appreciate the administration finalizing new greenhouse gas standards and mileage standards for light-duty vehicles. Reducing emissions from passenger cars will provide immediate health benefits, long-term climate benefits and will accelerate the transition to zero-emission electric vehicles. The recently finalized standards are an important step towards cleaning up the air for those communities most at risk, including those located near major roadways, but they must be followed with a proposal for the next round of model years if the nation is to continue that progress.

Everyone's health is impacted by air pollution, but some communities have continued to be left behind in the quest for clean air. We appreciate the administration's commitments to environmental justice and look forward to holding it accountable to meeting those commitments.



Dear President Biden:

Ozone and particle pollution are dangerous and can cause a range of health problems, such as shortness of breath, coughing and wheezing, asthma attacks, lung cancer, heart attacks and strokes, metabolic disorders, and premature death.

Yet, the “State of the Air” 2021 found that more than 4 in 10 Americans are still breathing unhealthy air, and they are disproportionately people of color.

The burden of air pollution is not evenly shared. Those experiencing poverty are more susceptible to face health harms from breathing in air pollution and, due to numerous current and legacy racist policies, communities of color face a greater risk of exposure to air pollution.

On behalf of our families and communities, we call on you to champion clean air for all and promote environmental justice by

- prioritizing historically burdened communities for pollution cleanup.
- ensuring these impacted communities receive the benefits of investments in the transition to electric vehicles and clean, renewable electricity.
- fulfilling the Justice40 Initiative and targeting 40% of climate change investment to disadvantaged communities that have suffered the most pollution.

Cleaning up our air is key to safeguarding Americans’ health. It’s imperative that all Americans are equally protected from pollution and experience equal benefits from clean air investments.

Sincerely,

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