

March 28, 2023

The Honorable Michael S. Regan  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

*Via Electronic Filing*

**RE: Reconsideration of the National Ambient Air Quality Standards for Particulate Matter [DOCKET ID no. EPA-HQ-OAR-2015-0072-1543]**

Dear Administrator Regan:

The Arkansas Environmental Federation appreciates the opportunity to comment on EPA's reconsideration of the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). For the reasons stated below, we recommend that the U.S. Environmental Protection Agency (EPA) repropose the rulemaking and consider maintaining the current PM NAAQS levels.

We are committed to ensuring a clean and safe environment and support air quality standards that are necessary to protect public health and welfare. Our members have worked in close cooperation with state and federal partners across decades to plan and invest in air quality improvements that we benefit from today. Businesses have also worked with EPA and their state partners to significantly lower ambient concentrations of fine particulate matter (PM<sub>2.5</sub>) and other criteria pollutants. These emissions reductions have occurred while the U.S. economy, population, and energy use has steadily grown—undoubtedly a testament to innovation and to successful collaboration between EPA, states, and industry to adopt new emissions control technologies and practices in a sound, cost-effective manner.

Nowhere is this progress more evident than in the quality of America's air, which now ranks among the cleanest in the world. This progress is detailed in EPA's 2022 Air Trends and National Emissions Inventory reports. The reports show that annual PM<sub>2.5</sub> concentrations have declined by 37 percent since 2000, driven by major emissions reductions from mobile sources and the power sector<sup>1</sup>. As a result, America's air is cleaner than ever.

The vast majority of PM<sub>2.5</sub> emissions, over 84 percent, now come from non-point sources such as wildfires and road dust<sup>2</sup>. These non-point emission sources are much more difficult for individual states and regions to control. By contrast, only 16 percent of PM<sub>2.5</sub> emissions come from industrial sources and power plants, with further improvements likely with the implementation of existing laws and as cleaner energy sources continue to come online.

As you know, Arkansas has the cleanest air in the nation and the entire state in attainment for all the NAAQS. Since Arkansas is in attainment statewide, a major concern is that the proposed NAAQS will prohibit sources from obtaining major New Source Review (NSR) construction permits and prevent

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<sup>1</sup> EPA National Air Emissions Trend Data, 2000-2021. Available at <https://gispub.epa.gov/air/trendsreport/2022/#home>

<sup>2</sup> Ibid

industrial source expansion and economic growth. Major NSR permitting requires a predictive air quality analysis to show that new source growth will not cause or contribute to a NAAQS violation. Because the proposed NAAQS is so close to existing background concentrations, it will dramatically reduce (50 to 75% reduction) the likelihood of “passing” air quality modeling and being able to obtain a permit.

The annual average PM<sub>2.5</sub> monitor concentration across the US for 2019 – 2021 (3-year average) is 7.9 µg/m<sup>3</sup>. Using 7.9 as a representative background compared the current of 12 µg/m<sup>3</sup> annual NAAQS leaves 4.1 µg/m<sup>3</sup> of “head room” available for new source modeling. If the NAAQS is lowered to 10 µg/m<sup>3</sup>, that available headroom drops to 2.1 µg/m<sup>3</sup> (~50% reduction). If the NAAQS is lowered to 9 µg/m<sup>3</sup>, that headroom drops to only 1.1 µg/m<sup>3</sup> (~75% reduction from current levels). For NSR permitting, the proposed reduction is not just a drop from 12 to 9 or 10 µg/m<sup>3</sup> (17 – 25% reduction) but, since existing background is considering in modeling, it is a much larger and more impactful percentage reduction. Thus, adoption and implementation of the revised PM<sub>2.5</sub> NAAQS as proposed will limit (and some cases, prohibit) the construction of new or the modification of existing major source facilities.

With traditional PM<sub>2.5</sub> emissions sources being well controlled, the agency is considering novel control approaches whose impacts are expected to be felt by homeowners, businesses, and governments. These novel approaches would require the installation of costly emissions controls on restaurants and industry and even require states to pave as much as 25 percent of unpaved roads and unpaved road shoulders. Troubling is the fact that EPA failed to estimate the full costs and burdens associated with meeting the proposed standard levels. It is untenable for the agency to propose standards for which the agency has not articulated a feasible path to compliance. The lack of identification of all control pathways means that the proposal underestimates regulatory costs and also raises the serious possibility that the only path to compliance in some areas will be closure of existing manufacturing and industrial facilities.

While the Arkansas Environmental Federation and its members are committed to continuing progress in reducing emissions, more stringent ambient air standards would move closer to background concentrations, therefore limiting the cost-effective technology and policy tools available for compliance. These challenges are often exacerbated by contributions from exceptional events such as wildfires and international transport that are beyond the control of state and local officials. Collectively, these challenges have the potential to adversely affect jobs, business investment, and permitting in a broad range of important economic sectors and activities. And, the impacts will not only be for areas that would be designated by EPA as out of attainment with tighter standards but also for areas in attainment with current standards, as shrinking “headroom” leaves little space for business expansion or permitting of new facilities.

Considerable progress continues to be made in reducing PM<sub>2.5</sub> emissions from commercial activities, but the growing contribution of emissions coming from non-point sources will be difficult to control. Further tightening of the standards has the potential to dampen economic growth across a broad swath of the economy. It is why we call on the Administrator to repropose the PM<sub>2.5</sub> standards and include an option of maintaining the existing standards. Thank you for the opportunity to provide comment.

Sincerely,

Ava F. Roberts  
Executive Director  
Arkansas Environmental Federation