

November 6, 2019

Submitted electronically

Administrator Andrew Wheeler
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington D.C. 20460

Attn: Doc. No. EPA-HQ-OAR- 2018-0279

Re: Request for an Extension on Comment Period for EPA’s *Draft Policy Assessment for the Ozone National Ambient Air Quality Standards*, 84 Fed. Reg. 58,711 (Nov. 1, 2019)

Dear Administrator Wheeler,

Environmental Defense Fund (“EDF”) respectfully requests a 45-day extension of the comment deadline for the Policy Assessment for the Ozone National Ambient Air Quality Standards, External Review Draft (“Draft PA”), 84 Fed. Reg. 58,711 (Nov. 1, 2019). The Draft PA currently provides for a 45-day public comment period, setting a deadline of December 16, 2019. Forty-five days is an inadequate amount of time to allow stakeholders and the general public to evaluate this extensive, technical document and to submit substantive comments and feedback that can inform EPA’s approach on these important issues. This is particularly true where the comment period on EPA’s Draft Integrated Science Assessment for Ozone (“Ozone ISA”), the foundational document that the Draft PA builds from, has not yet concluded. The Draft PA has potentially far-reaching implications for EPA’s treatment of science, policy, and the agency’s ability to protect human health and the environment. Accordingly, it is vital that all stakeholders be allowed more time to thoughtfully consider the effects of this document.

The Draft PA, with its enormous importance for policy decisions on ozone pollution, clearly merits a 90-day public comment period. Executive Order 12,866 indicates that a 60-day comment period is the minimum necessary to afford the public a meaningful opportunity to comment on a proposed regulatory change, and here, where foundational and complex issues are at stake, a significantly longer comment period is appropriate.¹

Additionally, EDF notes its concern with the processes EPA is undertaking related to its review of the ozone National Ambient Air Quality Standards, and which this truncated public comment period is exacerbating. The first draft of the PA should not be released until the ISA has been reviewed by CASAC and finalized. Releasing the ISA and PA drafts simultaneously contravenes decades of EPA and CASAC practice and is deficient for obvious reasons: until the ISA is reviewed, there is no way to reliably determine what the air quality criteria — information

¹ During the last Ozone NAAQS review, EPA provided an 88-day comment period for first drafts of the Health Risk and Exposure Assessment for Ozone and Welfare Risk and Exposure Assessment for Ozone, and a 58-day comment period for the first draft of the Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards. 77 Fed. Reg. 51798 (Aug. 27, 2012).

which “accurately reflect[s] the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air” — are. 42 U.S.C 7408(a)(2).

A determination of what is relevant from a policy standpoint cannot meaningfully take place without first completing this review to determine the scope of relevant air quality criteria in the ISA. EPA’s process unacceptably puts the cart before the horse.

There are several other public comment periods open now on related actions with potential implications for this action. For example, the public comment period on the 1,411-page Draft Ozone ISA closes on Dec. 2, 2019,² and the comment period on the 457-page draft PM PA closes on November 12, 2019.³ Given these related actions, an additional overlapping comment period for the 926-page Draft PA for ozone is incredibly challenging and burdensome for our organization and others to meet. Moreover, there is a scheduled Clean Air Scientific Advisory Committee (“CASAC”) meeting from December 3-6, 2019,⁴ which will include a discussion of the Draft PA for ozone. This CASAC meeting will conclude just 10 days before the comment period for the Draft PA for ozone ends, not nearly enough time to meaningfully incorporate important responses into comments. This modest extension of the comment period will not jeopardize EPA’s stated desire to complete review of the ozone NAAQS within the 5-year review period given that most of this time falls over the Christmas and New Year period when much off the agency staff will be on holiday.

Given the far-reaching consequences of the Draft PA for the public health and welfare, EDF respectfully requests that EPA extend the comment period by at least 45 days to allow for a 90-day comment period. The public deserves ample time and opportunity to evaluate the Draft PA and to consider and respond to the proceedings of the CASAC at its December meeting.

Thank you for your consideration of this important issue. If you have any questions about this request, please contact Rachel Fullmer at rfullmer@edf.org.

Sincerely,

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² 84 Fed. Reg. 50,836.

³ 84 Fed. Reg. 47,944.

⁴ 84 Fed. Reg. 58,713.