

States of California, Minnesota, New Jersey, New York, Oregon, and Rhode Island

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U.S. Environmental Protection Agency
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RE: Comments on Policy Assessment for Review of the National Ambient Air Quality Standards for Particulate Matter, External Review Draft, 84 Fed. Reg. 47,944 (Sept. 11, 2019)

Attention: Docket ID No. EPA-HQ-OAR-2015-0072

Dear Administrator Wheeler,

The Attorneys General of California¹, Minnesota, New York, New Jersey, and Rhode Island hereby submit these comments on EPA’s Policy Assessment for the Review of the National Ambient Air Quality Standards for Particulate Matter, External Review Draft (“Policy Assessment” or “PA”). EPA-452/P-19-001 (Sept. 2019). EPA first established National Ambient Air Quality Standards (“NAAQS”) for Particulate Matter (“PM”) in 1971 by setting a limit on Total Suspended Particulates. Since that time, and as the science has advanced, EPA—consistent with its duty under the Clean Air Act to set primary NAAQS with an adequate margin of safety to protect public health—has continually ratcheted down the PM NAAQS through

¹ The California Attorney General submits these comments pursuant to his independent power and duty to protect the environment and natural resources of the State. *See* Cal. Const., art. V, § 13; CAL. GOV’T CODE, §§ 12511, 12600-12612; *D’Amico v. Bd. of Medical Examiners*, 11 Cal.3d 1, 1415 (Cal. 1974).

establishing additional standards for coarse particles, particulate matter smaller than 10 microns (“PM₁₀”) and fine particles, particulate matter smaller than 2.5 microns (“PM_{2.5}”) and by strengthening the standards. As a result of EPA’s efforts as implemented by states, between 2000 and 2018 daily ambient concentrations of PM₁₀ and PM_{2.5} have decreased by 31 and 34% respectively and the annual concentration of PM_{2.5} has decreased by 39%. EPA, Air Quality - National Summary, <https://www.epa.gov/air-trends/air-quality-national-summary>. Even under the current standards, however, PM exposure continues to present significant health and welfare risks. Further, studies consistently show environmental justice communities continue to be exposed to and are disproportionately impacted by health-harming levels of PM. Accordingly, we submit these comments on the draft Policy Assessment to raise concerns about fundamental problems with EPA’s current review of the PM NAAQS and to respectfully request that EPA address these shortcomings. Addressing these concerns will help assure that EPA’s final rule protects public health and welfare with an adequate margin of safety, as the Clean Air Act requires.

I. Introduction

The EPA’s final Policy Assessment is designed to reflect the culmination of the Agency’s process for developing staff “conclusions regarding the adequacy of the existing PM standards and potential alternatives, if any are appropriate to consider in the current review.” EPA, Integrated Review Plan for the National Ambient Air Quality Standards for Particulate Matter, EPA-452/R-16-005, 6-1 (Dec. 2016) [“Integrated Review Plan”]. In EPA’s words, “[t]he role of the P[olicy] A[ssessment] is to help ‘bridge the gap’ between the Agency’s scientific assessments and quantitative analyses, and the judgments required of the Administrator in determining whether it is appropriate to retain or revise the NAAQS.” Draft PA, 1-1. As the

culmination of EPA's staff analysis, the document must necessarily reflect a rational connection between the facts and its conclusions regarding the adequacy of the current standards, thereby explaining the bases for its recommendations to the Administrator. *See Mississippi Comm'n on Environmental Quality v. E.P.A.*, 790 F.3d 138, 150 (D.C. Cir. 2015). To fulfill this role, EPA's review must consider and thoroughly evaluate the current science on PM emissions, exposure, and health effects and engage in a transparent process for reaching its conclusion on whether it is necessary to revise the current standards.

The purpose of the draft Policy Assessment is to allow for public comment on EPA's analysis and conclusions thus far and to "facilitate the [Clean Air Scientific Advisory Committee]'s advice to the Agency, and recommendations to the Administrator, on the adequacy of the existing standards and on revisions that may be appropriate to consider." Integrated Review Plan at 6-1; Memorandum from Lisa Jackson, Administrator, EPA to Elizabeth Craig, Acting Assistant Administrator for Air and Radiation, EPA and Lek Kadeli, Acting Assistant Administrator for Research Development, EPA, re: Process for Reviewing National Ambient Air Quality Standards (May 21, 2009) ["Lisa Jackson NAAQS Memo"]. Our comments identify problematic changes to EPA's process for developing the draft Policy Assessment that have reduced the transparency of EPA's review of the PM NAAQS and undermined the ability of the Clean Air Scientific Advisory Committee ("CASAC") to provide meaningful scientific advice and recommendations to the Administrator.

The specific problems are:

1. EPA's consolidation of several key elements of the NAAQS review process and elimination of review and comment opportunities on multiple interim drafts of the key documents prepared as part of the review.
2. EPA's decision to disband and discontinue its longstanding practice of relying on a large group of scientific experts, known as the CASAC PM Review Panel ("PM Review Panel"), to review and provide necessary analysis and feedback on the EPA's review of PM NAAQS, and instead rely on the under-equipped seven-member CASAC.
3. Former Administrator's Pruitt's "Back-to-Basics" policy memo that bars scientific experts that have received EPA grant funding from participating on any EPA advisory committee including the CASAC and the PM Review Panel; and
4. The lack of transparency in (a) how EPA evaluated and selected the scientific experts appointed to CASAC and the expert consultant pool formed to provided additional scientific expertise that was lost when EPA disbanded the PM Review Panel, and (b) in how EPA has made significant midstream changes to the PM NAAQS review without notice or an opportunity for the CASAC and public to comment.

II. The Statutory Framework for the National Ambient Air Quality Standards

The Clean Air Act aims "to protect and enhance the quality of the Nation's air resources so as to promote the public health and welfare." 42 U.S.C. § 7401(b)(1). One of the principal

mechanisms for achieving this goal is the establishment of NAAQS, which are divided into primary and secondary standards, for “criteria” pollutants (meaning those pollutants that are released from stationary and mobile sources and are anticipated to endanger public health or welfare). 42 U.S.C. § 7408(a)(1). For each criteria pollutant, EPA is required to set primary standards that “protect public health” with “an adequate margin of safety.” 42 U.S.C. § 7409(b)(1). The secondary standards must “protect the public welfare from any known or anticipated adverse effects.” *Id.* § 7409(b)(2). The public welfare considerations of the secondary standards go beyond public health, encompassing a broad range of values including impacts to visibility and climate change, and damage to property from the deposition of criteria pollutants. *See Am. Farm Bureau Fed'n v. E.P.A.*, 559 F.3d 512, 515-16 (D.C. Cir. 2009); Draft PA, 1-1 fn. 1.

In setting NAAQS, the Clean Air Act requires EPA to base the standards solely on impacts to public health and welfare; the agency cannot consider the costs of achieving reductions necessary to meet the standards. *Whitman v. American Trucking Ass'ns*, 531 U.S. 457 (2001). To satisfy these statutory requirements, EPA looks at the short-term and long-term impacts of each criteria pollutant on human health and public welfare. Accordingly, the NAAQS, depending on the criteria pollutant targeted, may include a short-term standard, in the form of an hourly or daily average standard, designed to protect against acute exposure, and a long-term standard, in the form of an annual average standard, designed to protect against chronic exposure to lower levels of the pollutant. Also, because EPA is required to assure that the NAAQS protect human health *and* public welfare, there are instances where the primary

NAAQS may be more stringent than the secondary, or vice-versa, depending on the pollutant and its specific impacts.

After establishing the initial NAAQS, EPA is required to review and revise the standards as may be necessary once every five years. 42 U.S.C. § 7409(d)(1). To assist this process, EPA is required to appoint CASAC, an independent scientific review committee, that reviews the criteria pollutants and the standards promulgated under section 109 of the Clean Air Act and recommends to the Administrator any new national air quality standards and revisions of existing standards as may be appropriate. 42 U.S.C. § 7409(d)(2).

Once EPA sets, or revises, the NAAQS for a pollutant, each state is tasked with ensuring that air quality in areas throughout the state meets that level. States or areas within states whose air quality fails to meet the level set by EPA are designated as “non-attainment” areas, requiring the appropriate state and/or local authority to address emissions in order to satisfy the NAAQS. These required actions often spur greater and more cost-effective emission reductions—and consequently provide greater health protections—than otherwise equivalent standards set under state law, such as California’s ambient air quality standards. These state-only standards do not generally include the same consequences for areas that fail to comply. And even when states or air districts want to voluntarily reduce emissions, many of the most effective measures for doing so can face preemption hurdles under the Clean Air Act, but are less likely to if EPA has promulgated a strong NAAQS. For example, California’s South Coast and San Joaquin’s non-attainment status is powerful evidence that California should be granted authority to set stricter standards for mobile sources under Section 209 of the Clean Air Act. 42 U.S.C. § 7543

(allowing California to implement stricter mobile source standards unless EPA finds that such standards are unnecessary “to meet compelling and extraordinary conditions”).

EPA’s determination of whether and how to revise the PM NAAQS is reviewed under section 307 of the Clean Air Act and the “arbitrary and capricious” standard. To satisfy this standard of review, EPA must “consider[] all relevant factors and articulate[] a rational connection between the facts found and the choice made.” *Mississippi Comm’n on Env’tl. Quality*, 790 F.3d at 150 (quoting *Catawba Cnty. v. EPA*, 571 F.3d 20, 41 (D.C. Cir. 2009)). Under this standard of review, courts have repeatedly cited EPA’s reliance on scientific experts as a basis to uphold EPA actions. See, e.g., *City of Portland v. EPA*, 507 F.3d 706, 716 (D.C. Cir. 2007) (upholding drinking water standard based on EPA’s analysis of the “best available, peer-reviewed science” using advice from EPA’s Science Advisory Board); *Ohio Valley Env’tl. Coal. v. Fola Coal Co.*, 120 F. Supp. 3d 509, 523 n.16 (S.D. W.V. 2015) (upholding EPA’s assignment of benchmark discharge levels and noting that “not only are there epidemiologists on the Science Advisory Board, there are some very fine epidemiologists serving in that capacity”); *United States v. Vertac Chem. Corp.*, 33 F. Supp. 2d 769, 778 (E.D. Ark. 1998), rev’d on other grounds by *United States v. Hercules, Inc.*, 247 F.3d 706 (8th Cir. 2001) (upholding EPA’s cleanup level calculations at Superfund site based in part on review by Science Advisory Board). Further, the courts only “defer to EPA’s judgment that the available evidence is too uncertain when the agency reasonably explains its decision.” *Murray Energy Corp. v. EPA*, 936 F.3d 597, 619 (D.C. Cir. 2019) (citing *Motor Vehicles Mfrs. Ass’n of U.S., Inc. v. State Farm Mut. Auto Ins. Co.*, 463 U.S. 29, 51-53 (1983)).

III. Background on EPA's Longstanding NAAQS Review Process

The last major overhaul of the NAAQS review process was implemented in response to EPA's 2006 "top-to-bottom" review of the process. Memorandum from Marcus Peacock, Deputy Administrator, EPA to Dr. George Gray, Assistant Administrator, Office of Research and Development, EPA and Bill Wehrum, Acting Assistant Administrator, Office of Air and Radiation, Re: Process for Reviewing National Ambient Air Quality Standards (Dec. 7, 2006). The goal was to help "improve the efficiency of the NAAQS review process while ensuring that the Agency's decisions are informed by the best available science and broad participation among experts in the scientific community." *Id.* at 3.

Consistent with the advice received from CASAC, EPA amended its then current NAAQS review process to require the preparation of separate documents for each of the key elements of the process. These include:

- **Integrated Review Plan:** a document that outlines the schedule, process, and a set of policy-relevant issues to guide the full review process.
- **Integrated Science Assessment:** a concise evaluation, integration, and synthesis of the most policy-relevant science, and key science judgments that are integral to the risk/exposure assessment.
- **Risk Exposure Assessment:** a concise assessment on key results, observations and uncertainties.
- **Policy Assessment:** a narrowly focused policy assessment based on the science and risk/exposure assessments that (1) identifies conceptual evidence- and risk-based approaches for reaching policy judgments; (2) discusses the adequacy of the current

standards; and (3) presents preliminary risk/exposure information associated with alternative standards.

In CASAC's view, these changes enabled EPA to base its decision on the most recent science and disentangle scientific and policy judgments made by EPA and the CASAC. NAAQS Working Group Process Review at 30 (“[d]istinctions between science and policy judgments . . . can be clarified and more transparent . . . by the preparation of a policy assessment document that is based on, but separate from, the science and risk/exposure assessments”). EPA largely retained this review process through 2016. *See e.g.*, Lisa Jackson NAAQS Memo, at 1 (suggesting one change to the established NAAQS review process, but otherwise approving the changes implemented between 2006 and 2008).

EPA initiated its current review of the PM NAAQS based on the process described above. Notice of Workshop and Call for Information on Integrated Science Assessment for Particulate Matter, 79 Fed. Reg. 71,764 (Dec. 6, 2014). Accordingly, EPA held an open workshop to allow the public and CASAC to weigh in on the key science and policy issues relevant for the PM NAAQS review as well as the Agency's plan for completing the review. Integrated Review Plan at 1-18. Concurrently, EPA also appointed a 26-member PM Review Panel to aid with the pending review. Memo from Aaron Yeow, Designated Federal Official, EPA Science Advisory Board to Christopher Zarba, Director, EPA Science Advisory Board Office, re: Formation of Clean Air Scientific Advisory Committee (CASAC) Particulate Matter (PM) Review Panel (Nov. 17, 2015). The PM Review Panel included scientific experts in the fields of air quality and climate responses, atmospheric science and chemistry, dosimetry, toxicology, controlled clinical exposure, epidemiology, biostatistics, human exposure modeling,

risk assessment/modelling, characterization of PM concentrations and light extinction, and visibility impairment and related welfare effects. *Id.* EPA has a long-standing practice of forming pollutant-specific review panels because the breadth of the scientific evidence involved in the review process necessitates review by experts with a wide range of backgrounds and expertise. EPA, CASAC Review of the EPA's Integrated Science Assessment for Particulate Matter (External Review Draft – October 2018), Mark Frampton Comments, A-81 (April 11, 2019) [“CASAC ISA Review”].

The final review plan, taking into account advice from CASAC, the PM Review Panel, and the public, included all of the review elements discussed above. *Id.* at 1-19. Under that plan the CASAC and the public would have been afforded multiple opportunities to review and comment on the key documents prepared as part of the review. At the time, EPA projected that it would be able to complete the process of a thorough and transparent review by 2022. *Id.*

IV. EPA's Recent Changes to the PM NAAQS Review Process Undermine the Scientific Credibility of the Undertaking.

Since taking office, and leading up to the publication of the draft Policy Assessment, the current Administration made several drastic changes to the NAAQS review process that have undermined the scientific credibility of the review by shutting out scientific experts from providing input and by reducing the transparency of the process. These changes include EPA's decisions to (1) consolidate and eliminate several key elements of the review process; (2) disband the PM Review Panel; (3) prohibit scientific experts that receive EPA grant funding from serving on the CASAC; and (4) implement several measures that eliminated transparency from fundamental components of the review process.

(1) EPA's Changes to the NAAQS Integrated Review Plan Undermine the Scientific Credibility of the Review Process

EPA has not formally published, or otherwise directly communicated, its departures from the Integrated Review Plan it finalized after incorporating feedback from the CASAC and the public. Instead, it has revealed the changes in dribs and drabs. Former Administrator Pruitt first hinted that changes were afoot with his “Back-to-Basics” policy memo, directing EPA staff to “consider, [as appropriate,] combining its integrated science, risk and exposure, and policy assessment into a single review.” Memorandum from E. Scott Pruitt, Administrator, EPA to EPA, Assistant Administrators, re: Back-to-Basics Process for Reviewing National Ambient Air Quality Standards (May 9, 2018) [“Back-to-Basics Memo”]. About a year later, and only in response to CASAC’s comments on the Integrated Science Assessment, Administrator Wheeler, writing to the CASAC, disclosed that EPA was implementing several changes to the PM NAAQS review as directed by the Back-to-Basics Memo. Letter from Andrew Wheeler, Administrator, EPA to Louis Anthony Cox, Jr. Ph.D, Chair, CASAC, EPA, 2 (Jul. 25, 2019) [“EPA Response to CASAC ISA Comments”]. In this letter, EPA first explained that it would not be preparing a second draft of the Integrated Science Assessment, and, as a result, the CASAC and the public would not have another opportunity to comment on the document before EPA finalized it. *Id.* Second, EPA explained that it would be consolidating the Policy Assessment with the Risk and Exposure Assessment. Simultaneously, the Administrator revealed that EPA intends to propose its decision on the PM NAAQS review in early 2020. *Id.* Finally, with the publication of the draft Policy Assessment, informed the public that it plans to promulgate a final rule by December 2020, nearly two years earlier than originally planned. Draft PA, 1-12.

EPA's consolidation of several steps of the PM NAAQS review process and the elimination of opportunities to comment on multiple drafts of the Integrated Science Assessment and other key elements of the review critically undermines the scientific credibility of the entire undertaking. First, these changes directly contravene the CASAC's recommendation for EPA to prepare separate documents for each key element of the PM NAAQS review. As explained above, CASAC made this recommendation to help EPA and CASAC disentangle the scientific analysis from policy judgements and enable a full review of the best available science. This, in combination with eliminating the public's and CASAC's opportunities to review and provide feedback on multiple drafts of the key documents limits EPA's ability to incorporate valuable scientific feedback on its analysis of the data and its policy judgements. The CASAC specifically noted that it needed an opportunity to review and comment on a second draft of the Integrated Science Assessment because it lacked the scientific expertise to meaningfully review and provide advice on all aspects of the review of the first draft. CASAC ISA Review, Consensus Responses, 1. EPA denied CASAC's request and has not provided any rationale for doing so or how EPA's review will account for this scientific gap.

(2) EPA, in Disbanding the PM Review Panel, Has Critically Undermined CASAC's Ability to Meaningfully Review the PM NAAQS Review Process

In a similar vein, EPA disbanded the PM Review Panel and tasked the seven-member CASAC with "review[ing] the science for any necessary changes to the NAAQS for PM." See Sean Reilly, *EPA Scraps Science Panel: 'Your service . . . Has Concluded'*, Greenwire, (Oct. 12, 2018), <https://www.eenews.net/stories/1060102455>; EPA Press Release, Acting Administrator Wheeler Announces Science Advisors for Key Clean Air Act Committee (Oct. 10, 2018). As a result, not a single epidemiologist is on the CASAC. CASAC ISA Review, Comments of Dr.

Mark Frampton, A-81. Acknowledging their lack of expertise in this area, amongst others, the CASAC wrote “the breadth and diversity of evidence to be considered exceeds the expertise of the statutory CASAC members, or indeed of any seven individuals.” CASAC ISA Review, Consensus Responses, 1. Again, EPA has not provided any adequate justification for so drastically departing from past practice.

EPA’s attempt to address this problem by forming a “pool of subject matter expert consultants that the seven-person chartered CASAC, through the chair, [can] draw from as needed to support its PM and ozone reviews” is not an adequate substitute for the PM Review Panel. EPA Response to CASAC ISA Comments, 2. For starters, the consultant pool cannot address the CASAC’s questions that may have arisen during its review of the first draft of the Integrated Science Assessment because that review has already occurred. And, EPA has expressly denied the CASAC with an opportunity to review a second draft of the Integrated Science Assessment with the benefit of the newly formed pool of expert consultants. *Id.*

Additionally, the CASAC members are prohibited from directly communicating with the expert pool. Instead, “[r]equests for feedback from [the expert pool] should be submitted in writing through . . . the CASAC’s chair and the CASAC’s designated federal official.” *Id.* This process stands in stark contrast to the public meetings held for prior NAAQS subject matter review panels, where the members could respond to each other’s opinions and worked toward consensus opinions. The siloed approach required by EPA will cut off the ability of the expert pool of consultants to independently raise issues and concerns in their areas of expertise, especially in subjects where the CASAC members may lack sufficient knowledge to ask the right questions.

(3) *EPA's Policy Prohibiting Scientists that Receive EPA Grants from Serving on EPA Advisory Committees Undermines the Scientific Credibility of the Review Process*

EPA's new agency-wide policy that generally bars scientists receiving EPA grants from serving on EPA advisory committees prevents EPA from receiving important and necessary scientific feedback on the Agency's review of the PM NAAQS. *See* Brief for State of Washington, et al. as Amici Curiae Supporting Appellants, at 20, *Physicians for Social Responsibility v. Wheeler*, No. 19-5104 (D.C. Cir. appeal docketed Apr. 16, 2019) (explaining that the policy will shift the makeup of advisory committees "away from the most qualified and independent participants and toward industry-funded scientists" and "will have detrimental impacts on EPA's scientific and technical work and will undermine its core mission") (Attached as Exhibit A). As explained in Washington State's Amicus Brief, which was joined by nine other states and the District of Columbia, the leading experts on the scientific topics relevant to EPA's rulemakings work at universities, hospitals, or non-profits and rely heavily on government funding. *Id.* at 11. As a result, this policy "applies disproportionately to independent, public-interest researchers." *Id.* at 11-12. For example, Dr. Charles Driscoll is a Distinguished Professor of Environmental Engineering at Syracuse University who has conducted extensive research on air quality issues and was previously a member of CASAC. *Id.* However, Dr. Driscoll was forced to step down from CASAC due to his receipt of an EPA grant to study particulate matter, ozone, and water quality issues. *Id.* As a result, exemplified by Dr. Driscoll's dismissal from CASAC, the Agency is unable to receive scientific input and advice from the very experts EPA has deemed the most qualified to research the specific scientific issues relevant to the PM NAAQS review. Worse still, EPA has not identified any benefit or evidence supporting the policy. *Id.* at 13-14. Furthermore, there are serious concerns about the

qualifications of the scientists EPA has appointed to the CASAC. Brennan Center for Justice, *Proposals for Reform, Vol. II*, 34 (2019) (explaining that the CASAC chairman has received funding from the American Petroleum Industry and that six of the seven members of the committee are “state regulators with views outside the scientific mainstream”),

https://www.brennancenter.org/sites/default/files/2019-09/2019_10_TaskForce%20II_0.pdf;

Scott Waldman, *Science Adviser Allowed Oil Group to Edit Research*, Climatewire, (Dec. 10, 2018), <https://www.eenews.net/climatewire/stories/1060109129>.

(4) EPA’s Lack of Transparency in Implementing these Changes also Undermines the Scientific Credibility of EPA’s PM NAAQS Review

Finally, most of the changes discussed above were adopted or implemented without any transparency. For example, EPA never informed the CASAC or the public about the changes to the Integrated Review Plan, whereby EPA has consolidated the Policy Assessment with the Risk and Exposure Assessment and eliminated the opportunity to comment on multiple drafts of the Integrated Science Assessment and the Policy Assessment. Instead, CASAC only learned about these changes in Administrator Wheeler’s response to the CASAC’s comments on the draft Integrated Science Assessment. EPA Response to CASAC ISA Comments. Similarly, EPA did not inform anyone before disbanding the PM Review Panel. Importantly, neither the CASAC nor the public had an opportunity to comment on EPA’s changes to Integrated Review Plan for the PM NAAQS or the disbanding of PM Review Panel (at least not before the changes were implemented).

EPA’s midstream changes to the NAAQS review process and schedule undermine transparency. Critically, this is a problem because it makes it impossible for the CASAC and the public to plan and allocate the necessary resources to meaningfully review and provide feedback

on the key documents of EPA's review of the PM NAAQS. This feedback is an important component of the NAAQS review process because it helps assure that EPA considers relevant information that the Agency may have omitted or misunderstood. Accordingly, EPA's lack of transparency on the changes to the review process and schedule also undermine the scientific integrity of the process.

The lack of transparency has also infected EPA's process for selecting the scientific experts it has appointed to the CASAC and expert pool of consultants. Since adopting its new policies governing the appointment of scientific experts to EPA's scientific advisory committees, EPA has reconstituted the entire CASAC. However, EPA has not disclosed the criteria it used to select the new appointees. U.S. GAO, *EPA Advisory Committees: Improvements Needed for the Member Appointment Process*, GAO-19-280, 17 (July 2019). Furthermore, EPA management appointed the CASAC members from the full roster of scientists nominated, not a short-list of the most qualified individuals developed by EPA staff. *Id.* EPA's creation of the pool of expert consultants is similarly tainted by a lack of transparency. Gretchen Goldman, Union of Concerned Scientists, *The EPA Cut Science Out of Air Pollution Standard-Setting. We're Putting it Back*, Union of Concerned Scientists (Sept. 26, 2019), <https://blog.ucsusa.org/gretchen-goldman/the-epa-cut-science-out-of-air-pollution-standard-setting-were-putting-it-back>. The shroud EPA has draped over its selection process for the CASAC and the more recently formed pool of expert consultants makes it impossible to determine whether the purported independent scientific advisors are in fact the best qualified, independent, and unbiased.

V. Conclusion

EPA's process for preparing the draft Policy Assessment has undermined the scientific integrity and transparency of the Agency's conclusions. As a result, any rule issued that relies on these conclusions will be suspect.

The undersigned Attorneys General therefore respectfully request EPA to defer finalizing the draft Policy Assessment until after it (1) rescinds its policy disqualifying scientific experts that have received EPA grant funds from serving on the CASAC and the PM Review Panel, (2) reconstitutes the CASAC and the PM Review Panel using its prior transparent vetting process, and (3) issues a second draft of the Integrated Science Assessment, and prepares a separate and stand-alone draft of the Risk and Exposure Analysis for review and comment by CASAC and the public.

Sincerely,

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Page 18

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