

July 16, 2010

Governor Joe Manchin III, Chairman
National Governors Association
Hall of States
444 N. Capitol Street, Ste. 267
Washington, DC 20001-1512

Re: Urgent Request for Action

Dear Chairman Manchin:

On behalf of the undersigned organizations, we are alerting you to an ongoing action at the U.S. Environmental Protection Agency that could have devastating consequences on our operations and, in turn, to economic development and growth throughout the United States. As a result of these concerns, we urge you immediately to send this letter to each state governor in an effort to alert them to the issue, and to contact the EPA to express strong opposition to this action.

EPA is in the process of reviewing the particulate matter (PM) national ambient air quality standards (NAAQS). EPA's charge under the Clean Air Act is to consider every five years whether the PM NAAQS needs to be revised in light of more recent information. The PM NAAQS is comprised of standards for both PM₁₀ (coarse PM) and PM_{2.5} (fine PM).

While EPA's primary focus in this review has been on the PM_{2.5} standard, it is also considering whether to revise (reduce and make more stringent) the current PM₁₀ standard. That standard is now set at 150 µg/m³ on a 24-hour basis, and is set conservatively low based on historically flawed health studies. In fact, in the 2006 final PM NAAQS rule, EPA acknowledged that the 150 µg/m³ PM₁₀ standard was set based on a desire to be cautious and not on clear evidence that this very stringent level was necessary to protect against adverse public health effects. This is especially true for the type of rural coarse PM that predominates on agricultural and other resource-based operations, including operations represented by the undersigned.

We are very concerned that any decision by the EPA to reduce the level of the current PM₁₀ standard would put many areas of the United States into nonattainment status under the Clean Air Act, with the attendant restrictions on new economic development and growth, as well as limits on existing operations. Even one of EPA's independent science advisors has cautioned EPA that any reduction in the current PM₁₀ standard would only put more areas in the West into nonattainment without any public health benefit. This is because rural coarse PM dominates in these areas and that is the type of PM₁₀ that EPA and its science advisors have agreed is of little public health concern. Despite these important comments, we remain very concerned that EPA will decide to reduce the PM₁₀ NAAQS – a devastating outcome for our operations and many state economies.

On July 8, the EPA released its final *Quantitative Health Risk Assessment for Particulate Matter* (June 2010). In that document, the EPA acknowledges that the science on coarse PM is so uncertain that it could not conduct a quantitative risk assessment. Specifically, the EPA concludes that “significant limitations in both the health effects data base and the current PM_{10-2.5} monitoring network continue to exist and that the currently available information do not support conducting a quantitative risk assessment for PM_{10-2.5} at this time . . .” *Id.* at 2-7.

On the same day, the EPA released its *Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standard: Second External Review Draft* (June 2010). The Policy Assessment presents EPA staff conclusions regarding the adequacy of the current PM₁₀ NAAQS as well as potential alternative standards for consideration by the EPA Administrator and the Clean Air Scientific Advisory Committee (CASAC). In that document, EPA staff conclude that, depending on the emphasis placed on the evidence and uncertainties, the Administrator would be justified in either retaining the current PM₁₀ NAAQS of 150 µg/m³, or in revising it to make it more stringent. *Id.* at 3-25. If the Administrator were to make a policy judgment to revise the standard, EPA staff suggests considering a PM₁₀ NAAQS of 65-85 µg/m³. *Id.* at ES-1,2. A PM₁₀ NAAQS of 65-85 µg/m³ is essentially twice as stringent as the current standard. Such a level would require the designation of many more nonattainment areas than currently exist, and would be devastating for agricultural and other resource-based operations throughout the United States. And for what purpose? There is no clear purpose. Because the scientific uncertainties are so significant that the EPA is unable to conduct a risk assessment and would be justified in retaining the current standard, the current standard should be retained.

While the Clean Air Act does not allow EPA to consider economic consequences of any reduction in the NAAQS, we believe that a letter from you and other governors from across the United States to EPA opposing any reduction in the PM₁₀ standard because the health evidence does not support such a reduction (especially for rural coarse PM), and any reduction would have potentially devastating impacts on state economies would help EPA in its consideration of the PM₁₀ NAAQS. If it would be possible to send such a letter prior to July 26 when the CASAC plans to meet to discuss the policy assessment, it would be very helpful. If July 26 is too soon, the next critical date for submission of such a letter is August 16, the comment deadline for the Policy Assessment.

We would be happy to discuss this further with you or your staff to provide more information and background on the PM₁₀ NAAQS and its impact on agricultural and other resource-based operations. If you would like additional information or have questions, please do not hesitate to contact any one of our organizations at any time.

Sincerely,

Aggregates and Ready Mix Association of Minnesota
Agricultural Retailers Association
Agri-Mark, Inc.
Alabama Cattlemen’s Association
American Farm Bureau Federation
American Farmers & Ranchers
American Hereford Association

American Horse Council
American Sheep Industry Association
American Soybean Association
American Veal Association
Arizona Cattle Feeders Association
Arizona Cattle Growers Association
Ball Clay Producers Association
California Cattlemen's Association
California Construction Materials and Industrial Minerals Association
Colorado Livestock Association
Dairy Farmers of America
Dairy Lea Cooperative, Inc.
Florida Cattlemen's Association
Florida Forestry Association
Florida Thoroughbred Breeders' and Owners' Association
Georgia Cattlemen's Association
Georgia Construction Aggregates Association
Idaho Cattle Association
Idaho Farm Bureau Federation
Illinois Association of Aggregate Producers
Illinois Beef Association
Illinois Coal Association
Independent Cattlemen's Association of Texas
Indiana Beef Cattle Association
Industrial Minerals Association – North America
International Diatomite Producers Association
Iowa Cattlemen's Association
Iowa Limestone producers Association
Kansas Livestock Association
Kentucky Cattlemen's Association
Kentucky Crushed Stone Association
Maine Aggregate Association
Maryland Aggregate Association
Michigan Aggregates Association
Michigan Beef Industry Commission
Michigan Cattlemen's Association
Michigan Farmers Union
Minnesota Farmers Union
Mississippi Cattlemen's Association
Missouri Cattlemen's Association
Missouri Farmers Union
Missouri Limestone Producers Association
National Association of Wheat Growers
National Cattlemen's Beef Association
National Council of Farmer Cooperatives
National Farmers Union
National Industrial Sand Association

National Milk Producers Federation
National Mining Association
National Pork Producers Council
National Sorghum Producers
National Stone, Sand & Gravel Association
Nebraska Cattlemen, Inc.
Nebraska Farmers Union
New Jersey Concrete & Aggregate Association
New Mexico Cattle Growers Association
New Mexico Federal Lands Council
New Mexico Wool Growers, Inc.
New York Construction Materials Association
North Carolina Aggregates Association
North Carolina Cattlemen
North Dakota Stockmen's Association
Northeast Dairy Farmer Cooperative
Northwest Mining Association
Ohio Aggregates & Industrial Minerals Association
Oklahoma Aggregates Association
Oregon Cattlemen's Association
Pennsylvania Aggregate & Concrete Association
Pennsylvania Hereford Association
Public Lands Council
South Carolina Cattlemen's Association
South Dakota Cattlemen's Association
Southeastern Livestock Exposition
Southeastern Livestock Network
St. Albans Cooperative Creamery
Tennessee Road Builders Association
Texas and Southwestern Cattle Raisers Association
Texas Association of Dairywomen
Texas Cattle Feeders Association
United Egg Producers
Upstate-Niagara Cooperative, Inc.
Virginia Cattlemen's Association
Washington Cattle Feeders Association
Washington Cattlemen's Association
Western Business Roundtable
Wyoming Stock Growers Association