



NATIONAL STONE, SAND  
& GRAVEL ASSOCIATION

March 28, 2023

Re: Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (PM); EPA–HQ–OAR–2015–0072-1543; submitted via regulations.gov

The National Stone, Sand & Gravel Association (NSSGA) appreciates the opportunity to comment on the U.S. Environmental Protection Agency (EPA) reconsideration proposal for the National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). NSSGA is a member of both the Coarse Particulate Matter Coalition (CMPC) and the NAAQS Regulatory Review & Rulemaking (NR3) Coalition, and incorporates their comments by reference. NSSGA supports the proposal for retention of the current standard for PM10, but opposes the reduction of the PM2.5 standard.

NSSGA is the leading advocate for the aggregates industry, which produces the stone, sand and gravel (known as aggregates) needed for infrastructure and environmental improvements such as the purification of air and water. Our members take the natural materials from the ground, and size them to go into roads and important public works projects such as water delivery systems, flood control, wastewater treatment and air purification systems. Regulatory compliance costs can impact operational costs, particularly for small businesses. These, in turn, impact the costs of infrastructure projects, which are largely borne by the taxpayer. NSSGA members work diligently to comply with regulations, and often go beyond what is required to improve their communities and the environment, such as creating wildlife habitats, wetlands for banking, parks, and other public areas. NSSGA members rely on air permits to operate. When NSSGA members must spend more to comply with cumbersome regulations and red tape, it impacts the resources our members have available to perform these voluntary and environmentally beneficial projects. When aggregates operations must close or new operations are unable to open, this means that aggregates must be transported longer distances, which can negatively impact air quality.



### **The Current PM NAAQS Should Be Retained**

NSSGA supports EPA's proposal to retain the PM10 standard, and urges the administration not to reduce the current PM2.5 standard as proposed. NSSGA agrees with the proposal to retain the current primary PM10 NAAQS and the secondary NAAQS, as these provide the requisite protection of public health. The uncertainty associated with the health effects data for the PM2.5 standard does not warrant a reduction at this time.

### **The "Reconsideration" Process is Flawed and Unnecessary**

EPA has not provided evidence that its novel reconsideration of the 2020 NAAQS PM Standard is necessary. The reconsideration should include new evidence and the necessity of reaching a different conclusion from the 2020 Standard review process. This glaring omission renders any new rule arbitrary and capricious. Air quality continues to improve in the U.S., and these improvements will continue even if EPA were to abandon this reconsideration and allow existing standards to continue to be implemented.

### **Health Impact Data & Risk Estimates Do Not Support a Reduction**

The proposal does not justify the conclusion that the current PM2.5 NAAQS fails to protect public health with an adequate margin of safety. In 2020, the EPA Administrator weighed the important uncertainties and limitations in the epidemiological evidence in support of his conclusion that the current suite of standards remains requisite to protect the public health. The Proposed Rule acknowledges the continued existence of such uncertainties and limitations, and that these uncertainties include evidence of potential confounding of the PM2.5 mortality association by co-pollutants in some of the studies. In addition, it acknowledges the potential for exposure error and unexplained differences remaining in PM2.5 mortality relationships from city to city and from region to region. The scientific uncertainties are too great for the Administrator to have confidence that further reducing the level of PM2.5 in ambient air would reduce the risk to public health. There is no rationale for a reduction in the standard.

### **A Reduced PM2.5 Standard is Not Achievable**

Industrial PM2.5 sources are already highly controlled, and additional controls are unlikely to result in significant reductions. EPA's draft Regulatory Impact Analysis (RIA) is unable to identify how states will be able to attain a reduced standard.



Most of the country already faces insufficient headroom between the current PM<sub>2.5</sub> NAAQS and background concentrations. This hinders companies from obtaining permits for new or expanded facilities. A reduced NAAQS would increase problems and make business development increasingly difficult requiring businesses to address emissions from uncontrollable sources to obtain the necessary approvals for new, well-controlled projects. Aggregate operations, like many other businesses, create high paying jobs and revitalize areas; these face a real threat at a lower standard.

A NAAQS will produce health benefits only if it produces improvements in air quality. In EPA's recent proposal to disapprove California's PM<sub>2.5</sub> State Implementation Plan (SIP) for the San Joaquin Valley (an area currently classified as serious nonattainment for the current 12 µg/m<sup>3</sup> NAAQS) based in part on its conclusion that a plausible strategy has not been identified for achieving the necessary emission reductions. If an area cannot attain the current 12 µg/m<sup>3</sup> standard, how can it attain any health benefits that might result from a more stringent one?

The RIA notes challenges inhibiting compliance include local source-to-monitor impacts, cross-border transport, effects of complex terrain in the west and California, and wildfire influence. EPA effectively admits that the Reconsideration Proposal would create new potentially permanent nonattainment areas even beyond those that have struggled for decades to attain NAAQS.

### **A Reduction in the PM<sub>2.5</sub> Standard Imposes Significant New Burdens**

Any reduction in the current standard imposes significant new burdens on business and state and local governments. States continue to implement existing standards, and forcing another standard (in addition to the existing standards) is excessively burdensome. A reduction in the standard will dramatically increase the areas of the US falling into nonattainment – EPA estimates as much as half of the country could be impacted. Starting one year from the date of the nonattainment designation, federally supported highway and transit projects cannot proceed without a state demonstration that the project will not cause an increase in emissions. At a time of record funding for transportation infrastructure, a reduction in the standard could place many projects on hold or cause them to be canceled completely. This could increase congestion and negatively impact air quality in many areas. So, a reduction in the standard could result in increased PM emissions due to increased traffic congestion and requiring motorists to drive longer distances due to cancellation of a new bridge or expansion.



In addition to the above example, a decrease in the PM2.5 standard could increase emissions in other ways. Increasing the use of fabric filters and other controls requires additional energy usage, which increases emissions from increased energy production. Aggregate operations need to be close to the areas they are needed, often urban areas. The reduction in the PM2.5 standard could result in fewer new operations or expansions getting permits, and requiring aggregate to be transported longer distances resulting in increased emissions.

Once an area moves from nonattainment to attainment, many restrictions remain, which have lasting economic impacts. All of these potentially negative impacts of a reduced standard should be included in the reconsideration.

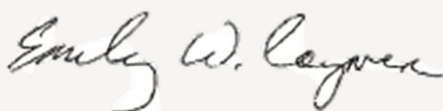
### **A Reduced PM2.5 Standard Would Have Broad Economic Consequences**

EPA projects the costs of this proposal could cost \$1.8 billion per year, and admits this may be an underestimate. EPA's draft RIA does not capture the uncertainty of public health benefits resulting from a more stringent NAAQS and understates the costs and economic impacts of such a revised standard. The Reconsideration Proposal continues EPA's trend of promulgating increasingly stringent NAAQS with a 60-day effective date without developing clear and timely plans for implementation of those NAAQS. This imbalance creates substantial permitting difficulties for American business and manufacturing, inhibits job growth, and needlessly adds administrative burdens for states.

### **Summary**

For the reasons stated above, EPA should retain all of the current PM NAAQS. Thank you for your consideration of these comments. I can be reached at (703) 526-1064 or at [ecoyner@nssga.org](mailto:ecoyner@nssga.org).

Sincerely,



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