



Environmental Council of the States

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March 28, 2023

U.S. Environmental Protection Agency
EPA Docket Center
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Via [Regulations.gov](https://www.regulations.gov) Docket ID No: EPA-HQ-OAR-2015-0072

Re: Review of the National Ambient Air Quality Standards for Particulate Matter

Dear Administrator Regan:

The Environmental Council of the States (ECOS) appreciates the opportunity to provide input and recommendations to the U.S. Environmental Protection Agency (EPA) in response to its proposed rule to reconsider the 2020 National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). ECOS is the national, non-partisan, non-profit association of state and territorial environmental agency leaders. Throughout our comments, the use of the word “states” is inclusive of states, territories, and the District of Columbia.

As co-regulators with EPA, states play a key role in implementing the NAAQS to reduce harmful pollutants and improve air quality in our communities across the nation. ECOS offers the following comments on the PM NAAQS reconsideration based on states’ decades of direct experience implementing environmental protection and air programs. These comments are intended to reflect areas of broad consensus among our member agencies, all of which face diverse challenges in reaching attainment goals under the NAAQS. The comments do not necessarily reflect the views of every state environmental protection agency. As such, ECOS asks EPA to carefully consider the comments of our individual member agencies, which are best positioned to speak to their own unique circumstances.

EPA’s last review of the PM NAAQS was completed in December 2020. In that review, EPA retained the primary (health-based) and secondary (welfare-based) NAAQS without revision. EPA is reconsidering the 2020 PM NAAQS final action because of its concerns that the current standards may not be adequate to protect public health and welfare, as required by the Clean Air Act (CAA).

ECOS appreciates EPA’s efforts to protect human health and the environment. In reconsidering these PM NAAQS, EPA should rely on current scientific information in conformance with the Clean Air Act.

States and EPA have worked together to significantly reduce ambient levels of PM and other pollutants, yet many areas remain in non-attainment. ECOS notes and EPA has acknowledged that lowering the PM NAAQS will increase the number of areas in non-attainment. This highlights the importance of focusing on the resources, guidance, and coordination that will be necessary to successfully implement a revised final standard.

To this end, ECOS underscores the critical need for resources and appropriate flexibility to meet the anticipated increase in demand for monitoring air quality, developing implementation plans, permitting, and compliance. ECOS asks EPA to seek increased Categorical Grants for state and local implementation programs through the annual President’s budget requests. In exercising state and local authority to determine the best way to achieve national standards in their respective states, ECOS members seek

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collaboration and a strategic deployment of resources across all levels of government. Without appropriate flexibility and a coherent answer to the resource issue, state agencies will struggle to implement a revised PM NAAQS along with other EPA mandates.

ECOS also requests that EPA expeditiously develop and issue implementation guidance in conjunction with the final PM NAAQS, or as soon as possible thereafter. In particular, this implementation guidance should address how states can readily adjust their approach to managing areas with new non-attainment designations following final action on any revised PM standards. Each state has an obligation to design a State Implementation Plan (SIP) that puts the state on a path to timely attainment for PM and other criteria pollutants. An expedited release of PM NAAQS implementation guidance will provide states with critical time for planning attainment strategies and developing SIPs that are protective of human health and feasible to implement.

ECOS asks EPA to work cooperatively with states to address situations in which state compliance with the PM NAAQS may be impacted by sources outside the state's control. EPA should collaborate with states to assess the performance of the Exceptional Events Rule and consider improvements to the exceptional events demonstration process to make it less resource intensive. The Agency should better integrate the increased frequency of exceptional events into NAAQS implementation, attainment planning, and SIP development. Current rules and processes for exceptional events demonstrations should be streamlined and updated to better account for the increased frequency of wildfires, the need to reduce fuel load through prescribed burns, and other events that trigger short-term PM exceedances and non-attainment.

ECOS also calls on EPA to address transported air pollution. In particular, ECOS asks EPA to account for situations where state compliance with the PM NAAQS may be hindered by the international transport of emissions. States near international boundaries often struggle to develop and implement SIPs that can make up for international contributions to the ambient concentration of PM. ECOS urges EPA to address cross-border air pollution specifically, and international pollution in general, that is driving the background levels of air pollution thus putting attainment demonstrations out of reach in impacted areas. Section 115 of the CAA has been rarely used but provides specific authority for EPA to address international transport.

With respect to PM monitoring, ECOS asks EPA to consider insights from state agencies about the need to address meaningful differences observed in the data collected from collocated federal reference monitors (FRMs) and federal equivalent monitors (FEMs). As appropriate, EPA should be flexible in allowing the use of correction factors developed by states with collocated FRMs and FEMs and continue to work with equipment manufacturers to improve the data comparability between the FRMs and FEMs.

Finally, ECOS encourages EPA to address emissions from federally-regulated sources that contribute to ambient concentrations of PM. These include mobile sources such as locomotives, ocean-going vessels, aircraft, trucks, and light duty vehicles. ECOS also asks EPA to work cooperatively with other federal agencies to reduce PM contributions from federal fleet vehicles and other direct source contributors.

ECOS appreciates the opportunity to share input with EPA on this important rulemaking process. Thank you for your consideration of our comments.

Sincerely,

A handwritten signature in black ink, appearing to read "Ben Grumbles". The signature is fluid and cursive, with the first letters of the first and last names being capitalized and prominent.

Ben Grumbles
ECOS Executive Director