

TESTIMONY OF JOSEPH OTIS MINOTT  
EXECUTIVE DIRECTOR OF CLEAN AIR COUNCIL  
AND FATHER OF AN ASTHMATIC SON—ON THE  
US EPA’S PROPOSED REVISIONS OF THE  
NATIONAL AMBIENT AIR QUALITY STANDARDS  
FOR PARTICULATES.

Docket ID: EPA-HQ-OAR-201-0017

My name is Joseph Otis Minott. I am an attorney, an environmentalist, a soccer coach and a community activist. I am the Executive Director of Clean Air Council which represents over 7,000 members in Pennsylvania and Delaware.

Even though I have never smoked cigarettes, I suffer from lung disease. I have sarcoidosis.

My most important role is as a father. My son Christopher is an active 16 year-old. He loves to play soccer and to pole vault. He is also an asthmatic. I do not know how many of you in this room have had to deal with a child that has needed to be rushed to the hospital because he cannot breathe—or even a child that needs to skip a soccer game because the air pollution is making

him wheeze. If you have an asthmatic member of your family, you will understand the passion of my testimony.

The Clean Air Act mandates that the EPA set National Ambient Air Quality Standards (NAAQS) that will protect Christopher's health **with an adequate margin of safety**. EPA's new proposal fails in that obligation. EPA's own Clean Air Scientific Advisory Committee (Advisory Committee) concluded that existing science warrants more protective standards than those now being proposed by the EPA. The EPA's Children's Health Protection Advisory Committee (Children's Advisory Committee) also concluded that EPA's proposed NAAQS for particulates are not adequate to protect public health. Indeed, the Children's Advisory Committee states in a letter to EPA Administrator Johnson that it: "...is especially concerned that it appears that the health of children was neither adequately nor explicitly considered in determining the proposed standard..."

This is simply not acceptable!

What EPA appears to be proposing is a standard that promotes public health so long as it does not require pollution sources to do very much in the way of reductions. That is a political decision—not a health standard.

Clean Air Council makes the following recommendations based on its belief that such recommendations are required both by sound science and the Clean Air Act:

### **EPA must tighten its proposed standards:**

The science is clear. Numerous scientific studies have demonstrated that particulate pollution at the levels being proposed by the EPA can cause serious health problems. At a minimum EPA should follow its own experts' advice and set an annual fine particulate standard not higher than 12 micrograms per cubic meter and a daily standard of no higher than 25 micrograms per cubic meter, using the 99<sup>th</sup> percentile as a measure of compliance.

### **EPA must follow an open process in establishing the NAAQS for particulates:**

I would assume that if EPA chooses to ignore the recommendations of its own Scientific Advisory Committee, it would place in the public record the scientific basis that would justify its rejection of the recommendations of its Advisory Committee and that that the public record would reflect how EPA came to its decision that the health standard should be less protective than that suggested by the Advisory Committee. In fact, the record is quiet on this issue. There is NOTHING in the record that would justify ignoring the recommendation of the Advisory Committee.

Furthermore, the Council believes that EPA must submit ANY studies upon which it relies to establish the

NAAQS for review by its Advisory Committee. Otherwise its decision making, I believe, violates the law.

**EPA should not exempt rural areas:**

I have been an environmental attorney for many years and I am very familiar with the requirements of the Clean Air Act. I cannot remember any other instance where the EPA has proposed denying US citizens the protections of the NAAQS simply because of the number of people in their community. This action runs counter to very nature of a NATIONAL health standard. Limiting protection from the harmful effects of coarse particulates solely to residents of urban areas is not supported by the science or EPA's record. Every American deserves the same level of protection.

**EPA should not provide an exemption for the agriculture and mining industries.**

There is nothing in the record that would justify EPA's proposed categorical exemption of agricultural and mining sources of coarse particulate matter from the proposed standard. Is EPA arguing that the science clearly establishes that there is no basis for regulating emissions from such sources? The Council does not believe that the record justifies exempting either agricultural or the mining industries.

**EPA should keep the present PM10 standard until the new coarse particulate standard is truly being implemented:**

While the Council supports EPA's decision to adopt a new coarse particulate health standard, the Council urges EPA to maintain the existing PM10 standard until the new coarse standard is being implemented.

What I hope is that EPA truly listens to what the health experts and worried parents such as myself are saying. Please follow the law. Adopt a health standard for both fine and coarse particulate that will truly protect Christopher's health.

Thank you for taking time to listen to my comments. The Council reserves the right to submit additional comments at a later date.