

**Testimony of Janice E. Nolen
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**On EPA's Proposals for the
National Ambient Air Quality Standards for Nitrogen Dioxide**

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My name is Janice Nolen, and I'm assistant vice president of national policy and advocacy for the American Lung Association. I appreciate the opportunity to share more of the Lung Association's comments on this standard.

Nitrogen dioxide is one of the six air pollutants that Congress included by name in the Clean Air Act—a recognition that this is one of the most widespread and dangerous. We've treated it for most of the last few decades in its supporting role in forming ozone and particulate matter. Now, nitrogen dioxide moves to center stage as we recognize again that it is a threat by itself, and deserves more respect.

Since 1971, the U.S. has had one standard for this pollutant: an annual average concentration of 53 parts per billion. The Lung Association is pleased that EPA has now proposed a second standard to protect against shorter, peak exposures—a standard that would limit one-hour episodes.

This important addition moves us in the right direction. We need both an annual and a short-term standard. However, we believe that EPA is underestimating what is needed to protect the health of the public.

The American Lung Association recommends EPA adopt a one-hour standard of not more than 50 parts per billion set at the 99th percentile and a stronger annual standard similar to the level that California adopted, 30

parts per billion. Stronger standards are essential to provide the protection that the Clean Air Act requires.

The meta-analysis of clinical studies provides clear evidence of harm for adults with mild asthma breathing NO₂ at levels within the proposed range. To protect against harm to these adults, much less to children, seniors or anyone with more severe asthma or other lung disease, requires a much lower acceptable level. EPA must take this opportunity to safeguard them now.

EPA may be making the assumption that the one-hour standard represents the peak traffic exposures. If so, we disagree. Traffic in far too many cities has grown into a constant stream. Thanks to the “just in time” business model, industry now depends on 18-wheelers as their rolling warehouses. Commuters in this region spend up to four hours each way on the highway. Peaks don’t happen under those circumstances—just heavy loads hour after hour, day after day.

We are especially concerned about the people who live near or work on or near major highways, railroads and ports. Daily, they breathe the exhaust from cars, trucks, buses, and heavy equipment. Research tells us that the air they breathe consistently includes higher levels of nitrogen dioxide than in other parts of our communities.

Neighborhoods near busy highways tend to be home to those who have lower incomes or are minority racial or ethnic groups, often because the highways were built through established communities. Often these individuals face higher risk of lung disease and other chronic diseases. Millions are children and teens or are elderly. EPA estimates that 36 million people live near our nation’s highways, ports and railroads.

We applaud EPA's proposal to expand the nationwide monitoring system which would allow us, for the first time, to accurately and regularly measure nitrogen dioxide near a major highway in each metropolitan area. Those monitors will let us better estimate how much NO₂ is really in the air that those 36 million people breathe.

We hope that this is the beginning of what is truly needed—a comprehensive transportation monitoring network for the other pollutants, including particulate matter. With these monitors, we can move ahead to identify the areas with the greatest problems and ensure the steps we take solve those problems. We disagree with the proposal that would trade off these monitors in return for setting the standard at a more protective level. We need much tighter standards. We need the monitoring network. We need EPA to take both steps to protect the health of those most at risk.

My late grandmother was one of those "at-risk" people. She lived for years in public housing near a section of south Nashville where I-40 and I-65 flow together. Her front door opened onto a scenic view of six lanes of cars, buses, trucks and motorcycles, hour after hour, day after day. She died in the 1980s, but her unit still stands, still home to a family.

As I travel in the District of Columbia and along I-95 through Baltimore, or ride Amtrak through Wilmington, Philadelphia, Newark and New York, I see hundreds of homes, sitting similarly, front doors and windows facing the steady stream of gasoline and diesel engines. I know something of what they are breathing every day. Each time I pass, I swear to work to get them air to breathe that does not make them sick and does not threaten their lives. That is the commitment of the American Lung Association. We have worked with the EPA to do this for years. We welcome the renewed opportunity to continue that partnership.

Thank you.