

November 12, 2021

The Honorable Michael Regan
Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

RE: Draft EPA Strategic Plan, Docket ID EPA-HQ-OA-2021-0403

Dear Administrator Regan:

Thank you for the opportunity to submit comments on the U.S. Environmental Protection Agency (EPA) Strategic Plan for Fiscal Years 2022-2026.

Our organizations are dedicated to improving health nationwide. Above all, we urge you to prioritize human health at the center of EPA's actions in this plan. We view addressing and improving health outcomes for historically underserved individuals and overburdened communities as central to attaining environmental justice. We strongly support the inclusion of addressing climate and advancing environmental justice and civil rights as new strategic goals for the agency, and for their inclusion in the other strategic goals as well.

We appreciate the engagement EPA has already undertaken to draft this plan, including deliberate outreach to health organizations while this draft was being written. We look forward to continuing engagement as the agency crafts the final strategic plan. We offer comments below on Strategic Goals and Objectives 1 through 4 and Cross Agency Strategy 1, as well as a note about an item in the Draft Learning Agenda.

Goal 1: Tackle the Climate Crisis

Objective 1.1: Reduce Emissions that Cause Climate Change

Our organizations place a high priority on the regulatory actions that EPA focused on in this section, including stronger greenhouse gas emissions standards for light, medium and heavy-duty trucks; additional multi-pollutant truck standards; and greenhouse gas limits for new and existing power plants and oil and gas facilities. We have and will continue to engage around the rulemaking process for each of these actions. As a general principle, we ask that EPA seek to maximize co-benefits when setting greenhouse gas standards. Our organizations see climate change as a health emergency, but also a health opportunity. By slashing greenhouse gas emissions from the transportation and power sectors and the natural gas industry, the nation can provide immediate health benefits by cutting harmful air pollutants at the same time. Writing regulations that achieve the best possible overall pollutant reductions, with a particular eye toward ensuring reductions in overburdened communities, will ensure the agency does not miss opportunities to improve health and advance environmental justice as it addresses climate change. Further, we urge EPA to minimize or eliminate compliance loopholes in greenhouse gas standards that lead to health harms that could have been avoided.

Of course, timing is key. We appreciate that the timeline of this strategic plan goes through 2026, however, EPA must set a more aggressive deadline and complete this work by 2024. As we have shared with the Agency in comments and letters, time is of the essence when it comes to staving off the worst

impacts of climate change and addressing the health impacts of harmful air pollutants. We urge the agency to follow through on its commitment to finalize near-term greenhouse gas emissions standards for light-duty vehicles by 2022 and complete the next round no later than 2023. and for medium- and heavy-duty vehicles by 2023, and to finalize methane limits for new and existing oil and gas sector sources by 2022. Multi-pollutant standards for heavy-duty vehicles must be adopted in 2022 and must significantly reduce greenhouse gases, accelerate zero-emission technologies and align with the stringency, durability and in-use performance standards set by the California Low-NOx Truck Omnibus rule for 2027, to ensure states can meet their Clean Air Act obligations to reduce ozone pollution. And we encourage EPA to craft power plant greenhouse gas standards now, without delay. Further, we urge the EPA to formally withdraw the glider truck proposed rule.

We appreciate EPA's particular focus on phasing out the use of HFCs. As we noted in separate comments to the Agency, we support maintaining a carve-out for metered dose inhalers to ensure that the millions of Americans who rely on inhalers to manage and treat lung diseases continue to have access to them. We also urge EPA to consider policies that support industry development of HFC alternatives with lower global warming potential, including through cross-agency collaboration. We see a potential opportunity for the Agency to help ensure that no lung disease treatments contribute to climate change and its health harms.

We also appreciate EPA's work to reduce black carbon through cleaner cookstoves, and urge the Agency to ensure its work to enforce the current New Source Performance Standards for wood heaters is prioritized. We are troubled by the report from Northeast States for Coordinated Air Use Management that assessed EPA's program to ensure that new stoves and heaters meet these standards and found "a systemic failure of the entire certification process."¹ The Agency must urgently prioritize enforcement to ensure that wood heaters on the market are truly as clean as the law requires under real-world conditions. Otherwise, dangerously polluting stoves could continue to be sold as "clean" and operate for decades.

Objective 1.2: Accelerate Resilience and Adaptation to Climate Change Impacts

We appreciate EPA's commitment to providing state, territorial, Tribal and local assistance with preparing for and responding to the impacts of climate change. Our organizations place a high priority on ensuring communities have the resources they need to adapt to the health impacts of climate change, from the lung health impacts of increased wildfire smoke to heat-related illness to increases in vector-borne diseases. We urge EPA to specifically work with the U.S. Department of Health and Human Services to understand, educate about and address the health impacts of climate change.

Goal 2: Take Decisive Action to Advance Environmental Justice and Civil Rights

Objective 2.1: Promote Environmental Justice and Civil Rights at the Federal, Tribal, State, and Local Levels

We appreciate EPA's central commitment to further environmental justice, and its goal of ensuring that communities with environmental justice concerns have capacity-building resources to engage in EPA processes. We have appreciated the proactive engagement with communities affected by oil and gas

¹ "Assessment of EPA's Residential Wood Heater Certification Program."

<https://www.nescaum.org/documents/nescaum-review-of-epa-rwh-nsps-certification-program-rev-3-30-21.pdf/>

operations, for example, including informational resources on how to engage. Ensuring EPA public engagement and comment process are widely accessible is critical. This includes plain language, up-to-date information available on EPA's website, both on current actions under consideration and on issues for public education.

We encourage EPA to make an even stronger commitment to Justice40. While Executive Order 14008's Justice40 mandate calls for at least 40 percent of the overall benefits from certain federal investments to underserved communities, we urge EPA to ensure that 40 percent of investments themselves are made in underserved communities, and that health and other benefits occur in those communities.

Objective 2.2: Embed Environmental Justice and Civil Rights into EPA's Programs, Policies, and Activities

We deeply appreciate EPA's commitment to deliver measurable public health improvements in overburdened and underserved communities. As the Agency knows well, environmental monitoring is among the services not delivered to underserved communities at the level needed. We urge the Agency to continue honing its tools and procedures for using them to best ensure that no community falls through the cracks for lack of monitoring, and to share its guidance and expertise widely across the federal government and sub-national governments.

Goal 3: Enforce Environmental Laws and Ensure Compliance

Objective 3.1: Hold Environmental Violators and Responsible Parties Accountable

We appreciate the recognition that timely enforcement is critical to achieving the Agency's environmental justice goals. We did note that among the external factors and emerging issues identified was the concern raised by environmental justice advocates that polluting facilities in their communities are permitted for this pollution, limiting the extent to which EPA can address these emissions through enforcement. We urge EPA to explore regulatory actions that can reduce these emissions. Simply put, if current EPA rules allow the permitting of facilities that place an unlivable burden on nearby communities, they are likely too weak.

Goal 4: Ensure Clean and Healthy Air for All Communities

Objective 4.1: Improve Air Quality and Reduce Localized Pollution and Health Impacts

We appreciate the focus on the disproportionate impacts of harmful air pollution. The American Lung Associations' "State of the Air" 2021 report found that people of color are 61% more likely to live with unhealthy levels of ozone or particulate matter than white people and are three times more likely to live with air that is unhealthy across all three categories measured in the report.

We urge the Agency to view air quality regulatory actions as climate actions and vice versa. The actions outlined above to reduce greenhouse gases from power plants, light-, medium- and heavy-duty vehicles and the oil and gas sector are key clean air opportunities, and EPA must maximize their air quality benefits. By the same token, standards traditionally thought of as air pollution-related also have the potential to further address climate change. It is imperative that EPA both establish the most stringent regulations possible, and ensure in-use compliance with emissions regulations are achieved through stricter certification requirements, and robust enforcement. Ensuring the projected benefits of adopted rules is needed to ensure real-world emission reductions support clean, healthy air for all.

In particular, our organizations view the National Ambient Air Quality Standards (NAAQS) as key to protecting health, addressing climate change and improving environmental justice. Strong, updated standards for ozone and particulate matter that accurately reflect the current science are critical to driving cleanup of polluting sources, including in overburdened communities. We reiterate our call for more a more protective PM_{2.5} and Ozone standards. EPA must issue its proposed rulemaking by Summer 2022 and complete the reconsideration of the PM NAAQS no later than Spring 2023. For ozone, we urge EPA to publicly commit to issuing its proposed rulemaking no later than March 2023 and finalize the reconsideration no later than December 2023. We also encourage the agency to review the nitrogen oxides standards, which are also not as strong as current science requires, as a further opportunity to reduce health harms and reduce emissions.

Our organizations strongly support EPA's stated plan to revisit aspects of the Mercury and Air Toxics Standards for power plants. We note that the President called for this proposal to be issued as soon as possible but it appears to be languishing at the Office of Management and Budget. We urge the EPA to issue the proposal now and finalize no later than May 2022. We also urge EPA to complete a residual risk and technology review to strengthen the MATS. Stronger standards would provide additional pollution reductions that will advance health equity. We urge the agency to strengthen them and appreciate EPA's commitment in the draft strategic plan to consider multipollutant impacts in their development.

In addition to EPA's work to drive a nationwide transition to zero-emission transportation, we also urge the agency to ensure similar cleanup for non-road engines, including more stringent certification and in-use performance requirements for marine engines, locomotives, aircraft, generators, and small off-road equipment such as lawnmowers and leaf-blowers. These engines drive a significant share of harmful emissions, and local health risk, and can't be ignored as the nation addresses climate change and air pollution. As with on-road engines concentrated in lower-income communities and communities of color, these non-road sources of emissions generate significant pollution and disparities in exposure to toxic air contaminants. In particular, combustion engines in working harbors, ports, railyards and rail maintenance yards, and other pollution hotspots pose significant, local cancer risk and contribute to regional air pollution burdens. For example, EPA is long overdue to respond to the 2017 California Air Resources Board petition calling for EPA to establish more stringent standards for locomotives.² EPA must act to support clean air attainment in California and to protect the health of communities affected by rail emissions throughout the United States, including through more stringent standards and for zero-emission locomotive technologies. Given the urgent need to address these sources, especially in regions facing non-attainment deadlines, we urge EPA to prioritize these actions for completion by 2023. Further, we urge EPA to maximize the deployment of zero emission electric school buses to protect the health of children.

Finally, we appreciate EPA's plan to assess the nation's air quality monitoring network and also EPA's recent efforts to award air quality monitoring grants. Unfortunately, the state of the network is in urgent need of investment. A GAO [report](#) found that states and localities lack the resources to maintain existing monitors and incorporate current technology, leading to air quality problems that go undetected. Air quality managers, researchers and the public need additional information to better address the health risks of air pollution. We urge EPA to prioritize improving the system nationwide, and

² California Air Resources Board. Petition for Rulemaking: Seeking the Amendment of the Locomotive Emission Standards. 2017. <https://ww2.arb.ca.gov/resources/documents/petition-rulemaking-seeking-amendment-locomotive-emission-standards>

look to the agency to continue exploring ways to incorporate NASA satellite data and low-cost sensor data into its work – but not at the expense of regulatory monitors.

Objective 4.2: Reduce Exposure to Radiation and Improve Indoor Air

Indoor air quality in homes, schools and workplaces is a significant factor in the overall health and well-being of the population. We appreciate that EPA has been a leader in recognizing and raising public awareness of the health risks of poor indoor air quality for decades. Unfortunately, there is a mismatch between the level of risk and the level of agency investment. EPA's small, mostly voluntary radiation and indoor air programs are hampered by a lack of ongoing research, regulation and funding.

Many of the foundational statistics about exposure and risk from radon and indoor air were derived from EPA research in the 1980s and 1990s and are still in use today. A prime example of this is the 21,000 lung cancer deaths from radon, which was published in the BIER VI report in 1999. We believe that continuing to rely on these outdated statistics weakens the credibility of the agency and undermines its ability to do strategic planning. We would strongly encourage the addition of a strategy focused on increased investment in research to support program goals.

There are significant inequities in exposure and risk from radon and Indoor air in homes, schools and workplaces. We appreciate that some EPA programs, notably asthma, are targeted to under-represented groups. However, the lack of funding mechanisms to pay for radon and indoor air mitigations is an ongoing problem – one that would be well-suited for review through the lens of Justice 40.

The long-term performance goal for this objective should be in alignment with the more ambitious goal of the soon-to-be released *National Radon Action Plan 2021-2025*. The Plan is not yet been finalized and signed off on by EPA leadership, so the goal may change, but it is currently to prevent an average of 3,500 lung cancer deaths per year.

Cross-Agency Strategy 1: Ensure Scientific Integrity and Science-Based Decision Making

Our organizations appreciate EPA's commitment to ensuring sound science is at the heart of agency decision-making. The use of science at EPA is a top priority for us because it is integral to EPA's work to protect health. We strongly support the continued use of seminal air pollution studies that depend on data that cannot legally be made public. The current system for scientific studies ensures these studies are well-vetted: first, in their peer review and publicization by recognized journals, and second, in EPA's review. EPA must continue to ensure that sound, peer-reviewed scientific literature is not excluded from decision-making because its underlying data cannot be made public, often for purposes of study participant confidentiality. We also appreciate the Agency's plan to make scientific information available to the public in plain language, and urge EPA to continue to communicate about why current processes ensure sound, transparent science underlies policymaking.

Our organizations appreciate EPA's commitment to assessing risks to vulnerable life stages, and urge the Agency to continue ensuring that Agency policy protects health for children, pregnant people and other populations at greater risk, including people with lung and heart disease and other chronic conditions.

Finally, we urge the Agency to be innovative and aggressive in making EPA operations pollution-free. We urge EPA to serve as a model for how organizations public and private can slash their operations'

contributions to air pollution and climate change. We ask the Agency to go beyond traditional sustainability tactics like recycling and to take into account the need to minimize electricity usage as it moves operations from paper to digital.

Draft Learning Agenda

Our organizations were intrigued to see EPA's draft learning priority on air pollution benefits. We are eager to learn how our organizations can engage with the Agency on assessing the benefits of reducing air pollution.

Conclusion

Our organizations are committed to continuing to engage with the Agency and working more broadly to address the climate crisis, ensure the real-world cleanup of harmful air pollution, advance health equity and environmental justice. We look forward to ensuring EPA's actions place health at the forefront.

Sincerely,

- Allergy & Asthma Network
- Alliance of Nurses for Healthy Environments
- American Lung Association
- American Public Health Association
- American Thoracic Society
- Asthma and Allergy Foundation of America
- Health Care Without Harm
- Medical Society Consortium on Climate and Health*
- National Association of Pediatric Nurse Practitioners
- National League for Nursing

*The views of the Consortium do not necessarily represent the views of every member.