

Oral Statement of Nick Goldstein
Before the Environmental Protection Agency
Clean Air Scientific Advisory Committee
Public Teleconference of the Particulate Matter Review Panel
August 25, 2010

Chairman Samet and members of the Clean Air Scientific Advisory Committee, I am Nick Goldstein, Assistant General Counsel for the American Road and Transportation Builders Association (ARTBA).

ARTBA represents more than 5,000 members nationwide, involved in all sectors of the U.S. transportation design and construction industry. I would like to begin my statement by thanking the Committee for the opportunity to speak at today's teleconference of the Particulate Matter (PM) Review Panel.

The purpose of reviewing the National Ambient Air Quality Standards (NAAQS) for PM is "to 'bridge the gap' between the scientific information and the judgments required of the [EPA] Administrator in determining whether it is appropriate to retain or revise the [PM] standards." It is with this stated purpose in mind that ARTBA urges the EPA not to embark on any course of action which would result in a tightening of the current PM NAAQS.

In reviewing the PM NAAQS, EPA must be cognizant of the impact more stringent PM standards would have on other federal initiatives. Nearly 36,000 people die on U.S. highways each year and many federally-funded highway improvements are designed specifically to address safety issues. As such, imposing new PM standards that lead to highway improvements being denied could be counterproductive to improving public health.

When considering the PM NAAQS, and any possible changes, it is important to note the EPA's own reports have indicated an overall decline in air pollution. As EPA recently stated, "between 1980 and 2008, gross domestic product increased 126 percent, energy consumption increased 29 percent, and U.S. population grew by 34 percent. During the same time period, total emissions of the six principal air pollutants dropped by 54 percent."

In addition, the transportation sector has been doing its share in helping to achieve reductions in overall PM levels. Specifically, the Federal Highway Administration (FHWA) has documented a 50 percent reduction in PM emissions from motor vehicle travel since 1970, despite an increase of 112 percent in the number of vehicles and 157 percent increase in the amount of vehicle miles travelled in the same time period.

Any tightening of the PM NAAQS by the EPA would greatly increase the stringency of PM regulation at a time when existing standards are already resulting in noticeable progress. New requirements open the door to possible litigation and sanctions potentially resulting in the loss of federal funding for transportation improvement projects. This would be self-defeating, as the federally-funded highway projects underway in these and other counties are a driving force behind the dramatic reductions in PM and other pollutants which are already taking place.

Furthermore, existing projects deemed to be in compliance with the Clean Air Act when first undertaken could be thrown out of compliance once new standards are approved, exposing them to costly and time consuming litigation.

In conclusion, ARTBA urges the Committee to take notice of the current progress that has been and will be made in cutting the overall levels of PM before approaching public policy decisions which would result in further regulation. Additional regulation at this point is akin to “moving the goalposts” and would run the risk of diluting current compliance efforts and should not be pursued.

As such, ARTBA strongly feels any recommendations to tighten PM standards ignore the public health and welfare of those citizens in areas where transportation improvement projects will be placed at risk. ARTBA remains committed to helping to achieve a cleaner environment through the continuation of proven technological and regulatory efforts.