

August 16, 2010

Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Avenue
Washington, D.C. 20460
Attn: Docket ID No. OAR-2007-0492

Re: Release of Second Draft Document Related to the Review of the National Ambient Air Quality Standards for Particulate Matter, Docket ID No. OAR-2010-0492

On behalf of the 5,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the U.S. Environmental Protection Agency's (EPA) "Release of Second Draft Document Related to the Review of the National Ambient Air Quality Standards for Particulate Matter," published in the July 8 *Federal Register*.

ARTBA's membership includes public agencies and private firms and organizations that own, plan, design, supply and construct transportation projects throughout the country. Our industry generates more than \$200 billion annually in U.S. economic activity and sustains more than 2.2 million American jobs.

ARTBA members undertake a variety of activities that could be directly impacted by any alterations to the current National Ambient Air Quality Standards (NAAQS) for Particulate Matter (PM). ARTBA's public sector members adopt, approve or fund transportation plans, programs or projects under Title 23 U.S.C. and Title 49 U.S.C. ARTBA's private sector members rely heavily on contracts funded under these titles to plan, design, construct and provide supplies for transportation improvement projects. This document represents the collective view of our member companies and organizations.

According to the July 8 *Federal Register* Notice, the purpose of the Staff Paper 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.

The stated goal of the PM NAAQS is in part to improve public health. This is a commendable objective and one shared by ARTBA. EPA, however, 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 mobile sector air pollution. As EPA recently stated, "between 1980 and 2008, gross domestic product increased 126 percent, vehicle miles traveled increased 91 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." Specifically, EPA has acknowledged a decline in PM_{2.5} emissions of 39 percent and a decline in PM₁₀ emissions since 1990.

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.

Today's average motor vehicle produces 80 to 90 percent less emissions than it did in 1967. The transportation sector is continuing to take steps, independent of the NAAQS, to build on this success by further reducing all forms of air pollution, including particulate matter. As better motor vehicle and fuel technologies develop, vehicle emissions will continue to go down with increased automobile usage.

Illustrating this point, major automobile manufacturers announced in 2005 a new generation of vehicles that are 99 percent cleaner than vehicles produced 30 years ago. This reduction in emissions comes from a four-part strategy that includes cleaning up the fuel as it goes into the vehicle, burning the fuel more precisely in the engine, removing undesirable emissions with a catalyst, and monitoring all of these systems to ensure minimal emission levels. As these and other new technologies are integrated into both on and off road vehicles, emissions levels in all areas (including PM) should continue to decline.

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. Counties forced out of compliance by stricter PM standards would face the prospect of having federal highway funds put in jeopardy. 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.

Currently counties are focusing on addressing existing PM standards and any further changes to the standards will undermine these efforts. Counties need some sense of predictability in order to develop long-range transportation plans to achieve PM reduction. Adding a new layer of requirements on top of existing standards that have not been fully implemented complicates these efforts. Furthermore, new requirements open the door to possible litigation and sanctions potentially resulting in the loss of federal funding for transportation improvement projects. Specifically, 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.

During this same time period as the aforementioned increases in overall vehicles, VMT and population, the number of lane miles in the United States has only increased by six percent. The

nation's road system is not keeping up with an ever growing congestion problem. Jeopardizing highway funding for these areas through tightening the PM NAAQS would exacerbate this problem by imposing new obstacles for needed transportation improvements that can cut both harmful emissions and billions of dollars in wasted motor fuel caused by traffic congestion.

Rather than face the prospect of transitioning to newer standards, state and local entities instead must be given the time and flexibility needed to implement already existing PM standards. It would be more appropriate for the EPA to focus on helping counties meet existing standards and avoid tightening the PM NAAQS, forcing many more counties out of compliance with federal Clean Air Act requirements.

In conclusion, ARTBA urges EPA to take notice of the current progress that has been made in cutting the overall levels of particulate matter 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. Current, programs which are reducing PM must be given a chance to be implemented before new standards or initiatives are considered.

As such, ARTBA strongly feels recent 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.

Sincerely,

A handwritten signature in black ink, reading "T. Peter Ruane". The signature is fluid and cursive, with the first letter of "T" being large and prominent.

T. Peter Ruane
President & C.E.O