



SCIENCE ADVISORY BOARD

A Federal Advisory Committee to the U.S. Environmental Protection Agency

April 17, 2024

EPA-SAB-24-008

The Honorable Michael S. Regan
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Subject: Science Advisory Board (SAB) Consideration of Eight Planned
Regulatory Actions Listed on EPA's 2023 Fall Regulatory Agenda
Discussed During the Chartered SAB Meeting on February 29, 2024

Dear Administrator Regan,

The Environmental Protection Agency's (EPA) Science Advisory Board (SAB) held a public meeting on February 29, 2024, to assess whether to review the adequacy of the science supporting eight EPA planned regulatory actions made available by the Agency as required by statute.

The Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) requires the EPA to make available to the SAB proposed criteria documents, standards, limitations, and relevant supporting scientific and technical information when provided to any other federal agency for formal review and comment. The SAB may, within the time specified by the Administrator, make available advice and comments on the adequacy of the scientific and technical basis of the proposed actions. To fulfill ERDDAA requirements, the Associate Administrator for the Office of Policy, the Deputy Assistant Administrator for Science Policy in the Office of Research and Development, and the Director of the Science Advisory Board Staff Office on February 28, 2022, clarified the process for Review of Science Supporting EPA Decisions. Under this process, the SAB Work Group for the Review of Science Supporting EPA Decisions holds monthly meetings to examine planned actions sent to the SAB Office.

On December 14, 2023, and January 25, 2024, the SAB Work Group for the Review of Science Supporting EPA Decisions met to examine EPA planned actions (including regulatory actions that the EPA had sent to the Office of Management and Budget for review) to determine whether to recommend SAB review of the science supporting these actions. The Work Group found that the

seven of the planned actions examined did not merit SAB review and also noted that the SAB on June 23, 2023, decided to review the science supporting one of the previous planned actions.¹

The chartered SAB met on February 29, 2024, and discussed the Work Group findings and recommendations. During the meeting, the SAB agreed that the following seven planned actions do not merit further review (a summary of the SAB findings regarding these seven actions is provided in Table 1).

1. Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Voluntary Remand Response and 5-year Review ([RIN 2060-AO18](#))
2. Supplemental Air Plan Actions: Interstate Transport of Air Pollution for the 2015 8-hour Ozone National Ambient Air Quality Standards and Supplemental Federal “Good Neighbor Plan” Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards ([RIN 2060-AW09](#))
3. National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Amendments ([RIN 2060-AV59](#))
4. Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems ([RIN 2060-AW02](#))
5. N-Methylpyrrolidone (NMP); Regulation under the Toxic Substances Control Act (TSCA) ([RIN 2070-AK85](#))
6. 1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA) ([RIN 2070-AK73](#))
7. Clean Water Act Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category ([RIN 2040-AG22](#))

The SAB also noted that at a previous meeting held on June 23, 2023, it decided to review the science supporting the proposed rule listed below. At its February 29th meeting, the SAB discussed and voted to approve a draft report on the science supporting this rule.

¹ Recommendations of the SAB Work Group for Review of Science Supporting EPA Decisions Regarding Planned EPA Regulatory Actions [Memorandum], February 2, 2024. Available at: https://sab.epa.gov/ords/sab/r/sab_apex/sab/meeting?p19_id=1013&clear=19&session=6922908510532#materials

- New Source Performance Standards for Greenhouse Gas Emissions from New, Modified, and Reconstructed Fossil Fuel-Fired Electric Generating Units; Emission Guidelines for Greenhouse Gas Emissions from Existing Fossil Fuel-Fired Electric Generating Units; and Repeal of the Affordable Clean Energy Rule ([RIN2060-AV09](#))

On behalf of the SAB, thank you for this opportunity to support the EPA through consideration of the science supporting EPA's regulatory actions.

Sincerely,

/s/

Kimberly L. Jones, Ph.D.
Chair
EPA Science Advisory Board

NOTICE

This report has been written as part of the activities of the EPA Science Advisory Board, a public advisory committee providing extramural scientific information and advice to the Administrator and other officials of the Environmental Protection Agency. The Board is structured to provide balanced, expert assessment of scientific matters related to problems facing the Agency. This report has not been reviewed for approval by the Agency and, hence, the contents of this report do not represent the views and policies of the Environmental Protection Agency, nor of other agencies in the Executive Branch of the Federal government, nor does mention of trade names or commercial products constitute a recommendation for use. Reports of the EPA Science Advisory Board are posted on the EPA website at <https://sab.epa.gov>.

The SAB is a chartered federal advisory committee, operating under the Federal Advisory Committee Act (FACA; 5 U.S.C. 10). The committee provides advice to the Administrator of the U.S. Environmental Protection Agency on the scientific and technical underpinnings of the EPA's decisions. The findings and recommendations of the Committee do not represent the views of the Agency, and this document does not represent information approved or disseminated by EPA.

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Table 1. Summary of Proposed EPA Actions that Do Not Merit SAB Review

RIN	Proposed Action Title	SAB Determination
RIN 2060-AO18	Standards of Performance for New Stationary Sources and Emission Guidelines for Existing Sources: Large Municipal Waste Combustors Voluntary Remand Response and 5-year Review	This planned action does not warrant further review by the Chartered SAB. EPA has neither developed nor relied upon new science for this rulemaking effort
RIN 2060-AW09	Supplemental Air Plan Actions: Interstate Transport of Air Pollution for the 2015 8-hour Ozone National Ambient Air Quality Standards and Supplemental Federal “Good Neighbor Plan” Requirements for the 2015 8-hour Ozone National Ambient Air Quality Standards	This planned action does not warrant further review by the Chartered SAB. The technical products supporting the proposal are based on air quality, meteorological, and emissions models that have been widely used by the EPA for environmental assessments. The EPA has indicated that these models have undergone peer review through publication in peer review journals.
RIN 2060-AV59	National Emission Standards for Hazardous Air Pollutants: Lime Manufacturing Plants Amendments (88 FR 805)	This planned action does not warrant further review by the Chartered SAB because no new scientific work products are involved in this rulemaking.
RIN 2060-AW02	Methane Emissions and Waste Reduction Incentive Program for Petroleum and Natural Gas Systems	This planned action does not warrant further review by the Chartered SAB because the EPA has not developed new scientific or technical work products for this rulemaking. Furthermore, in the SAB review of the proposed rule titled <i>Greenhouse Gas Reporting Rule: Revisions and Confidentiality Determinations</i>

RIN	Proposed Action Title	SAB Determination
		<i>for Petroleum and Natural Gas Systems</i> (RIN 2060-AV83), the SAB has assessed whether the EPA's proposed methods for methane emissions reporting using empirical data are accurate and consistent with current scientific understanding of methane emissions.
RIN 2070-AK85	N-Methylpyrrolidone (NMP); Regulation under the Toxic Substances Control Act (TSCA)	This planned action does not warrant review by the Chartered SAB because the supporting science has been reviewed by the Toxic Substances Control Act (TSCA) Science Advisory Committee on Chemicals.
RIN 2070-AK73	1-Bromopropane (1-BP); Regulation Under the Toxic Substances Control Act (TSCA)	This planned action does not warrant review by the Chartered SAB because the supporting science has been reviewed by the Toxic Substances Control Act (TSCA) Science Advisory Committee on Chemicals.
RIN 2040-AG22	Clean Water Act Effluent Limitations Guidelines and Standards for the Meat and Poultry Products Point Source Category	This planned action does not warrant further review by the Chartered SAB because EPA has not relied upon new science for this rulemaking effort.