



SCIENCE ADVISORY BOARD

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

December 15, 2022

EPA-SAB-23-002

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 Eleven Planned
Regulatory Actions listed on EPA's 2022 Spring Regulatory Agenda
and Discussed during the Chartered SAB November 2022 Meeting

Dear Administrator Regan,

The Environmental Protection Agency's (EPA) Science Advisory Board (SAB) met on November 3 and November 4, 2022, and discussed whether to review the adequacy of the scientific and technical basis of eleven EPA planned regulatory actions which were made available by the Agency as required by statute. The SAB found that these eleven planned actions do not merit further review by the SAB.

SAB's Screening Review of Science Supporting EPA Decisions

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 July 29, August 26, and September 30, 2022, the SAB Work Group for the Review of Science Supporting EPA Decisions met to review planned actions listed on EPA's 2022 Spring Regulatory Agenda and consider whether the science supporting these actions should be reviewed by the

SAB. The EPA provided additional information on some of these rules. The Work Group found that eleven EPA planned actions did not merit SAB review.¹

The Chartered SAB met on November 3 and November 4, 2022 and discussed the Work Group recommendations. The Chartered SAB agreed that the following eleven planned EPA actions do not merit further review by the SAB. The SAB findings with regard to these eleven planned actions are summarized in Attachment A.

- 1) Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category (RIN 2040-AG23)
- 2) Proposed Finding that Lead Emissions from Piston Engines Used in Aircraft Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare (RIN 2060-AT10)
- 3) Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review (RIN 2060-AV16)
- 4) Phasedown of Hydrofluorocarbons: Updates to the Allowance Allocation and Trading Program Under the American Innovation and Manufacturing Act for 2024 and Later Years (RIN 2060-AV45)
- 5) Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons under Subsection (i) of the American Innovation and Manufacturing Act of 2020 (RIN 2060-AV46)
- 6) Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule (RIN 2060-AQ47)
- 7) Implementing Regulations under 40 CFR Part 60 Subpart Ba Adoption and Submittal of State Plans for Designated Facilities (RIN 2060-AV48)
- 8) Reconsideration of the National Ambient Air Quality Standards for Particulate Matter (RIN 2060-AV52)
- 9) Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & On or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Constructed After 8/17/83 (RIN 2060-AU96)
- 10) Fees for the Administration of the Toxic Substances Control Act (RIN 2070-AK64)

¹ Recommendations of the SAB Work Group for Review of Science Supporting EPA Decisions Regarding Planned EPA Regulatory Actions [Memorandum], October 5, 2022. Available at: https://sab.epa.gov/ords/sab/f?p=114:19:9636297486285::RP,19:P19_ID:978

11) Changes to Reporting Requirements for Per- and Polyfluoroalkyl Substances; Community Right-to-Know Toxic Chemical Release Reporting (RIN 2070-AK97)

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/

Alison C. Cullen, Sc.D.
Chair, EPA Science Advisory Board

Attachment

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 <http://www.epa.gov/sab>.

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Attachment A. Proposed EPA Actions that Do Not Merit SAB Review

RIN	Proposed Action Title	Work Group Recommendations
<u>RIN 2040-AG23</u>	Effluent Limitations Guidelines and Standards for the Steam Electric Power Generating Point Source Category	No further SAB consideration is warranted because the action does not involve new scientific approaches that require peer review.
<u>RIN 2060-AT10</u>	Proposed Finding that Lead Emissions from Piston Engines Used in Aircraft Cause or Contribute to Air Pollution that May Reasonably Be Anticipated to Endanger Public Health and Welfare	No further SAB consideration is warranted because the supporting science has already been reviewed.
<u>RIN 2060-AV16</u>	Oil and Natural Gas Sector: Emission Standards for New, Reconstructed, and Modified Sources and Emissions Guidelines for Existing Sources: Oil and Natural Gas Sector Climate Review	This proposed rule is currently being reviewed by the SAB. No further action needed.
<u>RIN 2060-AV45</u>	Phasedown of Hydrofluorocarbons: Updates to the Allowance Allocation and Trading Program Under the American Innovation and Manufacturing Act for 2024 and Later Years	No further SAB consideration is warranted. The rule does not involve new science and is largely administrative.
<u>RIN 2060-AV46</u>	Phasedown of Hydrofluorocarbons: Restrictions on the Use of Certain Hydrofluorocarbons under Subsection (i) of the American Innovation and Manufacturing Act of 2020	No further SAB consideration is warranted because the science has been established and it is mainly related to recordkeeping and reporting requirements.

RIN 2060-AQ47	Prevention of Significant Deterioration (PSD) and Nonattainment New Source Review (NNSR): Reconsideration of Fugitive Emissions Rule	No further SAB consideration is warranted. This action is a revision of a 2008 rule and does not involve new scientific approaches.
RIN 2060-AV48	Implementing Regulations under 40 CFR Part 60 Subpart Ba Adoption and Submittal of State Plans for Designated Facilities	No further SAB consideration is warranted because the action is mainly procedural and related to compliance deadlines and timelines.
RIN 2060-AV52	Reconsideration of the National Ambient Air Quality Standards for Particulate Matter	No further SAB consideration is warranted because the action has been reviewed by the Clean Air Scientific Advisory Committee.
RIN 2060-AU96	Standards of Performance for Steel Plants: Electric Arc Furnaces Constructed After 10/21/74 & On or Before 8/17/83; Standards of Performance for Steel Plants: Electric Arc Furnaces & Argon-Oxygen Decarburization Constructed After 8/17/83 (87 FR 29710 ; 87 FR 41639)	No further SAB consideration is warranted because the action does not involve scientific approaches or analytical procedures that are new to the Agency.
RIN 2070-AK64	Fees for the Administration of the Toxic Substances Control Act	No further SAB consideration is warranted because the action is largely procedural, considered administrative, and related to fees.
RIN 2070-AK97	Changes to Reporting Requirements for Per- and Polyfluoroalkyl Substances; Community Right-to-Know Toxic Chemical Release Reporting	No further SAB consideration is warranted because: (1) the action focuses on reporting requirements and (2) the SAB has recently completed a review of the EPA's analysis to assess the risks of PFAS chemicals.