

EARTHJUSTICE
CLEAN AIR TASK FORCE
SIERRA CLUB

May 1, 2017

Office of Air and Radiation
U.S. Environmental Protection Agency
Washington, D.C. 20460

RE: EPA-HQ-OA-2017-0190

As one of its first actions under the Trump administration, EPA is seeking public input on ideas to repeal, replace or modify clean air rules “to make them less burdensome.” <https://www.epa.gov/clean-air-act-overview/oar-regulatory-reform>. This inquiry is an illegal and arbitrary sham. Under governing statutes, EPA’s duty is first and foremost to protect people from dirty air, not to eliminate or weaken key health protections that polluters claim to be too much trouble.

The Clean Air Act sets out in intricate detail the requirements for clean air rules, including whether and how the agency can consider compliance costs and other factors. EPA has no authority to supplant the Act’s express requirements and factors for protecting health with a goal of making regulations “less burdensome.” See *Massachusetts v. EPA*, 549 U.S. 497, 532-33 (EPA cannot base decisions on “reasoning divorced from the statutory text” of the Clean Air Act).

EPA’s inquiry also illegally and arbitrarily diverts agency resources from the job of safeguarding public health and the environment. According to the American Lung Association, more than 125 million Americans continue to be exposed to unhealthy levels of air pollution.¹ These include people at special risk from dirty air, including nearly 16.7 million adults age 65 and over and more than 29.5 million children.² EPA needs to focus on protecting these people and all Americans as the law requires.

Sincerely,

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¹ <http://www.lung.org/our-initiatives/healthy-air/sota/key-findings/>

² <http://www.lung.org/our-initiatives/healthy-air/sota/key-findings/people-at-risk.html>