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Environmental Protection Agency
EPA Docket Center (EPA/DC)
Mail Code 28221T
Attention Docket ID No. EPA-HQ-OAR-2018-0746
1200 Pennsylvania Avenue, NW
Washington, DC 20460.
Via email to a-and-r-Docket@epa.gov.

February 18, 2020

Re: Public Citizen comments on National Emission Standards for Hazardous Air Pollutants: Miscellaneous Organic Chemical Manufacturing Residual Risk and Technology Review. Docket ID No. EPA-HQ-OAR-2018-0746

Public Citizen appreciates the opportunity to provide these comments. We would welcome the opportunity to discuss our recommendations further. Please contact Adrian Shelley at ashelley@citizen.org, 512-477-1155.

We are writing to encourage the Environmental Protection Agency (EPA) to go further with this rule. The “Miscellaneous Organic Chemical Manufacturing,” or “MON” rule is an opportunity to reduce risk to communities from exposure to toxic air pollutants from the chemical industry. The EPA’s own analysis determined that the health risk to communities living near MON facilities was “unacceptable.” But EPA has not taken strong enough action to protect those communities with an adequate margin of safety. Instead the EPA is putting communities at risk by exposing them to too much pollution.

The chemical plants that are covered by this rule release over 150 toxic chemicals, including benzene, ethylene oxide, and 1,3 butadiene. This pollution creates a high cancer risk for nearby communities. EPA must acknowledge this risk and create a rule to protect community health.

The Acceptable Risk Limit is too high.

The proposed rule would leave communities exposed to cancer risk as high as 300-in-1 million. The generally accepted “Maximum Individual Risk” (MIR) is 1 in a million. In the benzene NESHAP rule, the EPA determined that a 100-in-1 million MIR is acceptable. In the rule, the EPA stated that, “an MIR of approximately one in 10 thousand should ordinarily be the upper end of the range of acceptability. As risks increase above this benchmark, they become presumptively less acceptable under CAA section 112, and would be weighed with the other health risk measures and information in making an overall judgment on acceptability. Or,



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the Agency may find, in a particular case, that a risk that includes an MIR less than the presumptively acceptable level is unacceptable in the light of other health risk factors.” See 84 Fed. Reg. 69182, 69188 (citing 54 FR 39045).

In this rulemaking the EPA has not demonstrated why a 300-in-1 million MIR is acceptable. One stated justification for EPA’s risk determination is that, “We also consider the uncertainties associated with the various risk analyses, as discussed earlier in this preamble, in our determinations of acceptability and ample margin of safety.” 84 Fed. Reg. at 69188. EPA has not explained why uncertainties in risk analysis lend support for a weaker rule than would otherwise be acceptable. In fact the potential for uncertainty in risk analysis would seem to favor the promulgation of a very health protective rule, as the EPA would want to ensure that the MIR does not rise to unacceptable levels even given the uncertainty in risk assessments.

Risk from toxic emitting facilities is an Environmental Justice hazard.

Public Citizen works in and with communities exposed to toxic air pollution, primarily from the petrochemical industry in Houston. It invariably low-income communities of color—that is, environmental justice communities—that are burdened by toxic pollution. The communities are more likely to be sited near industrial facilities and suffer the cumulative effects of dangerous pollution from these facilities.

Environmental justice communities are also more vulnerable to the health impacts of exposure to toxic pollution. EJ community residents have less access to healthcare, higher uninsured rates, lower over all self-reported health, less disposable income, and less capacity to appreciate or react to the risk posed by exposure to toxic pollution. The EPA has ignored the disproportionate impact to environmental justice communities and, in so doing, has ignored the mandate of Executive Order 12898, the Environmental Justice Executive Order.

The Texas Commission on Environmental Quality should never be consulted as a resource on the science of public health impacts.

Rather than following the best available science, the EPA is considering weakening its protections by allowing communities to be exposed to greater amounts of ethylene oxide. The EPA has relied on shoddy science from the Texas Commission on Environmental Quality (TCEQ), which over the years has systematically weakened standards for toxic air pollutants. In fact, the news outlet *Inside Climate News* conducted a survey of TCEQ reviews of chemical safety guidelines and for that, since 2007, the TCEQ has weakened 2/3 of the 45 chemical standards it has reviewed. See <http://books.insideclimateneews.org/chemicalguidelines>.



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The TCEQ is led in its anti-science agenda by Michael Honeycutt, the agency's chief toxicologist. Honeycutt is at the center of TCEQ's systematic efforts to reduce chemical safety safeguards. Honeycutt has long been an opponent of mainstream science and common sense. He has stated that ozone pollution is not bad for your health, and that air pollution is not a public health concern because most people spend 90% of their time indoors. Honeycutt is well known and something of a menace to public health advocates in Texas. Naturally, in the Trump administration he has been vaunted to the position of the chair of the EPA Science Advisory Board.

Advocates in Texas have long denounced the TCEQ's efforts to undermine chemical safeguards, and the EPA should not look to Texas for guidance. Texas has more chemical disasters than other states. More communities at risk from exposure to chemical pollution. Communities with significantly higher cancer and asthma rates than the nation as a whole. Texas is by no means a shining example of chemical safety and protection of public health. The EPA should rely on mainstream science and not shoddy work from the TCEQ.

EPA should require more pollution controls and better monitoring technology.

The EPA has not sufficiently addressed risk from toxic pollution emitted by this industry sector. The EPA should consider more specific control technologies and strategies to further reduce toxic emissions and provide better protection for communities.

EPA should also require more sophisticated fence-line monitoring technology. Real-time active monitoring technology can identify offsite releases as soon as they begin. This information can be quickly communicated to facility staff who can eliminate the release and potentially save money through more efficient operations. EPA should also require that fence-line monitoring data be made available to the public in real time. Only real-time access to data can empower the public with the tools necessary to make their own decisions about health and safety and limit their own exposure when they deem appropriate. Advocacy groups can interpret data in near-real-time and provide guidance to communities about using data that might otherwise be confusing.

EPA must remember that communities in places like Houston live literally on top of industrial facilities. These community members are literally within the shadow or on the fence-line of massive petrochemical operations. In Texas, state and local governments do very little to protect communities from the risk of toxic exposure. The EPA must appreciate that risk in these communities is greater than elsewhere. And that only strong federal rules with meaningful floors for action will compel Texas to improve the situation on the ground.



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Conclusion

Again, we appreciate the opportunity to provide these comments. If you wish to discuss the issues raised, please contact Adrian Shelley at ashelley@citizen.org, 512-477-1155.

Respectfully,

A handwritten signature in black ink, appearing to read "Adrian Shelley". The signature is fluid and cursive, with a large, sweeping flourish at the end.

Adrian Shelley

Director, Public Citizen's Texas Office