



October 24, 2018

U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2018-0365, “Call for Information on Adverse Effects of Strategies for Attainment and Maintenance of National Ambient Air Quality Standards”

On behalf of the more than 8,000 members of the American Road & Transportation Builders Association (ARTBA), I respectfully offer comments on the U.S. Environmental Protection Agency’s (EPA) recent notice requesting information on adverse effects of strategies for attainment and maintenance of National Ambient Air Quality Standards (NAAQS).

ARTBA’s membership includes private and public-sector members that are involved in the planning, designing, construction and maintenance of the nation’s roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA members undertake a variety of activities directly impacted by EPA regulations. 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., while ARTBA’s private sector members plan, design, construct and provide supplies for all federal-aid transportation improvement projects.

ARTBA is encouraged by EPA’s efforts to examine the current implementation of the NAAQS process. Under the Clean Air Act (CAA), the EPA must review the NAAQS for six different pollutants every five years. NAAQS compliance is a particularly important issue for the transportation construction sector as counties which do not meet CAA standards can have federal highway funds withheld. These funds are important to areas aiming to improve air quality through transportation improvements that ease congestion.

Overall, EPA must reform the manner in which it reviews NAAQS. Local officials need some sense of predictability in order to develop long-range transportation plans to achieve emissions reduction goals. In many instances, counties are focusing on addressing existing NAAQS and any additional changes to the standards are akin to “moving the goalposts in the middle of the game.” If counties are to effectively comply with current NAAQS, new requirements will only serve to hamper these efforts by opening the door to possible litigation and sanctions potentially resulting in the withholding of federal funding for transportation improvement projects.

Regulations do not operate in a vacuum. Before deciding whether or not to tighten existing standards, EPA should take into account what has already been achieved as well as expected air quality improvements from previously approved initiatives. EPA’s own data indicates overall concentrations of the pollutants monitored through the NAAQS have dropped “significantly”

since 1990 and “[d]uring this same period, the U.S. economy continued to grow, Americans drove more miles and population and energy use increased.”¹

Further, EPA should also consider the consequences of proposed NAAQS changes on other federal activities that promote public health and economic stability. Tightening CAA standards could result in the withholding of federal highway funds in areas forced out of compliance with the new standards. This, in turn, would have negative effects on both employment and development for impacted counties where transportation improvements are delayed or cancelled. In many instances, these federal-aid projects are intended to improve demonstrated public safety threats. Once completed, transportation improvements can reduce congestion and improve air quality. Such improvements will not be realized if projects cannot go forward. A complete analysis of potential NAAQS revisions should include the effects of the potential for increased unemployment, reduced congestion relief and weakened public safety.

In conclusion, the NAAQS process should be reformed with a view towards maximizing results while minimizing excessive regulatory requirements. With air quality already improving, further regulation may not be necessary and, perhaps, thought should be given to altering existing requirements in a manner which would reduce regulatory burdens without sacrificing the success which has already been achieved. We look forward to continuing to work with the EPA towards achieving cleaner air through efforts which strike the proper balance between environmental protection and our nation’s infrastructure needs.

Sincerely,



T. Peter Ruane
President & C.E.O

¹ United States Environmental Protection Agency, Our Nation’s Air: Status and Trends through 2017, available at <https://gispub.epa.gov/air/trendsreport/2018/#home>.