

ONE HUNDRED TWELFTH CONGRESS
Congress of the United States
House of Representatives

COMMITTEE ON ENERGY AND COMMERCE
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WASHINGTON, DC 20515-6115

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November 16, 2012

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Jackson:

We write regarding the Environmental Protection Agency's proposed revisions to the National Ambient Air Quality Standards for Particulate Matter, published on June 29, 2012, at 77 Fed. Reg. 38890. In particular, we seek further information regarding the estimated compliance costs and public health benefits for the proposed new standards.

In the EPA document entitled "Regulatory Impact Analysis for the Proposed Revisions to the National Ambient Air Quality Standards for Particulate Matter" (RIA) issued in June 2012, EPA's estimates of the benefits and costs of the proposed rule employs an outdated and invalid baseline that includes emissions reductions that would have occurred as the result of the final Cross-State Air Pollution Rule (CSAPR) published on August 8, 2011. On August 21, 2012, however, the D.C. Circuit Court of Appeals vacated that rule, invalidating the assumed baseline in EPA's estimates of benefits and costs.

Executive Order 13563 specifies that "each agency is directed to use the best available techniques to quantify anticipated present and future benefits and costs as accurately as possible." In view of the CSAPR ruling, and to promote transparency and a meaningful opportunity for public review and comment, we ask that EPA provide an updated estimate of the costs of the proposed particulate matter rule with the most accurate baseline possible, namely one that excludes emissions reductions assumed to result from implementation of the CSAPR. We request that EPA provide this updated cost estimate taking into account the court's decision to vacate CSAPR no later than November 29, 2012.

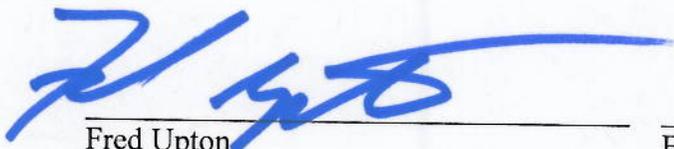
In the RIA, EPA also projects benefits from the proposed rule based on reductions below the particulate matter levels EPA has identified as sufficient to protect the public health with an adequate margin of safety. To assist the public in evaluating the proposed rule's benefits, we further request that EPA provide an estimate of the benefits of the proposed rule that excludes

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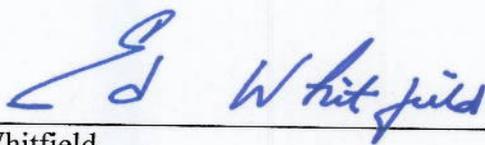
the hypothetical public health benefits that are assumed to be associated with reducing airborne concentrations below the levels that EPA has identified as sufficient to protect the public health with an adequate margin of safety. Such an estimate would be appropriate to represent the numerous uncertainties identified by EPA in the analysis.

We support the President's commitment to transparency, and urge that these estimates of the benefits and costs of the regulation be made available to the public in a timely manner. Thank you in advance for your assistance. Should you have any questions, please contact Mary Neumayr of the Majority Committee staff at (202) 225-2927.

Sincerely,



Fred Upton
Chairman



Ed Whitfield
Chairman
Subcommittee on Energy and Power



Joe Barton
Chairman Emeritus

cc: The Honorable Henry A. Waxman, Ranking Member

The Honorable Bobby L. Rush, Ranking Member
Subcommittee on Energy and Power