TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

December 5, 2016

Stephen Page
Director
Office of Air Quality Planning and Standards
Mail Code: C404-04
Environmental Protection Agency
Research Triangle Park, NC 27711
Attn: Docket ID No. EPA-HQ-OAR-2013-0146

Re: Release of Draft Policy Assessment for the Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide

Dear Mr. Page:

The Texas Commission on Environmental Quality (TCEQ) appreciates the opportunity to comment on the United States Environmental Protection Agency's (USEPA) Draft Policy Assessment for the Review of the Primary National Ambient Air Quality Standards for Nitrogen Dioxide. The announcement of the availability and request for public comment on the draft Policy Assessment (PA) was published in the Federal Register (81 FR 65353) on September 22, 2016.

The TCEQ agrees with and supports the USEPA's preliminary conclusion that the current 1-hour and annual primary nitrogen dioxide (NO_2) national ambient air quality standards (NAAQS) should be retained without revision. Given available scientific literature and its significant uncertainty, the levels of the current 1-hour and annual primary NAAQS offer sufficient protection of public health with an adequate margin of safety.

As stated in comments submitted on both the draft NO_2 Integrated Science Assessments and the draft NO_2 Risk and Exposure Assessment Planning Document, the TCEQ encourages the USEPA to give careful consideration to the significant limitations in the studies it uses in its risk assessment and causal determinations. Among the many limitations appropriately identified by the USEPA in the present NO_2 review include the lack of a dose-response relationship between NO_2 and noted health effects, uncertainty regarding the adversity of the effect, inconsistent findings across studies, and inability to determine whether NO_2 or another copollutant caused the noted effects. In addition, epidemiological study design creates insurmountable uncertainty with respect to exposure measurements and the mechanistic data necessary to determine if the pollutant caused the effect. Results from controlled human exposure studies should be given significantly more weight than those from epidemiology studies.

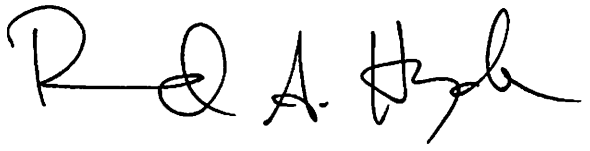
Further, the TCEQ again encourages the USEPA to re-evaluate the strength of its causality determinations for long-term exposure and respiratory, mortality, and cancer effects. As stated, the TCEQ agrees with the USEPA's assessment of the limitations of the studies used to form these determinations. However, although these limitations could have significant impacts on how the health data are interpreted, the USEPA still considers the evidence to indicate there is "likely to be a causal relationship" between long-term exposure and respiratory effects and

"suggestive of, but not sufficient to infer, a causal relationship" between long-term exposure and mortality and cancer. Again, the TCEQ disagrees with these determinations and urges the USEPA to require a stronger weight-of-evidence to support these causal designations.

Finally, the TCEQ again urges the USEPA to consider the entire body of scientific evidence related to NO_2-mediated health effects. In the draft PA, the USEPA continues to state its preference to "place the greatest emphasis on studies reporting positive, and relatively precise, health effect associations" (p. 3-20). Although conservative, this method unnecessarily biases the USEPA's evaluation toward only those studies finding an adverse effect. The USEPA should, instead, equally consider evidence from all high quality studies, whether their results are positive, negative, or null.

If there are any questions concerning the TCEQ's comments, please contact Ms. Lindsey Jones, Toxicology Division, at 512-239-1784 or lindsey.jones@tceq.texas.gov. We look forward to working with the USEPA throughout this process.

Sincerely,



Richard A. Hyde, P.E.
Executive Director

Enclosure