

July 14, 2010



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The Honorable Rick Perry  
Office of the Governor  
P.O. Box 12428  
Austin, TX 78711-2428

Re: Urgent Request to Oppose EPA Action on PM NAAQS Standards

Dear Governor Perry:

The Environmental Protection Agency is in the process of reviewing the particulate matter (PM) national ambient air quality standards (NAAQS), and Texas Cattle Feeders Association (TCFA) is concerned that the agency will try to implement a more stringent PM10 (dust) standard that is not supported by science. A more stringent PM10 standard will have little or no benefit to public health but will have devastating consequences to cattle producers and, in turn, to the Texas economy. TCFA respectfully urges you to contact EPA immediately and express your strong opposition to any such effort.

While EPA's primary focus in this review has been on the PM2.5 standard, it is also considering whether to revise (reduce and make more stringent) the current PM10 standard. That standard is now set at 150 µg/m<sup>3</sup> on a 24-hour basis, and is set conservatively low based on historically flawed health studies. In fact, in the 2006 final PM NAAQS rule, EPA acknowledged that the 150 µg/m<sup>3</sup> PM10 standard was set based on a desire to be cautious and not on clear evidence that this very stringent level was necessary to protect against adverse public health effects. This is especially true for the type of rural coarse PM that predominates on agricultural and other resource-based operations, including operations represented by the undersigned. However, because of dry, dusty and windy conditions that frequently occur in Texas and the nature of our operations it can be very difficult, if not impossible, for agricultural and other resource-based operations to demonstrate compliance with even the current PM10 standard, much less a reduced, more stringent standard.

We are very concerned that any decision by EPA to reduce the level of the current PM10 standard would put many areas of Texas and the United States into nonattainment status under the Clean Air Act (CAA), with the attendant restrictions on new economic development and growth, as well as limits on existing operations. Even one of EPA's independent science advisors has cautioned EPA that any reduction in the current PM10 standard would only put more areas in the West into nonattainment without any public health benefit. This is because rural coarse PM dominates in these areas and that is the type of PM10 that EPA and its science advisors have agreed is of little public health concern. Despite these important comments, we remain very concerned that EPA will decide to reduce the PM10 NAAQS – a devastating outcome for our operations and many state economies.

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On July 8, the EPA released its final Quantitative Health Risk Assessment for Particulate Matter (June 2010). In that document, the EPA acknowledges that the science on coarse PM is so uncertain that it could not conduct a quantitative risk assessment. Specifically, the EPA concludes that "significant limitations in both the health effects data base and the current PM10-2.5 monitoring network continue to exist and that the currently available information do not support conducting a quantitative risk assessment for PM10-2.5 at this time . . ." Id. at 2-7.

On the same day, the EPA released its Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standard: Second External Review Draft (June 2010). The Policy Assessment presents EPA staff conclusions regarding the adequacy of the current PM10 NAAQS as well as potential alternative standards for consideration by the EPA Administrator and the Clean Air Scientific Advisory Committee (CASAC). In that document, EPA staff concludes that, depending on the emphasis placed on the evidence and uncertainties, the Administrator would be justified in either retaining the current PM10 NAAQS of 150  $\mu\text{g}/\text{m}^3$ , or in revising it to make it more stringent. Id. at 3-25. If the Administrator were to make a policy judgment to revise the standard, EPA staff suggests considering a PM10 NAAQS of 65-85  $\mu\text{g}/\text{m}^3$ . Id. at ES-1,2.

A PM10 NAAQS of 65-85  $\mu\text{g}/\text{m}^3$  is essentially twice as stringent as the current standard. Such a level would require the designation of many more nonattainment areas than currently exist, and would be devastating for agricultural and other resource-based operations throughout the United States. Our operations have a very difficult time meeting the current standard, let alone a standard that is twice as stringent. And for what purpose? There is no clear purpose. Because the scientific uncertainties are so significant that the EPA is unable to conduct a risk assessment and would be justified in retaining the current standard, the current standard should be retained.

While the CAA does not allow EPA to consider economic consequences of any reduction in the NAAQS, we believe that a letter from you to EPA opposing any reduction in the PM10 standard because the health evidence does not support such a reduction (especially for rural coarse PM), and that any reduction would have potentially devastating economic impacts in Texas would help EPA in its consideration of the PM10 NAAQS. If it would be possible to send such a letter prior to July 26 when the CASAC plans to meet to discuss the policy assessment, it would be very helpful. If July 26 is too soon, the next critical date for submission of such a letter is August 16, the comment deadline for the Policy Assessment. It is critical for EPA to consider the unique concerns and potential impacts in any state where the naturally occurring dry, dusty and windy conditions make compliance with even the existing level of the PM10 standard a challenge, much less any reduction in that level.

If you would like additional information or have questions, please do not hesitate to call. We would be happy to meet with you or your staff to discuss this further and provide more information and background on the PM10 NAAQS and its impact on agricultural and other resource-based operations.

Sincerely,



Ross Wilson  
President & CEO