American Petroleum Institute

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Re: Docket ID No. EPA-HQ-OLEM-2024-0360

The American Petroleum Institute (API) respectfully submits the following comments in response to the U.S. Environmental Protection Agency's (EPA) request for comment on the *Interim Framework for Advancing Consideration of Cumulative Impacts* (Interim Framework). The concept of considering cumulative impacts in regulatory decision making has been gaining traction. While well-intentioned, cumulative impact assessments (CIAs) face significant scientific, methodological, and regulatory challenges. For example, there is no established methodology that can robustly quantify interactions between chemical and non-chemical exposures and socioeconomic factors. Without clear methods, uncertainty in risk attribution and the related risk management interventions could be ineffective.

The Interim Framework attempts to address these issues; however, it lacks scientific rigor, practical applicability, and regulatory clarity. It fails to establish a risk-based approach for integrating cumulative impacts into decision-making. The following comments outline API's concerns and in some cases offer considerations to improve the interim Framework.

Need for Scientific Rigor

EPA's Framework lacks transparent, scientifically validated methodologies for assessing cumulative impacts across different environmental stressors. The following issues need further consideration:

- Uncertainty in the various exposure pathways related to non-chemical stressors and identifying causal linkages between outcomes and socioeconomic stressors can result in subjective risk determinations.
- There is no standardized approach that integrates chemical and non-chemical stressors in impact assessments. Without clear methods, uncertainty in risk attribution and the related risk management interventions could be ineffective.
- Relying on screening tools like EJSCREEN, which lack temporal and spatial accuracy, could result in unreliable regulatory decisions.

API could support a stepwise approach that includes stakeholder input to assess cumulative impact. However, EPA must first develop transparent, standardized methodologies based on peer-reviewed science before implementing the Framework in regulatory decision-making.

Limitations of Using Quality of Life and Well-Being Metrics in CIAs

The Framework references quality of life and well-being to assess cumulative impacts. However, quality of life is inherently subjective and cannot be consistently measured across different communities. Existing metrics, such as NHANES and CDC's health-related quality of life

surveys, rely on self-reported data, which is unsuitable for regulatory decision-making. Also, EPA's core mission focuses on protecting human health and the environment using quantifiable, science-based measures and data to achieve those goals. API recommends that EPA continue to focus on these quantifiable, science-based measures and avoid subjective indicators that lack regulatory precision.

"Disproportionate Impacts" are not Defined

The Interim Framework does not consider scientific evidence-based thresholds for determining disproportionate impact. The lack of a threshold or reference point for comparison could result in arbitrary decisions and make it difficult to assess whether cumulative impacts significantly differ across communities.

If EPA plans to utilize CI in decision-making, API recommends that "disproportionate impacts" be defined using objective and quantitative benchmarks that draw on statistical methodologies used in public health research.

Climate Change Considerations in CIAs Should Be Scientifically Grounded

The Framework inconsistently incorporates climate change in its discussions on cumulative impacts. Climate change is sometimes treated as a separate issue and, at other times, an integral factor in CIAs, creating confusion. Predicting specific localized climate impacts is highly complex and uncertain, which could lead to ineffective and unnecessary regulations that do not help achieve EPA's goals. API recommends that the EPA develop a separate framework for climate resilience assessments rather than integrating climate change into CIAs without a transparent methodology.

Screening Tools and Data Limitations Need to Be Addressed

EPA relies heavily on screening tools (e.g., EJSCREEN, CalEnviroScreen) without adequately addressing their limitations. These tools do not measure actual exposures or risks, they highlight potential areas of concern for further study. Data accuracy issues arise due to differences in regional data collection practices and time-lagged datasets. API recommends that EPA acknowledge that screening tools are not substitutes for cumulative impact assessments and should only be used for preliminary analysis.

EPA Should Ensure Regulatory Certainty and Avoid Unnecessary Burdens

The Interim Framework does not provide clear boundaries on when CIAs should be required, leading to regulatory uncertainty for industry and project developers and potential permitting delays that could disrupt infrastructure and energy projects. API supports the need for practical, fit-for-purpose approaches—ensuring that CIAs are only used when relevant and necessary to avoid excessive complexity in regulatory decision-making. API recommends that EPA clearly defines the regulatory contexts in which cumulative impact assessments apply to avoid unnecessary permitting and compliance burdens.

Considering Industry-Led Environmental and Social Initiatives

Companies have a history of using voluntary environmental programs to manage environmental and public health risks. However, the Interim Framework does not acknowledge these efforts or

results. API asks EPA to consider the programs and initiatives when assessing cumulative impacts.

Strengthening Coordination with Other Federal and State Agencies

Many stressors considered in CIAs fall outside the EPA's jurisdiction and expertise (e.g., housing policies and economic stressors). EPA should not expand its regulatory scope without interagency coordination. Cross-agency collaboration can support the integration of environmental, health, and social data to help ensure maximum effectiveness.

Clarification Needed on the Role of Industry in the Decision-Making Process

The Framework briefly mentions the industry's role (on page 30) despite the sector being a key stakeholder in implementing environmental protections. API has developed recommended practices that support meaningful engagement with communities. The practices include opportunities for open dialogue, transparency, and stakeholder participation. API urges EPA to incorporate industry participation in developing and implementing cumulative impact assessments.

In conclusion, API remains committed to engaging with regulators, policymakers, and stakeholders to develop practical, science-based approaches to decision-making that protect the health and environment while fostering economic growth.

If you have any questions or would like more information about any of the information in this comment, please contact me at blakeu@api.org or 202 682-8480.

Sincerely,

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