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vacant

December 27, 2024

Honorable Administrator
Michael S. Regan
U. S. Environmental Protection Agency
Docket Center, Docket ID No. EPA-HQ-OLEM-2024-0360
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: *Interim Framework for Advancing Consideration of Cumulative Impacts*
Docket ID No. EPA-HQ-OLEM-2024-0360

Dear Honorable Administrator Regan,

The National Tribal Air Association (NTAA) is pleased to submit this letter to provide comments on the U.S. Environmental Protection Agency's (EPA) proposed Interim Framework for Advancing Consideration of Cumulative Impacts (Framework).

The NTAA is a member-based organization with 159 Member Tribes. The organization's mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian and Alaskan Natives Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand that interactions with the organization do not substitute for Nation-to-Nation consultation, which can only be achieved through direct communications between the federal government and American Indian Tribal Governments and Alaskan Natives.

The NTAA is supportive of the EPA's efforts to incorporate cumulative impact assessment throughout its decision-making processes. As indicated in the

proposed Framework, Environmental public health research has shown that the cumulative impacts of longstanding place-based inequalities in exposures to environmental hazards are significant, with health disparities linked to these inequalities (e.g., Banzhaf et al., 2019; EPA 2021b; Juarez et al., 2014; Lee, 2021; Mohai et al., 2009; Morello-Frosch et al., 2011; Solomon et al., 2016).

This is particularly important to Tribes that have been historically discriminated against through decisions, actions and implementation of decisions made by the Federal Government and other institutions. As a result, Tribes have less ability to leave areas where their communities have been placed or restricted and have less ability to respond to environmental, and other stressors. American Indians have a history of health inequity, according to the United States Census Bureau (2015) with 28.3% of American Indians live in poverty, this is the highest rate among all races. In addition to having the highest rate of poverty "American Indians and Alaska Natives born today have a life expectancy that is 4.4 years less than the U.S. general population, 73.7 years to 78.1 years, respectively" (IHS, 2016). This study indicates there may be a link between poverty and the reduced life expectancy that American Indians face. Furthermore, the same study by the Indian Health Service in 2016 it was found that American Indians have higher rates of avoidable diseases such as diabetes, liver disease and more. Additionally, cultural and traditional practices may provide different or increased exposure pathways that are not present in the general population. For example, subsistence life ways such as fishing, hunting and gathering of plants for medicine are commonplace.

The NTAA supports the progression of this Framework in incorporating local community and Tribal input in the decisions that impact them. The NTAA supports the outlined guidance for tailoring the consideration of cumulative impacts to match the needs of a range of specific decisions from place-based to national in scope.

The Framework does not address, however, when it is relevant or consistent with law to use a cumulative impacts approach. These policy decisions remain the responsibility of EPA's programs. Nor does the Framework provide detailed instructions on how to consider cumulative impacts in specific contexts. This can give the decision maker flexibility to not conduct cumulative impact assessments and Tribal engagement in the decision-making process. The NTAA encourages EPA to continue to provide more direction on how these decisions are consistent with statutory requirements and relevant Executive Orders, and where they should be applied.

Finally, the Framework recognizes that approaches for applying cumulative impacts analysis are often developed at a local, rather than at a national, level. As a result, "EPA

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anticipates that ongoing efforts to address cumulative impacts will be focused on the local scale with the goal of further development to the national scale over time." The NTAA encourages EPA to consider cumulative impacts and impacts on treaty rights in national rulemaking as well.

In closing, the NTAA appreciates the opportunity to submit these comments and looks forward to further work with EPA on this important issue. If you have any questions or require clarification from the NTAA, please do not hesitate to contact the NTAA's Program Manager, Miranda O'Neill miranda.oneill@nau.edu or at 928.523.9701.

Respectfully,

Syndi Smallwood
Chair
National Tribal Air Association

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