Bend the Curve
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Greetings,

We applaud the U.S. Environmental Protection Agency (EPA) for its development of the draft Interim Framework for Advancing Consideration of Cumulative Impacts ("Framework").

We strongly support EPA's advancement of cumulative impact assessment and its future application to improve protection of human health and the environment for all people, especially those groups who are overburdened by environmental and non-environmental stressors and/or are more susceptible to harm from environmental hazards.

The draft Framework should be further strengthened by providing more specific guidance and default assumptions regarding its implementation by EPA.

For example, the Framework should provide much more explicit analysis of EPA authority and guidance for future EPA action in developing National Emission Standards for Hazardous Air Pollutants (NESHAPs) under the Clean Air Act. On page 55, the draft Framework provides a very general example of EPA consideration of cumulative impacts in the regulation of hazardous air pollutants emitted by the synthetic organic chemical manufacturing industry (the so-called Hazardous Organic NESHAP or HON rule).

The Framework should commit EPA to routinely conducting facility-wide and whole-community risk assessments and to preparing a comprehensive environmental justice analysis with the develop of any NESHAP. EPA demonstrated this capacity with the HON rule.

Further, as a default assumption EPA should apply the results of these assessments to its consideration of "other health factors" in determining an "ample margin of safety" when finalizing a NESHAP. These other health factors consist of cumulative impacts. Such a determination should drive EPA much closer to ensure that the maximum individual cancer risk from exposure to hazardous air pollutants does not exceed one in one million as clearly directed by the Clean Air Act.

Note that on page 55 of the draft, the following statement is in error: "The assessment showed that the rule would reduce the number of people who have elevated air toxics-related cancer risk by 96% in those communities." In fact, the rule would reduce the

number of people who face greater than or equal to 1 in 1 million cancer risk from air toxics by only 13% and the number of people who face greater than or equal to 10 in 1 million cancer risk by 73%. The 96% reduction refers only to people who face greater than a 100 in 1 million cancer risk. This error should be corrected in the final Framework.

Lastly, in the final Framework, EPA should also explicitly discuss its authority to address cumulative impacts under the Toxic Substances Control Act (TSCA). Section 26(c) of TSCA, for example, provides clear authority to EPA to take a class-based approach by evaluating the cumulative risks of multiple chemical exposures upon which to make a finding of unreasonable risk. The default assumption should make this the go-to practice unless clearly impracticable.

Further, EPA must ensure that "potentially exposed and susceptible subpopulations" are protected from unreasonable risk under TSCA. The Framework should specify that such populations include those people who live in overburdened communities, including people of color. Risk evaluations under TSCA should also routinely be accompanied by a comprehensive environmental justice analysis similar to that conducted for the HON rule.

Thank you for your consideration of these comments.

Respectfully submitted,

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