Submitting Public Comment on Environmental Protection:
Note that EPA's "Tips for Effective Comments" emphasizes (1) that one well-supported comment is often more informative than a thousand form letters (but if this all you can do, do it!); (2) not attacking persons, the Agency or using profanity or personal threats; (3) using sound reasoning, scientific evidence, *and/or describing how you will be impacted (emphasis added)*; and (4) providing technical information and/or data when possible. In addition, the request for comments references *job loss, costs that exceed benefits, and limiting use of scientific data.* We hope to include information here to help commenter address these tips and issues.

What you can do: You might consider submitting a comment in this ~~s~~way:

A. Describe how a specific environmental protection affects you personally.
B. Use the talking points below to provide detail on how existing environmental protections are beneficial.
C. Ask the Agency to conduct a thorough analysis of any possible roll back of the protection, in terms of the economic, environmental, health impacts, etc.

More detail:
Use the bullet points for detail. E.g., if the CAA (Clean Air Act) has been shown to avoid X premature deaths, a comment would ask the EPA to estimate the potential increase of a particular pollutant, and the ensuing potential increase in morbidity and mortality from various air pollution related ailments and illnesses; request detail: what pollutants? By how much? What locations? What increase in illness rates, and for which illnesses? To what demographic-children? seniors, certain zip codes? Communities of a certain socio-economic class and/or race?

A. How does a specific environmental protection affect you or someone you know? Tell a story about how environmental protections affect your health and safety, your quality of life, your economic well-being, etc. If you or someone you know suffers from a disease caused by pollution; or if you own a business that depends on a healthy environment, tell how environmental protections help.

B. Talking points and detail on the benefits of environmental protections (several pages)

- Protecting the environment and our communities represents a 40 year old bipartisan consensus. President Nixon signed into law the National Environmental Protection Act that formed the EPA as well as the Clean Air Act of 1970 and the Clean Water Act of 1972. President Jimmy Carter signed into law what became known as Superfund (that mandates and funds the clean up of hazardous waste sites) as well as an update to the Clean Water Act (1977). President Reagan signed a law that requires the disclosure of how much companies pollute (EPCRA). President George H.W. Bush signed the Clean Air Act of 1990 that mandated the successful use of a cap and trade system to address and solve the acid rain problem. Early in the Obama presidency, there was growing bipartisan consensus on climate change in the Senate. Protecting the environment is hardly a special-interest issue, or radical. It's completely American and has enjoyed broad support for nearly half a century.

- The White House Office of Management and Budget (OMB) estimates that regulatory benefits exceed regulatory costs by 7 to 1 for significant regulations. The Environmental Protection Agency (EPA) estimates that the regulatory benefits of the Clean Air Act exceeds its costs by a ratio of 25 to 1. Similarly, a study of EPA rules issued during the Obama Administration found that their regulatory benefits exceeded costs by a ratio as high as 22 to 1. Any proposed regulatory modification or repeal must address the long-term benefits and costs and not only the immediate costs of compliance.
- In the 40 years since Congress enacted health, safety, and environmental protection laws, regulatory agencies have significantly reduced fatalities, injuries, illnesses, and environmental damage, as several examples of regulatory successes demonstrate.
- The BP Oil Spill and the Wall Street collapse have imposed billions—perhaps even trillions—of dollars in damages, far more than the cost of regulation that would have prevented these tragedies. Similarly, the failure to regulate day-to-day hazards results in thousands of deaths, tens of thousands of injuries, and billions of dollars in economic damages every year.
- **Jobs** - Dozens of retrospective evaluations of regulations by the EPA and the Occupational Safety and Health Administration (OSHA) have found that the regulations were still necessary and that they did not produce significant job losses or have adverse economic impact on the regulated industries, including on small businesses.
- Evidence over 30 years shows that regulations, and in particular environmental regulations, tend to create jobs, rather than kill them, and the jobs created are typically good, high wage jobs. The data show that the economic impact of environmental regulations has been overwhelmingly positive. According to information reported by employers to the US Bureau of Labor Statistics, only 0.2% of "mass" layoffs - 50 or more workers - are caused by government intervention or regulations (of any kind, not just environmental regulations), and regulations are responsible for less than 1% of total layoffs. For every job lost due to regulations, 15 are lost due to "cost cutting" and 30 are lost due to "organizational changes" (e.g. change in ownership). Regulations stimulate hiring. Where jobs are lost, job creation that more than offsets the losses results. For example, every dollar invested in wind and solar projects creates twice as many jobs as fossil fuel projects, and wind and solar generate almost five times more jobs, per Gigawatt-hour of electricity generation, than fossil fuels. In addition, more renewable energy jobs are at a high wage (such jobs will result from implementation of the Clean Power Plan). Environmental protection jobs grew from 704,000 in 1970 to 5 million in 2003. A complete analysis has to consider the net employment effect, including both jobs lost and jobs gained. (Abel Russ and Eric Shaeffer, "Don't Believe the 'Job Killer' Hype: Decades of Economic Research Shows that Environmental Regulations are Good for the Economy https://www.environmentalintegrity.org/reports/dont-believe-the-job-killer-hype/.)
- EPA's air protections are still valid and economically sound. From 1990 - 2012, pollution was greatly reduced, while the GDP doubled, showing the protecting citizens does not have an adverse effect on the economy. See "Clean Air Act and the Economy" for more information - https://www.epa.gov/clean-air-act-overview/clean-air-act-and-economy)

- Science - the Request for Comments asks for input on regulations that "rely in whole or in part on data, information, or methods that are not publicly available or that are insufficiently transparent to meet the standard of reproducibility." This is an attempt to eliminate legitimate and necessary medical data from EPA consideration in establishing protections. Medical data is private and often may not be "reproduced" because doing so would put people at risk. While it is possible to redact personal information, it is not feasible, especially considering the budget cuts already imposed on the Agency. EPA's protections should be established using all relevant scientific information, including public health information derived from medical records. If protections are changed or eliminated due to use of non-public, non-transparent data, that information should be provided in a Federal Register Notice and the public invited to comment.
- The safety and health of the public must come first, and when it does, the economy prospers, making workers healthier and more productive and inspiring the innovation for which America is known. Any elimination of or change in protective regulations must address the health impact to workers, the loss of jobs and the opportunity for jobs through innovation.
- Agency estimates of the prospective economic benefits and costs of regulations nearly always find that their benefits exceed their costs. This result is especially significant because limitations in the methodology used to produce these estimates systemically underestimate benefits while overestimating costs. On the rare occasion when a regulation fails a cost-benefit test, the methodological problems associated with prospective cost-benefit analysis are usually the reason.

General

- The request for comments is not sufficient for the general public to comment on because it does not list and provide reference information on the set of regulations covered by the request. It should be re-issued with a list of the regulations that may be affected and with an extended deadline so that the public can provide informed comments.
- The original protective regulations were based on sound science related to the effects and behavior of pollutants in the human body and the environment, and on the health impacts and environmental damage caused by the covered pollutants. Any proposed changes or elimination of regulations must address specifically the degree to which the changes will reduce health and environmental protections, e.g. increased numbers of cancers, illness, asthma, toxic poisoning and death.
- Industry Self-regulation - Ample evidence exists in EPA's enforcement records to demonstrate that industries and companies - the "regulated community" cannot be relied upon to self-regulate (https://echo.epa.gov/). While there are many responsible actors, many in the regulated community do not fully comply or comply at all. EPA's enforcement resources can only reach so far. As a result, for every non-complier, there are an unknown number of other non-compliers who have not been discovered. There is no evidence to suggest that the EPA should not oversee compliance by the regulated community. If changes are made to propose self-regulation, the Agency must provide an analysis of why this would protect the public and allow for public comment on the proposal.

- Outdated, Unnecessary or Ineffective Regulations - The Request for Comments asks for input on this subject. Regulations that may appear to be outdated or are claimed to have achieved their purpose, may still require enforcement and oversight to ensure continued compliance. Therefore, the regulations must be maintained. If the protection is claimed to be unnecessary or ineffective, the Agency must publish its full rationale and state the number of cancers, illness, asthma, toxic poisoning, death and other health-related impacts that will occur as a result, and invite public comment.
- Interference with Regulatory Reform Initiatives and Policies - The Request for Comment asks for input on regulations that "interfere with regulatory reform initiatives and policies." This is an overly ambiguous and potentially extra-legal concept and should be eliminated from consideration. The first priority for regulations should be establishing scientifically-based protections for American citizens. If any protection is changed or eliminated under this concept, the Agency must publish its full rationale, state the number of cancers, illness, asthma, toxic poisoning, death and other health-related impacts that will occur as a result, and invite public comment.

Air Quality (Clean Air Act)

- In an American Lung Association survey released recently, three out of four voters support the EPA setting tougher standards on specific air pollutants, including mercury, smog and carbon dioxide, as well as setting higher fuel efficiency standards for heavy duty trucks.
- This survey's results indicate the level of concern expressed by voters regarding their right to breathe healthy air:
    - 69 percent think the EPA should update Clean Air Act standards with stricter limits on air pollution;
    - 68 percent feel that Congress should not stop the EPA from updating Clean Air Act standards;
    - And a bipartisan 69 percent majority believe that EPA scientists, rather than Congress, should set pollution standards.
- Air pollution is linked to heart and lung disease, reproductive and birth effects, and other serious health problems. EPA air pollution controls saved 13 million days of work loss and 3.2 million days of school loss in 2010. By 2020, they will save 17 million work loss days and 5.4 million school loss days.
- Working together, the EPA and the state of California have reduced the number of Stage 1 Smog Alert days in Southern California from 121 days in 1977 to zero days since 1997.
- EPA regulations phasing out lead in gasoline helped reduce the average blood lead level in U.S. children aged 1 to 5 from 14.9 micrograms of lead per deciliter of blood (ug/dL) during the years 1976 to 1980 to 2.7 ug/dL during the years 1991to 1994. Because of its harmful effect on children's brain development and health, the Center for Disease Control considers blood lead levels of 10 ug/dL or greater to be dangerous to children. During the years 1976 to 1980, 88 percent of all U.S. children had blood lead levels in excess of this dangerous amount; during the years 1991 to 1994, only 4.4 percent of all U.S. children had blood lead levels in excess of 10 ug/dL.

Climate Change (Clean Air Act)
The Clean Power Plan, developed under the Obama administration and to be eliminated under Trump, would reduce carbon dioxide emissions from coal-burning power plants by 32 percent within twenty-five years relative to 2005 levels (Foster, Peter (3 August 2015). "Barack Obama unveils plan to tackle greenhouse gases and climate change". *The Telegraph*). In addition, it would reduce the pollutants that contribute to smog and soot by 25 percent, and the reduction will lead to net climate and health benefits of an estimated $25 billion to $45 billion per year in 2030. That includes the avoidance of 140,000 to 150,000 asthma attacks among children and 2,700 to 6,600 premature deaths (EPA,OAR,OAA, US. "FACT SHEET: Clean Power Plan Benefits". *www2.epa.gov*). EPA projected that the plan would save the average American family $85 per year in energy bills in 2030, and it will save enough energy to power 30 million homes and save consumers $155 billion from 2020–2030. The plan would create 30 percent more renewable energy generation in 2030 and help to lower the costs of renewable energy (Climate Change". *The White House*). It also would create hundreds of thousands of jobs, according to the NRDC.

Land pollution/cleanup (Superfund (CERCLA), Resource Conservation and Recovery Act (RCRA))
RCRA regulations ensure that 2.5 billion tons of solid (garbage), industrial and hazardous wastes are safely handled from cradle to grave. Before RCRA, industry dumped wastes, including toxic wastes onto the land into waterways. Regulations under RCRA also ensure that underground storage tanks are constructed and managed to prevent leaking into the environment. RCRA regulations prevent future Superfund sites. Cleanup programs have restored 18 million acres of contaminated land, but 3700 - 5700 sites still require cleanup according to EPA.

Water (Clean Water Act; Safe Drinking Water Act)
CWA regulations prevent the discharge of contaminants into waterways that are used for or are tributaries to waters used for drinking, fishing, agriculture and swimming. The regulations control discharges from industrial, municipal sewage treatment plants and other facilities and set standards to protect waterways from general runoff. Because of CWA regulations 90% of Americans drink water that meets all requirements all of the time (EPA CWA 40th Anniversary blog), and major waterways have returned to health from being contaminated by untreated municipal and industrial wastes. Since 1972 these rules have resulted in double the number of waters and waterways that are fishable and swimmable. The rules are necessary to maintain this and to address the approximately 44% of rivers and streams, 30% of bays and estuaries, and 64% of lakes and reservoirs that do not yet meet standards. To do this EPA needs more regulatory tools, not less, including the ability to implement the Clean Water Rule, which the Trump administration wants to rescind.

Environmental Justice (policy, not regulation)
TBD

National Environmental Policy Act (NEPA)
Each federal Agency, including DoD, is required to analyze the environmental impacts (Environmental Impact Statements and Environmental Assessments) of proposed actions, including permit decisions, constructing highways and other public facilities, and land management actions. This is overseen by the President's Council on Environmental Quality, rather than EPA. However, EPA's unique role is to comment on other agencies' EISs and EAs and maintain and publish a database of EISs. There have been efforts in the past to eliminate these roles and make the process self-implementing. However, the broad expertise that EPA brings to bear on environmental analyses is significant and irreplaceable, and has made a difference.

Pesticides - Federal Insecticide, Fungicide and Rodenticide Act (FIFRA) and Food Quality Protection Act (FQPA)
TBD

Toxic Substances - PCBs, Lead, Asbestos; reporting for new chemicals and those posing risks.
TBD

C. Questions to ask about the full implications of rolling back any environmental protection:
Before rolling back any environmental protection, we need the agency to answer the following questions, and share the results of their analysis in a Federal Register Notice, prior to rolling back any environmental protection.

1. What would be the full social costs of rolling back an environmental protection? How will you measure this? What uncertainty did you have in your analysis, and how did you address it?
2. How many people would be affected, and in what way?
3. What would be the expected increase or decrease in both mortality and morbidity?
4. What would be the expected increased risk to health (such as cancer, asthma, reproductive health, developmental health of children, loss in IQ, work absenteeism, truancy, and other disease and public health endpoints?)
5. Who would benefit from a roll back of protections- what industries? What communities?
6. Are there communities that would especially bear the brunt of the effects of rolling back protections? What is their socio-economic class and race?
7. If the regulations are redundant, please cite other regulations and explain why they are redundant.
8. If industries should be able to self-regulate, what evidence do you have they will do so and keep to the spirit of the enabling legislation?
9. If industries should be able to self-regulate, what evidence shows they might not regulate themselves?
10. What are the risks associated with Permit by Rule?

11. How did you calculate the costs of an environmental protection, and its benefits? What uncertainties are there in calculating both?
12. If an environmental protection is outdated or ineffective, what evidence do you have to support that?

Other Agencies (for future efforts?)

- Thanks to its effective implementation of the 1938 Food, Drug, and Cosmetics Act, the FDA blocked thalidomide from being marketed in the United States, where it likely would have caused thousands of birth defects.
- Improved regulation of slaughterhouses and meat-processing plants by the Department of Agriculture signi cantly decreased the incidence of food-borne illnesses caused by tainted beef between 1996 and 2001, including a 49-percent decrease traced to Yersinia, a 35-percent decrease traced to Listeria, a 27-percent decrease traced to Campylobacter, and a 15-percent decrease traced to Salmonella.
- NHTSA's vehicle safety standards have reduced the traffic fatality rate from nearly 3.5 fatalities per 100 million vehicle miles traveled in 1980 to 1.41 fatalities per 100 million vehicle miles traveled in 2006.
- Effective regulation of reworks by the CPSC more than halved the average number of injuries per 100,000 pounds of reworks sold from 42.8 during the period of 1976 to 1978 to 21.2 during the period of 1991 to 1993.
- OSHA workplace regulations helped reduce worker fatality rates from 18 deaths per 100,000 workers in 1970 to four deaths per 100,000 workers in 2006.
- MSHA mining safety regulation reduced miner fatality rates from 0.2 deaths per 200,000 hours worked in 1970 to an average of 0.03 deaths per 200,000 hours worked during the period of 2001 to 2005.
- An Endangered Species Act recovery program developed by the U.S. Fish and Wildlife Service helped increase the Bald Eagle population from just 400 nesting pairs in 1963 to 10,000 nesting pairs in 2007, enabling the Service to remove Bald Eagles from the Endangered Species List.
- An Endangered Species Act recovery program developed by the U.S. Fish and Wildlife Service helped save the Whooping Crane from the brink of extinction, increasing the population from just 16 individuals in 1963 to 384 individuals in 2009.