



# SCIENCE ADVISORY BOARD

A Federal Advisory Committee to the U.S. Environmental Protection Agency

September 9, 2022

EPA-SAB-22-009

The Honorable Michael S. Regan  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Subject: Science Advisory Board (SAB) Consideration of Eight Planned  
Regulatory Actions listed on EPA's 2021 Fall Regulatory Agenda  
and Discussed During the Chartered SAB July 2022 Meeting

Dear Administrator Regan,

The Environmental Protection Agency's (EPA) Science Advisory Board (SAB) met on July 18 and July 20, 2022, and discussed whether to review the adequacy of the scientific and technical basis of eight EPA planned regulatory actions which were made available by the Agency as required by statute. The SAB found that these eight planned actions do not merit further review by the SAB.

## **SAB's Screening Review of Science Supporting EPA Decisions**

The Environmental Research, Development, and Demonstration Authorization Act (ERDDAA) requires the EPA to make available to the SAB proposed criteria documents, standards, limitations, and technical information on which the proposed actions are based. The SAB may, within the time specified by the Administrator, make available advice and comments on the adequacy of the scientific and technical basis of the proposed actions. To fulfill ERDDAA requirements, the Associate Administrator for the Office of Policy, the Deputy Assistant Administrator for Science Policy in the Office of Research and Development, and the Director of the Science Advisory Board Staff Office on February 28, 2022, clarified the process for Review of Science Supporting EPA Decisions. Under this process, the SAB Work Group for the Review of Science Supporting EPA Decisions holds monthly meetings to examine planned actions sent to the SAB Office.

On May 27, and June 24, 2022, the SAB Work Group for the Review of Science Supporting EPA Decisions met to review planned actions listed on EPA's 2021 Fall Regulatory Agenda and consider whether the science supporting these actions should be reviewed by the SAB. The EPA

provided additional information on some of these rules. The Work Group found that eight EPA planned actions did not merit SAB review.<sup>1</sup>

The Chartered SAB met on July 18th and July 20th, 2022 and discussed the Work Group recommendations. The Chartered SAB agreed that the following eight planned EPA actions do not merit further review by the SAB. The SAB findings with regard to these eight planned actions are summarized in Attachment A.

- 1) National Emission Standards for Hazardous Air Pollutants (NESHAP): Gasoline Distribution Technology Review and Standards of Performance for Bulk Gasoline Terminals Review (RIN 2060-AU97)
- 2) Federal Recreational Water Quality Criteria Applicable to Certain Waters in New York (RIN 2040-AG08)
- 3) Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights (RIN 2040-AG17)
- 4) New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines (RIN 2060-AV23)
- 5) Renewable Fuel Standard (RFS) Program: Alternative Renewable Identification Number (RIN) Retirement Schedule for Small Refineries (RIN 2060-AV72)
- 6) Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act – Safer Communities by Chemical Accident Prevention (RIN 2050-AH22)
- 7) Designating PFOA and PFOS as CERCLA Hazardous Substances (RIN 2050-AH09)
- 8) Federal Implementation Plan for Prong 1 and Prong 2 Infrastructure Requirements (“Interstate Transport”) for the 2015 8-Hour Primary Ozone NAAQS (RIN 2060-AV51)

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<sup>1</sup> Recommendations of the SAB Work Group for Review of Science Supporting EPA Decisions Regarding Planned EPA Regulatory Actions [Memorandum], July 5, 2022. Available at: [https://sab.epa.gov/ords/sab/f?p=114:19:1662394653969:::RP,19:P19\\_ID:975](https://sab.epa.gov/ords/sab/f?p=114:19:1662394653969:::RP,19:P19_ID:975)

On behalf of the SAB, thank you for this opportunity to support the EPA through consideration of the science supporting EPA's regulatory actions.

Sincerely,

/s/

Alison C. Cullen, Sc.D.  
Chair, EPA Science Advisory Board

Attachment

## NOTICE

This report has been written as part of the activities of the EPA Science Advisory Board, a public advisory committee providing extramural scientific information and advice to the Administrator and other officials of the Environmental Protection Agency. The Board is structured to provide balanced, expert assessment of scientific matters related to problems facing the Agency. This report has not been reviewed for approval by the Agency and, hence, the contents of this report do not represent the views and policies of the Environmental Protection Agency, nor of other agencies in the Executive Branch of the Federal government, nor does mention of trade names or commercial products constitute a recommendation for use. Reports of the EPA Science Advisory Board are posted on the EPA website at <http://www.epa.gov/sab>.

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**Attachment A. Proposed EPA Actions that Do Not Merit SAB Review**

<b>RIN</b>	<b>Proposed Action Title</b>	<b>SAB Determination</b>
<a href="#"><u>RIN 2060-AU97</u></a>	National Emission Standards for Hazardous Air Pollutants (NESHAP): Gasoline Distribution Technology Review and Standards of Performance for Bulk Gasoline Terminals Review ( <a href="#"><u>87 FR 35608</u></a> )	This planned action does not merit further review by the chartered SAB because it has been classified by the EPA as a “substantive, non-significant” action, it is largely procedural, and the supporting science is well-established.
<a href="#"><u>RIN 2040-AG08</u></a>	Federal Recreational Water Quality Criteria Applicable to Certain Waters in New York	This planned action does not merit further review by the chartered SAB because of its limited scope.
<a href="#"><u>RIN 2040-AG17</u></a>	Water Quality Standards Regulatory Revisions to Protect Tribal Reserved Rights	This planned action does not merit further review by the chartered SAB because it is considered mainly procedural, mostly focused on codification of amendments to ensure tribal reserved rights, and does not involve new science or analysis.
<a href="#"><u>RIN 2060-AV23</u></a>	New Source Performance Standards Review for Industrial Surface Coating of Plastic Parts for Business Machines ( <a href="#"><u>87 FR 36796</u></a> )	This planned action does not merit further review by the chartered SAB because it is mainly procedural.
<a href="#"><u>RIN 2060-AV72</u></a>	Renewable Fuel Standard (RFS) Program: Alternative Renewable Identification Number (RIN) Retirement Schedule for Small Refineries ( <a href="#"><u>87 FR 35711</u></a> and <a href="#"><u>87 FR 54158</u></a> )	This planned action does not merit further review by the chartered SAB because it is procedural, considered routine, and related to compliance deadlines.

<a href="#">RIN 2050-AH22</a>	Accidental Release Prevention Requirements: Risk Management Programs Under the Clean Air Act – Safer Communities by Chemical Accident Prevention ( <a href="#">87 FR 53556</a> )	This planned action does not merit further review by the chartered SAB. Some procedural aspects of the rule have environmental justice implications but these issues can be investigated through SAB review of other EPA guidance documents.
<a href="#">RIN 2050-AH09</a>	Designating PFOA and PFOS as CERCLA Hazardous Substances ( <a href="#">87 FR 54415</a> )	This planned action does not merit further review by the chartered SAB because no new scientific work was initiated as part of regulatory action development.
<a href="#">RIN 2060-AV51</a>	Federal Implementation Plan for Prong 1 and Prong 2 Infrastructure Requirements (“Interstate Transport”) for the 2015 8-Hour Primary Ozone NAAQS ( <a href="#">87 FR 20036</a> )	This planned action does not merit further review by the chartered SAB because it does not involve scientific approaches that are new to the Agency. The scientific and technical bases used in this rulemaking have been used in previous national/regional ozone transport rulemakings and are not new to EPA.