

COMMENTS OF THE ATTORNEYS GENERAL OF NEW JERSEY, CONNECTICUT,
ILLINOIS, MARYLAND, MASSACHUSETTS, MICHIGAN, NEW YORK, OREGON,
PENNSYLVANIA, VERMONT, WISCONSIN, THE DISTRICT OF COLUMBIA, AND THE
ATTORNEY OF HARRIS COUNTY, TEXAS

Via Regulations.gov

Mr. Andrew Bouchard
Sector Policies and Programs Division
Office of Air Quality Planning and Standards (E143-01)
United States Environmental Protection Agency
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Re: **Proposed Rule “New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry,” 88 Fed. Reg. 25,080 (Apr. 25, 2023)**
Docket ID No. EPA-HQ-OAR-2022-0730

Dear Mr. Bouchard,

The Attorneys General of New Jersey, Connecticut, Illinois, Maryland, Massachusetts, Michigan, New York, Oregon, Pennsylvania, Vermont, Wisconsin, and the District of Columbia, as well the Attorney’s Office of Harris County, Texas, (collectively, Attorneys General) submit these comments supporting the Environmental Protection Agency’s (EPA) proposed rule “New Source Performance Standards for the Synthetic Organic Chemical Manufacturing Industry and National Emission Standards for Hazardous Air Pollutants for the Synthetic Organic Chemical Manufacturing Industry and Group I & II Polymers and Resins Industry,” 88 Fed. Reg. 25,080 (Apr. 25, 2023) (Proposed Rule).

The Proposed Rule represents critical progress in EPA’s efforts to protect our residents from the dangers posed by synthetic organic chemicals. In response to our increased understanding of the significant dangers these chemicals pose, EPA is acting to enhance monitoring and dramatically reduce their emissions. Of particular importance are the fenceline monitoring requirements for facilities that produce ethylene oxide, chloroprene, 1,3 butadiene, benzene, ethylene dichloride, and vinyl chloride. The Attorneys General especially laud the requirements that facilities report data and take corrective action in the face of exceedances. Proposed Rule at 25144-46. And the Attorneys General further support the strengthened leak detection and repair requirements for ethylene oxide and chloroprene.

The Proposed Rule is an important update to two vital regulations. First, it revises the New Source Performance Standards (NSPS) that apply to the Synthetic Organic Chemical Manufacturing Industry (SOCMI). Second, it strengthens the National Emissions Standards for Hazardous Air Pollutants (NESHAP) for both the SOCMI and the Group I & II Polymers and Resins Industry (P&R I & P&R II).

The populations represented by the Attorneys General have a strong interest in the Proposed Rule. Many of the states have facilities that would be regulated by the Proposed Rule within or near their borders, and have a significant interest in protecting their residents from these facilities' emissions and their negative health effects. Moreover, these facilities are often sited in or near environmental justice communities—neighborhoods that are majority-Black or Hispanic and low-income that have been subject to disproportionate pollution, with attendant disproportionate public health consequences. Many of the Attorneys General's states have laws and executive orders requiring the incorporation and consideration of environmental justice factors when implementing and enforcing regulation. Plastics production is also a significant source of greenhouse gas emissions which cause climate change, the harms of which also disproportionately fall on the above-mentioned environmental justice communities.

EPA's decision to perform a risk and technology review for the regulated substances was correct. The Attorneys General strongly support the accompanying decision to promulgate more stringent protections, including leak detection and control methods. Fenceline monitoring in particular represents a major step in protecting nearby communities. The Attorneys General similarly praise EPA's decision to close the startup, shutdown, and maintenance exemption to emissions limitations, which will reduce the hazardous substances released into the environment.

Finally, the Attorneys General also laud EPA's decision to perform a first-of-its-kind environmental justice analysis as part of its rulemaking process. It is paramount that regulatory agencies consider the particular dangers posed by overlapping and compounding environmental and social factors – and that agencies consider the fact that these dangers regularly fall upon communities of color and communities experiencing high rates of poverty. However, the States urge EPA to not just perform this analysis as justification for its ultimate decision, or to inform the public, but to incorporate these analyses into its regulatory decisions.

COMMENTS

- a) EPA properly exercised its authority in performing a risk and technology review**

The Attorneys General support EPA’s decision to perform an additional risk assessment for SOCOMI and certain P&R I sources, and encourage EPA to take similar initiative in the future as new science emerges concerning other regulated chemicals.

The Clean Air Act requires EPA to regulate hazardous air pollution (HAP) emissions from stationary sources. 42 U.S.C. 7412(d)(2). In its decades of rulemaking experience, EPA has developed a two-stage regulatory process to promulgate NESHAPs. In the first stage, EPA establishes technology-based standards; in the second stage, the residual risk review, the effectiveness of those standards is evaluated and EPA determines whether additional standards are needed to protect human health. 42 U.S.C. § 7412(f). In addition, EPA must also review these standards “as necessary” in light of advancing technology and understanding of best practices, no less often than every eight years. *Id.* § 7412(d)(6). When EPA performs the risk stage and the technology review simultaneously, this is called a “risk and technology review.” EPA’s authority to perform a combined risk and technology review is well-established.¹

EPA previously conducted the risk review for the industries regulated in the Proposed Rule.² The Attorneys General strongly support EPA’s decision to conduct a second risk review for the Hazardous Organic NESHAP (HON) sources that emit ethylene oxide and the P&R I sources that emit neoprene/chloroprene. EPA correctly determined that an additional review was necessary based on the scientific community’s evolving understanding of the dangers posed by these chemicals.

EPA’s ability to revisit its previous risk review is consistent with both the law and common sense. As the Northern District of California noted recently, the CAA “expressly contemplates that EPA might revise its risk-based standards” citing CAA § 307(d)(1)(C), which discusses the “promulgation or revision of ... any standard under section [CAA § 112(f)].”³ This is consistent with the broader Supreme Court jurisprudence on the ability of federal agencies to revise their rulemakings; “administrative authorities must be permitted, consistently with the obligations of

¹ National Resource Defense Council v. EPA, 529 F.3d 1077, 1083 (D.C. Cir. 2008).

² National Emission Standards for Organic Hazardous Air Pollutants From the Synthetic Organic Chemical Manufacturing Industry, 71 Fed. Reg. 76,603 (Dec. 12, 2006); National Emission Standards for Hazardous Air Pollutant Emissions: Group I Polymers and Resins (Polysulfide Rubber Production, Ethylene Propylene Rubber Production, Butyl Rubber Production, Neoprene Production); National Emission Standards for Hazardous Air Pollutants for Epoxy Resins Production and Non-Nylon Polyamides Production; National Emission Standards for Hazardous Air Pollutants for Source Categories: Generic Maximum Achievable Control Technology Standards (Acetal Resins Production and Hydrogen Fluoride Production) (Risk and Technology Review), 73 Fed. Reg. 76,220 (Dec. 16, 2008).

³ Citizens for Pennsylvania’s Future v. Andrew R. Wheeler, No. 19-CV-02004-VC (N.D. Cal. June 26, 2020).

due process, to adapt their rules and policies to the demands of changing circumstances.”⁴

When EPA conducted its initial risk and technology review for SOCMCI sources in 2006, the danger posed by ethylene oxide was not fully understood. But in the intervening years, research consistently has shown that ethylene oxide is far more carcinogenic than previously thought. In 2016, EPA found that ethylene oxide was thirty times more carcinogenic to adults than had been calculated prior, a finding that undeniably necessitated a reevaluation of what exposure level is appropriate.⁵ And such a development was explicitly contemplated by EPA itself in the original risk review, which reserved EPA’s “authority to revisit (and revise, if necessary) any rulemaking if there is sufficient evidence that changes within affected industry or significant improvements to science suggests the public is exposed to significant increases in risk as compared to the risk assessment prepared for the rulemaking.”⁶

Similarly, when EPA conducted its first risk evaluation for chloroprene in 2010, it had not yet developed its cancer risk models for breathing or ingesting chloroprene, which were not completed until later that year.⁷ Accordingly, the initial risk evaluation for chloroprene assigned no risk of cancer from inhalation. But today, the NIH describes chloroprene as “reasonably anticipated to be a human carcinogen.”⁸

In response to this new information, in 2021 the EPA Inspector General put out a report specifically urging EPA to revise its risk assessment for ethylene oxide and chloroprene.⁹ In its analysis as of that date, the Inspector General found that “over 464,000 people live in 103 census tracts located in the 18 metropolitan areas with individual lifetime cancer risks equal to or greater than 100 in one million where ethylene oxide or chloroprene are the primary risk drivers, as shown in Figure 5.”¹⁰ The Attorneys General thus wholeheartedly support EPA’s decision to reevaluate the risk assessments for ethylene oxide and chloroprene and believe that EPA’s decision to do so is amply justified in light of new information demonstrating their hazards.

⁴ In re Permian Basin Area Rate Cases, 390 U.S. 747, 784 (1968).

⁵ See U.S. EPA. Evaluation of the Inhalation Carcinogenicity of Ethylene Oxide (CASRN 75–21– 8) In Support of Summary Information on the Integrated Risk Information System (IRIS). December 2016. EPA/635/R–16/350Fa. Available at: https://cfpub.epa.gov/ncea/iris/iris_documents/documents/toxreviews/1025tr.pdf.

⁶ Ethylene Oxide Emissions Standards for Sterilization Facilities; Final Decision, 71 Fed. Reg. 17712, 17715 col. 1 (Apr. 7, 2006).

⁷ Environmental Protection Agency. Toxicological Review of Chloroprene (CAS No. 126- 99-8). In Support of Summary Information on the Integrated Risk Information System (Sept. 2010).

⁸ National Toxicology Program. 15th Report on Carcinogens (Dec. 21, 2021).

⁹ EPA, Office of the Inspector General, EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene and Ethylene Oxide-Emitting Source Categories to Protect Human Health, Report No. 21-P-0129 (May 6, 2021), https://www.epa.gov/sites/default/files/2021-05/documents/epaoig_20210506-21-p-0129.pdf.

¹⁰ Id., 15.

b) EPA should further strengthen fenceline monitoring requirements

The Attorneys General support EPA's proposal to require plants to conduct fenceline monitoring if they use, produce, store, or emit any of the following six air toxics—ethylene oxide, chloroprene, benzene, 1,3-butadiene, ethylene dichloride and vinyl chloride—as an added measure of protection for the numerous people who live near the facilities the proposal covers.¹¹ In New York, for example, nearly 10,000 people live, work, play, or learn near (within one mile) of four chemical manufacturing facilities covered by the Proposed Rule, according to EPA EJSCREEN v.2.2. When environmental burdens are considered with demographic vulnerabilities, these communities experience extremely high exposure to toxic releases in air (98-99th percentile) and EPA Risk Management Plan facilities (75th-97th percentile).

As certain Attorneys General have previously submitted to EPA in connection with the Safer Communities by Chemical Accident Prevention rulemaking, fenceline monitoring can provide numerous benefits, including assisting in identifying an accidental release and in the event of an accidental release give the community immediate notice of the emergency and any necessary mitigation responses they should employ (shelter in place, close windows, evacuate, etc.).¹² Fenceline air monitoring can also help communities advocate for vigorous enforcement of regulatory requirements;¹³ push companies to use safer chemicals; alert and educate friends, family members, and community members; and encourage the media to report on polluting facilities in their areas.¹⁴ Fenceline monitoring can also assist emergency response organizations when making emergency response decisions such as evacuations and shelter-in-place orders.¹⁵ Furthermore, facilities can also use

¹¹ EPA, *Fact Sheet: EPA's Proposal to Reduce Toxic Air Pollution from the Synthetic Organic Chemical Manufacturing Industry and the Polymers and Resins Industry: Overview* at 1, https://www.epa.gov/system/files/documents/2023-04/PROPOSED.%20HON.PR_OVERVIEW.Fact%20Sheet.FINAL_.4.6.23_0.pdf.

¹² See Comments Submitted by New York State Office of the Attorney General *et al.* at 66-70 (Oct. 31, 2022), <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0444>.

¹³ According to an Environmental Defense Fund analysis of data from more than 200 of the largest chemical manufacturing facilities that would be likely be covered by the Proposed Rule, more than 50% of facilities are currently violating one or more of our nation's environmental laws and more than 80% of facilities have been in noncompliance with some environmental laws in the past three years. Environmental Defense Fund, *EPA Proposes Crucial Protections Against Toxic Air Pollution from Petrochemical Facilities* (Apr. 6, 2023), <https://www.edf.org/media/epa-proposes-crucial-protections-against-toxic-air-pollution-petrochemical-facilities>.

¹⁴ See Comments Submitted by New York State Office of the Attorney General *et al.* at 66-70 (Oct. 31, 2022), <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0444>.

¹⁵ See Comments Submitted by New York State Office of the Attorney General *et al.* at 66-70 (Oct. 31, 2022), <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0444>.

fenceline air monitoring information to take the initiative to improve safety at their operations.¹⁶

EPA should consider strengthening the proposed fenceline monitoring requirements. Since the Proposed Rule only applies to facilities that emit one of six air toxics, EPA should consider requiring fenceline monitoring at additional facilities. In addition, we urge EPA to consider requiring real-time fenceline monitoring so that information can immediately be provided, including to communities, first responders, and facilities, rather than having the information provided on a lag. Furthermore, EPA should consider lowering the action levels to make the rule more health protective.

c) EPA is correct in closing the startup, shutdown, and maintenance loophole

The Attorneys General support EPA's decision to close a major gap in the existing regulation, the startup, shutdown, and maintenance exemption. Under the current rule, periods of startup, shutdown and maintenance for HON and P&R II facilities are not subject to emission limitations, even though these processes often involve venting and other emissions-causing activities.¹⁷ The Attorneys General therefore support EPA's decision in the Proposed Rule to close this loophole and consistently apply the emissions limitations to periods of startup, shutdown, and maintenance.

d) The Proposed Rule makes major progress toward addressing disproportionate danger overburdened communities face from chemical plants

The Attorneys General strongly support EPA's efforts in in the Proposed Rule to address the disproportionate health risks borne by low-income communities of color. The chemical plants subject to the Proposed Rule are often sited in environmental justice communities already overburdened with disproportionate health risks. As EPA found, communities near the plants covered by the Proposed Rule have a higher-than-average percentage of residents who are Black, low income and/or Hispanic or Latino.¹⁸ The Proposed Rule would reduce emissions of hazardous

¹⁶ See Comments Submitted by New York State Office of the Attorney General *et al.* at 66-70 (Oct. 31, 2022), <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0444>. See also Comments Submitted by Earthjustice (Oct. 31, 2022), at 86-93, <https://www.regulations.gov/comment/EPA-HQ-OLEM-2022-0174-0460>.

¹⁷ 88 FR 25159.

¹⁸ EPA, Fact Sheet: EPA's Proposal to Reduce Toxic Air Pollution from the Synthetic Organic Chemical Manufacturing Industry and the Polymers and Resins Industry: Overview at 2, https://www.epa.gov/system/files/documents/2023-04/PROPOSED.%20HON.PR_OVERVIEW.Fact%20Sheet.FINAL_.4.6.23_0.pdf.

air pollutants, including air toxics which may cause cancer and/or pose other serious health risks and also contribute to smog.¹⁹ EPA expects that emission reductions would dramatically reduce air-toxics related cancer risks for nearby communities.²⁰

President Biden’s Executive Order 14096, Revitalizing Our Nation’s Commitment to Environmental Justice for All, requires that federal agencies “identify, analyze, and address disproportionate and adverse human health and environmental effects (including risks) and hazards of Federal activities, including those related to climate change and cumulative impacts of environmental and other burdens on communities with environmental justice concerns.”²¹ Executive Order 14096—the latest development in the federal government’s efforts to address systemic environmental injustice²²—represents a significant step toward ensuring that federal agencies accurately analyze the risk that their decisions may pose towards communities that already endure disproportionate dangers from environmental contamination. The Attorneys General support EPA’s decision to implement President Biden’s Executive Order through including both a demographic analysis and a whole-facility production analysis (“community risk assessment”) as a part of its rulemaking process.

The EPA’s Inspector General found that people of color or people part of low-income households “comprise more than half of the people living in census block groups of 14 (of 22) ethylene oxide-emitting facilities contributing to elevated cancer risks.”²³ This has deadly consequences, such as those plaguing the infamous “Cancer

¹⁹ EPA, Fact Sheet: EPA’s Proposal to Reduce Toxic Air Pollution from the Synthetic Organic Chemical Manufacturing Industry and the Polymers and Resins Industry: Overview at 1, https://www.epa.gov/system/files/documents/2023-04/PROPOSED.%20HON.PR_OVERVIEW.Fact%20Sheet.FINAL_.4.6.23_0.pdf.

²⁰ EPA, Fact Sheet: EPA’s Proposal to Reduce Toxic Air Pollution from the Synthetic Organic Chemical Manufacturing Industry and the Polymers and Resins Industry: Overview at 1, https://www.epa.gov/system/files/documents/2023-04/PROPOSED.%20HON.PR_OVERVIEW.Fact%20Sheet.FINAL_.4.6.23_0.pdf.

²¹ Executive Order No. 14096, 88 Fed. Reg. 25,251 (Apr. 26, 2023).

²² See, e.g., Executive Order No. 12,898, 59 Fed. Reg. 7629 (Feb. 16, 1994) (directing federal agencies to identify and address disproportionately high and adverse human health or environmental effects of their programs, policies, and activities on populations of color and low-income populations); Exec. Order 13,563, 76 Fed. Reg. 3821 (Jan. 21, 2011) (directing agencies to select regulatory approaches that maximize net benefits including “distributive impacts[] and equity”; “Where appropriate and permitted by law, each agency may consider (and discuss qualitatively) values that are difficult or impossible to quantify, including equity . . . and distributive impacts.”); Executive Order 13,990, 86 Fed. Reg. 7037 (Jan. 25, 2021) (directing all executive departments and agencies to address any actions that conflict with goals of reducing greenhouse gas emissions and prioritizing environmental justice, among other national objectives).

²³ EPA, Office of the Inspector General, *EPA Should Conduct New Residual Risk and Technology Reviews for Chloroprene and Ethylene Oxide-Emitting Source Categories to Protect Human Health*, Report No. 21-P-0129 (May 6, 2021), https://www.epa.gov/sites/default/files/2021-05/documents/epa_oig_20210506-21-p-0129.pdf;

Alley” in Louisiana.²⁴ EPA estimates that residents of Cancer Alley have a cancer risk from air toxics of 100 in 1 million or higher, while the national average is 30 in 1 million.²⁵ Similarly, Camden, New Jersey, a low-income and majority-Black area, was identified in 2014 by EPA as an area where residents faced increased cancer risks due to ethylene oxide emissions in the air from nearby SOCOMI facilities.²⁶

Additionally, fenceline communities in Harris County, the largest county in Texas and third largest in the country, will be particularly affected by this proposal. Harris County has approximately 30 facilities subject to this rule, and there are some facilities just over the county line that have the potential to effect communities in Harris County. These facilities are mostly concentrated along the Houston Ship Channel and can encompass hundreds of acres. The magnitude and density of these facilities in Harris County highlights the importance of robust, consistent fenceline monitoring that may need to be adjusted based on the facility’s size.

The communities around these facilities in Harris County often the bear the disproportional burden of environmental hazards. For example, EPA found that one “group of 5 facilities in the Houston/Channelview Texas area have local populations that are between 60 and 90 percent Hispanic/Latino, and those communities account for 31 percent of the Hispanic/Latino population with risks greater than or equal to 1-in-1 million resulting from SOCOMI source category emissions.”²⁷ Channelview, a community east of Houston, has 2 facilities subject to the proposed rule and is above 90th percentile for eight out of twelve of EPA’s EJScreen.

A proper level of safe emissions for SOCOMI plants in these areas, therefore, must account for the fact that nearby residents are often already exposed to hazardous chemicals and other pollutants from other facilities and sources.

EPA’s decision to perform both a demographic analysis and a community risk assessment is a vital step in understanding and combatting the systemic dangers chemical manufacturing poses to communities of color and low income communities. The Attorneys General especially laud EPA’s decision to perform a community risk assessment. As discussed above, EPA correctly determined that merely analyzing in a vacuum the risk that the chemical emissions from the SOCOMI facilities regulated

²⁴ *Polluter’s Paradise: Environmental Impact in Louisiana*, ProPublica, <https://www.propublica.org/series/polluters-paradise>.

²⁵ See U.S. Env’tl. Prot. Agency, 2014 National Air Toxics Assessment Summary of Results 1–2 (2018), https://www.epa.gov/sites/production/files/2020-07/documents/nata_2014_summary_of_results.pdf.

²⁶ Environmental Protection Agency Office of the Inspector General, Management Alert: Prompt Action Needed to Inform Residents Living Near Ethylene Oxide-Emitting Facilities About Health Concerns and Actions to Address Those Concerns (Mar. 31, 2020).

²⁷ 88 FR 25183.

by the Proposed Rule is inadequate.²⁸ The community risk assessment provides important information concerning the number and demographics of those most affected by SOCFI facilities, and detailed information about their exposure to other sources of regulated chemicals.

However, EPA is quite unequivocal that the community risk assessment did not inform the proposed regulatory decisions.²⁹ While we are aware of implementation challenges due to potential limitations in EPA's statutory authority, the Attorneys General encourage EPA to reevaluate this decision going forward. EPA itself described the data provided by the community risk assessment as "valuable information." The Clean Air Act requires EPA to investigate whether its regulations provide an "ample margin of safety" to protect public health. 42 U.S.C. 7412(f)(2). Should a community risk assessment demonstrate that a proposed rule does not provide an "ample margin of safety," because of other health stressors in the community not captured by other risk assessments, EPA must revise the proposed rule. Indeed, Executive Order 14096, requires federal agencies not just identify and analyze cumulative impacts, but address them as well.³⁰

In this case, this new information provided by the community impact analysis demonstrates the need for the Proposed Rule. The data show that the Proposed Rule would significantly reduce the cancer risk faced by individuals living near both SOCFI facilities and other large chemical facilities: "The population (within 10 km of HON facilities) exposed to cancer risks greater than 100-in-1 million from all nearby emissions will be significantly reduced from 104,000 people to 4,200 people; a 96 percent reduction from the baseline."³¹

In contrast, State-level environmental laws and regulations incorporate these analyses in the decision-making processes. In New Jersey, when a facility seeks a new or modified permit for a major source of air pollution, landfill, incinerator, sewage plant, solid waste facility, or scrap metal facility, the New Jersey Department of Environmental Protection incorporates the presence of any adverse cumulative stressors in its decision whether or not to grant the permit.³² NJDEP's definition of cumulative stressors incorporates not only other source of pollution, but pre-existing health conditions in the community that may be exacerbated by pollution, such as asthma and heart conditions.³³

²⁸ See National Research Council, *Science and Judgment in Risk Assessment* (1994). Washington, DC: The National Academies Press. <https://doi.org/10.17226/2125>.

²⁹ U.S. Env'tl. Prot. Agency, EPA's Community Risk Assessment and Risk Based Demographic Assessment (Apr. 6, 2023) ("Although this [community risk] assessment did not inform the proposed regulatory decisions, it provides valuable information to the public about the consequences of the proposed rule.")

³⁰ Executive Order No. 14096, 88 Fed. Reg. 25,251 (Apr. 26, 2023)

³¹ 88 Fed. Reg. 25,080, 25,110.

³² N.J.S.A. 13:1D-160.

³³ N.J.A.C. 7.1C-1.4.

Similarly, in Massachusetts, pursuant to recent state climate legislation 2021 Mass. Acts Chapter 8, Section 102C, the Department of Environmental Protection has recently published proposed air permitting regulations requiring extensive cumulative impact analyses for new or expanding facilities located within a specified distance from a community designated as an environmental justice population.³⁴ . The regulations also propose early public notice and significant community involvement.³⁵

New York also recently enacted environmental justice legislation that addresses the cumulative impacts of multiple sources of pollution in the environmental review and permitting process.³⁶

Based on the Attorneys General's experiences with our own environmental justice laws and Executive Orders, we urge EPA to incorporate its community risk assessments in its regulatory decisions.

CONCLUSION

For the above reasons, the Attorneys General support EPA's decision to promulgate the Proposed Rule. It is EPA's obligation to update its regulations as our scientific understanding of the potential dangers of hazardous substances grows. In this case, EPA appropriately exercised its discretion to ensure that those living near the regulated facilities are protected. The Attorneys General especially support EPA's decision to require fence-line monitoring for several key chemicals. The Attorneys General praise EPA for its decision to begin incorporating environmental justice principles in its rulemaking through its community risk analysis.

³⁴ Proposed new 310 C.M.R. § 7.02(14)

³⁵ *Id.*

³⁶ See Michael B. Gerrard and Edward McTiernan, *New York Adopts Nation's Strongest Environmental Justice Law* (May 9, 2023), New York Law Journal, <https://www.law.com/newyorklawjournal/2023/05/09/new-york-adopts-nations-strongest-environmental-justice-law/>.

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