



Mr. Aaron Yeow
Designated Federal Officer
SAB Staff Office
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Dear Mr. Yeow:

On behalf of the Association of Battery Recyclers, Inc. (“ABR”), Battery Council International (“BCI”), and the International Lead Association (“ILA”), we appreciate the opportunity to provide a written statement for consideration by the Clean Air Scientific Advisory Committee (“CASAC”) Lead Review Panel in its consultation on Volume 2 of the *Integrated Review Plan of the Lead National Ambient Air Quality Standards* (“IRP”).

ABR is a non-profit trade association that represents the lead recycling industry. Members of ABR include companies that own and/or operate battery manufacturers, lead chemical manufacturers, secondary lead smelters, and lead fabricators, as well as consultants and vendors to the lead recycling industry. BCI is a not-for-profit trade association formed in 1924 that represents companies worldwide engaged in every facet of the industry: manufacturers and recyclers, marketers and retailers, suppliers of raw materials and equipment, and expert consultants. ILA is a global trade association dedicated exclusively to representing lead producers and supporting a sustainable future for lead. Combined, our three associations represent over 120 companies that have a direct interest in lead and its many important uses.

The battery manufacturing and lead recycling industries in the United States are critical domestic industries, particularly during these times of international supply chain disruptions. Lead batteries are America’s most recycled consumer product. With their extraordinary recycling rate (99%) they are a model of a successful circular economic system. Lead batteries also are a critical part of fostering sustainability to meet the world’s growing energy demands. For example, in the transportation sector lead batteries help cut fuel consumption in start-stop vehicles by up to 10% and thus reduce greenhouse gas emissions. Likewise, in the renewable energy sector, lead batteries store energy produced with wind and solar, ensuring a steady supply of electricity.¹

Moreover, the battery manufacturing and lead recycling industries have made substantial commitments to environmental stewardship. On average, each recycler in the U.S. invested more than \$70 million per facility in environmental, health, and safety improvements over the last decade, including advanced, high-efficiency air-filtration systems, to ensure a safe workplace and minimize environmental emissions. Lead battery manufacturers have made similar

¹ EPA and CASAC can find additional information on these and other aspects of the role of lead batteries in the circular economy at <https://essentialenergyeveryday.com/> and <https://www.associationofbatteryrecyclers.com/>.

investments over recent decades, resulting in a dramatic reduction of the industries' environmental footprints.

Furthermore, the United States Environmental Protection Agency's ("EPA") most recent National Emissions Inventory² shows that other emissions dwarf emissions from the lead-recycling and battery manufacturing industries. Ten categories of sources alone – none in the lead battery manufacturing or recycling industries – contributed more than 95 percent of the total 1,335,863 pounds of lead emitted nationwide.³ Lead battery manufacturers emitted under 5,975 of these pounds, which is 0.4 percent of total lead emissions and only 0.92 percent of all reported point facility emissions. And secondary smelters also made only a minor contribution, totaling 0.8 percent of total point facility air emissions.

Of course, this is only part of the story of reductions of atmospheric emissions since the first lead NAAQS was established. Today, levels of lead in air have been reduced more than 98% compared to 1980.⁴ Since 2010, nationwide ambient average concentrations of lead have been reduced another 86%.⁵

During their deliberations in 2013, a CASAC member correctly noted that lead "is one of the biggest environmental success stories that exist for any pollutant . . . it would be difficult to think of another pollutant . . . where people have made a decision that has reduced the emissions to the extent we've done with lead . . ."⁶ The successful reduction of lead air emissions, the few significant sources that remain, and the multimedia aspect of reducing lead exposures were influential in CASAC's 2014 recommendation to maintain the 2008 primary and secondary standards. In fact, these discussions underlay the former CASAC Chair's raising of the legal question of whether there was a process for removing pollutants from the NAAQS.⁷

We thus specifically encourage the CASAC to continue the discussions that its members initiated during the last review related to lead levels and sources, in the context of both 1) whether the NAAQS is a relevant tool for furthering meaningful reductions in lead exposures and 2) ensuring

² Data available at U.S. Environmental Protection Agency, 2017 National Emissions Inventory (NEI) Data, <https://www.epa.gov/air-emissions-inventories/2017-national-emissions-inventory-nei-data> (April 2021

Updated Release, last accessed March 29, 2022).

³ Aircraft emissions at airports (60.81%+), Iron and steel production (9.98%), Military operations (4.10%), Mines and quarries (2.77%), Electricity generation (2.70%), Petroleum refineries (2.29%), Glass manufacturing (1.73%), Primary copper production (1.84%), Pulp and paper industries (1.67%), Coke battery production (1.41%).

⁴ Available at: <https://www.epa.gov/air-trends/air-quality-national-summary> (last accessed March 30, 2022).

⁵ U.S. Environmental Protection Agency, Our Nation's Air Trends 2020. Available at: <https://gispub.epa.gov/air/trendsreport/2021/#introduction>. (last accessed March 30, 2022).

⁶ U.S. Environmental Protection Agency Clean Air Act Advisory Committee (CASAC) Lead Review Panel Public Meeting (Hereafter: "Transcript") February 5, 2013. (pgs.177-178).

⁷ Transcript. (pg. 254).

the CASAC fulfills the Clean Air Act's ("CAA") mandatory scope of advice that is provided to the EPA Administrator.

CASAC members also recognized in the last lead NAAQS review that reductions in air emissions have made addressing legacy lead and other multimedia sources more important for advancing meaningful reductions in lead exposures: "as you lower the amount of exposure from air, it becomes less and less important."⁸ We thus also urge the CASAC to address the data regarding multi-modal paths of exposure, such as leaded drinking water pipes, lead paint, and legacy depositions of lead from vehicle fuels. The relative contribution to total lead exposure that those exposure pathways present today likely is far greater than in past NAAQS review cycles. The dramatic reductions in ambient air lead levels also suggest that the CASAC should be careful to rely on population-linked data on air-lead and blood-lead relationships that predate those reductions.

Finally, these substantial reductions in lead air emissions also make it more important that the CASAC fully comply with requirements of the CAA regarding the scope of the Committee's advice. As the CAA indicates, the CASAC's advice is essential in helping EPA ensure air quality criteria "accurately reflect the latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on public health or welfare which may be expected from the presence of such pollutant in the ambient air." CAA § 108(a)(2). The statute thus explicitly includes specific areas on which the CASAC should provide advice to the Administrator. For example, experts participating on this committee are to "advise the Administrator of the relative contribution to air pollution concentrations of natural as well as anthropogenic activity, and...any adverse public health, welfare, social, economic, or energy effects which may result from various strategies for attainment and maintenance of such ambient air quality standards." CAA § 109(d)(2)(C).

Past CASAC reviews regrettably have not addressed many of these concerns. For example, pointing to the energy supply implications of the lead NAAQS, the former chair of the CASAC suggested that the committee had not been well positioned by EPA during their review to consider these other effects. He thus recommended that CASAC should establish, in cooperation with EPA, how to better fulfill the charter.⁹

We thus urge the EPA, at this early stage in NAAQS review, to ensure the CASAC is positioned to consider all of the requirements of its review. While Volume 2 of the IRP "addresses the general approach for the review and planning of the integrated science assessment," in the process identifying "policy-relevant issues in the review and [] key considerations in the EPA's development of the ISA,"¹⁰ it does not direct CASAC to comment meaningfully on the other statutory factors CASAC is charged with considering.

Thank you for the opportunity to provide this statement for consideration by CASAC and, more broadly, EPA's consideration. We support and commend the members of the CASAC who

⁸ Transcript. (pg. 254).

⁹ Transcript. (pg. 77).

¹⁰ IRP at ii.

dedicate their time to the NAAQS review process to ensure that these important requirements of the Clean Air Act are fulfilled.

For our part, ABR, BCI, and ILA are committed to productive engagement with EPA and CASAC in the lead NAAQS review process. To that end, we expect to submit comments on the IRP by the April 4, 2022 deadline and to work with the CASAC and the broader agency as the process proceeds. If you have any questions, please feel free to reach out to any of us.

Sincerely,

Roger Miksad

Roger Miksad, Executive Vice President and
General Counsel, Battery Council International

Mark W. DeLaquil

Mark W. DeLaquil, General Counsel,
Association of Battery Recyclers, Inc.

Steve Binks

Steve Binks, Director of Regulatory Affairs,
International Lead Association

cc: Dr Deirdre Murphy, U.S. Environmental Protection Agency
Rick Leiby, Association of Battery Recyclers
Dr. Andy Bush, International Lead Association