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ONE HUNDRED NINTH CONGRESS

U.S. House of Representatives
Committee on Energy and Commerce
Washington, DC 20515-6115

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January 12, 2006

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The Honorable Stephen L. Johnson
Administrator
Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460-0001

Dear Administrator Johnson:

I am writing concerning the recent review you requested as to "whether the process for setting National Ambient Air Quality Standards (NAAQS) can be strengthened." As you are certainly aware, the program is widely regarded as the cornerstone of the Clean Air Act and has been instrumental in greatly improving air quality in this country. Since 1970, when the modern Federal Clean Air Act became law, aggregate emissions of the NAAQS pollutants have decreased over 50 percent at the same time that our nation's economy has grown almost 200 percent and our population has increased 40 percent.

One of the strengths of the NAAQS standard setting process has been the rigorous, open, and transparent scientific process that has been used for decades. The extensive involvement of outside scientists in an open and transparent process plays an important role in protecting the public from political manipulation of the science. So, of course, any effort to "strengthen" the process that does not involve outside scientists raises significant concerns.

According to a recently leaked memorandum from Deputy Administrator Peacock, an agency working group will be established and co-chaired by Dr. George Gray, Assistant Administrator for the Office of Research and Development, and Mr. Bill Wehrum, Acting Assistant Administrator for the Office of Air and Radiation, the recipients of the memorandum. This working group is "charged with issuing specific recommendations to [Mr. Peacock] no later than April 3, 2006." The work group has an ambitious mandate, particularly given the short time frame, as it is tasked with considering a number of items, including:

- five reports issued by the National Academy of Sciences (four on fine particle research and one on risk assessment);
- the nexus between scientific analysis and standard setting;

- whether the process for compiling the Criteria Document allows for consideration of the most relevant, objective and up-to-date scientific data;
- ways to ensure broad participation of the scientific community in the NAAQS process; and
- whether these objectives can be satisfied within the five-year review period required by the Clean Air Act.

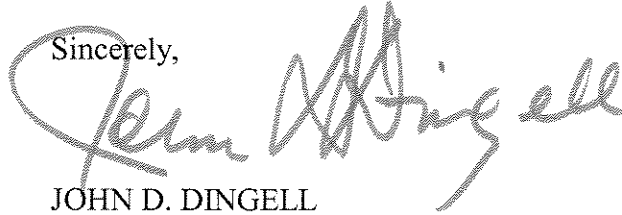
I find this open-ended process most curious and ask that you answer the following questions:

1. What is meant in the memorandum by a “top-to-bottom review of the NAAQS process?”
2. Will this review of the NAAQS process be open and public? If so, how will that be accomplished? If not, why not?
3. In addition to Mr. Wehrum and Mr. Gray, who will be involved in the review?
4. What role, if any, will Executive Branch staff or officials outside EPA play in this review or in the public release of its results?
5. During the review, will the working group solicit views of outside scientists or other interested and informed members of the public?
6. The memorandum requests “specific recommendations” by April 3, 2006. What process do you intend to follow to determine whether to implement any of the “specific recommendations?” In particular, under what circumstances would you implement recommendations without providing outside scientists and other interested stakeholders an opportunity to comment on the specific recommendations under consideration?
7. Is there a reason the review needs to be completed by April 3, 2006? Who selected that deadline and why?
8. What concerns do you have about the NAAQS process that have called you to ask for this review?
9. Prior to directing this review, had people outside the Agency expressed concerns to you or others in the Agency about the role of science in setting the NAAQS? If so, what concerns were expressed? By whom? Please provide all documents referring to, relating to, or reflecting such communications.

The Honorable Stephen L. Johnson
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Thank you for your attention to this important matter. If you have any questions regarding this request, please contact me or have your staff contact Lorie Schmidt, Minority Counsel, Committee on Energy and Commerce, at (202) 226-3400.

Sincerely,

A handwritten signature in black ink, appearing to read "John D. Dingell". The signature is written in a cursive style with a large, looping initial "J".

JOHN D. DINGELL
RANKING MEMBER

cc: The Honorable Joe Barton, Chairman
Committee on Energy and Commerce

The Honorable Ralph M. Hall, Chairman
Subcommittee on Energy and Air Quality

The Honorable Rick Boucher, Ranking Member
Subcommittee on Energy and Air Quality