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Remand of EPA Particulate Air Standard Opens Door to New Review

An Appellate Court ruling may lead to stricter standards.

WASHINGTON – A February 24 U.S. Court of Appeals for the District of Columbia Circuit ruling that remands the current EPA annual fine particulate matter (PM2.5) air quality standard back to the agency for review may lead to stricter standards, InsideEPA.com reports.

EPA Administrator Lisa Jackson has indicated that she will review the Bush administration's changes to clean air standards for PM2.5 and ozone. "The key...is to be honest with the American people about what we know" 'about the science behind the standards,' she said.

Environmental activists are urging a review and upgrade to the standards.

"[The EPA] can reclaim lost ground in protecting Americans from the death and disease caused by particulate pollution," said Vickie Patton, deputy general counsel for Environmental Defense Fund.

The D.C. Circuit's ruling orders the EPA to "justify the scientific basis behind its annual PM2.5 standard. Bush EPA Administrator Stephen Johnson in late 2006 boosted the then daily PM2.5 standard from 65 micrograms per cubic meter to 35 micrograms per cubic meter, though it did not adjust the annual standard that the EPA's Clean Air Scientific Advisory Committee recommended, from 15 ug/m3 to between 12 and 14 ug/m3.

The ruling did not address specific standards that the EPA must follow; rather, it said, "In sum, the EPA did not adequately explain why an annual level of 15 [ug/m3] is sufficient to protect the public health while providing an adequate margin of safety from short-term exposures and from morbidity affecting vulnerable subpopulations."

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