

April 25, 2011

## Climate, Energy, & Air Weekly Update

Week of April 18-22, 2011

*The Supreme Court gave a skeptical hearing to plaintiffs lawyers seeking to open the federal courts to tort lawsuits on climate change damages . . . EPA air quality staff is recommending a tightening of the ambient air quality standards for fine particulate matter . . . DOE unveiled priorities for 2011 ARPA-E funding . . . The deadline for comments on EPA's cooling water intake rule is July 19.*

### Executive Branch

- **EPA Air Quality Staff Advises Administrator to Strengthen NAAQS for Particulate Matter.** A 458-page policy memorandum prepared by the Environmental Protection Agency (EPA) Office of Air Quality Planning and Standards concludes that current National Ambient Air Quality Standards (NAAQS) for particulate matter (PM) are inadequate to protect public health and welfare, and recommends that EPA Administrator Lisa Jackson strengthen those standards in certain respects at the conclusion of an ongoing review of the current NAAQS. The memorandum recommends lowering the current limit on annual average concentrations of fine PM (particulates with diameter of 2.5 microns or less) to between 11 and 13 micrograms per cubic meter ( $\mu\text{g}/\text{m}^3$ ), a reduction of up to 27% relative to the current standard of 15  $\mu\text{g}/\text{m}^3$ . EPA staff also recommend an approximately 50% decrease in the current limit on 24-hour concentrations of coarse PM (particulates with diameter of between 2.5 and 10 microns), from its current level of 150  $\mu\text{g}/\text{m}^3$  to between 65 and 85  $\mu\text{g}/\text{m}^3$  (together with a change in the design of the standard that would permit limited exceedances of the lower standard). In addition, the memorandum recommends establishing a new visibility-based standard for PM that is based on an indicator of opacity, instead of mass-based concentrations. EPA is reviewing the NAAQS for PM pursuant to an order issued by the United States Court of Appeals for the D.C. Circuit (D.C. Circuit) in February 2009, which remanded the NAAQS that were established by EPA in 2006. The memorandum is available at <http://www.epa.gov/ttnnaqs/standards/pm/data/20110419pmpafinal.pdf>.

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