

Citizens Advisory Council

Assessment of Clean Air Progress & Future Needs

Introduction

The Citizens Advisory Council (CAC) is a legislatively created advisory committee charged with reviewing all environmental issues, legislation, regulations, policies and programs relating to Pennsylvania. In addition, the 1992 amendments to Pennsylvania's Air Pollution Control Act (APCA) require DEP to consult with the Council in developing state implementation plans and regulations to implement the federal Clean Air Act. APCA also directs DEP to conduct an evaluation of the air quality program every 5 years. Council submitted its 5-year report in July 1997 and has been working with DEP's contractor on the Department's five-year evaluation since June 1998.

Recognizing the progress made

Passage of the Clean Air Act of 1970 ushered in sweeping changes and much progress toward cleaner, healthier air for Pennsylvanians to breathe. Major investments have been made across the Commonwealth to abate unhealthy air pollution. Sulfur dioxide and total particulate matter have been brought into compliance. Exceedences of the current ozone ambient air quality standard have steadily declined since the late 1970s.

Despite the significant progress made, the CAC acknowledges that the battle for clean air is unfinished. The Commonwealth now faces tough, new air quality challenges. Today's air pollution is often less visible but, in some ways, equally significant from a human health and environmental impact perspective. Large portions of the Commonwealth are or verge on non-attainment status for the recently adopted health-based ozone ambient air quality standard. Despite numerous pollution prevention activities, over 41 million pounds of toxic air emissions were emitted in Pennsylvania in 1996. Scientists and regulators now recognize that fine particulates pose the greatest danger to human health after years of focus on reducing total particulates. Since air pollution defies geographic and political borders, pollution generated in upwind states adversely affects the health and welfare of Pennsylvanians. Clearly, today's air quality challenges, and those we may identify in the future, call for innovative approaches that involve all sectors of society and for aggressive action to protect Pennsylvania citizens and our cherished, rich environment.

The five-year study mandated by the General Assembly offers a unique opportunity for DEP to step back from the day-to-day grind of short-term deadlines and invest in critically assessing the progress that has been made. DEP should identify creative and aggressive solutions to confront the ever-evolving new air pollution challenges. The CAC is pleased to cooperate by sharing our thoughts and insights to help the DEP maximize the value of this most important study.

Department of Environmental Protection Air Quality Leadership

The air quality challenges of today are far more complex than earlier problems that entailed identification of major pollution sources and adoption of regulations mandating installation of appropriate pollution control equipment. In many cases today, air quality problems are less visible but increasingly complex and stem from actions of individuals and from sources located far away. Tomorrow's solutions must recognize this fundamental and vexing shift and be built upon foundations of public education and increased societal participation that equitably involve all contributors to the problem. CAC commends the Bureau of Air Quality for recognizing this fundamental shift in air quality management.

We also commend the current DEP air quality leadership, under Secretary Jim Seif, Deputy Secretaries Dave Hess and Denise Chamberlain, and Bureau of Air Quality Director Jim Salvaggio, for the innovative approaches the Bureau has championed in the last four years, including:

- ◇ Successfully utilizing the stakeholder process to develop potential strategies for the Philadelphia and Pittsburgh non-attainment areas and for initiating similar groups in the Lehigh Valley and Southcentral Pennsylvania.
- ◇ Championing the formation of ozone action partnerships in key non-attainment areas and for providing technical and intellectual support to those partnerships.
- ◇ Working positively with the CAC Air Committee to expand public participation in air quality matters.

State and Federal Partnership

The public squabble over air enforcement that occurred in 1997 between DEP and EPA Region III over release of an IG report critical of DEP's air enforcement activities was unfortunate, but after resolution and clarification led to an improved relationship. The CAC was pleased to have the opportunity to intervene and develop recommendations that have been effectively embraced by both agencies.

Both the DEP and EPA are critical partners in protecting the health of Pennsylvanians and, while some degree of dynamic tension may be beneficial, we believe both agency's shoulders should be kept to the wheel of continuing cooperation and air quality progress. To go forward, the CAC recommends:

- ◇ The DEP should continue to aggressively seek and accept delegation of all federal air regulatory programs. To the extent possible, the DEP should assume authority for permit decisions now being made by EPA Region III since DEP is closer to the factories and the public and is often better positioned to make these types of decisions.
- ◇ EPA should give greater attention to regional air quality matters to properly address the marauding air masses traveling from state to state and frustrating the air pollution abatement programs of downwind states. The CAC believes that EPA is the only logical planning agency to address regional transport of air pollution and its time could be best spent on this critical priority.

Air Quality Performance Measures

The current air quality monitoring network and reporting systems should, of course, be maintained. The CAC joins others, such as the Governor's 21st Century Environment Commission, who support development of better and more understandable measurements of air quality progress. We recognize that this will not be an easy task and that thoughtful consideration of the myriad possible measures should be undertaken. Some specific indicators of air quality suggested by CAC members include: hospital admissions data including number and types of medical treatment; increased health care costs; notices of violation issued; percentage of state attaining each standard; and adverse impacts to agriculture and forestry. Clearly, there are many others that warrant consideration.

Once developed, these new air quality measures must be effectively communicated to the public. The CAC has high praise for the DEP website and supports its further expansion, but the website along with the weekly "Update" and periodic press releases are inadequate to consistently deliver a

regular public "report card" on air quality programs. DEP should examine its entire communications program to identify additional methods of effectively delivering environmental information to the public.

Public Participation

CAC has no doubt that DEP is sincerely interested in increasing public participation in air quality matters and commends the Bureau of Air Quality for meeting with the CAC Air Committee to discuss ways to reach that goal. All interested parties, however, recognize that more opportunity for improvement exists and that better public policy results when all parties, including the Department, the regulated community and the public, are represented at the decision-making table and have sufficient understanding to effectively provide their perspectives.

The CAC and others have historically promoted active citizen involvement, both formally and informally, and have identified several success factors underlying effective public participation, which include the following:

- ◇ **Communicating** - The general public is not tuned into the legal notice sections of the newspaper nor are they necessarily regular users of the DEP website or the *Pennsylvania Bulletin*. In some cases, members of the public may not own a computer or may not have the knowledge to decipher a legal notice. These traditional public notices employed by the Department have not been adequate. Notification efforts should be required to effectively reach the public of concern. Public notices must be designed to attract attention and displayed in the most commonly read sections of widely read publications. Examples of non-traditional outreach should be considered when appropriate, e.g. more direct outreach and display ads.
- ◇ **Building understanding**—We cannot expect the general public to deal with the complexities of environmental decision making without a basic knowledge of the issues or without information on specific actions and opportunities. Partnerships such as those represented by the Ozone Action Partnerships can accomplish much in terms of outreach, education and behavioral changes.
- ◇ **Balance and inclusivity**—Ideally, environmental solutions require participation by all sectors of society. Since not all can or will participate, striving for balance among participants is critical to developing proposals that will receive support through implementation.
- ◇ **Early access to the decision-making process**—We need continued movement away from the "develop and defend" approach to decision-making. For the most part, internal decisions still become "public" only after substantially complete, requiring extensive effort to defend the product.
- ◇ **Accountability mechanisms**—The general public still has few mechanisms to hold government officials (at all levels) and the regulated community accountable and require them to consider comments received.
- ◇ **Building trust**—As the decision-maker, DEP must accept public involvement as integral to sound decision-making at all levels, not as just another legally required hoop to jump through. It must then be the initiator in building credibility and public trust through openness, consistency and results. A major step towards building trust will be the full implementation of the Department's EPICS system, which we recommend occur as soon as possible. This system should include performance

measures and criteria capable of measuring the effectiveness of compliance assistance vs. enforcement. Although environmental indicators are one possibility, the criteria must be sensitive enough to quickly identify adverse changes.

The most effective public participation and education campaign must start and end with local grassroots involvement. For example, the Department's growing efforts to work with local partners such as stakeholder and watershed groups and the Environmental Alliance for Senior Involvement will serve to disseminate information, engender individual responsibility, build understanding and achieve early "buy-in" by entire communities. The air program's use of stakeholder groups and ozone action partnerships are excellent starts. Greater emphasis must, however, go to public outreach to convey how individual activities contribute to and affect Pennsylvania's air quality.

Voluntary Initiatives - Making a Difference

The Ozone Action Partnerships initiated by DEP are a tremendous success story and the Bureau of Air Quality deserves a sincere handshake for spawning them. The Susquehanna Valley Ozone Action Partnership, the newest partnership, achieved a 60 percent citizen awareness level in its first year of existence and its surveys indicate that nearly 40 percent of area residents, after hearing the Partnership's message, took personal action to improve air quality on ozone action days.

While not a substitute for sound regulation and even-handed enforcement, these partnerships represent an effective way of helping to address future air quality improvement. The current partnerships are getting tremendous results for a limited investment by the DEP. In fact, they may represent the most cost effective pollution prevention being achieved in the Commonwealth. The benefits of the Partnerships go even further than the reduction of health related pollutants. They are becoming a critical public education link and they also connect with companies, organizations and individuals, on a non-adversarial basis, to motivate them to take action to improve their environment. The partnerships are clearly "win-win" investments for all of Pennsylvania, and the DEP should commit to increased, permanent funding of these most effective clean air activities. For future funding of these and other such partnerships, we also recommend consideration be given to including funding provisions for outreach and education when the Clean Air Act and the Air Pollution Control Act are reauthorized.

Benefits of a Strong Air Quality Program

The CAC is concerned that the survey questions for the five-year study overly emphasize compliance costs and will not bring forth an accurate picture of the benefits of the air quality program. Quantification of the benefits is difficult but it is essential that it be done as part of this study. The study must quantify and articulate the many health, lifestyle and environmental benefits of air quality improvements. Reflecting the ideas of the 21st Century Environment Commission, we underscore that a dynamic economy, healthy citizenry and better environment are directly linked to one another. We must strive to balance these three interdependent components if Pennsylvania is to remain prosperous in the next century; one part of the triad cannot be diminished or sacrificed without impacting the other two. Explaining the importance of good air quality has been difficult for federal, state and local organizations for years. Thus it is critical that this study cite these benefits to support our air quality efforts and serve as measures of progress.

Future Challenges

The CAC encourages the DEP to utilize this five-year study to identify the air quality challenges that loom on the horizon and continue to prepare for the future. The study represents a unique

opportunity to determine where today's DEP programs, priorities and structure should be altered to address future air quality planning challenges.

Some future air quality challenges that will demand attention are:

- ◇ **Long Range Transport** - A cooperative approach to long range transport must be developed among the individual states. The inefficiency, and costs, of today's cascading legal challenges are a poor substitute for fair, timely abatement action.
- ◇ **Performance Measures** - DEP should invest in developing better measures of the "state of air quality" across the Commonwealth. Current measures are too technical for the public, do not directly translate to public and environmental health indicators, and do not allow the DEP to build public understanding.
- ◇ **Permanent Funding for Voluntary Partnerships** - DEP should establish permanent funding for ozone action partnerships and other voluntary initiatives which build understanding, increase citizen involvement and cost-effectively contribute to air quality improvement.
- ◇ **Synergistic Effects** - Investments are needed to expand the understanding of possible synergistic impacts between individual pollutants, and the potential for cumulative impacts.
- ◇ **Incorporate Pollution Prevention in Engineering Toolbox** - DEP should further enhance the pollution prevention skills of its inspectors and engineers who interact daily with business. Pollution prevention is not a "boutique specialty" for isolated experts but should be a high priority and core responsibility for each DEP inspector and engineer. Perhaps DEP could pioneer an incentive system to motivate its inspectors and engineers to work cooperatively with sources to implement pollution prevention.
- ◇ **Cross Media Air Impacts** - There is growing evidence that air emissions can adversely affect water bodies (e.g., Chesapeake Bay), historical sites and land resources (e.g., forests and farms). DEP should carefully determine the legislative and/or regulatory actions needed to protect critical waterbodies and other resources from this threat.
- ◇ **Expand Public Education** - Individuals create pollution and they play an important role in future abatement strategies. The time has come for Pennsylvania to accelerate public education and commit the funding needed to address this critical priority.
- ◇ **Link Transportation and Environmental Policy** - Transportation related emissions are, and will continue to be, a significant aspect of air quality problems. The Commonwealth should link the transportation and air quality planning processes and financially support, or provide incentives for, mass transit or other solutions which provide environmental and transportation benefits.

Council hears complaints about higher levels of government implementing transportation plans and projects that override local input and planning efforts. Such actions work to divide communities, and place undue burdens on local governments to manage the impacts of these projects. DEP should pursue active partnerships with local, state and federal transportation agencies to assess cumulative, direct and indirect environmental impacts of transportation investments, and give consideration to

increases in vehicle miles traveled and "induced travel" (i.e. how much a project will increase vehicle travel and resulting air pollution).

- ◇ **Linking to Public Health** - It will be increasingly important for DEP to relate regional air quality with local health concerns and the incidence of disease. The CAC stresses the urgent need to get out of today's "numbers game" and develop a way to relate air quality to health in a meaningful way.
- ◇ **Expansion of Toxic Air Quality Monitoring** - The CAC recommends that the DEP expand statewide air quality monitoring for air toxics.
- ◇ **Gasoline Content** - DEP should evaluate the impact of sulfur in gasoline and its relationship to catalytic converter performance. Another concern is the environmental and human health impact of gasoline fuel additives, such as MTBE and MMT, and questions surrounding MTBE's migration into and persistence in ground water.

Conclusion

Pennsylvanians, from the individual citizen to communities, organizations and businesses, should partner to preserve and enhance our precious environment. The Citizens Advisory Council will continue its work to expand and improve public participation in DEP decision making and stands ready to cooperate fully to promote continued air quality improvements.