



THE ADMINISTRATOR OF THE ENVIRONMENTAL PROTECTION AGENCY

WASHINGTON, D.C. 20460

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Ms. Deborah N. Behles  
Associate Professor of Law  
Clinical Staff Attorney  
Golden Gate University School of Law  
Environmental Law and Justice Clinic  
536 Mission Street  
San Francisco, California 94105-2968

Ms. Marianne Engelman Lado  
Managing Attorney  
Earthjustice  
48 Wall Street, 19<sup>th</sup> Floor  
New York, New York 10005

Dear Mses. Behles and Lado:

By an April 21, 2014, letter Friends of the Earth, Physicians for Social Responsibility and Oregon Aviation Watch, referred to collectively as petitioners, petitioned the U.S. Environmental Protection Agency to reconsider the EPA's July 18, 2012, response to Friends of the Earth's October 3, 2006, petition for rulemaking seeking the regulation of lead emissions from general aviation aircraft under section 231 of the Clean Air Act. The petitioners also re-petitioned for rulemaking seeking the regulation of lead emissions from general aviation aircraft under CAA section 231.

The EPA has longstanding concerns about exposure to lead, and we have a strong record of accomplishments in this area. We take the emissions of lead from piston-engine aircraft seriously. As described in detail in our 2012 response to Friends of the Earth's 2006 petition, the EPA is actively engaged in investigating whether lead emissions from piston-engine aircraft cause or contribute to air pollution, which may reasonably be anticipated to endanger public health or welfare. We have further discussed these efforts in several teleconferences with Friends of the Earth representatives and have provided significant information regarding our progress in response to Friends of the Earth's multiple recent requests for information under the Freedom of Information Act.

Our investigation includes necessary data collection and analysis that will provide nationwide estimates of the contribution of aircraft lead emissions to lead air pollution concentrations as well as an analysis of the impacted population. This work includes air-quality modeling of lead at and near airports as well as an analysis of the uncertainty associated with the lead concentrations. Additionally, we are conducting a demographic analysis of the population residing near all airports in the U.S. The EPA remains committed to completing these analyses and their subsequent peer review. Following this work, as we have previously explained, the EPA intends to initiate a notice-and-comment proceeding under CAA section 231(a)(2)(A) regarding whether lead emissions from piston-engine aircraft cause or contribute to

air pollution, which may reasonably be anticipated to endanger public health or welfare. We refer to this action as the “endangerment finding.”

In our 2012 response to Friends of the Earth, we explained that prior to the Administrator’s exercising her judgment regarding the endangerment finding for lead emissions from aircraft piston engines, the EPA is unable to commit to rulemaking with regard to setting standards for controlling lead emissions from such aircraft engines. We continue to take this position and will, therefore, further address this issue depending upon the outcome of the endangerment finding.

In our 2012 response to Friends of the Earth’s 2006 petition, the EPA estimated that a final determination with regard to endangerment from lead emissions of piston-engine aircraft could be issued in mid- to late 2015. We noted that this estimated time frame was contingent upon the availability of the necessary data and that several factors could influence this timing, including agency budgets and the scheduling of other regulatory actions. As a result of several factors, including the availability of data and other high priority actions (e.g., evaluating and establishing mobile-source greenhouse-gas standards), we are currently planning to issue a proposed endangerment finding in 2017. This proposed finding will then undergo public notice and comment. After evaluating comments on the proposal, we plan to issue a final endangerment finding in 2018.

This letter represents the EPA’s final response to your petition to reconsider our 2012 response to Friends of the Earth’s 2006 petition, and, to the extent your petition requests additional action beyond that described above and in the 2012 response, it is denied. We continue to believe that the analytical tasks discussed in the 2012 response represent the appropriate response to Friends of the Earth’s 2006 petition, and we will continue to implement them in advance of issuing the expected proposed endangerment finding.

I appreciate your interest in this issue and welcome the opportunity to work with Friends of the Earth and other stakeholders in addressing lead emissions from piston-engine general aviation aircraft. Should you have additional questions or information that you would like to provide to the EPA, please contact Marion Hoyer at [hoyer.marion@epa.gov](mailto:hoyer.marion@epa.gov) or (734) 214-4513.

Sincerely,



Gina McCarthy