



APPENDIX F

MOBILE SOURCE AIR TOXICS

In December 2012 FHWA issued updated guidance for the analysis of mobile source air toxics (MSATs) in the NEPA process for highway projects (*Interim Guidance Update on Air Toxic Analysis in NEPA Documents*). The following language is taken from this guidance document.

In addition to the criteria air pollutants for which there are the NAAQS, U.S. EPA also regulates air toxics. Most air toxics originate from human-made sources, including on-road mobile sources, non-road mobile sources (e.g., airplanes), area sources (e.g., dry cleaners) and stationary sources (e.g., factories or refineries).

Controlling air toxic emissions became a national priority with the passage of the Clean Air Act Amendments (CAAA) of 1990, whereby Congress mandated that the U.S. Environmental Protection Agency (EPA) regulate 188 air toxics, also known as hazardous air pollutants. The EPA has assessed this expansive list in their latest rule on the Control of Hazardous Air Pollutants from Mobile Sources (*Federal Register*, Vol. 72, No. 37, page 8430, February 26, 2007) and identified a group of 93 compounds emitted from mobile sources that are listed in their Integrated Risk Information System (IRIS).¹ In addition, EPA identified seven compounds with significant contributions from mobile sources that are among the national and regional-scale cancer risk drivers from their 1999 National Air Toxics Assessment (NATA).² These are acrolein, benzene, 1,3-butadiene, diesel particulate matter plus diesel exhaust organic gases (diesel PM), formaldehyde, naphthalene, and polycyclic organic matter. While FHWA considers these the priority mobile source air toxics, the list is subject to change and may be adjusted in consideration of future EPA rules.

The 2007 EPA rule mentioned above requires controls that will dramatically decrease MSAT emissions through cleaner fuels and cleaner engines. Based on an FHWA analysis using EPA's MOVES2010b model, as shown in **Exhibit F-1**, even if the vehicle miles traveled (VMT) increases by 102 percent as assumed from 2010 to 2050, a combined reduction of 83 percent in the total annual emissions for the priority MSAT is projected for the same time period.

MSAT RESEARCH

Air toxics analysis is a continuing area of research. While much work has been done to assess the overall health risk of air toxics, many questions remain unanswered. In particular, the tools and techniques for assessing project-specific health outcomes as a result of lifetime MSAT exposure remain limited. These limitations impede the ability to evaluate how potential public health risks posed by MSAT exposure should be factored into project-level decision-making within the context of NEPA.

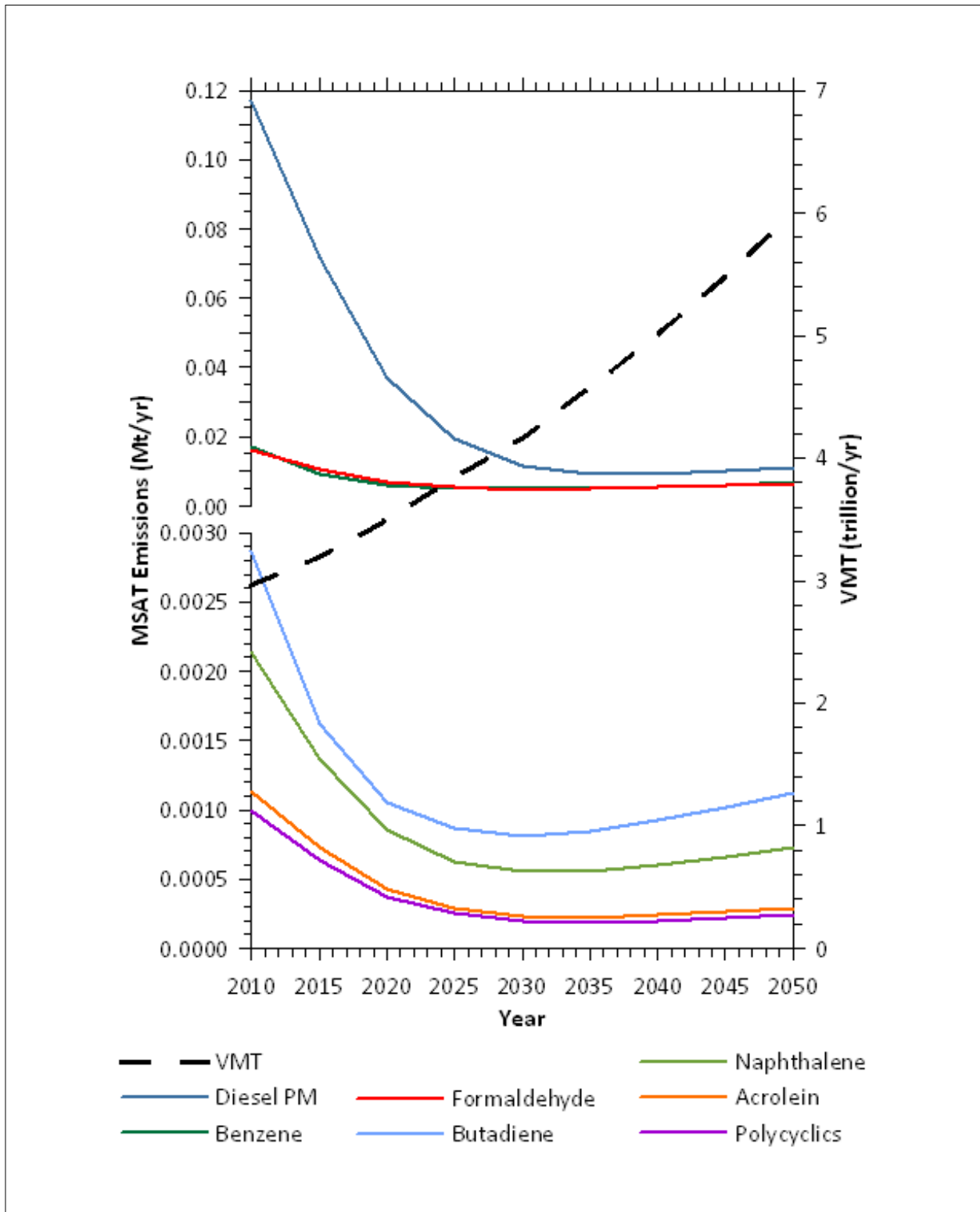
Nonetheless, air toxics concerns continue to be raised on highway projects during the NEPA process. Even as the science emerges, we are duly expected by the public and other agencies to address MSAT impacts in our environmental documents. The FHWA, EPA, the Health Effects Institute (HEI) and others have funded and conducted research studies to try to more clearly define potential risks from MSAT emissions associated with highway projects. The FHWA will continue to monitor the developing research in this field.³

¹ cfcpub.epa.gov/ncea/iris/index.cfm

² www.epa.gov/ttn/atw/nata1999/

³ Additional information about MSAT research can be found at http://www.fhwa.dot.gov/environment/air_quality/air_toxics/policy_and_guidance/aqintguidapd.cfm.

Exhibit F-1: National MSAT Emission Trends 199-2050



CONSIDERATION OF MSAT IN NEPA DOCUMENTS

The FHWA developed a tiered approach with three categories for analyzing MSAT in NEPA documents, depending on specific project circumstances:

1. No analysis for projects with no potential for meaningful MSAT effects;
2. Qualitative analysis for projects with low potential MSAT effects; or
3. Quantitative analysis to differentiate alternatives for projects with higher potential MSAT effects.

For projects warranting MSAT analysis, the seven priority MSAT should be analyzed.

PROJECTS WITH NO MEANINGFUL POTENTIAL MSAT EFFECTS, OR EXEMPT PROJECTS

The types of projects included in this category are:

- Projects qualifying as a categorical exclusion under 23 CFR 771.117(c) (subject to consideration whether unusual circumstances exist under 23 CFR 771.117(b));
- Projects exempt under the Clean Air Act conformity rule under 40 CFR 93.126; or
- Other projects with no meaningful impacts on traffic volumes or vehicle mix.

For projects that are categorically excluded under 23 CFR 771.117(c), or are exempt from conformity requirements under the Clean Air Act pursuant to 40 CFR 93.126, no analysis or discussion of MSAT is necessary. Documentation sufficient to demonstrate that the project qualifies as a categorical exclusion and/or exempt project will suffice. For other projects with no or negligible traffic impacts, regardless of the class of NEPA environmental document, no MSAT analysis is recommended.⁴ However, the project record should document the basis for the determination of “no meaningful potential impacts” with a brief description of the factors considered.

PROJECTS WITH LOW POTENTIAL MSAT EFFECTS

The types of projects included in this category are those that serve to improve operations of highway, transit, or freight without adding substantial new capacity or without creating a facility that is likely to meaningfully increase MSAT emissions. This category covers a broad range of projects.

FHWA expects that most highway projects that need an MSAT assessment will fall into this category. Any projects not meeting the criteria in category (1) or category (3) below should be included in this category. Examples of these types of projects are minor widening projects; new interchanges, replacing a signalized intersection on a surface street; or projects where design year traffic is projected to be less than 140,000 to 150,000 annual average daily traffic (AADT).

For these projects, a qualitative assessment of emissions projections should be conducted. This qualitative assessment would compare, in narrative form, the expected effect of the project on traffic volumes, vehicle mix, or routing of traffic and the associated changes in MSAT for the project alternatives, including no-build, based on VMT, vehicle mix, and speed. It would also discuss national trend data projecting substantial overall reductions in emissions due to stricter engine and fuel regulations issued by EPA. Because the emission effects of these projects typically are low, we expect there would be no appreciable difference in overall MSAT emissions among the various alternatives.

⁴ The types of projects categorically excluded under 23 CFR 771.117(d) or exempt from certain conformity requirements under 40 CFR 93.127 does not warrant an automatic exemption from an MSAT analysis, but they usually will have no meaningful impact.

PROJECTS WITH HIGHER POTENTIAL MSAT EFFECTS

This category includes projects that have the potential for meaningful differences in MSAT emissions among project alternatives. FHWA expects a limited number of projects to meet this two-pronged test. To fall into this category, a project should:

- Create or significantly alter a major intermodal freight facility that has the potential to concentrate high levels of diesel particulate matter in a single location, involving a significant number of diesel vehicles for new projects or accommodating with a significant increase in the number of diesel vehicles for expansion projects; or
- Create new capacity or add significant capacity to urban highways such as Interstates, urban arterials, or urban collector-distributor routes with traffic volumes where the AADT is projected to be in the range of 140,000 to 150,000⁵ or greater by the design year; and
- Proposed to be located in proximity to populated areas.

Projects falling within this category should be more rigorously assessed for impacts.

Incomplete Or Unavailable Information for Project-Specific MSAT Health Impacts Analysis

In FHWA’s view, information is incomplete or unavailable to credibly predict the project-specific health impacts due to changes in MSAT emissions associated with a proposed set of highway alternatives. The outcome of such an assessment, adverse or not, would be influenced more by the uncertainty introduced into the process through assumption and speculation rather than any genuine insight into the actual health impacts directly attributable to MSAT exposure associated with a proposed action.

The U.S. Environmental Protection Agency (EPA) is responsible for protecting the public health and welfare from any known or anticipated effect of an air pollutant. They are the lead authority for administering the Clean Air Act and its amendments and have specific statutory obligations with respect to hazardous air pollutants and MSAT. The EPA is in the continual process of assessing human health effects, exposures, and risks posed by air pollutants. They maintain the Integrated Risk Information System (IRIS), which is “a compilation of electronic reports on specific substances found in the environment and their potential to cause human health effects.”⁶ Each report contains assessments of non-cancerous and cancerous effects for individual compounds and quantitative estimates of risk levels from lifetime oral and inhalation exposures with uncertainty spanning perhaps an order of magnitude.

Other organizations are also active in the research and analyses of the human health effects of MSAT, including the HEI. Two HEI studies are summarized in Appendix D of FHWA’s *Interim Guidance Update on Mobile source Air Toxic Analysis in NEPA Documents*. Among the adverse health effects linked to MSAT compounds at high exposures are cancer in humans in occupational settings; cancer in animals; and irritation to the respiratory tract, including the exacerbation of asthma. Less obvious is the adverse human health effects of MSAT compounds at current environmental concentrations⁷ or in the future as vehicle emissions substantially decrease.⁸

⁵ Using EPA’s MOVES2010b emissions model, FHWA staff determined that this range of AADT would result in emissions significantly lower than the Clean Air Act definition of a major hazardous air pollutant (HAP) source, i.e., 25 tons/yr. for all HAPs or 10 tons/yr. for any single HAP. Variations in conditions such as congestion or vehicle mix could warrant a different range for AADT; if this range does not seem appropriate for your project, please consult with the contacts from HEPN and HEPE identified in this memorandum.

⁶ EPA, <https://www.epa.gov/iris/>

⁷ HEI, <http://pubs.healtheffects.org/view.php?id=282>

⁸ HEI, <http://pubs.healtheffects.org/view.php?id=306>

The methodologies for forecasting health impacts include emissions modeling; dispersion modeling; exposure modeling; and then final determination of health impacts – each step in the process building on the model predictions obtained in the previous step. All are encumbered by technical shortcomings or uncertain science that prevents a more complete differentiation of the MSAT health impacts among a set of project alternatives. These difficulties are magnified for lifetime (i.e., 70 year) assessments, particularly because unsupportable assumptions would have to be made regarding changes in travel patterns and vehicle technology (which affects emissions rates) over that time frame, since such information is unavailable. It is particularly difficult to reliably forecast 70-year lifetime MSAT concentrations and exposure near roadways; to determine the portion of time that people are actually exposed at a specific location; and to establish the extent attributable to a proposed action, especially given that some of the information needed is unavailable.

There are considerable uncertainties associated with the existing estimates of toxicity of the various MSAT, because of factors such as low-dose extrapolation and translation of occupational exposure data to the general population, a concern expressed by HEI.⁹ As a result, there is no national consensus on air dose-response values assumed to protect the public health and welfare for MSAT compounds, and in particular for diesel PM. EPA¹⁰ and the HEI¹¹ have not established a basis for quantitative risk assessment of diesel PM in ambient settings.

There is also the lack of a national consensus on an acceptable level of risk. The current context is the process used by the EPA as provided by the Clean Air Act to determine whether more stringent controls are required in order to provide an ample margin of safety to protect public health or to prevent an adverse environmental effect for industrial sources subject to the maximum achievable control technology standards, such as benzene emissions from refineries. The decision framework is a two-step process. The first step requires EPA to determine a “safe” or “acceptable” level of risk due to emissions from a source, which is generally no greater than approximately 100 in a million. Additional factors are considered in the second step, the goal of which is to maximize the number of people with risks less than 1 in a million due to emissions from a source. The results of this statutory two-step process do not guarantee that cancer risks from exposure to air toxics are less than 1 in a million; in some cases, the residual risk determination could result in maximum individual cancer risks that are as high as approximately 100 in a million. In a June 2008 decision, the U.S. Court of Appeals for the District of Columbia Circuit upheld EPA’s approach to addressing risk in its two step decision framework.¹² Information is incomplete or unavailable to establish that even the largest of highway projects would result in levels of risk greater than safe or acceptable.

Because of the limitations in the methodologies for forecasting health impacts described, any predicted difference in health impacts between alternatives is likely to be much smaller than the uncertainties associated with predicting the impacts. Consequently, the results of such assessments would not be useful to decision makers, who would need to weigh this information against project benefits, such as reducing traffic congestion, accident rates, and fatalities plus improved access for emergency response, that are better suited for quantitative analysis.

Source: http://www.fhwa.dot.gov/environment/air_quality/air_toxics/policy_and_guidance/aqintguidmem.cfm. Accessed Sept. 11, 2013.

⁹ <http://pubs.healtheffects.org/view.php?id=282>

¹⁰ <http://www.epa.gov/risk/basicinformation.htm#g>

¹¹ <http://pubs.healtheffects.org/getfile.php?u=395>

¹² *Natural Resources Defense Council v. EPA*, 529 F.3d 1077 (D.C. Cir. 2008)