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June 12, 2023

Honorable Administrator Michael S. Regan
US Environmental Protection Agency
EPA Docket Center (EPA/DC)
Docket ID No. EPA-HQ-OAR-2018-0794
1200 Pennsylvania Avenue NW
Washington, DC 20460

RE: Proposed *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Steam Generating Units Review of the Residual Risk and Technology Review*

Dear Honorable Administrator Regan,

The National Tribal Air Association (NTAA) is pleased to submit the following comments on the U.S. Environmental Protection Agency’s (EPA) proposal: *National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Steam Generating Units Review of the Residual Risk and Technology Review* as published in the *Federal Register* on April 24, 2023.

The NTAA is a member-based organization with 156 Member Tribes. The organization’s mission is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaskan Natives. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the organization always seeks to represent consensus perspectives on any given issue, it is important to note that the views expressed by the NTAA may not be agreed upon by all Tribes. Further, it is also important to understand that interactions with the organization do not substitute for Nation-to-Nation consultation, which can only be achieved through direct communications between the federal government and American Indian Tribal Governments and Alaskan Natives.

The health, environments, and lifeways of Tribes in much of the U.S. have been impacted by the emissions of mercury and other toxic metals. Electric power generation from coal-fired and oil-fired boilers has been a major contributor to this airborne pollution. Concurrently, these same pollution sources emit acid gases, greenhouse gases and other harmful air pollutants. The NTAA has repeatedly supported regulations to reduce emissions from fossil fuel combustion and the transition to electricity generation from renewable sources. With this letter the NTAA continues that advocacy and support for the proposed regulation as proposed on April 24, 2023.



Mercury Emissions

American Indians and Alaska Native Villagers are reliant on natural food supplies including fish, game, and native plants. Nutritious foods are crucial components to the ecosystems that have sustained life for thousands of years. Mercury contamination of Tribal environments including fish, shellfish and other essential food supplies injects this potent neurotoxin into our vulnerable population. The NTAA supports the proposed reduction of allowable mercury emissions from lignite – burning electric generating units (EGUs) and enhanced emissions monitoring from all coal – fired and oil – fired EGUs.

Emissions of Other Metals and Toxins

Fossil fuels, and coal and oil more specifically, contain multiple impurities that, when released into the environment, can cause significant adverse effects to human health and other life forms. Arsenic, chromium, cobalt and lead, commonly found in coal, are potent threats to human health. Acid gases formed from chlorine and fluorine are insidious with multiple harmful effects. The NTAA supports the proposal for more stringent controls of the emissions from coal – fired and oil – fired EGUs through limits on fine particulate matter (fPM). To the extent that these hazardous air pollutants are not addressed adequately through this surrogate regulation, additional requirements may be necessary.

Greenhouse Gases and Climate Change

As noted in the *Fact Sheet* accompanying the proposed regulation¹, “...the proposed rule is one part of a broader suite of actions that Administrator Regan announced in March 2022 to protect communities across the nation from the various health and environmental impacts of power plant pollution.” In addition to mercury and other air toxins from coal – fired and oil – fired EGUs, this industrial sector is a primary source of greenhouse gases. The acute and continuous impacts of climate change on Native Americans and Alaska Native Villagers are well documented. Unfortunately, new consequences of this global crisis continue to be revealed. For multiple reasons including vulnerability and geographic constraints Tribal communities are disproportionately suffering from these changes. The U.S. Fourth National Climate Assessment (NCA₄)² noted, in part, that “Climate change increasingly threatens indigenous communities’ livelihoods, economies, health, and cultural identities by disrupting interconnected social, physical, and ecological systems.” A more focused examination of Tribal needs to address the impacts of climate change is presented in 2021 publication *The Status of Tribes and Climate Change (STACC)*³.

The NTAA has a long history of information sharing with EPA and advocacy for reducing emissions of greenhouse gases. Multiple reports, policy statements, and comment letters are compiled and accessible at our organization’s web-site⁴. NTAA’s *Status of Tribal Air Reports (STAR)* including STAR 2022⁵ document climate change impacts on Tribal lands and people. The ravages of climate change continue to be of the utmost concern to the NTAA. The NTAA supports this proposed regulation as one part of the efforts to reduce reliance on coal – fired and oil – fired EGUs.



Conclusions

In closing, the NTAA appreciates the opportunity to comment on the proposed rule regarding the National Emission Standards for Hazardous Air Pollutants: Coal- and Oil- Fired Electric Steam Generating Units Review of the Residual Risk and Technology Review”

Respectfully,

Syndi Smallwood
Chair
Executive Committee, National Tribal Air Association

¹*FACT SHEET*, EPA’s Proposal to Strengthen and Update the Mercury and Air Toxics Standards for Power Plants

²*USGCRP, 2018: Impacts, Risks, and Adaptation in the United States*

³ *The Status of Tribes and Climate Change (STACC)*, Institute for Tribal Environmental Professionals, 2021

⁴National Tribal Air Association, www.ntaatribalair.org

⁵ *Status of Tribal Air Report*, National Tribal Air Association 2022

Cc: Pat Childers, Senior Tribal Program Coordinator, OAR
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