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U.S. HOUSE OF REPRESENTATIVES
COMMITTEE ON SCIENCE, SPACE, AND TECHNOLOGY

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September 22, 2011

The Honorable Gina McCarthy
Assistant Administrator, Office of Air and Radiation
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code: 6101A
Washington, DC 20460

Dear Ms. McCarthy:

During your appearance before the Science, Space, and Technology Committee's hearing *Out of Thin Air: EPA's Cross-State Air Pollution Rule* on Thursday, September 15, 2011, there were a number of items I asked for that you stated you would provide to me after the hearing. I am writing to request this information.

I questioned you on how EPA determined that the Cross-State Air Pollution Rule (CSAPR) would avoid "up to" 34,000 premature deaths. Please provide me with the breakdown of the 34,000 premature deaths by disease, the range of the estimate for both the 34,000 figure as well as for each individual disease, and how much quality-adjusted life years (QALY's) these 34,000 people would live as a result of CSAPR. Also, please provide the full data and analysis EPA used in support of this conclusion, including an assessment of downwind National Ambient Air Quality Standards compliance without CSAPR as well as progress made under the Clean Air Interstate Rule. Finally, please provide an explanation of what the term "up to" means and its use in the scientific literature.

I also questioned you about how the number of avoided premature deaths EPA found to justify the CSAPR rule compared with the avoided premature deaths EPA used to justify the ozone reconsideration that was recently pulled back by the White House. Please provide the number of avoided premature deaths attributable to each proposed or finalized Clean Air Act rule issued since January 20, 2009 and a description of the changes from a proposed rule to a finalized rule if the number of avoided premature deaths attributable to the proposed rule changed in the finalized version. Make sure to include the proposed rules since January 20, 2009 that have not yet been finalized. Please distinguish how many of the projected avoided premature deaths result from reductions in each rule's target pollutant and how many resulted from co-benefits from reductions in fine particulate matter. Furthermore, please detail the degree to which each rule contributed to the same avoided premature deaths that would have occurred in the rule's absence.

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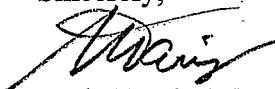
Lastly, I questioned you about the availability of the data that support the death and injury benefits and you assured me that all such data is publicly available and you were willing to provide it. In light of the pivotal role of this publically-funded research in providing a justification for major EPA regulations, it is imperative that associated data and analysis be open and transparent to allow for sufficient scientific and technical review. Accordingly, in the spirit and letter of Public Law 105-277, Executive Order 13563 (which explicitly states that regulations "must be based on the best available science"), EPA's *Peer Review Handbook*, and recently-released Scientific Integrity Policy Draft, please provide all original data and analysis for the following studies that were used in EPA analysis:

1. The Cancer Prevention Study I compiled by the American Cancer Society.
2. The Cancer Prevention Study II compiled by the American Cancer Society.
3. The Harvard Six Cities Study.
4. The Nurses' Health Study and Nurses' Health Study II.

Please provide all this information no later than October 3, 2011.

If you have any questions regarding this request please contact Ms. Tara Rothschild or Mr. Clint Woods with the Subcommittee on Energy and Environment at (202) 225-8844.

Sincerely,



Andy Harris, MD
Chairman
Subcommittee on Energy and Environment