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Joseph Goffman, Acting Assistant Administrator
U.S. EPA Office of Air and Radiation
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NTAA, TAMS SC and NTC Comments on the American Rescue Plan (ARP) funding to improve ambient air quality monitoring for communities across the United States

Dear Mr. Goffman:

Thank you for the opportunity to comment on the request for comments for the American Rescue Plan to improve ambient air quality monitoring for communities across the United States. EPA's efforts are to be commended for creating this opportunity for comment prior to decisions being made on this important source of funding.

This letter is submitted on behalf of the National Tribal Air Association's Executive Committee (NTAA EC), the National Tribal Caucus (NTC), and the Tribal Air Monitoring Support Center's Steering Committee (TAMS SC).

- 1) The [National Tribal Air Association](#) (NTAA) was founded in 2002 with a grant from the United States Environmental Protection Agency's Office of Air and Radiation with a mission to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of American Indian Tribes and Alaska Natives. Tribes are important partners with federal, state, and local agencies to protect ambient air quality, indoor air quality and mitigate climate change.
- 2) The [National Tribal Caucus](#) (NTC) is a 20-member national body of Tribal advisors to EPA. Members are selected on a regional basis by the Regional Tribal Operations Committee (RTOC) of each EPA region, or its equivalent, and represent all Tribes within their regions. Their primary focus is to identify and address Tribal environmental issues that are national in scope, cross-agency, or cross-media in nature, or that may be emerging or urgent. The NTC also advises EPA regarding improvements to their mutual role as protectors and regulators of public health and the environment.

- 3) The [Tribal Air Monitoring Support](#) (TAMS) Center was created through a partnership between Tribes, the Institute for Tribal Environmental Professionals (ITEP), and the United States Environmental Protection Agency (USEPA). It is the first technical training center designed specifically to meet the needs of Tribes involved in air quality management and offers an array of training and support services to Tribal air professionals.

Background

The American Rescue Plan has a priority for supporting efforts for health outcome disparities from pollution and COVID-19. The goals of empowering communities are to 1) monitor their air quality, 2) develop partnerships with other organizations, and 3) to give them a voice in addressing air quality issues. Some of the priorities identified in the creation of this grant program are below:

- Leverage existing air quality management expertise
- Expand the use of community monitoring advisory groups or other approaches to give communities a voice in addressing local air quality issues
- Build a foundation for trusting relationships and enhance understanding from which sustainable solutions to air quality problems can be found

EPA intends to provide \$22.5 million for direct awards to enhance monitoring for PM2.5 and other criteria pollutants.

- To support monitoring in or near communities with Environmental Justice concerns particularly associated with vulnerability to COVID-19
- Enhance Regional capacity for short term community monitoring needs
- \$5 million for mobile labs and sensor loan programs for air quality information
- \$2.5 million for administrative support for improved data management

EPA also intends to provide \$20 million in competitive grants for community groups; state, local and Tribal air agencies, either individually or in partnership to address environmental and public health disparities with the priorities of supporting community and local efforts to monitor their air quality and promote partnerships between community and state, local and Tribal air agencies.

Tribes and Tribal organizations are well-positioned to help the Agency meet all these goals. Tribes have developed an infrastructure to support capacity building to monitor and address air quality in Indian country since the 1990s. The NTAA provides policy support to Tribes to engage with EPA on regulatory and policy issues. ITEP provides training and management support, and the Tribal Air Monitoring Support Center provides technical support and an air monitoring equipment loan program. In addition, Tribes have a history of developing and administering their own programs to meet the needs of their communities, many of which are under-served and disproportionately impacted by air pollution, and particularly vulnerable to COVID-19.

For instance, recent CDC data shows that in 23 states, the cumulative incidence of COVID-19 cases among American Indian and Alaska Native (AI/AN) were 3.5 times higher than that of non-Hispanic whites. Another study from CDC showed that AI/AN are among the racial and ethnic minority groups at higher risk for severe COVID-19 outcomes. Thus, prioritizing grants for Indian Country, both in the direct grants and the competitive grants, will help meet the priorities of the ARP grant program.

While EPA did organize several “town hall meetings” and webinars to share basic information and allow Tribes and others to provide comments, this process was not a replacement for a formal consultation with Tribes on a government-to-government basis. In the future, it would be helpful for Tribes to better understand when EPA will and will not determine when comments on these kinds of funding opportunities are elevated to formal consultation in compliance with EPA’s 1984 Indian Policy on Consultation. This will be particularly important given the wide range of needs and priorities of individual Tribes. For instance, PM might be a more important issue in the Pacific North West Tribes, Ozone with the Tribes in Utah, SO₂ more important in Region 5, and wildfire smoke across the West. The questions asked may have many varied responses.

Direct Grants

For the direct grants, we are requesting a 25% set aside for the Tribes. \$5.6 million would help address a long-standing underfunding of monitoring in Indian country. The 2021 Status of Tribal Air Report, noted that Tribal air program funding has largely been stagnant, even as costs have increased. There is interest in Indian country beyond the currently funded programs. The funding level for Tribal air programs has not increased to meet those growing needs, and the direct ARP grants for Tribes could meet several of said needs:

- Provide funding for upgrading current out-of-date and unrepairable monitors. The TAMS Steering Committee, over the past few years, has conducted an inventory of existing air monitors in Indian Country. Many of these monitors are obsolete or no longer being supported by the manufacturer. The TAMS Center hosts a listserv to help Tribes who discontinue the use of monitors to share parts and equipment to keep air monitoring programs going. However, an infusion of resources is needed to upgrade equipment for existing programs.
- Due to expanding interest in Indian Country on air pollution programs, the investment in new Tribal air programs is in air quality and COVID-19 issues, which are a major concern and should be a priority for these direct funds. For example, a recent study published in *Science Advances*¹ concludes that nearly 20% of COVID-19 cases in fire impacted counties in California and Washington are linked to elevated wildfire smoke. Therefore, direct grant funding for sensor technology to support tracking and warning programs for wildfire events would be important. Also, Tribes need help as they continue to build capacity to conduct the appropriate projects for assessing the Tribal air quality. It is important for resources to be available to Tribes to meet the stringent quality assurance requirements to capture legally defensible data ensuring that Tribes are able to compare their data to the National Ambient Air Quality Standards.
- Specifically addressing the question of regulatory air monitoring vs. monitoring for informational purposes, Tribes were not initially recognized as partners in the management of the Nation’s air quality prior to the 1990 Clean Air Act and have had a delayed start in building their air quality programs that have the technical capability and capacity to conduct the monitoring projects. Ideally, all Tribes who determine for themselves a need to conduct regulatory air monitoring should be provided the support to do so. However, for Tribes who do not have an existing Tribal regulatory air monitoring site and who choose to conduct

¹ <https://advances.sciencemag.org/content/7/33/eabi8789>

informational purposes air monitoring specifically utilizing sensor technology, it is recommended that the agency develop a process to elevate the sensor data to a level whereby comparisons to FRM/FEM monitoring data is achievable and available. Much time and effort go into adequately developing a comprehensive air monitoring project, and thus the sensor data should be of a quality that can be used to address concerns identified by the monitoring.

- EPA is proposing a \$5 million set aside for mobile monitoring and equipment loan programs. Since one of its priorities for these grants is to leverage existing expertise, EPA should consider some part of the direct grant to build onto the equipment loan program at the TAMS Center. The TAMS Center provides equipment to the Tribes, and technical support and capacity building to empower the Tribes to conduct their monitoring. The TAMS Center could use part of these funds to re-calibrate air monitoring equipment used as part of the TAMS Center's air monitoring equipment loan program. Specifically, the TAMS Center estimates that \$300,000 would be sufficient to calibrate of its existing monitoring inventory. In addition, a portion of the \$2.5 million set aside for administrative support should help the TAMS Center expand its ongoing efforts to provide support for Tribal data collection and management.

Competitive Grant

- Because of the long-standing infrastructure build to provide monitoring capacity from the TAMS Center by leveraging this expertise and resource; Tribes are in a good position to help meet the public health goals for the ARP competitive grants within and beyond their jurisdictional boundaries.
- There should be a 20% Tribal set aside (\$4 million) for the competitive grants with an additional set aside of 10% for Alaska Native villages (\$2 million). Individual Tribes are in the best position to determine their own public health needs. For instance, PM2.5 is important in some areas but in others it is Ozone, Sulfur dioxide and/or other air toxics that may be more important in addressing community and public health needs.
- Tribes should have additional flexibility to determine their air quality monitoring needs, such as purchasing monitors for hazardous air pollutants or cameras used to find methane leaks from oil and gas operations. Some Tribes may wish to replace aging FRM monitors used to import data into the AQS system, while other Tribes may wish to purchase community sensors to help provide air quality data to a local online network.
- In providing scoring for these grants, additional weight should be given to grants where Tribes have been unable to establish monitoring programs to help build the capacity of Tribal air agencies to monitor and improve air quality issues. For example, Tribe may not have capacity to establish monitoring for emergency situations such as wildfire smoke predictions to warn the public of potential health issues.
- The NTAA EC, TAMS SC, and NTC leadership are pleased to provide these comments. Thank you for your time. We look forward to a continued conversation regarding how best to provide more sustainable funding for Tribal air programs and air monitoring equipment for Tribes. If you have any further questions or request additional information, please contact

NTAA's Director Andy Bessler who in turn will forward on your request and/or questions to the NTAA EC, TAMS SC and members of the NTC. You may contact Mr. Bessler at andy.bessler@nau.edu or via phone at 928-523-0526.

Submitted Respectfully,



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Cc: Peter Tsirigotis, EPA OAQPS
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