



October 18, 2011

**Via Certified and Electronic Mail**

Ms. Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

**Re: 60-Day Notice of Intent to File Clean Air Act Citizen Suit**

Dear Administrator Jackson:

This letter is submitted on behalf of the American Lung Association<sup>1</sup> and National Parks Conservation Association<sup>2</sup> to notify you, pursuant to section 304(b) of the Clean Air Act (“CAA” or “Act”), that they intend to sue the U.S. Environmental Protection Agency (“EPA”) for its failure to perform non-discretionary duties related to the review of the national ambient air quality standards for particulate matter. These groups ask that you direct your staff to take the immediate action required under the Act.

As you are well aware, particulate matter pollution in the U.S. continues to cause thousands of premature deaths and tens of thousands of hospital visits every year. *See, e.g.,* EPA, Office of Air Quality Planning and Standards, “Policy Assessment for the Review of the Particulate Matter National Ambient Air quality Standards,” at 2-43 (April 2011). EPA last promulgated particulate matter standards on October 17, 2006. *See* 71 Fed. Reg. 61144. Those standards, however, were remanded by the D.C. Circuit Court of Appeals in *Am. Farm Bureau Fed’n v. EPA*, 559 F.3d 512 (D.C. Cir. 2009) because EPA had failed to demonstrate that the standards were adequate to protect public health and prevent adverse welfare impacts.

Now, five years since promulgation of the 2006 standards, EPA has not even proposed a decision based on a review of these standards. Clean Air Act section 109(d)(1) imposes on EPA a non-discretionary duty to review national ambient air quality standards every five years and “make such revisions in such criteria and standards and promulgate such new standards as may be appropriate in accordance with section 108 and subsection (b) of [section 109].” 42 U.S.C. § 7409(d)(1). As of October 18, 2011, EPA is in violation of its mandatory duty to review the inadequate particulate matter standards adopted by EPA in 2006.

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<sup>1</sup> American Lung Association, 1301 Pennsylvania Ave. NW, Suite 800, Washington, DC 20004.

<sup>2</sup> National Parks Conservation Association, 777 6th Street, NW, Suite 700, Washington, DC 2001.

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Unless the identified deficiencies are promptly mitigated, American Lung Association and National Parks Conservation Association anticipate filing suit in U.S. District Court sixty days after your receipt of this letter. Please feel free to contact me at the address and telephone number provided above to further discuss the basis for this claim, or to explore possible options for resolving this claim short of litigation.

Sincerely,

A handwritten signature in cursive script that reads "Paul Cort".

Paul Cort

Staff Attorney