

## EPA Responses to CAAAC Air Toxics Recommendations

CAAAC Recommendation	EPA Response
<b>Communication Theme</b>	
<p><b>Recommendation No. 1:</b> EPA should evaluate and recommend best practices in air toxics communications (states/local/tribal/industry) to help improve risk communications.</p> <ol style="list-style-type: none"> <li>a. Recommend best practices</li> <li>b. Provide training tools</li> <li>c. Improve access to permit process</li> <li>d. Streamline NATA process</li> </ol>	<p>CAAAC has helpfully identified the need and opportunity for improvements in communication on air toxics issues, and EPA is focusing carefully on the extent to which several ongoing and planned efforts might be further improved in light of CAAAC's insight and advice. Current ongoing and planned efforts are aimed at updating training and outreach materials, identifying specific needs, and improving dissemination.</p> <p>Ongoing work includes:</p> <ul style="list-style-type: none"> <li>• In continuing work in the 50 communities identified as part of the Administrator's "Making a Visible Difference in Communities" initiative, EPA will identify lessons learned, use this information to develop best practices for future community engagement and post them to EPA web pages for use by communities</li> <li>• In addition, the 2011 National Air Toxics Assessment (NATA), a screening-level assessment for the United States, was released in December 2015 and estimated higher than expected levels of chloroprene in the community of LaPlace, La. The EPA and the Louisiana Department of Environmental Quality (LDEQ) have been working closely with the facility representatives to fully assess actual conditions near the Pontchartrain facility in the community of LaPlace, La.</li> <li>• To assist communities in their efforts to engage ports in emissions reductions of air toxics and air pollution, the Office of Transportation and Air Quality (OTAQ) is developing new capacity building tools to support effective engagement between ports and nearby communities.</li> <li>• EPA recently revamped its Clean Air Act Permitting website so the public can more easily access current permits that are open for public comment (<a href="http://www.epa.gov/caa-permitting">http://www.epa.gov/caa-permitting</a>).</li> </ul> <p>New work includes:</p> <ul style="list-style-type: none"> <li>• OAR will implement a revised approach for NATA which was identified as part of a recently conducted LEAN assessment (a systematic method to identify and eliminate waste in a process). The goal of the LEAN assessment was to improve the NATA process and evaluate options for reducing process time while maintaining accuracy</li> </ul>
<p><b>Recommendation No. 2:</b> EPA should develop and share with state/local/tribal organizations/communities and industry training tools on air toxics communications.</p>	<p>CAAAC has helpfully identified the need and opportunity for improvements in communication on air toxics issues, and EPA is focusing carefully on the extent to which several ongoing and planned efforts might be further improved in light of CAAAC's insight and advice. Current ongoing and planned efforts are aimed at updating training and outreach materials, identifying specific needs, and improving dissemination.</p> <p>Ongoing work includes:</p> <ul style="list-style-type: none"> <li>• EPA has a risk-related training series available through our Learning Management System (last updated February 2014). We also have an air toxics component to our CAA and Permitting training. The agency plans to market these training opportunities more broadly.</li> </ul> <p>New work includes:</p> <ul style="list-style-type: none"> <li>• NATA shows that wood smoke accounts for 50 percent of the area source-related cancer risks. EPA plans</li> </ul>

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	<p>to undertake efforts to raise awareness of this conclusion.</p> <ul style="list-style-type: none"> <li>EPA has an air toxics section included as part of our “Clean Air Act and Permitting” face-to-face training. Based on this recommendation we will commit to marketing these courses better to our community list-serve groups.</li> </ul>
<b>Mobile Sources Theme</b>	
<p><b>Recommendation No. 3:</b> EPA should request that the National Toxicology Program (NTP) evaluate the carcinogenicity of diesel exhaust.</p>	<p>EPA is continuing to evaluate this recommendation in the context of its broader consideration of next steps on diesel carcinogenicity.</p>
<p><b>Recommendation No. 4:</b> EPA should collaborate with other federal agencies to expedite the retirement of the diesel engine legacy fleet.</p>	<p>CAAAC has helpfully identified the need and opportunity for expediting the retirement of the legacy diesel fleet, and EPA plans to strengthen and extend its current efforts to coordinate informally with other federal agencies to expedite retirement of the diesel engine legacy fleet. These actions will build upon the work already in progress, especially for ports and federal grant programs. The actions include:</p> <ul style="list-style-type: none"> <li>Increasing the priority that other relevant federal grant programs place on reducing diesel emissions in relation to other objectives</li> <li>Further improving federal recordkeeping and reporting on diesel emissions reductions</li> <li>Coordinating project/grant reviews to avoid overlaps and streamlining requirements across diesel grant programs</li> <li>Encouraging other agencies to promote lower-emission technologies rather than higher-emitting technologies</li> </ul>
<p><b>Recommendation No. 5:</b> The EPA Administrator should advocate for the issuance of an Executive Order to require clean diesel technology (or other lower emissions technology) engines be used in all federally funded infrastructure projects.</p>	<p>This recommendation would involve additional decision makers beyond EPA. The agency currently is pursuing the objectives of this recommendation using a different mechanism. EPA plans to encourage federal agencies to require cleaner diesel equipment in federally funded contracts by providing model contract language. The agency also plans to develop a white paper to discuss benefits of cleaner diesel and to highlight examples of such model language from EPA’s superfund contracts, select state and local requirements, and other sources. EPA would offer to help agencies as needed.</p>
<b>Community and Urban Air Toxics Theme</b>	
<p><b>Recommendation No. 6:</b> EPA should invest more resources to partner directly with communities, local government, tribes, states and businesses in a collaborative fashion on community air toxics strategies.</p>	<p>EPA is continuing to consider this recommendation. In addition, EPA supports a number of community/regional-based grants and has several ongoing and planned activities in response to this recommendation:</p> <ul style="list-style-type: none"> <li>The EJ 2020 action agenda will help EPA advance environmental justice through its programs, policies and activities, and will support our cross-agency strategy on making a visible difference in environmentally overburdened, underserved, and economically distressed communities.</li> <li>EPA will continue to use existing tools such as NATA and EJ Screen as well as emerging tools like Community-Focused Exposure and Risk Screening Tool (C-FERST) and Tribal-Focused Exposure and Risk Screening Tools (T-FERST). Currently, these new tools are partnering with local communities and EPA community programs to design and test C-FERST.</li> </ul> <p>EPA will continue to have a dialogue with CAAAC on this recommendation.</p>

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<p><b>Recommendation No. 7:</b> EPA should develop a cumulative impacts policy that includes, but goes beyond, participation that results in reducing air pollution in EJ communities and overburdened communities. The EPA should use a screening tool that incorporates a cumulative impacts index to identify EJ communities and communities with high levels of cumulative impacts.</p>	<p>CAAAC has helpfully identified the need and opportunity for improvements in estimating the cumulative impacts of air pollutants in EJ communities and overburdened communities and EPA has work underway that is responsive to this recommendation. However, it should be noted that the Agency does not identify or define EJ communities. EPA plans to continue to improve and update EPA’s existing screening tools: EJSCREEN and NATA to be responsive to this recommendation.</p> <ul style="list-style-type: none"> <li>• EJSCREEN is a web-based environmental justice mapping and screening tool that provides a nationally consistent approach for combining multi-media environmental indicators with demographic data into EJ indexes.</li> <li>• NATA models point and area source air toxics emissions and provides cancer and non-cancer risk estimates at the census tract level. NATA was recently updated with the most recent (2011) air toxics inventory and work has begun on the planned 2014 release.</li> <li>• C-FERST (Community-Focused Exposure and Risk Screening Tool) was released in September 2016 and also supports risk screening and consideration of cumulative human exposure. In recognition of the need to further our understanding of cumulative impacts, the Agency (ORD) has developed the Environmental Justice Research Roadmap (Draft November 6, 2015) that outlines the Agency’s commitment to building the scientific foundation to conduct such assessments.</li> <li>• The EJ 2020 Action Agenda finalized in October 2016 also commits to implementing the EJ Research Roadmap as a foundational step towards addressing cumulative impacts.</li> <li>• In addition, in recognition that states such as New Jersey and California are working on cumulative impacts issues, the agency plans to reach out through ECOS to gather information on state approaches.</li> </ul>
<p><b>Recommendation No. 8:</b> EPA should characterize and publish the variation of air toxics concentrations, air toxics emissions and air toxics related health risks within urban areas and determine if they are correlated with race or income.</p>	<p>CAAAC has helpfully identified the need and opportunity for improvements in estimating the and publishing the different exposures to air toxics that are experienced by different communities of people. EPA agrees with the goal of this recommendation. The agency is continually developing tools to facilitate further analysis of air toxics data and promote public access to the data. It is important to recognize the differences in data quality. Spatial scale limits our ability to provide certain information (e.g., demographics data are available at a fine spatial scale, but emissions data and resulting modeled concentrations are not). Fully addressing this recommendation over time will require improved emissions data and improved special characterization capabilities.</p>
<p><b>Recommendation No. 9:</b> EPA should carry out its statutory obligation to review, revise and publish, as appropriate, the Clean Air Act (“CAA”) Section 112(b) (1) list of hazardous air pollutants (“HAPs”).</p>	<p>EPA is continuing to evaluate this recommendation.</p>

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<b>Supplemental Environmental Projects (SEPS) Theme</b>	
<p><b>Recommendation No. 10a:</b> EPA should encourage supplemental environmental projects (SEPs) that focus on reducing urban and tribal areas’ exposure to air toxics, with a particular focus on diesel particulate emissions.</p>	<p>EPA recognizes the additional benefits that SEPs can provide, and in March 2015 updated its SEP Policy to make it more easily understood and facilitate the inclusion of SEPs in enforcement settlements. EPA actively encourages and includes air toxics and diesel emission reduction SEPs in appropriate enforcement settlements. However, due to legal constraints, EPA cannot require a SEP in a settlement, nor can EPA require a specific SEP.</p>
<p><b>Recommendation 10b:</b> EPA should encourage state enforcement authorities to prioritize projects that reduce urban and tribal area air toxics as part of state compliance agreements.</p>	<p>EPA, through its regional offices, regularly communicates with states concerning the states’ enforcement priorities and ongoing enforcement actions, and encourages states to include SEPs in state settlements, where appropriate. EPA also supports states by providing information about the Agency’s SEP Policy and available SEP resources. While settlements of joint enforcement actions, with EPA and state co-plaintiffs, may include SEPs, EPA has no authority to direct the terms of state-only settlement agreements.</p>
<p><b>Recommendation No. 11:</b> In its settlement negotiations with companies regarding violations of CAA requirements that result in excess toxic emissions, EPA should direct penalty/SEP funds to states, tribes and localities to specifically mitigate future excess equal to or greater than the toxic emissions experienced.</p>	<p>Under federal law, EPA cannot direct penalty or SEP funds. However, EPA can and does include mitigation projects to redress the harms caused by the violations, where that is an appropriate part of the injunctive relief resolving violations in a settlement. EPA issued guidance in November 2012 to clarify how and when a mitigation project can be included in a federal enforcement settlement and to encourage case teams to consider mitigation in settlement negotiations.</p>
<b>Funding Theme</b>	
<p><b>Recommendation No. 12:</b> EPA should request that Congress continue and sustain funding for the Diesel Emission Reduction Act (DERA) Program.</p>	<p>This recommendation involves additional decision makers beyond EPA. EPA will continue to provide information to government officials and the public on the tremendous benefits that the Diesel Emissions Reduction program (commonly called “DERA”) program has provided across the country – notably, the creation of up to \$12.6 billion in health benefits. These funds are effectively used to improve air quality through replacement or retrofit of older diesel engines in local communities across the nation. For each dollar invested in the program, \$5 to \$21 in health benefits is generated. To further protect the health of the most vulnerable populations and reduce childhood exposure to harmful exhaust, the President’s proposed 21st Century Clean Transportation Plan further invests in the Program, providing up to \$300 million of mandatory funding in FY 2017 to accelerate the transition to cleaner vehicle fleets.</p>
<p><b>Recommendation No. 13:</b> EPA should fund community driven programs that make it possible for communities to organize internally, collaborate with other stakeholders and obtain expert assistance in order to address air toxics issues, particularly in</p>	<p>CAAAC has helpfully identified the need and opportunity for community driven programs and EPA agrees with goals of this recommendation. EPA has work underway that is responsive to it. For example:</p> <ul style="list-style-type: none"> <li>• EPA has already committed to providing funding and technical support through 2018 to communities for the “Making a Visible Difference in Communities” effort.</li> <li>• OAR has committed (in its 2016 priorities document) to continuing to provide support to Regions, as</li> </ul>

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disproportionately impacted communities.	<p>needed, for projects with identified air issues.</p> <ul style="list-style-type: none"> <li>• EPA has prioritized communities with poor and disproportionate air quality in its Diesel Emission Reduction (DERA) grant program.</li> <li>• EPA plans to continue funding community-driven efforts through our various annual grant funding solicitations (e.g., EJ small grants, the CPS (Collaborative Problem-Solving) cooperative agreement program).</li> </ul>
<p><b>Recommendation No. 14:</b> EPA should provide grant funding options for tribes that support tribal air toxics programs and projects.</p>	<p>CAAAC has helpfully identified the need and opportunity for more support for tribal air toxic programs and projects. EPA agrees with the recommendation and has work underway that is responsive. In particular, EPA plans to increase awareness that there are existing grant funding options for tribal air toxics programs and projects. EPA plans to continue the Agency’s commitment to providing tribal funding and technical assistance.</p>
<p><b>Data Gaps Theme</b></p>	
<p><b>Recommendation No. 15:</b> EPA should form a workgroup to identify data gaps and limitations of the NEI, including gaps for hazardous air pollutants (“HAPs”) and determine potential solutions to fill those gaps. The workgroup would be under the purview of the CAAAC and would include representatives from a broad group of experts and stakeholders from state, local and tribal governments, non-governmental organizations, industry and EPA.</p>	<p>EPA has work underway that is responsive to this recommendation. For example:</p> <ul style="list-style-type: none"> <li>• EPA will continue to develop the NEI through collaboration with numerous groups and has ongoing efforts to improve emission factors, methods and activity data for estimating emissions (e.g., the Combined Air Emissions Reporting (CAER) project).</li> <li>• In addition to these collaborative efforts to fill gaps for specific inventory data categories, we also work to support the underlying emission factor and speciation data.</li> <li>• EPA will also explore with OGC options for requiring reporting of air toxics emissions.</li> </ul> <p>EPA requests that CAAAC members let us know where voices are missing in our various stakeholder processes to address data gaps and limitations, and to determine potential solutions.</p>
<p><b>Recommendation No. 16:</b> EPA should enhance NATA as a risk assessment and screening tool by issuing it on a three-year cycle using the most recent NEI, adding tools that can identify hotspots. Since EPA currently classifies diesel exhaust as likely to cause human cancer, future NATAs should attempt to estimate cancer risk associated with diesel exhaust. EPA should examine the feasibility and methodology for adding ingestion risks from mercury and other persistent, bio-accumulative toxics.</p>	<p>CAAAC has helpfully identified the need and opportunity for enhancing NATA and EPA agrees with the goals of this recommendation and has work underway that is responsive to this recommendation. For example, we released: the 2011 NATA in December 2015 that includes several updates and enhancements that address some of CAAAC’s recommendations:</p> <ul style="list-style-type: none"> <li>• We included new mapping and data visualization tools in NATA that allow users to identify the sources and pollutants that drive risks in their community.</li> <li>• We expanded and updated the quality of toxic emissions data that are included in NATA so that a more complete picture of risks to communities is achieved.</li> <li>• We improved the dispersion modeling in NATA by using a “hybrid approach” which blends both a local-scale and a long-range air quality model.</li> <li>• We improved the exposure analysis in NATA by using updated human activity data.</li> </ul> <p>In addition, we have several initiatives for improving the timeliness of future NATAs</p> <ul style="list-style-type: none"> <li>• Inventory Improvements – NATA is reliant on timely inventories <ul style="list-style-type: none"> <li>▪ Pursuing E-Enterprise Combined Air Emissions (CAER) scoping project with state and industry partners</li> </ul> </li> </ul>

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	<p>to modernize emissions reporting.</p> <ul style="list-style-type: none"> <li>▪ Will result in more timely emission inventories, and therefore, more timely NATAs.</li> </ul> <ul style="list-style-type: none"> <li>• NATA Process Improvements                             <ul style="list-style-type: none"> <li>▪ Completed successful Lean event on the NATA process.</li> <li>▪ Identified methods and process improvements that will improve NATA timeliness.</li> </ul> </li> <li>• As mentioned in response to recommendation #3, EPA continues to consider next steps on evaluation of diesel exhaust as a carcinogen. EPA currently does not have a cancer unit risk estimate (URE) for diesel exhaust that can be used for NATA.</li> <li>• Regarding ingestion risks, we understand the committee’s interest in including these risks in cancer risk estimates. EPA is considering conducting an evaluation of the technical feasibility of expanding NATA to estimate ingestion risks for mercury and other persistent, bio-accumulative HAPs.</li> </ul>
<p><b>Recommendation No. 17:</b> EPA should support programs and projects that address air toxics data gaps in Indian country and Alaska Native Villages.</p>	<p>CAAAC has helpfully identified the need and opportunity for supporting EPA programs that address air toxics. EPA is committed to working with our tribal partners and has work underway that is responsive to this recommendation. For example, we will:</p> <ul style="list-style-type: none"> <li>• Continue to work with tribes to identify (1) what their priorities are with respect to toxics; (2) how big of a problem toxics are on Indian lands; (3) what their interests are; (4) identify data gaps; (5) which areas have the most immediate need and (6) resource needs.</li> <li>• Continue to fulfill EPA’s commitment to provide capacity-building support to tribes for monitoring, data interpretation, source and risk assessment, and other activities.</li> <li>• Work with tribes and AK native villagers to develop a strategy for continuing to improve our understanding of air quality, and especially air toxics, in Indian country and Alaska Native Villages.</li> </ul>

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<p><b>Recommendation No. 18:</b> EPA should continue, support and collaborate with programs to gather indoor, outdoor and personal monitoring data. Among other uses, such data should be used to enhance ambient and human exposure modeling to better characterize both the individual and the synergistic risk of personal, indoor, and ambient exposure to air toxics and inform strategies to address air toxics that are most harmful.</p>	<p><b>Consolidated response to recommendations 18-20</b> CAAAC has helpfully identified the need and opportunity for better characterizing the total risk to an individual from air pollution. EPA believes there is great value in improving everyone’s knowledge of what air pollutants and risks they are being exposed to and has work underway that is responsive to these recommendations.</p> <ul style="list-style-type: none"> <li>• Detailed characterization of air toxics currently relies on traditional measurement methods (e.g., passive filters), with historical data available and ongoing research efforts in place using these methods.</li> <li>• Emerging air quality sensors – with traits of being miniature, measuring continuously, and low cost – are undergoing rapid development in the marketplace. EPA ORD, OAR, and Regions, have been engaged in efforts to field test emerging sensors and conduct pilot field studies. These efforts may expand with E-Enterprise funding. The main pollutants measured are either criteria pollutants or indicative of source emissions (e.g., total VOCs); sensors for specific air toxics are generally not available at this time, and EPA continues to closely follow the marketplace.</li> <li>• EPA is engaged in number of pilot research efforts to support community monitoring and citizen science, primarily measuring criteria pollutants or indicators of source emissions (not specific air toxics). These efforts, summarized in EPA’s Air Sensor Toolbox, include pilot technology transfer to an EJ community for citizen science, training and documentation supporting citizen-led research, and initiation of a number of field studies involving emerging sensor technology.</li> <li>• EPA made a presentation about communications issues associated with short-term air quality data from hand-held sensors, and requested CAAAC member feedback, at the June 2016 CAAAC meeting.</li> <li>• The CAAAC ATWG recommendations will influence and inform our future work in this area.</li> <li>• The California Air Resources Board, South Coast Air Quality Management Board and the Northeast States for Coordinated Air Resources Management are already doing work in these areas.</li> <li>• As higher quality devices become available, EPA will expand work in this area with State and local agencies and community groups to develop and design community monitoring guidance and programs.</li> </ul>
<p><b>Recommendation No. 19:</b> EPA should support robust community monitoring and citizen science projects that provide quality data and guidance on how to use the data to assess air toxics and inform effective strategies to address air toxics.</p>	
<p><b>Recommendation No. 20:</b> EPA should support the evaluation of portable and personal environmental monitors (“PEMs”) for air toxics and other pollutants to ensure high quality data.</p>	
Best Practices Theme	
<p><b>Recommendation No. 21:</b> EPA should develop a sustainable platform from which best practices related to air toxics can be continually highlighted and shared between all stakeholders, including communities, industries, federal, state, tribal and local governments, environmental groups, academia, etc.</p>	<p>EPA is continuing to evaluate this recommendation; specifically, how to disseminate information more effectively on best practices related to air toxics, and to keep interested CAAAC members and the public current on the air toxics program. EPA requests that CAAAC members let us know if they have any suggestions for information dissemination approaches.</p>

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<b>Recognition Programs Theme</b>	
<p><b>Recommendation No. 22:</b> EPA should develop a recognition program for businesses, modeled after Energy Star (“Community Star”) who exemplify the principles (i.e., empathy and caring) of being a “good neighbor” and having a strong commitment to the community, particularly regarding the reduction of air toxics and other toxic pollutants.</p>	<p><b>Combined response to recommendations #22 and #23</b>                      EPA is continuing to evaluate this recommendation. While resource limitations may preclude initiation of a new awards program, EPA plans to consider recommendations #22 and #23 as a key element of a comprehensive review of the Clean Air Excellence Awards (CAEA) program. The CAEA review is expected to begin soon, and we anticipate including CAAAC members in our evaluation of options.</p>
<p><b>Recommendation No. 23:</b> EPA should develop a recognition program for state/local or tribal governments who value community engagement and whose innovative efforts are making a difference in the communities they serve, particularly related to air toxics issues.</p>	
<b>Next Steps Theme</b>	
<p><b>Recommendation No. 24:</b> EPA should – by or before April 2016 – create a standing independent committee that reports to the CAAAC consisting of members representing community groups, industry, state/local/tribal governments that evaluates and reviews the progress and shares information – at least annually – on the programs and processes related to urban air toxics.</p>	<p>CAAAC has helpfully identified the need and opportunity for independent oversight of EPA as it moves forward on these recommendations. EPA understands the goal of such a recommendation and, as noted below will continue to use the existing process with CAAAC and its subcommittees to be responsive to this recommendation:</p> <ul style="list-style-type: none"> <li>• EPA plans to update the CAAAC on our further consideration of the 25 recommendations at the fall 2016 meeting and at subsequent meetings in 2017.</li> <li>• The agency is providing the CAAAC with a chart that summarizes EPA’s response to each recommendation-- or in the case of recommendations that remain under consideration, indicates the status of EPA’s consideration.</li> <li>• The agency plans to use the Subcommittee on Permits, NSR and Air Toxics on an ongoing basis to provide advice related to the CAAAC’s air toxics recommendations (subject to new direction by a future administration).</li> <li>• The Federal Advisory Committee Act calls for advisory committees to provide advice to, rather than oversee, federal agencies. Also, such committees are not allowed to carry out governmental functions. As a result, EPA does not plan to create a new standing committee of the CAAAC to play an oversight role or to co-author reports on air toxics.</li> </ul>
<p><b>Recommendation No. 25:</b> EPA should conduct a systematic review – using the criteria provided in the body of this report – to evaluate the effectiveness of federal programs that specifically address urban air toxics – by or before January 2017.</p>	<p>EPA is continuing to evaluate this recommendation.</p>



CAAAC Recommendation	EPA Response
<b>More on Data Gaps</b>	
<p><b>Additional CAAAC Member Recommendation:</b> EPA and the states should make maximum use of the roadside monitoring data now being collected under the 2012 PM NAAQS to assess current diesel PM and other traffic exposures, and to track trends as new technology diesels enter the fleet.</p>	<p>CAAAC has helpfully identified the need and opportunity for improvements in how we track and assess trends and exposures for diesel emissions, EPA strongly supports using environmental information to assess ongoing exposures to air pollutants and has work underway that is responsive to this recommendation. For example, we are maximizing analysis of the near-roadway data in the following ways:</p> <ul style="list-style-type: none"> <li>• Summarizing available monitoring data in Integrated Science Assessments</li> <li>• Publishing data in EPA’s Report on the Environment</li> <li>• Evaluating trends of near-road concentrations in the monitors</li> </ul> <p>EPA regulations have reduced PM, NOx, and other pollutants from both diesel and gasoline vehicles, as shown in independent studies from the Health Effect Institute and other researchers. One key limitation in our use of near-roadway data is that only certain pollutants are measured. None of the pollutants required to be monitored in near-road locations are specific to diesel exhaust. Some near-road monitors do measure black/elemental carbon, but states are not required to monitor it.</p>