

Oral Comments of Shyamala S Rajan, Director of Nationwide Clean Air Policy  
American Lung Association  
to  
Environmental Protection Agency (EPA) on its proposed rule on the National Emission  
Standards for Hazardous Air Pollutants from Secondary Lead Smelting  
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Good Morning, I am Shyamala Rajan, Director of Nationwide Clean Air Policy at the American Lung Association. The Lung Association has long advocated for stringent policies under the Clean Air Act to reduce air pollution to protect public health, especially of vulnerable groups such as children.<sup>1</sup> We publish an annual State Of The Air report that provides a graded and ranked status of air quality in all major metropolitan areas. This year's report showed that even after decades of successfully implementing the CAA, 46% of Americans—156.1 million people—are living in places that get failing grades for unhealthy levels of ozone or particle pollution. The need for strong science-based policies to reduce all air pollutants cannot be overemphasized. Such policies include setting stringent standards for all toxic pollutants with an “ample margin of safety to protect public health”, uniform deployment of feasible technologies, and monitoring. Here, I offer 3 main comments on EPA's proposed rule on the National Emission Standards for Hazardous Air Pollutants from Secondary Lead Smelting.

- **Standards:** EPA proposes not to require any reductions of current emission levels of lead, arsenic, cadmium, mercury, dioxins, furans, and other hazardous air toxics even though it recognizes that these pollutants have adverse health impacts. Exposure to heavy metals such as cadmium and arsenic<sup>2</sup> poses increased cancer risk. Toxic heavy metals can bioaccumulate in the body over time and cause severe health harm. Children are particularly vulnerable to neurodevelopmental impacts from lead and mercury exposure. EPA evidently considers the National Ambient Air Quality Standard (NAAQS) for lead, as being adequate to protect health. Lead NAAQS, which EPA hasn't updated since 2008, are not sufficient to protect local communities from the toxic effects of lead emitted by secondary lead smelters.
- **Exemptions:** Clean Air Act Section 112 requires EPA to regulate ALL listed hazardous air pollutants. The Act does not include a “de minimis” exemption for air toxics, which by definition are seriously hazardous to health. Here, EPA is proposing to ignore the CAA requirements by deeming emissions of two hazardous air pollutants, chlorine (Cl<sub>2</sub>) and hydrochloric acid (HCl) – to be “de minimis” implying that they are harmless and thus exempting them from regulation. For decades the Clean Air Act's pollutant standards have been invaluable in protecting public health, and it is critical that they not be allowed to backslide. Creating a novel ‘de minimis’ test for any air pollutant, especially toxic HAPs, to exempt them from regulation is extremely dangerous to public health and would seriously set back our nation's clean air protections and progress.<sup>3</sup>

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<sup>1</sup> American Lung Association. [State of the Air 2025 report](#)

<sup>2</sup> EPA. [IRIS Toxicological Review of Inorganic Arsenic \(Final Report, 2025\)](#)

<sup>3</sup> EPA. [Benefits and Costs of the Clean Air Act 1990-2020, the Second Prospective Study](#).

- **Monitoring:** Communities need to know about the levels of hazardous air pollutants being released by smelters across their fences or beyond their borders into the neighborhoods. Knowledge of fugitive emissions and compliance with existing standards and regulations requires “fenceline monitoring”. EPA is proposing not to require fenceline monitoring as part of the standards even though it found it important to collect monitoring data via its Information Collection Request process for the rulemaking. Fenceline monitoring requirement must be an integral part of NESHAPs to protect the health of the communities living near emitting facilities.

**Conclusion:** EPA must follow the CAA and set stringent science-based emission standards with no “de minimis” regulatory exemptions for any HAPs, require robust fence-line monitoring as part of standard setting as well as require uniform use of effective pollution control technologies. These are not choices for EPA but its requirements under the Act to protect the health of communities, particularly of children, from hazardous air pollution from secondary lead smelters.

Thank You.