

July 14, 2016

Paula Wilson
Idaho Department of Environmental Quality
1410 N. Hilton
Boise, Idaho 83706
Re: DEQ Docket No. 58-0101-1601

Hi Ms Wilson,

Please add this comment letter to the docket, as it pertains to Mr. McGown and Ms Gora-McRavin's comments letters. Neither has yet to be published on the docket site yet, but have been made available via email by you.

1) Mr. McGown's own EPA has scientifically determined the human health safety level of each of the six criteria pollutants. The EPA must, by law, use the best available science when considering altering any current NAAQS. As a state level environmental protection agency, IDEQ must also use the best available science to alter any current Idaho Ambient Air Quality Standards. Subjective theories cannot be considered. IDEQ has already further strengthened the NAAQS by reducing them another 25% and has stated it cannot find any scientific basis to further reduce PM 2.5. Idaho's statewide PM 2.5 levels are well below the national average. The notion that just because one standard is raised, means another must be lowered in order to ensure a balance in health (similar to Newton's 3rd Law of Motion) has no scientific merit.

2) Mr. McGown's comment, "I worry that a rule change that only loosens the Ozone trigger will be detrimental to the relationships that we have built over the last 8 years." appears to this reader to be a threat. According to [Black's Law Dictionary](#): "A threat has been defined to be any menace of such a nature and extent as to unsettle the mind of the person on whom it operates (Mary), and to take away from his acts that free, voluntary action which alone constitutes consent."

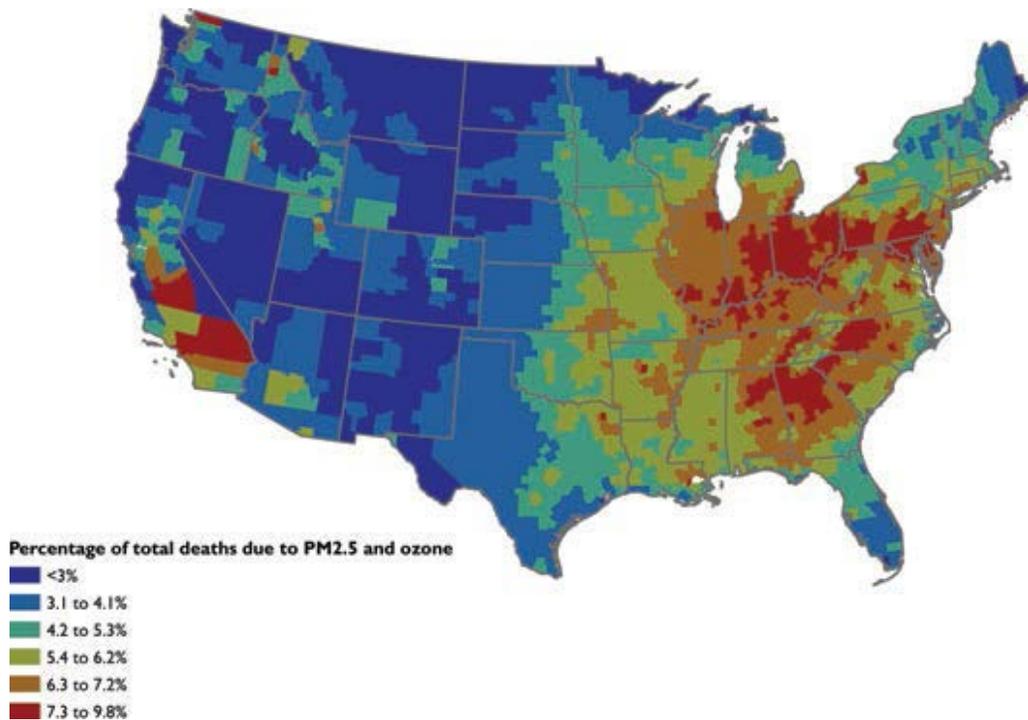
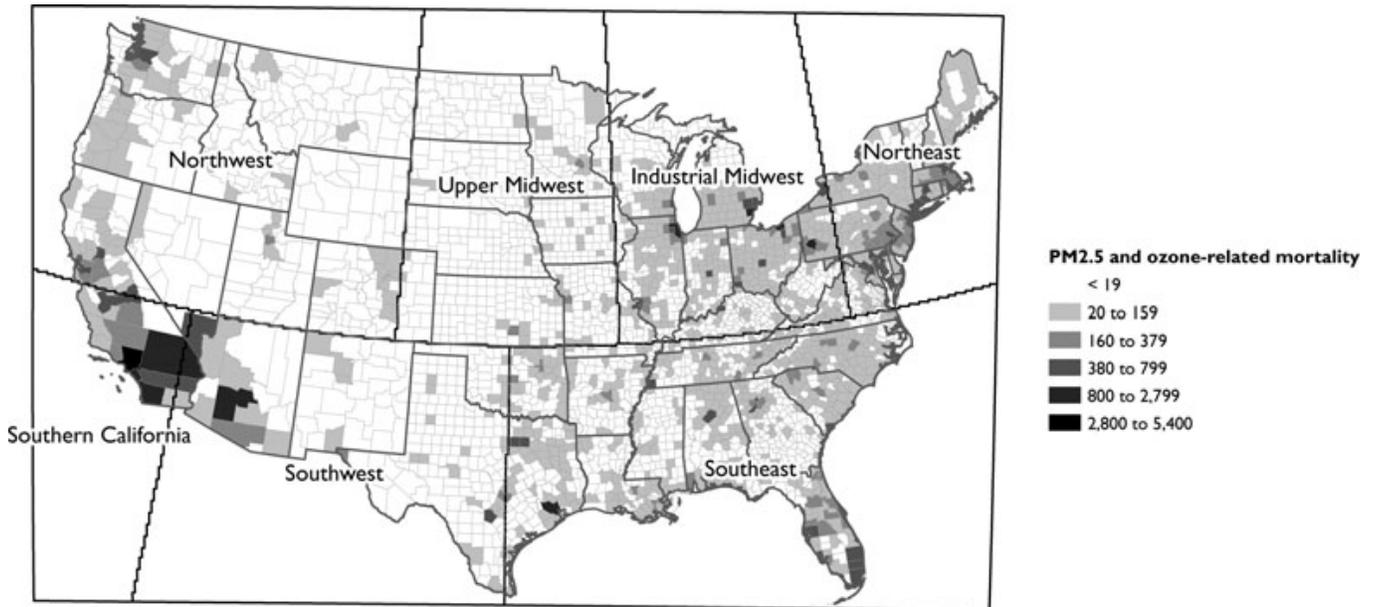
3) Mr. McGown's comments imply that SAFE & ICL have privately contacted him regarding their dissatisfaction with IDEQ's decision not to reduce the PM 2.5 If the EPA's comment letter has not been posted to the site, yet ICL supports these comments as noted in your email, ICL has obviously seen the letter privately and in advance of the rest of the interested parties. This suggests [collusion](#).

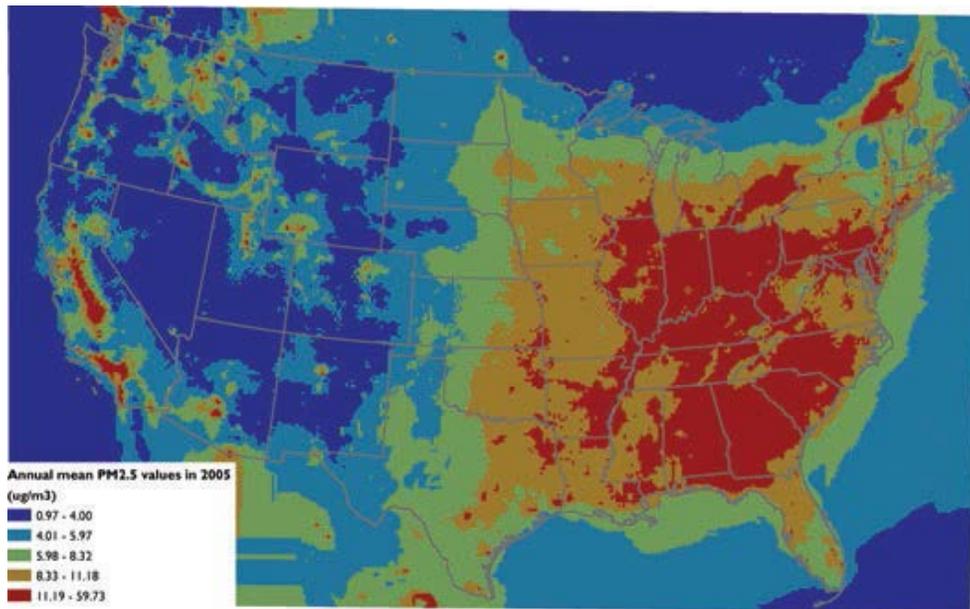
4) "Negotiated Rulemaking" per [Idaho Statute 67-5220.2](#), is "...a process in which all interested persons and the agency seek consensus on the content of a rule. Agencies shall proceed through such informal rulemaking whenever it is feasible to do so in order to improve the substance of proposed rules by drawing upon shared information, knowledge, expertise and technical abilities possessed by interested persons and to expedite formal rulemaking." [Black's Law Dictionary](#) defines "consensus" as, "The middle ground between agreeing and disagreeing. The participants share a value and goal and work to get that goal to get a decision made." Not only was there a consensus in agreement with DEQ's stance, but DEQ could not validate the science as required.

Mr. McGown, ICL and SAFE have failed to share any information, knowledge, expertise or technical abilities when no scientific basis has been given that would enable DEQ to alter its stance. Mr. McGown comments are therefore [arbitrary](#).

5) Dr. Craig Dietrich is a specialist in toxicology who presented epidemiological data. He was kind enough to email me the referenced studies so that I could evaluate them for commenting purposes, and said if I had any serious questions about the data, he would defer me to an epidemiologist or

the authors. After reading the mentioned Fann study (which has not been made available by IDEQ), it is clear that the health issues related to PM 2.5 & ozone are a non-issue in Idaho, and Idaho's statewide PM 2.5 is well below the current NAAQS set by Mr. McGown's own agency. Below is data from my last comment letter, which is directly from Fann's study.





6) Ms Gora-McRavin, former Exec. Director of SAFE and current Clean Air Ambassador for Earth Justice, states in her July 14 comment letter, "Public health advocates will watch as their only core health protections are chipped away." She too fails to demonstrate scientifically how State standards, already 25% stronger than National standards, are chipping away at health protections. By inference she has also stated that the EPA scientists are guilty of more "chipping" than Idaho is.

On her [LinkedIn](#) page she notes of herself, "Named one of Idaho's 100 most influential people in 2004 for work on changing the status quo on regulating harmful agricultural burning." Her page on [Earth Justice](#)'s website says, "His doctors felt that the toxic smoke may have had some connection to why this cancer developed, but we have no proof that this caused his death. Still, my children have been left without their father and I believe his life ended prematurely due to the high exposures to the toxics in field burning. Field burning caused my son repeated bouts of pneumonia, and it causes me and my daughter to have asthma episodes." (Emphasis added) With comments such as these, it is unclear why she favors increasing *any* of the toxics in field burning. This appears contradictory.

7) Ms Gora-McRavin also states, "It is the only path forward that all parties may be able to support." In this consensus setting all parties need not support the outcome. This is just how democracy works. Some may have to agree to disagree and move forward.

In summary, the reason for this rulemaking is to allow those who burn their crops, which emit ozone (and PM 2.5), to do so legally. EPA has strengthened ozone standards to a point that DEQ's 75% standard will result in less burn days. It has been scientifically demonstrated that there is no need to alter the PM 2.5 standard. It has not been scientifically documented, as required, that there is a need to alter the standard. DEQ has made the correct decision not to reduce the PM 2.5 standards. The majority of interested parties have agreed. Let the negotiated rulemaking proceed on and increase the ozone standard so that the farmers can burn their crops without fear of violating air quality standards, which again, will still be below the nationally set standards.

Sincerely,

Jann Higdém