



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 Association¹ and National Parks Conservation Association² to notify you, pursuant to section 304(b) of the Clean Air Act, of our 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., 43 Fed. Reg. 61144 (1978); 71 Fed. Reg. 61144 (2006). 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 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

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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 black rectangular redaction box covering the signature of Paul Cort.

Paul Cort
Staff Attorney