



NATIONAL ASSOCIATION OF  
Manufacturers

Mahta Mahdavi

Director

Energy and Resources Policy



AEROSPACE INDUSTRIES  
ASSOCIATION

April 15, 2011

U.S. Environmental Protection Agency  
EPA Docket Center  
Superfund Docket  
Mail Code 28221T  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460  
Email: [superfund.docket@epa.gov](mailto:superfund.docket@epa.gov)

RE: Docket ID No. EPA-HQ-SFUND-2010-1086  
EPA's solicitation of comments regarding the potential for adding a vapor intrusion component to the hazard ranking system

Dear Sir or Madam:

On January 31, 2011, the U.S. Environmental Protection Agency (EPA) published a notice in the *Federal Register* soliciting comments as to the potential for adding a vapor intrusion (VI) component to the hazard ranking system (HRS), which is used to place sites on the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) National Priorities List (NPL). The National Association of Manufacturers (NAM) and the Aerospace Industries Association (AIA) welcome the opportunity to provide the following comments.

First, NAM and AIA believe incorporating VI to the Superfund HRS is not in the public interest since the EPA Superfund program is complex and not apt in reacting quickly to accommodate VI issues that may require immediate, real-time action. Moreover, there is no single approach for the evaluation of VI risk, as it is site dependent, and it would be quite challenging for the EPA to develop a meaningful approach for adding VI to the HRS.

Furthermore, adding more sites to the already large Superfund program base on VI criteria could extend resources that are already constrained according to the 2010 GAO report entitled EPA's *Estimated Cost to Remediate Existing Sites Exceed Current Funding Levels, and More Sites are Expected to be Added to the National Priorities List*.<sup>1</sup>

Also, VI can be addressed more effectively by state programs, as they are in California and New York, where there are cases for potential threat from VI to populations through inhalation. For instance, in April 2009, California's Department of Toxic Substance Control (DTSC) released a "Vapor Intrusion Mitigation Strategy" which was designed to assist with the selection, design and implementation of the appropriate response action for sites with VI risks. DTSC also put out a draft advisory for comment entitled "Active Soil Investigation" which provides methodologies for collection and analyzing soil gas samples. The guidance provided by these documents has been used to make clean up of VI at California sites more efficient.

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The NPL process is less than optimal for addressing VI issues because it is intended to address the highest priorities for long term remedial action, whereas VI issues have the potential to have immediate and acute risks and may require immediate action. Requiring a potential VI issue to go through the NPL process could mean that EPA would spend several years performing a feasibility study, before determining a record of decision. Vapor intrusion issues usually need immediate attention, and state remediation programs allow for plans to be put together quickly.

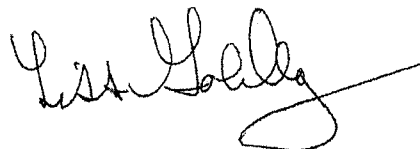
Currently, there is no common federal process that can be applied for listing sites regarding VI. There is only federal guidance for VI. Remediation has been based on state programs, and there are currently numerous states with regulations or sets of guidance for addressing VI. Furthermore, the approach for each site is governed by geology and local site conditions. It would be very challenging for the EPA to come up with common criteria for VI for the NPL listing determination that could adequately address the unique requirements of each site.

In summary, NAM and AIA believe EPA should reconsider its proposal to add VI to the HRS process because the current, complex process is not designed to address the real time risks presented by VI component and, as a result, should continue to be handled at the state level.

Sincerely,



Mahta Mahdavi  
Director  
Energy and Resources Policy  
National Association of Manufacturers



Lisa Goldberg  
Director  
Environment, Safety & Health  
Aerospace Industries Association

## Appendix A

**National Association of Manufacturers** - The NAM is the largest industrial trade association in the U.S., representing over 11,000 small, medium and large manufacturers in all 50 states. We are the leading voice in Washington, D.C. for the manufacturing economy, which provides millions of high wage jobs in the U.S. and generates more than \$1.6 trillion in GDP. In addition, two-thirds of our members are small businesses, which serve as the engine for job growth.

Our mission is to enhance the competitiveness of manufacturers and improve American living standards by shaping a legislative and regulatory environment conducive to U.S. economic growth. While the NAM supports environmental regulations designed to protect the environment and public health, we consistently oppose regulations that create adverse economic impacts on manufacturing without providing any real environmental or public protection. Consequently, the NAM believes that in establishing national and coherent environmental goals should be the primary role of the federal government. However, in some cases, states are best equipped to carry out the implementation of environmental laws and regulations.

**Aerospace Industries Association** – Founded in 1919, AIA is the premier trade association representing over 280 major aerospace and defense manufacturers and suppliers and approximately 844,000 aerospace and defense workers. Our members represent the United States of America's leading manufacturers and suppliers of civil, military, and business aircraft, helicopters, unmanned aerial systems, missiles, space systems, aircraft engines, materiel, and related components, equipment services, and information technology.

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<sup>1</sup> *EPA's Estimated Costs to Remediate Existing Sites Exceed Current Funding Levels, and More Sites are Expected to Be Added to the national Priorities List*, Government Accounting Office (GAO), 2010.