

*Beyond Plastics \* Beyond Toxics \* Breathe Free Detroit \* Center for Environmental Transformation \*  
CURE \* Dania Trespalacios \* Downwinders at Risk \* Earthjustice \*  
East Yard Communities for Environmental Justice \* Environmental Integrity Project \*  
GAIA (Global Alliance for Incinerator Alternatives) \* Ironbound Community Corporation \*  
Laura Plascencia \* Oregon Physicians for Social Responsibility \* Sierra Club \* South Baltimore  
Community Land Trust \* Susan Eastwood \* Ted Schettler MD, MPH \* The Story of Stuff Project \*  
Tishman Environment & Design Center \* Zero Waste BC \* Zero Waste Ithaca*

June 6, 2023

**Via Email and Regulations.gov**

Environmental Protection Agency  
EPA Docket Center, Docket ID No. EPA-HQ-OAR-2022-0920  
Mail Code 28221T  
1200 Pennsylvania Ave, NW  
Washington, DC 20460  
[a-and-r-docket@epa.gov](mailto:a-and-r-docket@epa.gov)

Dear Administrator Regan:

The undersigned 22 groups and individuals urge EPA to update its emission standards for large municipal waste incinerators to make them as protective to surrounding communities as possible. Seventy-nine percent of the nation's large incinerators – including most of the highest-emitting incinerators – are located in environmental justice communities. These incinerators are often some of the biggest emitters in the communities in which they are located. This is no wonder given EPA's failure to issue incinerator standards that meet the requirements of the Clean Air Act on the timeline required by the Act. EPA last revised this set of pollution standards in 2006 and it was required to do so again in 2011. But EPA has failed to take this mandatory action for over a decade.

EPA can now do right for the frontline communities that have waited decades for the protections of the 1990 Clean Air Amendments. EPA must update its incinerator standards to, at a minimum:

- **Require incinerators to reduce emissions to the maximum achievable extent.** This is the standard that Congress imposed on EPA over three decades ago, but which EPA has yet to meet. When considering what level of emission reduction is achievable, EPA must not rely on arbitrary cost-effectiveness thresholds that leave too much pollution in our communities.
- **Require incinerators to use continuous emission monitors for *all* regulated pollutants.** This technology has existed for years. But EPA's current rules make continuous monitoring optional for most pollutants, so barely any incinerators continuously monitor the pollutants that they don't have to. This is particularly important for particulate matter, mercury, and hydrochloric acid, all of which have well-documented harmful effects on human health. Reliable continuous monitors exist for all of these pollutants, and should be required.
- **Require increased protections against accidents and the burning of prohibited wastes.** Incinerators have been catching on fire and burning prohibited wastes, exposing our communities to additional toxics above and beyond those from the incinerators' daily operations. Worse still, municipal solid waste incinerators are burning or trying to burn industrial and medical wastes on purpose, but without being subject to the more rigorous EPA

standards of medical waste incinerators and industrial waste incinerators. EPA should clarify the types of wastes that incinerators can burn and require incinerators to take increased safety and oversight measures to avoid the intentional and accidental burning of prohibited wastes.

EPA's decades-plus failure to issue the incinerator standards that Congress promised is an affront to environmental justice communities nationwide. It has been over thirty years since Congress told EPA to protect the public from the harms of this incinerator pollution, and environmental justice communities are still waiting for those protections. EPA has committed to advancing equitable outcomes in environmental justice communities and building meaningful engagement with these communities. The time to deliver on those commitments is now. EPA must revise the large municipal waste incinerator standards to ensure maximum protections for surrounding communities.

Sincerely,

Judith Enck  
Beyond Plastics

Lisa Arkin  
Beyond Toxics

KT Morelli  
Breathe Free Detroit

Jonathan Compton  
Center for Environmental Transformation

Maggie Schuppert  
CURE

Dania Trespalacios\*  
Zero Waste Coordinator, Miami Dade County

Evelyn Mayo  
Downwinders at Risk

Jonathan Smith  
Earthjustice

Taylor Thomas  
East Yard Communities for Environmental Justice

Leah Kelly  
Environmental Integrity Project

Marcel Howard  
Global Alliance for Incinerator Alternatives

Maria Lopez-Nunez  
Ironbound Community Corporation

Laura Plascencia\*  
Community Organizer

David De La Torre  
Oregon Physicians for Social Responsibility

Jane Williams  
Sierra Club

South Baltimore Community Land Trust

Susan Eastwood\*  
Chair, Ashford Clean Energy Task Force

Ted Schettler MD, MPH\*  
Science and Environmental Health Network

Sam Pearse  
The Story of Stuff Project

Ana Isabel Baptista, PhD  
Tishman Environment & Design Center

Sue Maxwell  
Zero Waste BC

Yayoi Koizumi  
Zero Waste Ithaca

*\*Signing as individuals, not on behalf of their organizations*