

**EPA Air Monitoring Initiative Leads to Concerns and Litigation**

On March 31, 2009, the U.S. Environmental Protection Agency (EPA) launched an initiative to monitor air quality around certain schools. The EPA selected 63 schools in 22 states as its initial priority, primarily based on their proximity to industrial sources as well as the well-publicized *USA TODAY* list of potentially impacted school sites and information from state and local air pollution agencies.

The EPA's monitoring efforts have now been implemented through state and local air pollution control agencies at 60 of the 63 priority schools. The EPA requires these agencies to collect samples of outdoor air near selected schools; analyze samples for various chemicals that the EPA has identified as priorities; report on levels of the identified chemicals that are found; evaluate actions that may be needed to reduce the levels of the identified chemicals; and take action as needed to ensure that nearby industries are in compliance with applicable clean air regulations, including air permitting requirements. Sampling efforts generally have focused on carbonyls, diisocyanates, metals, polyaromatic hydrocarbons and volatile organic compounds, and individual pollutants such as 4, 4-methyldianiline and hexavalent chromium; however, the specific chemicals evaluated at each school vary depending on the location of the school and the industries in that area.

To date, the EPA has released the results of its monitoring efforts at two schools in Tennessee and provided initial sampling results at 10 other schools in California, Kentucky, Michigan, Minnesota, Missouri, Ohio, Pennsylvania and South Carolina. State and local agencies continue to analyze and collect data from the remaining priority schools.

Of the 12 schools where monitoring data has been released, the chemicals that the EPA has listed as priorities have been identified in various samples, but have generally been below the applicable action levels that would indicate a risk for health concerns from long-term exposure. The EPA will continue to analyze the results from the other priority schools as the monitoring is completed.

While the EPA's monitoring efforts have not yet identified long-term potential health concerns, its efforts have prompted many local and state entities to implement their own air monitoring programs around schools. While these "independent" local monitoring efforts do not utilize any uniform methodology, some have reported elevated levels of certain chemicals.

These independent monitoring results have led to concerns in many local communities located near industrial facilities. For example, in South Carolina and Indiana, residents have filed lawsuits against local industry relating to air emissions based on these monitoring programs. Additionally, these efforts have contributed to growing concerns in communities that now publicly oppose the



construction of new industrial facilities near schools. In other cases, school districts are seeking EPA guidance in identifying sites for new schools that are “low risk” for exposure to industrial air emissions.

Regardless of the ultimate results of the EPA’s monitoring efforts, industries must now carefully consider both their compliance with air emissions regulations and the perceived impact and additional scrutiny that they may be subject to based on their proximity to schools.

#### **FOR MORE INFORMATION**

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