

December 11, 2003 DRAFT - DELIBERATIVE DOCUMENT - DO NOT QUOTE OR CITE

Environmental Health and Safety Risks

Executive Order 13045, "Protection of Children from Environmental Health Risks and Safety Risks" (62 FR 19885, April 23, 1997) applies to any rule that (1) is determined to be "economically 'economically significant'" as defined under Executive Order 12866, and (2) concerns an environmental health or safety risk that EPA has reason to believe may have a disproportionate effect on children. -If the regulatory action meets both criteria, ~~EPA must~~ Section 5-501 of the Order directs the Agency to evaluate the environmental health or safety effects of the proposed planned rule on children, and explain why the proposed rule/planned regulation is preferable to other potentially effective and reasonably feasible alternatives.

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~~The EPA interprets Executive Order 13045 as applying only to those regulatory actions that are based on health or safety risks, such that the analysis required under section 5-503 of the Executive Order has the potential to influence the regulation. The considered by the Agency.~~

~~This proposed rule is not subject to the Executive Order 13045 because it is based on control technology and does not involve decisions on environmental health or safety risks.~~

~~Text to be added.~~

~~H. Executive Order 13211: Actions That Significantly Affect Energy Supply, Distribution, or Use that may disproportionately affect children. EPA believes that the emission reductions from~~

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The strategies proposed in this rulemaking will further improve air quality and will further improve children's health.

H. Executive Order 13211: Actions Concerning Regulations that Significantly Affect Energy Supply, Distribution, or Use

Executive Order 13211 (66 FR 28395, May 22, 2001) provides that agencies shall prepare and submit to the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, a Statement of Energy Effects for certain actions identified as "significant energy actions." Section 4(b) of Executive Order 13211 defines "significant energy actions" as "any action by an agency (normally published in the Federal Register) that promulgates or is expected to lead to the promulgation of a final rule or regulation, including notices of inquiry, advance notices of final rulemaking, and notices of final rulemaking: (1) (i) That is a significant regulatory action under Executive Order 12966 or any successor order, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy; or (2) that is designated by the Administrator of the Office of Information and Regulatory Affairs as a "significant energy action." The ~~final~~ proposed rule is not a "significant energy action" because it is not likely to have a significant adverse effect on the supply, distribution, or use of energy. The basis for the determination is as follows.

Compared to 2010 projections of existing statutory and

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*In accordance with the Order, the Agency evaluated the environmental health and safety effects of the proposed rule ~~and~~ and for the reasons explained above the Agency believes that the proposed strategies are preferable to other potentially effective and reasonably feasible alternatives.*

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