

EPA's New 0.075 Ozone Standard Is Unjustified

Replacing the 1997 ozone NAAQS standard of 0.08 with a new level of 0.075 is unnecessary. The 1997 standard is working; air quality is improving. States have not yet fully implemented the 1997 standard; rather than helping communities meet that standard EPA instead is imposing a new standard. Moreover, the 1997 standard is sufficiently adequate to protect public health. The large uncertainty in the scientific evidence does not justify the new standard.

Key Message: The 1997 Standard is Working; Air Quality is Improving.

Background

- According to EPA, between 1970 and 2006, total emissions of the six principal air pollutants dropped by 54 percent.
- According to EPA, between 1980 and 2006, the National Average for ozone levels decreased by 21 percent.
- EPA's re-designation of numerous counties in 2007 as having reached attainment of 0.08 ppm shows that states are making progress under current rules.

Key Message: States Have Not Yet Fully Implemented the 1997 Standard; EPA Should Have Helped Communities Meet the 1997 Standard Before Imposing New Standards.

Background

- States have spent years developing plans to meet the 1997 standard and are now just finalizing and implementing these plans.
- Despite having spent billions of dollars on reducing air pollution, several metropolitan areas conclude that they will not be able to meet the 1997 standard even if they close down every factory and refinery in their cities.
- At least 12 Governors wrote to EPA requesting retention of the current standard and at least 3 more expressed concerns over the implications in their states if the standard was tightened.
- Instituting a more stringent ozone standard without additional tools, financial resources and authorities unfairly burdens States.

Key Message: The Cost of Attaining the New Standard will be Huge.

Background

- When counties are designated as "nonattainment," they face serious repercussions such as immediate impacts on new transportation projects, restrictions on industry expansion within those counties, increased costs to industry generally, and new permitting requirements and delays.
- New non-attainment area designations will hurt both large and small businesses and prevent expansion and growth in many urban, suburban, and rural counties. It

makes no sense to hurt local economies without a clear scientific basis for selecting a different numeric standard.

- Studies show that the cost of the new regulation will fall on poor families the hardest because they use more of their income to pay for the basics like energy and transportation.
- Industry already faces significant compliance costs under EPA's existing programs. For example, to comply with existing environmental regulations, the U.S. manufacturing sector spent \$77 billion dollars in 2004.
- EPA's estimated costs for the proposed ozone rule were so high as to make it among the most expensive federal rules ever issued. Moreover, the benefits are uncertain enough that EPA in its initial estimates could not conclude whether the Nation would gain or lose under a new standard.
- Using 1999 dollars, EPA's own estimates suggest the annual cost of a 0.075 ppm standard to be a range of \$7-\$15 billion per year.
- The new standard could increase the costs of producing gasoline and natural gas, which could lead to more imports from foreign countries, and make America more dependent on foreign fuel.

Key Message: The 1997 Standard Protects Public Health; the Science Behind the New Standard is Uncertain and Variable.

Background

- Many scientists sent EPA comments raising critical issues with EPA's and CASAC's scientific justification for the new standard. (See, for example, comments by former CASAC chair, Dr. Roger McClelland; the University of Rochester Working Conference; and Dr. Suresh Moolgavkar)
- EPA inflated the benefits of a new standard by as much as 90 percent by the way it calculated naturally occurring and other existing ground level ozone. Even CASAC indicated that EPA "did not provide a sufficient base of evidence" to prove that this new method was the best choice. (CASAC letter, March 26, 2007, page 2)
- EPA misused data from the Adams ozone chamber exposure study to justify lowering the standard. EPA's internal reanalysis of the Adams chamber studies found "significant" effects. Dr. Adams' original work, however, found no significant effects below the current standard, and he disagreed with EPA's reanalysis during a CASAC meeting. An individual CASAC member stated that EPA's approach to the reanalysis "is a dangerous precedent . . . a pitiful number on which to attempt to base policy." (Comments of CASAC member Vedal, CASAC letter, March 26, 2007, page C-30).
- EPA also relied on highly uncertain epidemiological studies and information as a basis for lowering the standard. Given the large uncertainty, the evidence the Agency used does not justify lowering the current standard.
 - For example, there is poor correlation between monitored ozone levels and the actual personal exposure subjects receive during their daily activities. "It is known that personal exposure to ozone is not reflected adequately and sometimes not at all, by ozone concentrations measured

at central outdoor monitoring sites.” (CASAC letter, June 5, 2006, pages 2-3).