Concerns about Possible New Revisions to Ozone NAAQS

Under the Clean Air Act, every five years the U. S. Environmental Protection Agency (EPA) must consider whether any changes are needed to National Ambient Air Quality Standards (NAAQS). Any change in an ambient concentration set by a NAAQS standard must be "requisite" to protect human health or welfare, based on a review of updated scientific information. In 2007, EPA must decide whether to propose more stringent revisions to the existing National Ambient Air Quality Standards (NAAQS) for Ozone.

The controversial revisions under consideration could greatly increase the stringency of the Ozone NAAQS again, at a time when implementation steps are just beginning to be put into place to meet the most recent changes in the current standard (established in 1997 but delayed due to litigation), including pending new restrictions and controls significantly affecting a broad variety of businesses and consumers.

The new Ozone revisions under consideration will also be controversial because there are significant conflicts among recent scientific studies, and many key uncertainties remain, which reasonably suggest insufficient support at this time for a new numeric ambient concentration different from the current standard.

EPA's Clean Air Scientific Advisory Committee (CASAC) recommended changes to the Ozone standard that the committee acknowledges "would likely result in a large portion of the U.S. being in non-attainment." The final January 31, 2007 EPA Staff Paper also examines a range of possible changes to tighten the standard. While the EPA Administrator is not required to accept CASAC or staff recommendations, and ultimately must consider the full body of public comment, he must make known his plans for any changes regarding the standard by June 20, 2007.

EPA should *not* revise the Ozone NAAQS in this review cycle for these reasons:

- **Ambient air quality is getting significantly better *even as our economy grows.* Moreover, current and scheduled EPA rules will continue to achieve significant improvements.**
    - Between 1970 and 2005, total emissions of the six principal air pollutants dropped by 53 percent. (See http://www.epa.gov/airtrends/econ-emissions.html)
    - Measured ambient concentrations of ozone have dropped 20% since 1980. (See http://www.epa.gov/air/airtrends/ozone.html)
    - During the same time period, gross domestic product increased 195 percent, vehicle miles traveled increased 178 percent, energy consumption increased 48 percent, and U.S. population grew by 42 percent.

- New cars and light trucks comply with Tier II regulations, which establish tighter tailpipe standards and limit the amount of sulfur in gasoline. These new standards require passenger vehicles to be 77 to 95 percent cleaner than those produced before 2004. Ozone pollution will also decrease as a result of EPA's 2007 Clean Diesel Truck and Bus Rule. As a result, diesel trucks and buses will soon be 95% cleaner than today's models for ozone related emissions. (EPA 11/10/05 Congressional testimony)

- The Clean Air Interstate Rule (CAIR) addresses power plant emissions in 29 eastern states plus the District of Columbia. CAIR will cut electric utility NOx emissions that cause ozone by 50 percent from today's levels by 2010, and 60 percent when fully implemented in 2015. (EPA 11/10/05 Congressional testimony)

- **A newly revised standard will hamper States' ongoing efforts to comply with the most recent tightening of the Ozone standard.**

  - States will not file their plans to achieve the current (1997) revision of the standard until June 2007. The current standard still isn't fully implemented and would likely be delayed to accommodate consideration of a still newer standard.

  - If EPA recommends a more stringent Ozone standard, it will burden States with a new and more difficult target even before they finish their work and submit attainment plans for the current standard. There will be insufficient time to evaluate any health and environmental benefits and economic impacts from the most recent tightening of the standard.

- **The science developed since the last revision to the Ozone standard does not support another revision at this time.**

  - Recent studies present inconsistent or conflicting data, and they do not point to a particular numeric change to the current standard.

- **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.**

  - Lowering the standard to the lower end of the CASAC-recommended range (from 0.084 to 0.060 parts per million Ozone concentrations for the standard) would result in almost tripling the number of counties being designated in non-attainment.

  - There are significant adverse consequences to being designated a non-attainment area, making it significantly harder for a community to attract new businesses or expand existing plants.

- Areas would also have to compensate for emissions from Canada and Mexico unless the US successfully negotiated treaties with these countries to account for and control their own emissions.