



## EPA's Proposed Ozone Standard Heavily Criticized

As Republicans are mounting plans to strip the Environmental Protection Agency of some of its powers, the federal agency continues to move forward in its ambitious efforts to tackle ozone “pollution.”

Gina McCarthy, administrator for the EPA, has framed an update to the ground-level ozone standard, claiming it is aligning the agency's rules with the latest science in an effort to decrease the chance of respiratory illnesses amongst vulnerable populations.



“Bringing ozone pollution standards in line with the latest science will clean up our air, improve access to crucial air quality information, and protect those most at-risk,” McCarthy insisted in a statement last week. She added, “It empowers the American people with updated air quality information to protect our loved ones — because whether we work or play outdoors — we deserve to know the air we breathe is safe.”

The *New York Times* reports that the EPA estimated the new regulation would prevent 320,000 to 960,000 asthma attacks in children by 2025, and would prevent anywhere from 330,000 to 1 million missed school days.

But whether a change to the standards is necessary in addressing air quality has been a controversial debate.

“Air quality has improved dramatically over the past decades, and air quality will continue to improve under the existing standards,” declared Howard Feldman, director of regulatory affairs for the American Petroleum Institute, which lobbies for the [oil industry](#). “The current review of health studies has not identified compelling evidence for more stringent standards, and current standards are protective of public health.”

The proposed new standard would cut the allowable threshold for ground-level ozone to between 65 and 70 parts per billion, down from the current 75 parts per billion. States would be required to submit plans to the EPA to bring their areas of pollution under the set threshold.

The *Wall Street Journal* explains,

The ozone standard, mandated under the Clean Air Act, isn't a direct regulation on business. States, however, must comply, which in turn would compel utilities, factories, refineries and other businesses and municipalities that emit smog-forming pollution — including nitrogen oxides and volatile organic compounds — to install new pollution equipment.

The part of the Clean Air Act used by the EPA to address ozone limits states that the agency may only use science, not cost, to make determinations, per the Supreme Court in 2001.

Environmental groups have been advocating for a lower limit on ground-level ozone since it was initially set at 75 parts per billion under George W. Bush in 2008.

The EPA defends the standard by asserting that other recent regulations (such as those on vehicle fuels



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and carbon dioxide emissions from power plants) will reduce ozone, making it easier for states to meet the standards.

The EPA has also stated that its rules have helped improve air and water quality while the economy has simultaneously grown. The agency adamantly contends that its regulations do not hurt businesses.

But businesses beg to differ.

*The Hill* writes, "Many business representatives touted a report commissioned by the National Association of Manufacturers concluding that at 60 parts per billion, the rule would cost the United States \$270 billion a year, making it the most expensive regulation in history."

Likewise, the American Chemical Council has criticized the proposal, saying in a statement that it will crush the economy.

We are very concerned that EPA appears to be lowering the ozone standard before finishing the job on the current standard. With air quality improving, maintaining the current standard would enable further reductions in emissions while supporting U.S. manufacturing growth.

As ozone is a byproduct of fossil fuel pollutants, industries such as manufacturers and oil refiners that are energy-intensive are expected to be hurt the most by the standard.

In a statement, National Association of Manufacturers' Chief Executive Officer Jay Timmons declared, "This new ozone regulation threatens to be the most expensive ever imposed on industry in America and could jeopardize recent progress in manufacturing by placing massive new costs on manufacturers and closing off counties and states to new business by blocking projects at the permitting stage."

Timmons noted that the proposal is coming at a time when manufacturers are still recovering from the recession while simultaneously dealing with a plethora of other new regulations.

American Fuel and Petrochemical Manufacturers President Charles Drevna labelled the proposal "just the latest in the Obama administration's arsenal of restrictive rules that will undermine the U.S. economy in the president's pursuit of his desired green legacy."

Last week, the American Petroleum Institute asked the EPA to consider maintaining the current standard, because many states still have not yet figured out just how to comply with those regulations.

"It's very ironical ... that we haven't even started implementing, as a society, the 2008 standards," API's Howard Feldman noted last week, adding,

Now is not the time to move the goalposts and start trying to change the standard to an even tighter standard. We should first work on meeting the current, existing standards, before changing the standards. That makes good public policy.

We would let states finish implementing the current standards. We should do that as a society before we start proposing new ones.

Senator Jim Inhofe (R-Okla.) has led the criticism against the EPA proposal. As chairman of the Environmental and Public Works Committee, he has assured the public that lawmakers will be taking a careful look at the proposed rule, noting that it will "lower our nation's economic competitiveness and stifle job creation for decades."

The EPA plans to issue the final standard by October 15, 2015.

Just how far the EPA gets in its proposal remains to be seen, however, as Republicans have already



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indicated that the agency will be a top target when the GOP takes control in January. Soon-to-be Senate Majority Leader Mitch McConnell (R-Ky.) announced shortly after the midterm elections that his top priority was to “try to do whatever I can to get the EPA reined in.” According to McConnell, he feels a “deep responsibility” to stop the EPA from regulating carbon dioxide emissions from coal-fired power plants, as it plans to do in January.

*The Hill* reports, “Republican lawmakers are planning an all-out assault on Obama’s environmental agenda, including rules on mercury and other air toxics from power plants, limits on ground-level ozone that causes smog, mountaintop mining restrictions and the EPA’s attempt to redefine its jurisdiction over streams and ponds.”

The House of Representatives has already passed a slate of bills to roll back many EPA regulations. And the Republicans are likely to find support in their efforts among business advocates.

Nick Loris, a fellow with the Heritage Foundation, asserted,

I think it’s going to be a full-on attack, especially because a lot of the rules that have either been introduced or recently promulgated are going to come with extreme costs and very minimal environmental benefits.

The Supreme Court has already accepted several challenges to an EPA regulation cutting mercury pollution from power plants, and it will determine whether the agency should have taken into consideration how much the rules would cost utilities.



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