



Statement of the U.S. Chamber of Commerce

**Public Comment before the Clean Air Scientific Advisory
Committee on the Review of EPA's Policy Assessment for the
Review of the Ozone National Ambient Air Quality Standards**

**Chad Whiteman
Vice President, Environment and Regulatory Affairs
Global Energy Institute**

**Clean Air Scientific Advisory Committee
Environmental Protection Agency**

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1615 H Street NW | Washington, DC | 20062

The Chamber's mission is to advance human progress through an economic, political and social system based on individual freedom, incentive, initiative, opportunity and responsibility.

Thank you for the opportunity to speak today regarding the Draft Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (NAAQS). I am Chad Whiteman and I am speaking on behalf of the U.S. Chamber of Commerce.

The Chamber is supportive of air quality standards that are necessary to protect public health and public welfare, and our members will take the appropriate measures that are required of them to attain and remain in attainment of those standards. We support basing the decision, whether to maintain or revise the NAAQS, on a holistic policy judgment informed by an unbiased review of the latest scientific evidence.

Across decades of planning and investment, businesses have worked with EPA and their state partners to lower ambient concentrations of ozone and other criteria pollutants. These emissions reductions have occurred while the U.S. economy, population, and energy use has steadily grown—undoubtedly a testament to successful collaboration between EPA, states, and industry to adopt new emissions control technologies and practices in a sound, cost-effective manner. EPA's 2019 Air Trends and National Emissions Inventory reports detail this progress. The report shows that annual 8-hour ozone concentrations have declined by 21 percent since 1990, while emissions for NO_x and VOCs have fallen by 59 and 42 percent, respectively. These reductions have occurred while U.S. gross domestic product has increased by 89 percent, vehicle miles traveled has increased by 93 percent, and energy usage increased by 25 percent. The total number of days on the Air Quality Index that reached unhealthy for sensitive groups or above has declined from the peak of 1,754 days in 2002 down to 671 days in 2018, a 62 percent decrease among 35 major U.S. cities.

The Clean Air Act requires the Administrator to complete a review of a NAAQS at least every five years, which may lead to a decision to retain or revise a NAAQS. The Act also requires Clean Air Scientific Advisory Committee (CASAC) provide advice on retention or revision of a NAAQS. The Chamber supports the preparation of the Policy Assessment as a means to synthesize and communicate the many scientific and practical considerations that will factor into the Administrator's policy judgment on this issue.

Briefly, I will describe why we suggest CASAC provide all appropriate guidance to EPA to deliver to the Administrator the information in the Policy Assessment to support his policy decision of either retaining the current NAAQS or recommending a modification. First and foremost, we recommend you insist that any basis to distinguish between NAAQS options are quantitatively identified, and associated uncertainties evaluated when discussing any projected benefits that could form the basis for either modification or retention of the NAAQS.

As a practical matter, it is important that CASAC recognize the potential direct and indirect economic impacts that can accompany more stringent NAAQS requirements. NAAQS compliance has the potential to adversely affect jobs, business investment, and permitting in a broad range of important economic sectors and activities, even having impacts in areas of the

country that are in attainment with the standards. For the areas already classified as non-attainment under the 2015 ozone NAAQS, any lowering of the ozone NAAQS would layer on additional requirements on top of existing regulatory requirements, some of which have compliance dates stretching out to 2045.

Section 109(d) of the Clean Air Act requires CASAC to advise the Administrator on any adverse public health, welfare, social, economic or energy effects that may result from attainment and maintenance of such NAAQS. Any recommended revision to the NAAQS should consider the overall impact on economic growth and jobs, in particular, for increasingly larger incremental revisions to the NAAQS. While the Supreme Court has ruled on the question of the consideration of economic costs when establishing new NAAQS, there is no contradiction between the prohibition on considering costs in setting standards and providing critical advice to the EPA Administrator about negative economic or public welfare effects that may result from efforts to attain new standards.

Current tools to address NAAQS are being pushed to the limits as new, more stringent air standards are moved closer to background concentrations of criteria pollutants. The role of background ozone in the NAAQS is of growing importance with summer season average U.S. background concentrations in most places being between 20-40 ppb. There are certain places, such as near the border or high elevation areas, or episodically where the ozone background levels are as high as 65 ppb. International transport makes up a significant portion of this background ozone. With the current ozone standards set at 70 ppb, the margin between background ozone concentrations and the NAAQS is shrinking, often leaving affected areas without reasonable, cost-effective control options and disproportionately increasing compliance costs and discouraging economic investment.

Accordingly, we suggest that as it develops its recommendations, CASAC consider the complete range of evidence and associated uncertainties related to any revision of the current standards. The potential for additional regulatory constraints on economic growth across a broad swath of the economy based on such uncertain evidence is concerning. For these reasons and the others stated previously, the Chamber recommends CASAC encourage the Administrator to consider seriously the option of retaining the current NAAQS.

Thank you for the opportunity to provide our comments.