



Statement of the U.S. Chamber of Commerce

**Public Comment before the U.S. Environmental Protection Agency
on the Review of the Ozone National Ambient Air Quality Standards
Proposed Action**

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

U.S. Environmental Protection Agency

September 1, 2020

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 U.S. Environmental Protection Agency’s proposed action titled, “Review of the Ozone National Ambient Air Quality Standards.”¹ 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 the Administrator’s proposed decision to maintain the current 2015 primary and secondary ozone National Ambient Air Quality Standards (NAAQS), in which the Administrator considered the currently available scientific evidence in the EPA staff’s Integrated Science Assessment (ISA) and quantitative and policy analyses presented in their Policy Assessment (PA) as well as the advice from the Clean Air Scientific Advisory Committee (CASAC).

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 occurred while the U.S. economy, population, and energy use were steadily growing — 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. In EPA’s Policy Assessment, the agency noted a 32 percent reduction in 8-hour ozone from 1980 to 2018 and similar declining trends in the 1-hour concentrations.² EPA’s 2020 Air Trends report, which looks at annual emissions trends through 2019 also confirm this progress. The report shows that annual 8-hour ozone concentrations have declined by 25 percent since 1990, while the emissions of ozone precursors NOx and VOCs have fallen by 65 and 47 percent, respectively.³ These reductions have occurred while U.S. gross domestic product has increased by almost 200 percent, vehicle miles traveled has increased by 102 percent, and energy usage increased by 23 percent. Further evidence of these emissions reductions can be seen when looking at the reduction in the number of days considered unhealthy for sensitive groups on the Air Quality Index. For ozone, the number of days that reached levels considered unhealthy for sensitive groups has declined from the peak of 1,754 days in 2002 down to 412 days in 2019, a 77 percent decrease among 35 major U.S. cities.⁴

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 CASAC to provide advice on retention or revision of a NAAQS. Upon reviewing the EPA staff’s draft Policy Assessment findings, CASAC stated that they “agree[d] that the evidence

¹ 85 FR 49830 (August 14, 2020)

² Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards, U.S. EPA, May 29, 2020. See Figures 2-10 and 2-17. https://www.epa.gov/sites/production/files/2020-05/documents/o3-final_pa-05-29-20compressed.pdf

³ Air Trends: National Summary, U.S. EPA, <https://www.epa.gov/air-trends/air-quality-national-summary>

⁴ Ibid.

newly available in this review that is relevant to setting the ozone standard does not substantially differ from that of the 2015 Ozone NAAQS review.”⁵

The majority of the CASAC advisors concluded in their review of EPA’s Policy Assessment and Integrated Science Assessment that “given the limitations in the underlying science basis for policy recommendations...that the Draft Ozone Policy Assessment does not establish that new scientific evidence and data reasonably call into question the public health protection afforded by the current primary ozone standard.”⁶ The CASAC also found, in agreement with EPA, that “the available evidence does not reasonably call into question the adequacy of the current secondary ozone standard and concurs that it should be retained.”⁷

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 natural and international anthropogenic background ozone in the NAAQS is of growing importance with summer season average U.S. background concentrations along the West and East coasts estimated to be as high as 20-40 ppb.⁸ There are certain places, such as near the border or high elevation areas, or episodically where the ozone background levels exceed 60 ppb.⁹ 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.

In summary, we support the Administrator’s judgement to retain the current primary and secondary ozone NAAQS. The proposal to retain the 2015 NAAQS is consistent with CASAC’s advice and EPA staff’s Policy Assessment and Integrated Science Assessment reviews. The potential for additional regulatory constraints on economic growth across a broad swath of the economy and growing background ozone contributions further support retaining the current NAAQS.

Thank you for the opportunity to provide our comments.

⁵ Cox, LA. (2020a). Letter from Louis Anthony Cox, Jr., Chair, Clean Air Scientific Advisory Committee, to Administrator Andrew R. Wheeler. Re: CASAC Review of the EPA’s Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (External Review Draft—October 2019). February 19, 2020. EPA–CASAC–20–003. Office of the Administrator, Science Advisory Board Washington, DC Available at: [https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/4713D217BC07103485258515006359BA/\\$File/EPA-CASAC-20-003.pdf](https://yosemite.epa.gov/sab/sabproduct.nsf/264cb1227d55e02c85257402007446a4/4713D217BC07103485258515006359BA/$File/EPA-CASAC-20-003.pdf)

⁶ *Ibid.*

⁷ *Ibid.*

⁸ Jaffe, DA, Cooper, OR, Fiore, AM, Henderson, BH, Tonneson, GS, Russell, AG, Henze, DK, Langford, AO, Lin, M and Moore, T (2018). Scientific assessment of background ozone over the U.S.: Implications for air quality management. *Elem Sci Anth* 6(1): 56.

⁹ *Ibid.*