

We write to express our concern with the Environmental Protection Agency's (EPA) reconsideration of the National Ambient Air Quality Standards (NAAQS) for ground-level ozone. EPA typically reviews current NAAQS every five years under a detailed Clean Air Act process--and has often taken much longer than five years to complete this review. However, the Agency has proposed to significantly tighten the standards that were adopted less than two years ago, with no new data prompting EPA's reconsideration. We believe that changing the rules at this time will have a significant negative impact on our states' workers and families and will compound the hardship that many are now facing in these difficult economic times.

We note that many states are only recently coming into attainment with the 1997, 0.084 ppm ozone standard. Attaining that standard required costly mandates on businesses, which greatly restricted the ability of local communities to grow their economies. Now, while states are in the process of revising their SIPs, or state implementation plans, to meet the more stringent 2008 standard, EPA is reversing its own decision, only to apply a new, more aggressive and costly mandate. This is unacceptable.

The NAAQS for ozone adopted in 2008 were the subject of an exhaustive Agency review and public comment process and resulted in a significant tightening of the standards. Throughout the course of that debate, the uncertainty concerning the appropriate level of the standard became clear--as some regulators and activist groups believed the standards should be lowered significantly below the existing levels; at the same time, many well- respected members of the scientific community believed the existing standards were adequately protective. When the Agency finalized the rules, it greatly tightened the standards from 0.084 ppm to 0.075 ppm – a level the Agency found to be sufficiently protective of public health with an adequate margin of safety.

Now, amidst plans to tighten the ozone standard even further, the Agency has not presented new data or evidence to justify its course of action. Instead, outside of the regular five-year review process, EPA is choosing to interpret the same basic body of information that existed in 2008 and reach a different conclusion.

Standards at the lower end of the range now under consideration would nearly triple the number of non-attainment counties across the U.S. EPA's own figures show that 650 of the 675 currently monitored counties would violate the proposed 0.060 ppm standard. While we believe we can and should continue to improve our environment, we have become increasingly concerned that the Agency's environmental policies are being advanced to the detriment of the people they are intended to protect. That is, these policies are impacting our standard of living by drastically increasing energy costs and decreasing the ability of our states to create jobs, foster entrepreneurship, and give manufacturers the ability to compete in the global marketplace.

For example, the EPA estimates that its ozone proposal could add as much as \$90 billion per year to already high operating costs. If we can't compete, our constituents will lose their jobs, their health care and other employee benefits for families. We will also lose local tax revenue so important to funding public education and municipal infrastructure.

Areas that cannot meet the NAAQS are designated as “non-attainment” and the CAA provides for significant penalties as a consequence. These penalties come in the form of increased costs to businesses, restrictions on development and expansion and limits on transportation funding--all of which undermine the economic viability of communities within our states.

Given the absence of new or different scientific data, EPA should maintain the current ozone standards, which EPA finalized only two years ago and concluded were adequately protective of public health and welfare with an adequate of safety. Moving to change the standard again, outside of the Clean Air Act’s normal 5-year review process, as local communities are struggling to meet the existing standard would be unfair and unwise.