



EPA Regulations: What Are They and What Do They Mean for Your State?

National Conference of State Legislatures Webinar

June 5, 2015

S. William Becker, NACAA Executive Director

What I Will Cover

EPA's Ozone National Ambient Air Quality Standards (NAAQS)

- ◆ The need for an ozone NAAQS
- ◆ Statutory requirements for NAAQS reviews
- ◆ EPA's current review of the ozone NAAQS
- ◆ Implementing a revised ozone NAAQS
- ◆ What states need from EPA to fulfill their statutory obligations to attain and maintain the ozone NAAQS

The Need for an Ozone NAAQS

- ❑ Clean Air Act (CAA) § 108 requires the EPA Administrator to identify, list and establish air quality criteria for air pollutants that
 - ◆ In her judgment, “may reasonably be anticipated to endanger public health and welfare” and
 - ◆ Whose “presence...in the ambient air results from numerous or diverse mobile and stationary sources”
- ❑ Ozone is one such “criteria pollutant” – its adverse health impacts are well documented
 - ◆ Causes respiratory harm
 - ◆ Likely to cause premature death and adverse cardiovascular impacts
 - ◆ May cause damage to the central nervous system and reproductive and developmental effect

Statutory Requirements for NAAQS Reviews

- CAA § 109 directs the EPA Administrator to
 - ◆ Propose and promulgate standards (NAAQS) for pollutants listed under § 108
 - ✓ Primary (health based)
 - ✓ Secondary (welfare based)
 - ◆ Review the standards, and the science on which they are based, at 5-year intervals and, if deemed appropriate, revise the standards
 - ◆ Establish a panel of independent science advisors (CASAC – Clean Air Scientific Advisory Committee) to review air quality criteria, recommend any new standards and revision of existing criteria and standards as may be appropriate

Statutory Requirements for NAAQS Reviews (cont.)

- ❑ Primary NAAQS are to be set at a level “requisite” to protect public health “with an adequate margin of safety”
- ❑ Secondary NAAQS are to be set a level “requisite to protect the public welfare from any known or anticipated adverse effects”
- ❑ In setting NAAQS, EPA
 - ◆ Is required to engage in “reasoned decision making” to translate scientific evidence into standards
 - ◆ May not consider cost (cost can, and is, considered when implementing standards)
- ❑ The NAAQS review process includes EPA preparation, and CASAC and public review, of
 - ◆ Integrated Review Plan
 - ◆ Integrated Science Assessment
 - ◆ Risk/Exposure Assessment
 - ◆ Policy Assessment Document

EPA's Current Review of the Ozone NAAQS

- ❑ EPA's last review of the ozone NAAQS resulted in a revision to the standards (primary and secondary) down to 75 parts per billion (ppb) in March 2008
- ❑ EPA initiated its current review of these standards in October 2008
- ❑ Revisions to the 2008 standards were proposed in December 2014
 - ◆ Primary standard: Revise to within a range of 65 ppb to 70 ppb
 - ◆ Secondary standard: Revise to a level identical to primary standard
 - ◆ EPA's proposed range for primary standard is consistent with upper end of 60-ppb to 70-ppb range recommended by CASAC
- ❑ Three public hearings held; public comment period closed March 17, 2015
- ❑ EPA under court order to issue final decision by October 1, 2015

Implementing a Revised Ozone NAAQS

- When EPA revises an ozone NAAQS, states and localities must implement it by taking specific steps to ensure the standard is attained. Assuming October 2015 promulgation:
 - ◆ Within 2 years after promulgation, areas are designated as meeting (attainment) or not meeting (nonattainment) the standard – 2017
 - ◆ Within 3 years after promulgation, Infrastructure State Implementations Plans (SIPs) are due to show the basic air quality management practices are in place to implement the new standard – 2018
 - ◆ Within 3 or 4 years after designation is effective, Attainment SIPs are due outlining strategies and control measures and demonstrating how they will lead to attainment – 2020-2021
 - ◆ Within 3 to 20 years after designation, areas must attain the standard – 2020-2037 (plus possibility of two 1-year extensions)

What States/Localities Need from EPA

- ❑ In order for states and localities to succeed in fulfilling their statutory obligations to attain and maintain the ozone (and any other) NAAQS, they are dependent on EPA doing its job in a timely manner
- ❑ Among the most important things states and localities need from EPA are
 - ◆ Timely issuance of implementation rules and guidance documents on which they have collaborated with states and localities to develop
 - ◆ Timely adoption, or further strengthening, of federal measures to control emission sources of national significance
 - ◆ Advocacy in Congress for additional federal funds to enable states and localities to fulfill their responsibilities and provide their citizens with clean, healthful air as expeditiously as practicable

To Contact Me

Bill Becker
Executive Director
National Association of Clean Air Agencies
444 North Capitol Street, NW
Suite 307
Washington, DC 20001
bbecker@4cleanair.org
(202) 624-7864