



**National Conference of State Legislatures
Office of State-Federal Relations**

EPA Proposes Implementation Requirements for 2015 Ozone NAAQS

Nov. 4, 2016

On Nov. 2, the U.S. Environmental Protection Agency (EPA) [proposed](#) requirements that would apply to state, local and tribal air agencies for implementing the 2015 National Ambient Air Quality Standards (NAAQS) for ground-level ozone.

Under the [Clean Air Act](#), EPA is required to set and review air quality standards for common pollutants, which are determined based on their likelihood of “harming public health and welfare.” The EPA first established air quality standards for ozone in [1979](#) and updated them in [1997](#), [2008](#) and most recently in [2015](#), moving ozone NAAQS from 75 parts per billion (ppb) to 70 ppb.

The proposed action maintains the model EPA established for the previous standards in 2008, and [contains](#) three main components: nonattainment area classification thresholds and the timing of attainment dates for each nonattainment area classification for the 2015 ozone NAAQS; options to revoke the 2008 ozone NAAQS and, where applicable, anti-backsliding requirements to ease the transition between the two standards for nonattainment areas; and state implementation plans for states with nonattainment areas and states in an ozone transport region under 2015 ozone NAAQS.

When EPA first proposed reducing ozone NAAQS to 70 ppb, many of the affected entities [cited](#) trouble in attaining the 2008, 75 ppb standard. To date, more than 700 local, state and national organizations, and stakeholders, along with the U.S. Chamber of Commerce have [called](#) for the retention of the existing 75 ppb standard. Many [noted](#) that proposed reductions in emissions of nitrogen oxides and volatile organic chemicals would cause financial hardship. In addition, the levels would be difficult to achieve because of naturally occurring background ozone. The final rule was met with litigation [filed](#) by the U.S. Chamber of Commerce and associated business groups. States followed suit, with an initial lawsuit [filed](#) by Arizona, along with Arkansas, North Dakota, New Mexico and Oklahoma. Additional states also filed challenges to the standard, including Utah, Wisconsin, Kentucky and Texas, requesting the court grant petitions for review and vacate the revised NAAQS and remand them to EPA for reconsideration. The D.C. Circuit Court consolidated the cases under *Murray Energy Corporation, et al v. EPA*, Docket No: 15-

1385. Final briefs were filed September 2016. There are also a number of states and state agencies who have cited support of the standard, including Massachusetts, New York, Rhode Island, Vermont, the California Air Resources Board, the Delaware Department of Natural Resources and Environmental Control and the District of Columbia.

As implementation of the NAAQS is a shared responsibility of the EPA, states and tribes, EPA has requested public comment on the proposed requirements to ensure the meeting of the 2015 ozone standards. For any further questions or concerns regarding the proposed implementation requirements, please contact NCSL staff, [Kristen Hildreth](#) (202-624-3597) or [Ben Husch](#) (202-624-7779).