



**70th Annual Meeting
of the Midwestern Legislative Conference
of
The Council of State Governments**

July 12 – 15, 2015

**Resolution Requesting U.S. EPA to Reaffirm the Current
National Ambient Air Quality Standards for Ozone**

- WHEREAS,** the U.S. Environmental Protection Agency (EPA) proposed to revise the 2008 primary National Ambient Air Quality Standard for ozone from its current level of 75 parts per billion (ppb) to within a range of 65 ppb to 70 ppb, while taking comment on an alternative standard of 60 ppb; and
- WHEREAS,** ground-level ozone, or urban smog, is caused by the photochemical reaction of emissions of nitrogen oxides (NOx) and volatile organic compounds (VOCs) in the presence of sunlight; and
- WHEREAS,** a wide variety of natural and manmade sources contribute to ozone, with natural sources such as forests and crops contributing approximately one-third of smog-related emissions; manmade emission sources include motor vehicles, fossil-fueled power plants, refineries, chemical, and other manufacturing and industrial facilities, oil and natural gas production, and small area sources such as restaurants, gas stations, lawnmowers, chain saws, motor boats, dry cleaners, and auto repair shops, as well as consumer and industrial products such as paints and solvents; and
- WHEREAS,** the EPA data indicate that in 2011, the principal sources of manmade NOx and VOC emissions contributing to ozone were mobile sources (52 percent), industrial facilities and area sources (40 percent), and coal-based electric generating units (7 percent); and
- WHEREAS,** the EPA reports that national average ozone concentrations declined by 21 percent from 2000 to 2013 due to state and federal emission control programs and will continue to decrease due to the ongoing implementation of these air quality programs; and
- WHEREAS,** the current 75 ppb ozone standard was finalized in 2008. EPA stopped implementing this standard from 2010-2012 while the agency was engaged in the unusual process – at the direction of the current administration – of proposing to lower the standard prior to the normal five-year review cycle. In 2011, the EPA ultimately halted its consideration of a lower standard at the request of President Obama, who cited the importance of reducing regulatory burdens and regulatory uncertainty during the economic recovery; and
- WHEREAS,** as a result of this delay, states did not learn which of their counties would be designated as “nonattainment” until April 2012, delaying state efforts to develop SIPs. EPA only finalized its rule on February 13, 2015; and
- WHEREAS,** states will achieve further air quality improvements over the next several years due to the implementation of existing Clean Air Act programs, including the 2011 Mercury and Air Toxics Standards (MATS) rule and the Tier III low-sulfur gasoline and automotive fuel economy rules; and
- WHEREAS,** the EPA’s August 2014 Policy Assessment of ozone health effects research needs and priorities is virtually unchanged from the agency’s 2008 assessment, such that many key areas of scientific uncertainty about the public health impacts of ozone remain to be resolved; and

- WHEREAS,** the EPA calculates that 358 counties in the nation would violate an ozone standard of 70 ppb, based on 2011-2013 monitoring data, and that an additional 200 counties would violate a standard of 65 ppb; and
- WHEREAS,** the EPA estimates that the annual cost of compliance with a revised standard of 70 ppb would be \$3.9 billion, rising to \$15 billion for a standard of 65 ppb, and to \$39 billion for the alternative standard of 60 ppb, making this regulation potentially the most costly ever issued by EPA; and
- WHEREAS,** the nonattainment-area designations associated with potential revision of the ozone standard would limit economic and job growth by restricting new and expanded industrial facilities and manufacturing while raising electricity prices for all industries and consumers, with adverse impacts concentrated among low- and fixed-income citizens, including senior citizens and minorities; and
- WHEREAS,** retention of the current ozone standard would allow for continued air quality progress throughout the nation as emission reduction programs under existing EPA regulations are implemented, as demonstrated by EPA's March 2014 air quality modeling for the Tier III low-sulfur gasoline rule; now therefore be it
- RESOLVED,** that the primary standard be maintained at 75 ppb in order to avoid widespread nonattainment and related economic dislocations; and be it further
- RESOLVED,** that this resolution be submitted to appropriate federal and state officials.

Adopted this 15th day of July, 2015 at the 70th MLC Annual Meeting in Bismarck, North Dakota