

CEMENT & CONCRETE FLY-IN

WASHINGTON, D.C.

Regulation of Ozone Under the Clean Air Act

Background:

Under the National Ambient Air Quality Standards (NAAQS) program, the U.S. Environmental Protection Agency (EPA) sets air quality levels that it deems necessary to protect the public health and welfare. States then issue State Implementation Plans (SIPs) that put measures in place to improve air quality in areas that do not meet the standards (nonattainment areas) or to maintain air quality in areas that do (attainment areas). These obligations are permanent and continue even after an area has achieved the NAAQS. EPA reviews the NAAQS every five years and revises the standards as needed.

Even though States are still working to attain the 2008 standards of 75 parts per billion (ppb), EPA lowered the ozone NAAQS to 70 ppb in 2015. If EPA moves forward with implementing the 2015 standards, States would face overlapping and redundant implementation requirements for the 2008 standards and the 2015 standards.

Independent analysis of EPA data indicates that if the 2015 standards are implemented on the regular timeline, more than 950 counties will be nonattainment areas. This would impose significant new regulatory requirements and barriers to economic development. This is unfortunate and unnecessary: EPA projects that even without new regulations, ozone levels across most of the country will be at or below 70 ppb in less than ten years.

Legislation:

Companion bills have been introduced in both houses to address specific problems with the implementation schedule for the 2015 ozone NAAQS and to make much-needed changes to the NAAQS program as it applies to all regulated pollutants.

- *S. 263: The Ozone Standards Implementation Act of 2017*, introduced by Senator Shelley Moore Capito (R-WV), would extend implementation of the 2015 ozone NAAQS and make other necessary revisions to the NAAQS program, including lengthening the review cycle from five to ten years.
 - **Current Status:** The bill now has the bipartisan support of 5 cosponsors. This bill was referred to the Committee on Environment and Public Works.
- *H.R. 806: The Ozone Standards Implementation Act of 2017*, introduced by Representative Pete Olson (R-TX) on February 1st, would make the same revisions as S. 263.

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- Current Status: The bill now has the bipartisan support of 21 cosponsors. On March 22nd the House Energy and Commerce Subcommittee on Environment and the Economy held a hearing on the bill.

Cement & Concrete Priorities:

Congress should modernize the NAAQS program by passing the Ozone Standards Implementation Act, which:

Extends the Implementation Schedule for the 2015 Ozone

NAAQS: The nation's air quality has significantly improved since the adoption of the Clean Air Act. In fact, ozone levels have fallen 33 percent since 1980. But forcing states to implement the 2015 NAAQS before the benefits of the 2008 standards are realized is unnecessarily punitive. In fact, EPA's data that by 2025, even without new regulations, most of the country will have ozone concentrations lower than 70 ppb. By extending the schedule and aligning permitting with current standards, health standards can be maintained without sacrificing job creation.

Revises the NAAQS Review Process to Eliminate Future Overlapping NAAQS Schedules for Ozone and Other Pollutants:

The problems with implementing the NAAQS are not unique to ozone. The current five-year review cycle for NAAQS is too short and results in overlapping requirements for existing and new standards. In many cases, this unnecessarily penalizes communities as they work to lower emissions. By extending the review cycle, the agency will be able to set limits based on environmental quality needs and technological developments.

Congressional Action Requested:

The Member of Congress/Senator can support these steps to modernize the NAAQS program to protect health and foster economic growth by cosponsoring S. 263/H.R. 806 and encouraging its consideration in committee and passage on the floor.

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