



U.S. Chamber of Commerce

## Statement of the U.S. Chamber of Commerce

Public Comment before the Clean Air Scientific Advisory  
Committee on the Review of EPA's Policy Assessment for the  
Review of the Ozone National Ambient Air Quality Standards  
Reconsideration

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Thank you for the opportunity to speak today regarding the Draft Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (NAAQS) Reconsideration. I am Chad Whiteman, and I am speaking on behalf of the U.S. Chamber of Commerce.

The U.S. Chamber of Commerce is the world's largest business organization. Our members range from the small businesses and chambers of commerce across the country that support their communities, to the leading industry associations and global corporations that innovate and solve for the world's challenges, to the emerging and fast-growing industries that are shaping the future. For all of the businesses we represent, the Chamber is an advocate, partner, and network, helping them improve society and people's lives.

The Chamber supports air quality standards necessary to protect public health and public welfare, and our members take the steps required to attain and remain in attainment of those standards. We support the conclusion EPA reached in the draft policy assessment, notably from the second ozone NAAQS review in less than two years and under two different administrations, that it is appropriate to consider retaining the current primary standard<sup>1</sup> and that for the secondary standard, the currently available evidence does not call into question the protection afforded by the current secondary standard.<sup>2</sup>

Since the initial issuance of ozone NAAQS standards in the 1970s, businesses have invested and worked with EPA and their state partners to lower ambient concentrations of ozone and other criteria pollutants. These emissions reductions have occurred while the U.S. economy, population, and energy use has steadily grown—undoubtedly a testament to successful collaboration between EPA, states,

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<sup>1</sup> "Accordingly, we conclude it is appropriate in this reconsideration of the 2020 decision that consideration be given to retaining the current primary standard of 0.070 ppm O<sub>3</sub>, as the fourth-highest daily maximum 8-hour concentration averaged across three years, without revision. In light of this conclusion, we have not identified any potential alternative standards for consideration," U.S. EPA, Policy Assessment for the Reconsideration of the Ozone National Ambient Air Quality Standards, External Review Draft, April 2022. [https://www.epa.gov/system/files/documents/2022-04/o3\\_reconsideration\\_draft\\_pa-v\\_final-compressedfinal.pdf](https://www.epa.gov/system/files/documents/2022-04/o3_reconsideration_draft_pa-v_final-compressedfinal.pdf)

<sup>2</sup> "Based on all of the above considerations, we conclude that the currently available evidence and quantitative exposure/risk information does not call into question the protection afforded by the current secondary standard, such that it is appropriate to consider retaining the current standard without revision," U.S. EPA, Policy Assessment for the Reconsideration of the Ozone National Ambient Air Quality Standards, External Review Draft, April 2022. [https://www.epa.gov/system/files/documents/2022-04/o3\\_reconsideration\\_draft\\_pa-v\\_final-compressedfinal.pdf](https://www.epa.gov/system/files/documents/2022-04/o3_reconsideration_draft_pa-v_final-compressedfinal.pdf)

and industry to adopt new emissions control technologies and practices in a sound, cost-effective manner. EPA's most recent 2022 Air Trends report released last week details this progress.<sup>3</sup> The report shows that annual 8-hour ozone concentrations have declined by 21 percent since 1990, while emissions for NO<sub>x</sub> and VOCs have fallen by 61 and 49 percent, respectively. The total number of days on the Air Quality Index that reached unhealthy for sensitive groups or above has declined from the peak of 2,155 days in 2001 to 666 days in 2021, a 69 percent decrease among 35 major U.S. cities.

Briefly, I will describe why we suggest CASAC provide all appropriate guidance to EPA to deliver to the Administrator the information in the Policy Assessment to support his policy decision of either retaining the current NAAQS or recommending a modification. First and foremost, we recommend you insist that any basis to distinguish between NAAQS options are quantitatively identified, and associated uncertainties evaluated when discussing any projected benefits that could form the basis for either modification or retention of the NAAQS.

As a practical matter, it is important that CASAC recognize the potential direct and indirect economic impacts that can accompany more stringent NAAQS requirements. NAAQS compliance has the potential to adversely affect jobs, business investment, and permitting in a broad range of important economic sectors and activities, even having impacts in areas of the country that are in attainment with the standards. For the areas already classified as non-attainment under the ozone NAAQS, any lowering of the ozone NAAQS would layer on additional requirements on top of existing regulatory requirements, some of which have compliance dates stretching out to 2045.

In Houston for example, which is simultaneously in "serious nonattainment" for the 2008 standards and "marginal nonattainment" for the 2015 standards already, the cost of NO<sub>x</sub> credits has soared to an average of \$125,000/ton in 2019.<sup>4</sup> These compliance costs are only expected to increase as the margin between background ozone concentrations and the NAAQS is shrinking. New standards added on top of existing state plans put in place to implement the 2008 and 2015 standards have the potential to add more duplicative and costly implementation requirements. This could

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<sup>3</sup> Our Nation's Air, Trends Through 2021, U.S. EPA, June 1, 2022.

<https://gispub.epa.gov/air/trendsreport/2022/#home>

<sup>4</sup> Houston Area Pollution Banking and Trading Programs, Air Quality Houston, July 8, 2020,

<https://www.airqualityhouston.com/houston-area-pollution-banking-and-trading-programs>

leave affected areas without reasonable, cost-effective control options and disproportionately increase compliance costs and discourage economic investment.

Section 109(d) of the Clean Air Act requires CASAC to advise the Administrator on any adverse public health, welfare, social, economic or energy effects that may result from attainment and maintenance of such NAAQS. With America's economy already feeling the brunt of high inflation, supply chain disruptions, and a tight labor market, additional tightening of the standards would send signals to the marketplace that could dampen investment and their associated benefits. While the Supreme Court has ruled on the question of the consideration of economic costs when establishing new NAAQS, there is no contradiction between the prohibition on considering costs in setting standards and providing critical advice to the EPA Administrator about negative economic or public welfare effects that may result from efforts to attain new standards.

Current tools to address NAAQS are being pushed to the limits as new, more stringent air standards are moved closer to background concentrations of criteria pollutants. The role of background ozone in the NAAQS is of growing importance with summer season average U.S. background concentrations in most places being between 20-40 ppb. There are certain places, such as near the border or high elevation areas, or episodically where the ozone background levels are as high as 65 ppb. International transport makes up a significant portion of this background ozone.

Accordingly, we suggest that as it develops its recommendations, CASAC consider the complete range of evidence and associated uncertainties related to any revision of the current standards. The potential for additional regulatory constraints on economic growth reaches across a broad swath of the economy. For these reasons and the others stated previously, the Chamber recommends CASAC encourage the Administrator to seriously consider retaining the current ozone NAAQS.

Thank you for the opportunity to comment.