

**Written Statement of Administrator Pruitt  
U.S. Environmental Protection Agency**

**Legislative Hearing on H.R. 806, Ozone Standards  
Implementation Act of 2017**

**Energy and Commerce, Environment Subcommittee  
United States House of Representatives  
March 22, 2017**

Chairman Shimkus, Ranking Member Tonko, members of the subcommittee, I appreciate the opportunity to provide written testimony on H.R. 806, the Ozone Standards Implementation Act of 2017. Although the Administration does not have an official position on this bill, I am very supportive of the committee's efforts to provide additional flexibilities for states to comply with the 2015 ozone standard.

The concept of cooperative federalism is a bedrock principle of the Clean Air Act, the Clean Water Act and other EPA-administered laws. Whether working to improve air quality, water quality or other important environmental objectives, Congress made achieving these a shared responsibility between the EPA and the states.

The Clean Air Act requires the Administrator to establish NAAQS that protect public health and welfare from adverse effects, allowing an adequate margin of safety, and to review and revise those standards as appropriate. I take this responsibility very seriously and am committed to working with our state and local partners to achieve meaningful health and environmental improvements.

The NAAQS program has a history of success. The combined emissions of the six common pollutants (PM<sub>2.5</sub> and PM<sub>10</sub>, SO<sub>2</sub>, NO<sub>x</sub>, VOCs, CO and Pb) in the United States from 1970 to 2015 dropped 71 percent. This progress occurred while the U.S.

economy continued to grow, Americans drove more miles, and population and energy use increased.

Despite years of proven success, the previous administration took numerous actions that undermined the concept of cooperative federalism, instead embarking on a coercive approach and leaving states to comply with costly requirements for minimal benefit while ignoring legitimate concerns expressed by state and local officials. This is especially true for the 2015 ozone standard. Here are just a few excerpts of those concerns from comments Governors submitted after the EPA proposed a revised standard in 2014:

- “Just as Ohio was ‘seeing the light at the end of the tunnel’ with regard to attaining the 2008 standard, U.S. EPA propose[d] to adopt a significantly more stringent standard...” - Governor John R. Kasich
- “Over the past four decades, the State of Arizona has achieved dramatic improvements in air quality without sacrificing our commitment to economic growth. I am deeply concerned that the ... changes fail to strike a similar balance and will instead have a profound negative impact on the Arizona economy.” – Governor Douglas A. Ducey
- “Tennessee strives to improve and maintain air quality for the health and welfare of Tennesseans while maintaining and providing for economic growth across all business sectors. To avoid unnecessary additional costs associated with a designation process completed too early, EPA could ... leav[e] the standard at its current 0.075 ppm until states have fully implemented existing national and local measures designed to lower ozone levels.” – Governor Bill Haslam

Additionally, implementation guidance of the 2008 ozone NAAQS was significantly delayed. States had only recently begun to implement the 75 ppb standard for ground-level ozone when EPA changed it in 2015, complicating compliance efforts. At that time, approximately 40 percent of the population was still living in areas that did not meet the 2008 standard; I believe EPA should have focused on helping those areas meet that standard first.

States should not be punished when the EPA fails to do its job. I am working diligently to repair the relationships with the states and engage in a meaningful dialogue to support efforts to improve local air quality. Since being confirmed as Administrator, I have met with half of the governors across the country, from Alaska to Texas to Indiana. These meetings are critical for understanding the challenges facing state officials and their citizens, and for working together towards our common goals. The issue of cooperative federalism has come up time and time again, as has the ozone standard.

As you may be aware, language in the recently-enacted FY2017 Omnibus funding bill instructed the EPA to work on providing options to states moving forward. The report language directs: "In an effort to find the most sensible path to reduce ground level ozone, some flexibility must be granted to States that face the burden of implementing these potentially overlapping standards. Within 90 days of the date of enactment of this Act, the Agency is directed to provide the Committees with a report examining the potential for administrative options to enable States to enter into cooperative agreements with the Agency that provide regulatory relief and meaningfully clean up the air." In response, I have instructed my staff to assess flexibilities for states to comply with the ozone standard and to establish an Ozone Cooperative Compliance Task Force to further develop options and the required report to Congress.

The EPA appreciates the opportunity to provide written testimony. We stand ready to offer our technical assistance to the Committee should the Committee have any further questions.