

Congress of the United States
Washington, DC 20515

December 11, 2020

The Honorable Andrew Wheeler
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator Wheeler,

We write to support the Environmental Protection Agency's proposed rule retaining existing ozone air quality standards. With air continuing to get cleaner as states implement existing standards, this measure strikes the right balance between protecting public health while supporting recovering communities working to overcome job losses and rebuild depleted tax bases.

It is important to note that the proposal's recommendation to retain existing ozone standards is backed by consensus expert opinion. After reviewing the most recent science on health effects, EPA staff recommended retaining the existing ozone standards. EPA's Clean Air Scientific Advisory Committee similarly concluded that evidence supports those standards.

At the same time, air quality continues to improve. Since 1990, ozone concentrations have dropped by 25%, and 4% during the last three years alone. Emissions of VOC and NO_x ozone precursors have dropped by 47% and 65% respectively. This progress is ongoing. Even the Obama administration noted in 2015 that "EPA expects air quality to continue to improve as recently adopted regulations are fully implemented."

States are continuing to implement two separate ozone standards set in 2008 and 2015. Revising the standards again not only will disrupt this ongoing drive to cleaner air but will introduce new local burdens. In point of fact, ozone standards are now so low that in many parts of the country they exceed "background" levels of naturally produced or foreign-transported ozone. Revising these standards once again would undermine business investment, curtail employment, and erode local government revenue for schools and first responders without providing clear public benefit. The resulting impacts could reverberate to every part of the country.

Areas that do not meet new air standards face immediate, substantial, and long-lasting economic consequences. Existing facilities could be required to install new, expensive controls. New businesses seeking to build or upgrade operations must install the most effective ozone precursor emissions controls, without consideration of cost, and are subject to enhanced EPA oversight. In addition, businesses must offset new ozone-forming emissions by paying for emissions reductions at existing facilities. In the absence of affordable offsets, new projects

The Honorable Andrew Wheeler

December 11, 2020

Page 2

cannot proceed. Local infrastructure is also impacted as federal funds for transportation projects are withheld unless those projects can be shown not to increase ozone-forming emissions.

Restrictions do not end once these areas achieve ozone standards. Instead, they must petition EPA to be re-designated to attainment by submitting a complex maintenance plan listing numerous mandatory and long-lasting measures.

The consequences of lowering ozone standards extend even to areas meeting those standards. New projects and major expansions in these areas require permits demonstrating that they will not exceed the standards. Businesses trying to make such demonstrations are already pinched by ozone standards set at background level. Lowering ozone standards further would eliminate the little margin left for businesses to obtain the necessary approvals for new, state-of-the-art projects. This could force companies operating in areas meeting ozone standards to install controls even more costly than those required in areas that fail the standards – or to simply not build at all.

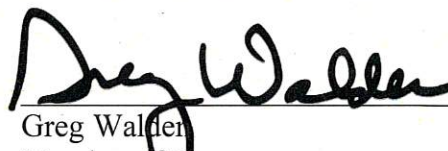
Furthermore, EPA is limited in relieving the burden created from implementing yet another ozone standard. Courts have ruled that the Clean Air Act's "anti-backsliding" provisions require states to maintain controls implemented to meet ozone standards, even if a standard is revoked. Quite simply, EPA cannot get the ozone standards wrong now and fix it later.

We commend EPA for proposing to retain existing ozone standards. This proposal supports local communities now fighting to get back on their feet, while continuing to drive improved air quality under existing programs. It is backed by both EPA and its outside scientific advisors. We therefore encourage EPA to move quickly towards a final rule.

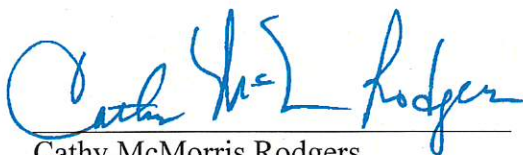
Sincerely,



John Shimkus
Member of Congress



Greg Walden
Member of Congress



Cathy McMorris Rodgers
Member of Congress



Robert E. Latta
Member of Congress



Brett Guthrie
Member of Congress



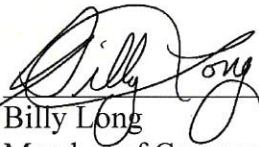
Pete Olson
Member of Congress



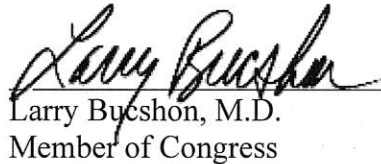
David B. McKinley, P.E.
Member of Congress



H. Morgan Griffith
Member of Congress



Billy Long
Member of Congress



Larry Bucshon, M.D.
Member of Congress



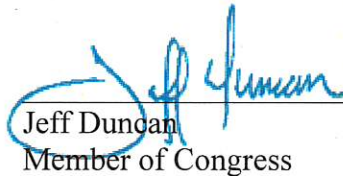
Bill Flores
Member of Congress



Markwayne Mullin
Member of Congress



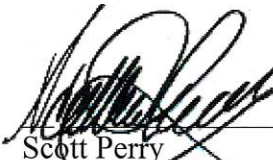
Earl L. "Buddy" Carter
Member of Congress



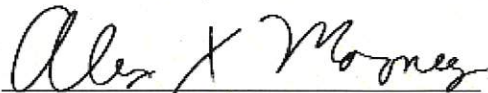
Jeff Duncan
Member of Congress



Greg Gianforte
Member of Congress



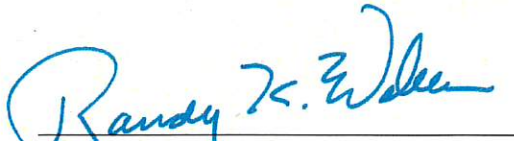
Scott Perry
Member of Congress



Alex X. Mooney
Member of Congress



Glenn Grothman
Member of Congress



Randy K. Weber
Member of Congress



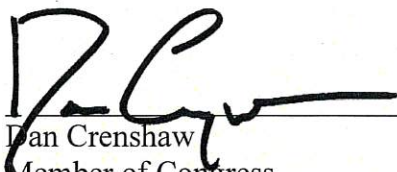
Carol D. Miller
Member of Congress



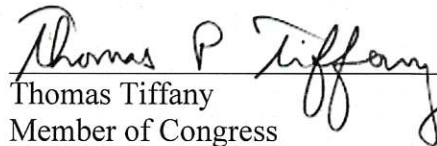
Troy Balderson
Member of Congress



Dan Newhouse
Member of Congress



Dan Crenshaw
Member of Congress



Thomas Tiffany
Member of Congress



Steve Chabot
Member of Congress



Doug Lamborn
Member of Congress



Kelly Armstrong
Member of Congress



Debbie Lesko
Member of Congress