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Oral Testimony of Leah Weiss
Northeast States for Coordinated Air Use Management
on U.S. Environmental Protection Agency's Proposed Rule on the
National Ambient Air Quality Standards for Ozone
(75 FR 2938-3052)
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Arlington, VA

Good morning, my name is Leah Weiss. I am Senior Policy Advisor with the Northeast States for Coordinated Air Use Management. NESCAUM is an association of eight state air quality agencies in the Northeast, which includes the six New England States, New Jersey, and New York. I am speaking today on behalf of NESCAUM's member states on EPA's proposal to revise the primary and secondary National Ambient Air Quality Standards for ozone.

We are greatly heartened to see that EPA has, upon reconsideration, proposed revisions to the primary and secondary NAAQS that are consistent with the scientific body of evidence and in keeping with the recommendations of the Clean Air Scientific Advisory Committee (known as CASAC) and EPA's own professional staff.

Ground-level ozone is a respiratory irritant that adversely affects both people with respiratory disease and healthy children and adults. As we stated in the last ozone NAAQS review, a robust and more sophisticated body of health studies clearly shows that the current primary ozone NAAQS does not adequately protect public health from the adverse health effects of ozone. In light of this evidence, the EPA Administrator, EPA staff, and the CASAC have all recognized the need for a more stringent primary ozone standard.

When EPA revised the primary ozone NAAQS in the 1990s, the health effects information was less clear. CASAC members were divided in the recommendations they offered EPA regarding the appropriate level for ozone. This was no longer that case by 2006 when EPA revisited the ozone primary NAAQS. With the advent of a wealth of newer health studies, CASAC's membership made a unanimous recommendation to EPA to revise the primary ozone standard within the 0.060 to 0.070 parts per million range.[1] Unfortunately, this recommendation was not followed in EPA's 2008 final rule.

Now as in our comments on the 2008 ozone NAAQS revision, NESCAUM strongly believes that EPA should follow the advice of its independent scientific advisory committee when that committee speaks with such a clear and united voice. In keeping with this, NESCAUM continues to support a revised primary ozone NAAQS within the CASAC recommended range of 0.060 to 0.070 parts per million.

We also continue to hold firm in regard to the secondary ozone NAAQS and the protection of welfare values. The CASAC strongly endorsed the 2007 EPA Staff Paper recommendation that protection of crops and ecosystems "requires a secondary Ozone NAAQS that is substantially different from the primary ozone standard in averaging time, level and form."[2] In light of the EPA Staff and CASAC recommendations, and the extensive body of historical and recent monitoring and research data upon which they based their recommendations, equating the ozone

secondary NAAQS with the 8-hour primary as done in the 2008 final rule was not supportable by the weight of scientific evidence.

A secondary NAAQS based on cumulative, seasonal ozone exposure is more relevant to protecting economically or ecologically important crops, forests, and other sensitive vegetation, as compared to the short-term 8-hour averaged concentration form of the primary ozone NAAQS.

For the ozone secondary NAAQS, NESCAUM continues to support the concentration-weighted form proposed by EPA and supported by the CASAC, referred to as "W126." Based on observed ozone damage to forests in the NESCAUM region at current ozone levels, we recommend a secondary NAAQS of the W126 form at the lower end of the proposed range of 7 to 15 ppm-hours. This would provide better protection for forests and crops in our region. Furthermore, it is consistent with the CASAC recommendation that "if multi-year averaging is employed to increase the stability of the secondary standard, the level of the standard should be revised downward to assure that the desired threshold is not exceeded in individual years."[2] EPA has proposed using a W126 averaged over three years for the form of the secondary standard.

We strongly agree with the Agency's reconsideration and rejection of the flawed rationale employed in the 2008 and previous ozone NAAQS revisions – that many of the benefits of a secondary NAAQS would be achieved if the primary NAAQS were attained. As EPA recognizes, this "logic" is flawed in at least two ways: First, ozone damage to vegetation can

persist in areas that attain the primary NAAQS; and second, the relationship between short-term 8-hour peak concentrations and longer-term seasonal aggregations is not constant, but varies over space and time.

NESCAUM will be submitting more detailed written comments into the docket, and we thank you for your attention to our oral testimony today.

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[1] Letter from Dr. Rogene Henderson, Chair, CASAC, to EPA Administrator Stephen L. Johnson, "Clean Air Scientific Advisory Committee (CASAC) Peer Review of EPA's 2nd Draft Ozone Staff Paper," October 24, 2006, EPA-CASAC-07-001 (p. 2).

[2] Letter from Dr. Rogene Henderson, Chair, CASAC, to EPA Administrator Stephen L. Johnson, "Clean Air Scientific Advisory Committee's (CASAC) Peer Review of the Agency's Final Ozone Staff Paper," March 26, 2007 (p. 3).