



Caesar Rodney Institute
Center for Energy & Environment
420 Corporate Blvd.
Newark, DE 19702
WWW.CaesarRodney.org

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

September 30, 2020

RE: Docket EPA-HQ-OAR-2018-0279 Review of the National Ambient Air Quality Standards for Ozone

Dear Administrator Wheeler,

The under signed organizations agree with the accompanying analysis that the adoption of a more stringent ozone National Ambient Air Quality Standard in 2015 was a mistake that will be compounded by your preliminary decision to retain that standard. We encourage you to re-consider your initial decision by returning to a 75 parts per billion (PPB) limit while also reconsidering the form to adopt the use of the 7th highest day. A review of ozone Non-Attainment Area (NAA) boundaries and the designation process for Exceptional Events are also recommended.

The current form appropriately uses the 4th highest day dismissing the three highest days to allow for peak day levels associated with meteorological extremes. However, in three of the last four completed years smoke from extreme western wildfires have grossly impacted continent wide ozone levels on four to five days a year. This year fires may have a similar impact. These events often cause ambient levels to exceed 80 PPB as far away as Philadelphia and New York. We recommend adopting either the 7th highest day form, or the EPA could declare Exceptional Events from wildfire smoke (Clean Air Act Section 319), that acts as an ozone precursor, without waiting for time consuming individual state petitions. This change should be accompanied by including forest management plans in State Implementation Plans for states with ozone NAAs to reduce wildfire risk. This might allow a return to the 4th highest day form in the next ozone standard review in 2025.

The included analysis is based on a detailed review of 2019 and 2020 Air Quality Monitoring (AQM) data for all counties in NAAs. There are 90 million people in 149 counties meeting, or marginally over, the current standard. Providing economic relief to them, with low risk of exposure to high levels of ozone, by returning to a 75 PPB standard would allow a stronger focus on the 37 million people in 34 counties who still live with unhealthy air.

There is new information in both the EPA review and the included analysis to support these changes to the ozone standard:

- 1) A key study used in 2015 to set the current standard based on potential cardiovascular mortality has been discredited by the EPA review. This removes a key factor supporting the current standard.
- 2) EPA computer models show exposure risks of sensitive populations to days over 73 PPB have been cut in half, and even that is a conservative estimate based on out of date 2015-2017 data corrupted by two years of high smoke levels from western wildfires. Actual, relatively smoke free 2019 ozone data by county shows exposure risk targets adopted in support of the current standard can be met with a 75 PPB standard.
- 3) Using national trend data from the EPA, ambient NO₂ dropped about 5 PPB from 2012 to 2019, and ozone dropped 10 PPB. NO₂ is a marker for manmade ozone precursors. During the peak of the COVID-19 lockdowns from 3/22/2020 to 4/20/2020, NO₂ also dropped 5 PPB compared to 2019, but ozone only fell 3 PPB, one third as much as the 2012 to 2019 period. This suggests we have reached the point of diminishing returns in reducing ozone precursors through regulation of manmade emissions. The current standard is probably set too close to background levels to accommodate normal weather-related variations in ambient concentrations. A 75 PPB standard corrects this problem.



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- 4) Court rulings have placed limits on considering natural background levels in setting the standard. A 75 PPB standard leaves only about 1% of U. S. counties exceeding the standard. Such low levels of Non-Attainment make it reasonable to give greater consideration of background levels in setting the standard.

We thank you for your transparent and thoughtful review of the ozone standard and in meeting the scheduled five-year limit for reviews set in the Clean Air Act. We also appreciate basing the EPA review on the independent review by the Clean Air Scientific Advisory Committee. Please consider our suggestions, which we believe are consistent with your statement; “EPA’s task is to establish standards that are neither more nor less stringent than necessary, and the Clean Air Act does not require the Administrator to establish a primary NAAQS at a zero-risk level.”

Sincerely,

David T. Stevenson
Director, Center for Energy & Environment
Caesar Rodney Institute
Newark, DE

Thomas J. Pyle
President
Institute for Energy Research
Washington, DC

Bette Grande
CEO, President
Roughrider Policy Center
North Dakota's Think Tank

Isaac Orr
Policy Fellow
Center of the American Experiment
Golden Valley, MN

Hon. Jason Isaac
Director, Life:Powered
Texas Public Policy Foundation
Austin, TX

Todd Myers
Environmental Director
Washington Policy Center
Seattle, WA

David W. Schnare, Esq., Ph.D., Director
Center for Environmental Stewardship
Thomas Jefferson Institute for Public Policy
Alexandria, VA

Myron Ebell
Director, Center for Energy and Environment
Competitive Enterprise Institute
Washington, DC

Brent Wm. Gardner
Chief Government Affairs Officer
Americans for Prosperity
Arlington, VA

James Taylor
President
Heartland Institute
Arlington Heights, IL

Donald van der Vaart, Ph.D., P.E., J.D.
Senior Fellow in Environmental Policy
John Locke Foundation
Raleigh, NC

Jacob Posik
Director of Communications
Maine Policy Institute
Portland, ME

Paul J. Gessing
President
Rio Grande Foundation
Albuquerque, NM

A.G.(Randy) Randol III, PhD
Co-Founder
VA Scientists and Engineers for Energy & Environment