

OUT-OF-CONTROL OZONE

QUICK STATS

- ✘ **CONFERENCE:** Regulation
- ✘ **TEAM:** Environmental Protection Agency
- **FUMBLE:** Costly changes to the National Ambient Air Quality Standards for ground-level ozone prior to full implementation of the previous standard
- **HOW TO RECOVER THE BALL:** Allow sufficient time to meet existing standards before considering making them more stringent

In October 2015 EPA finalized a rule to lower the National Ambient Air Quality Standards (NAAQS) for ground-level ozone (the primary component of smog) from the current 75 parts per billion (ppb) standard to 70 ppb. This seemingly small change comes with a high cost. A conservative estimate provided by EPA calculated the cost at \$1.4 billion annually for all states except California.⁴¹⁴

The new standard is being finalized despite the prior standard not yet achieving full implementation. As recently as October 2015, 224 counties spanning 25 states were classified in “non-attainment,” meaning their ozone levels exceeded the current 75-ppb standard. This area affects many people because these 224 counties in non-attainment account for about 40 percent of all Americans.⁴¹⁵ The change has practical implications for any business looking to grow and for workers looking for jobs. If an area is not compliant with the standard, businesses that may contribute to increasing the ozone level would need to find a way to

offset the increase or may simply not be allowed to take on new projects.⁴¹⁶ The need to comply inevitably imposes costs on expansion, so growth becomes harder financially every time EPA tightens the standard. By the way, EPA’s ethanol mandate for fuel increases ozone. So EPA’s own rules help contribute to ozone issues.

RECOVERY

Under current law EPA is required to re-evaluate the ozone standard every five years, and update it as appropriate. This timeline is simply not long enough for areas to achieve attainment and to truly assess whether the existing standard is sufficient before EPA must once again revisit the rule. Congress should develop a better, long-term approach that will provide stability for states and businesses. Until that time Congress should stop EPA from lowering the NAAQS standards to a level most communities cannot attain.

[For more information, please visit:](#)

[CRS Report: Ozone Air Quality Standards: EPA’s 2015 Revision](#)

[CRS Report: Clean Air Act: A Summary of the Act and Its Major Requirements](#)