

May 14, 2003

**PROPOSED RULE TO IMPLEMENT THE 8-HOUR OZONE
NATIONAL AMBIENT AIR QUALITY STANDARD**

FACT SHEET

ACTION

- The Environmental Protection Agency (EPA) is issuing a proposed rule that outlines steps areas would have to take to maintain or clean up their air. The proposed rule is the next step in implementing the national air quality standards that better protect the American public from ground-level ozone pollution.
- Litigation delayed implementation of this important standard for several years. This proposed rule marks the last action the courts required EPA to take before implementing the standard.
- This rule proposes a roadmap for what areas need to do to meet the new standard. This rule also proposes options for how areas would transition from attaining and maintaining the 1-hour standard to implementing the 8-hour standard.
- EPA set the 8-hour standard based on scientific evidence demonstrating that ozone causes adverse health effects at lower ozone concentrations, over longer periods of time, than the 1-hour ozone standard addressed. Once implemented, the 8-hour standard will help protect everyone at risk from ozone exposure, especially children and adults who are active outdoors, outdoor workers, and individuals with pre-existing respiratory disease, such as asthma.
- This proposed rule does not identify, or designate, areas that do not meet the new standard. Designations for attainment and nonattainment areas will occur by April 15, 2004, under a separate process.
- In today's proposal, EPA is seeking comment on options for how states should apply ozone control requirements when developing plans known as state implementation plans, or SIPs. A SIP shows how states will reduce emissions in order to attain and maintain clean air within their jurisdictions. States' plans must be reviewed and approved by EPA.
- The Clean Air Act contains different sets of control requirements that areas should include in their SIPs. One set contains general requirements that can be applied in a flexible manner. The second set contains specific requirements that must be applied according to the seriousness of the ozone problem in an area.
- While EPA has proposed a number of options for implementing the new ozone standard, the Agency prefers the option that provides the most flexibility to state, local and tribal

air agencies. States, tribes and local air agencies are best suited to address their unique air quality problems.

- This proposal also clarifies that tribes may voluntarily submit a tribal implementation plan, or TIP, but they are not required to do so. In cases where a tribe decides not to develop an implementation plan, EPA (working with the tribes) is responsible for air quality planning in those areas.
- EPA is opening this proposal to extensive public comment including three public hearings across the country (Dallas, TX - June 17, 2003; San Francisco, CA - June 19, 2003; Alexandria, Va. - June 27, 2003). EPA will review all comments carefully before finalizing the rule by December 2003.

BACKGROUND

- Ground level ozone pollution (commonly referred to as smog) is formed when volatile organic compounds (VOC) react with nitrogen oxides (NOx) in the presence of sunlight.
- In 1997 EPA revised the national ambient air quality standards for ground-level ozone, setting it at 0.08 parts per million averaged over an 8-hour time frame.
- A number of events delayed the implementation of the new 8-hour ozone standard.
 - ▶ EPA's new standards were challenged by the American Trucking Association, the U.S. Chamber of Commerce and other state and business groups.
 - ▶ The Transportation Equity Act for the Twenty-first Century (TEA-21) revised the deadline to publish nonattainment designations to provide an additional year (to July 2000).
 - ▶ EPA's appropriation bill in 2000 restricted the Agency's authority to spend money to designate areas until June 2001 or the date of the Supreme Court ruling on the standard, whichever came first.
 - ▶ There is no legally mandated deadline for EPA to issue a strategy to implement the national 8-hour ozone air quality standard. However, after EPA issues a new or revised standard, the Clean Air Act allows the Agency two years to designate areas that do not meet the clean air standards.
 - ▶ In February 2001 the Supreme Court upheld EPA's authority under the Clean Air Act to set national air quality standards that protect the American public from harmful effects of air pollution. However, the Supreme Court also determined that EPA's original strategy for implementing the 8-hour standard was unreasonable and left it to EPA to develop a more appropriate strategy. The Supreme Court also sent the case back to the D.C. Circuit Court of Appeals on several issues.
 - ▶ In March 2002, the DC Circuit Court rejected all remaining challenges to the 8-hour ozone standard, paving the way to begin implementation of the requirements.

- In setting the revised 8-hour ozone standard, EPA considered information about ozone's chronic adverse health effects. Breathing elevated levels of ozone causes a wide range of health problems, including:
 - ▶ decreased lung function (primarily in children active outdoors);
 - ▶ increased respiratory symptoms (particularly in highly sensitive individuals);
 - ▶ increased hospital admissions and emergency room visits for respiratory causes (among children and adults with pre-existing respiratory disease such as asthma);
 - ▶ inflammation of the lungs; and
 - ▶ possible long-term damage to the lungs.

- The state and local air agencies are working on recommendations for areas not meeting the national air quality standard for 8-hour ozone. Their recommendations are due to EPA by July 2003. States and local air agencies also will use this proposal as they develop those recommendations. EPA is required by consent decree to designate areas by April 15, 2004.

FOR MORE INFORMATION

- For more information on the proposed rule, go to EPA's web site at: www.epa.gov/airlinks. Click on the tab marked "ozone and particulate standards."