

**REOPENING OF COMMENT PERIOD ON  
PROPOSED RULE TO IMPLEMENT THE 8-HOUR OZONE  
NATIONAL AMBIENT AIR QUALITY STANDARD**

**FACT SHEET**

**ACTION**

- C On October 15, 2003 the Environmental Protection Agency (EPA) issued a notice reopening the comment period on one issue addressed in the June 2003 proposed rule to implement the 1997 national ozone standard – commonly called the 8-hour standard.
- C EPA is reopening the comment period on the issue of how to classify nonattainment areas for the 8-hour standard. EPA is soliciting comment on several alternatives raised by commenters and EPA provides two possible classification approaches incorporating some of the commenters' suggestions.
- C The comment period will remain open for 15 days after a notice is published in the *Federal Register*. The Agency also is continuing to consider its original proposals for classifying nonattainment areas.
- C Classifications reflect the severity of an area's ozone problem, establish requirements that nonattainment areas need to meet, and set deadlines for areas to meet the ozone standard.
- C The commenters raised a concern that EPA's preferred option could create inequities between areas with similar air quality problems and that both classification options in the proposed rule would result in classifications that did not represent the air quality problem of areas or that such classifications would not provide such areas with sufficient time to attain. A number of commenters suggested ways to address one or both of these issues.
- C EPA adapted several of the commenters' suggestions and sets forth two new possible approaches for classifying areas.
  - < Under the first approach, EPA would translate 1-hour ozone classification levels to 8-hour values in order to ensure that areas with similar air quality problems are treated in the same manner. Areas with ozone "design values" above 0.091 parts per million would be subject to the more stringent classification scheme in the Clean Air Act and those with design values below that level would be subject to less stringent provisions. For the 8-hour ozone standard, a design value is the 4<sup>th</sup> highest 8-hour ozone concentration each year, averaged over a three year period. Additionally, EPA would modify the scheme for classifying areas to ensure that more areas had a classification that

represented the area's air quality problem and provided sufficient time for attainment.

< The second approach would modify one of the Agency's current proposals (referred to as "option 2" in the May 2003 proposed rule) to ensure that all areas with more significant ozone problems were subject to more stringent classification provisions. In addition, as with the first approach, EPA would modify the scheme for classifying areas to ensure that more areas had a classification that represented the area's air quality problem and provided sufficient time for attainment.

C To download a copy of the notice reopening the comment period, go to EPA's web site at <http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/>.

## **BACKGROUND**

C In 1997 EPA revised the national ambient air quality standard for ground-level ozone, setting it at 0.08 parts per million averaged over an 8-hour time frame, to better protect public health.

C Litigation delayed implementation of this important health protective standard for several years. However, in March 2002, the DC Circuit Court rejected all remaining challenges to the 8-hour ozone standard, paving the way to for EPA to begin implementing requirements.

C Once implemented, the 8-hour standard will help protect people 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.

C In May 2003, EPA issued a proposed rule that would create a roadmap for what areas need to do to attain the new standard. This proposal also included options for how areas would transition from attaining and maintaining the 1-hour standard to attaining and maintaining the 8-hour standard. The proposed rule does not identify, or designate, areas that do not meet the new standard.

C EPA is required by consent decree to designate attainment and nonattainment areas by April 15, 2004. States have submitted their recommendations for nonattainment, including the boundaries of those areas; the Agency is in the process of reviewing those.

C For additional information on implementation of the 8-hour ozone standard, go to EPA's Web site at [www.epa.gov/ttn/naaqs/ozone/o3imp8hr/proprule.html](http://www.epa.gov/ttn/naaqs/ozone/o3imp8hr/proprule.html). For additional information on ozone designations, go to [www.epa.gov/air/oaqps/glo/designations/index.htm](http://www.epa.gov/air/oaqps/glo/designations/index.htm)

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