

December 19, 2002

FACT SHEET

Proposed Stay of Authority to Determine That 1-Hour Ozone Standard No Longer Applies

TODAY'S ACTION

- The Environmental Protection Agency (EPA) today proposed to stay its authority to determine that the 1-hour national ambient air quality standard for ozone no longer applies in areas that meet that standard.
- Under current EPA regulations, the 1-hour standard no longer applies to an area once EPA determines that the area meets that standard. The proposed stay would ensure that the 1-hour standard will remain in place until EPA determines how and when it should be removed.
- The proposed stay also would help ensure that the public has the opportunity to participate in discussions about removing the 1-hour standard as EPA develops its rule for implementing the 8-hour standard. EPA will seek public comment on options for addressing the 1-hour ozone issue as the Agency develops the 8-hour standard implementation rule.
- The proposed stay would remain effective until the Agency takes final action addressing how and when to remove the 1-hour ozone standard.
- EPA is taking this action as part of a negotiated settlement agreement between EPA and the Environmental Defense and Appalachian Mountain Club, both of which sued the Agency in 1998.

BACKGROUND

- In July 1997, issued a new national ambient air quality standard for ground-level ozone. The new standard, based on 8-hour ozone readings, would better protect health and the environment than the 1-hour standard.
- Also in July 1997, EPA issued a final rule governing the continued applicability of the existing 1-hour ozone standard. Beginning in June 1998, EPA revoked the 1-hour standard in more than 2,000 counties where air quality met the standard. The revocation was designed to allow areas that had met the 1-hour standard to redirect their focus toward meeting the 8-hour standard.
- EPA revoked the 1-hour standard only in areas that had clean air for three consecutive years. The revocations did not apply to areas that continued to violate the 1-hour standard.

- On May 14, 1999 (and modified on October 29, 1999), the U.S. Court of Appeals for the District of Columbia Circuit issued an opinion remanding the new 8-hour standard and limiting the manner in which EPA could implement it. The court's decision left more than nearly 2,000 U.S. counties without a fully enforceable federal public health standard for ozone.
- To ensure continued public health protection from ozone while legal arguments continued about the 8-hour standard, EPA reinstated the 1-hour standard in those counties in July 2000.
- On February 27, 2001, the U.S. Supreme Court upheld the constitutionality of the Clean Air Act as EPA had interpreted it in setting health-protective air quality standards for ground-level ozone and particulate matter.
- However, the Court said EPA must reconsider its implementation plan for moving from the 1-hour standard to the revised standard. The Court instructed EPA to develop an implementation plan (including a timetable) consistent with the Court's opinion.
- EPA is working now to develop a rule to implement the 8-hour standard and anticipates proposing that rule in early Spring 2003. That proposed rule will include options on how to address the 1-hour standard in areas that meet it.

FOR FURTHER INFORMATON

- For further information contact Annie Nikbakht (919) 541-5246. This proposed action will be available on the Internet at <http://www.epa.gov/ttn/oarpg> immediately after signature.
- EPA's Office of Air and Radiation home page, <http://www.epa.gov/oar> Contains a wide range of information on the Ozone Program and many other air pollution programs and issues.