

REVIEW OF THE PRIMARY NATIONAL AMBIENT AIR QUALITY STANDARD FOR NITROGEN DIOXIDE: STATUS FEBRUARY 12, 2009

ACTION

- EPA has decided not to issue an advance notice of proposed rulemaking (ANPR) for the primary national air quality standard for nitrogen dioxide (NO₂).
- The agency is under a June 26, 2009 deadline in a judicial consent decree to propose whether to revise the NO₂ primary standard. In light of that deadline and the agency's ongoing review of recent decisions and policies by the previous administration, EPA will focus its efforts on the upcoming proposal rather than resubmitting an ANPR to the Office of Management and Budget.

BACKGROUND

- Nitrogen dioxide (NO₂) is one of a group of highly reactive gases known as "oxides of nitrogen." NO₂ forms quickly from emissions from cars, trucks and buses, power plants, and off-road equipment. In addition to contributing to ground-level ozone formation, NO₂ is linked with a number of adverse effects on the respiratory system.
- EPA first set standards for NO₂ in 1971, setting both a primary standard (to protect health) and a secondary standard (to protect the public welfare) at 0.053 parts per million (53 parts per billion, or ppb), averaged annually. The Agency has reviewed the standards twice since that time, but chose not to revise the standards at the conclusion of each review. All areas in the U.S. are in attainment with the current (1971) NO₂ standards.
- Under a judicial consent decree, EPA must propose whether to revise the primary standard by June 26, 2009 and issue a final rule by Jan. 22, 2010. The current review focuses only on the primary NO₂ standard. EPA will address the secondary standard for NO₂ as part of a separate proposal in 2010.
- The ANPR is not a legally required step in setting a national air quality standard; it was added as one of a number of changes the previous administration made to the standard-setting process.
- EPA has issued two documents that provide the Administrator scientific information and options to consider in making decisions about the June 2009 proposal. They are:
 - An Integrated Science Assessment (issued July 2008), which evaluates the scientific literature on the potential adverse human health effects resulting from exposures to oxides of nitrogen, particularly NO₂; and
 - A Risk and Exposure Assessment (issued November 2008). This assessment outlines alternatives for the primary standard, based on the latest science. EPA has received comments on this assessment from the Clean Air Scientific Advisory Committee (CASAC) and the public. The comments included recommendations on whether to revise the NO₂ primary NAAQS, and recommended alternative standards for the Administrator to consider. EPA will consider these comments in developing the proposal.
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FOR MORE INFORMATION

- To read the Integrated Science Assessment or the Risk and Exposure Assessment, go to www.epa.gov/ttn/naaqs/standards/nox/s_nox_index.html.
- CASAC letters on the nitrogen oxides primary standard are available under “Advisory Reports” on the CASAC web site at: <http://yosemite.epa.gov/sab/sabpeople.nsf/WebCommittees/CASAC>