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## Here's What Will Happen with the EPA Ozone Rule



*Gretchen Goldman, lead analyst, Center for Science and Democracy*

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Sometime in the next few weeks, the EPA will release its long awaited final rule on ambient ground-level ozone. It hasn't happened yet, but there are some clues as to what the agency will do and how others will react. Here's how I see it going down and what that means for the country.



Several US cities struggle with ozone pollution but concentrations have been decreasing due to ozone mitigation efforts. Houston, Texas, has in place cost-effective management strategies to address ozone pollution. Photo: Henry Han, Wikimedia Commons

### **more protective standard—is it enough?**

Some sources are reporting that the agency is likely to go with 70 parts per billion (ppb) as the new standard. This would tighten the standard from the current 75 ppb, which is [several years outdated](#). Other sources suggest that the White House is [pushing the agency](#) to instead go with a 68-ppb standard. What's the difference in those two ppb? Both science and politics. Let me explain. (For full background on

the ozone standard update, see my past posts [here](#), [here](#), and [here](#))

Seventy ppb is the upper limit of the recommendation of the EPA's Clean Air Scientific Advisory Committee (CASAC). Thus, it's the most lenient standard the EPA could choose and still be following the advice of its science advisors. So science wins, right? Here is where it gets a little more complicated.

### **Highway to the danger (o)zone**

When CASAC made its recommendation to the agency, it put in some additional information. They [recommended a range](#) of 60 to 70 ppb, but the scientists concluded that 70 ppb might not be protective of public health with an adequate margin of safety, as the Clean Air Act requires. [They said](#) in their letter to the agency that with a 70-ppb standard there is “substantial scientific evidence of adverse effects ... including decrease in lung function, increase in respiratory symptoms, and increase in airway inflammation.”

This puts the administration in a tight spot. If they go with 70 ppb they are doing so with the knowledge that more people will be vulnerable to health impacts even if the whole country met the new standard.

On the other hand, if the administration goes with 68 ppb, it's in a safer territory in terms of protecting public health. The science (as outlined in the [1,251-page Integrated Science Assessment](#)) is strong enough to support this standard and it would be more protective than 70 ppb—namely for vulnerable populations including children, the elderly, and people with lung diseases. In my opinion, this is [the better choice](#) for the administration.

### **Chemical reactions**

Whether EPA announces the new standard as 68 or 70 ppb, we can anticipate what some reactions might be. After the political dust settles in DC, we know that cities around the country will be able to successfully implement the rule, as they've done on previous updates to ozone rules. Cities use a variety of strategies to reduce ozone levels. Houston, Texas, for example, has a great science-based process for reducing air pollution. The Houston city planners choose air pollution mitigation projects to fund based on their expected pollution reduction, i.e. more cost-effective projects get more funding. This program has been successful in reducing Houston's ozone concentrations. But before cities have the opportunity to implement the rule, we'll see some politics as usual.

The White House Office of Management and Budget has a [packed schedule of meetings](#) with industry and nonprofit groups concerned about this issue. Many of the nonprofit groups engaged on ozone might be disappointed with a standard in this space; they'd like it be closer to 60 ppb, a standard that would certainly be more protective of public health.



The U.S. Chamber of Commerce, NAM, and API have worked to undermine the EPA ozone rule, which uses science to set a ozone standard that protects public health.

But the stakeholders that have poured the most resources by far into influencing the ozone rule are industry groups. The American Petroleum Institute (API), for example, used [questionable methods](#) to determine what counties won't be able to meet the new standard. The National Association of Manufacturers has pulled out all the stops, running misleading ads in television commercials, on radio, and online. Time is too precious for me to actually go through why all of their arguments are disagree with the science, but the gist is this: NAM claims that any tightening of the ozone standard will cost tremendous amounts of money and jobs and the country won't be able to meet the standard anyway because of background concentrations and overseas transport of ozone. *(As additional context, we know that the U.S. Chamber, API and NAM also have shown that they [don't understand climate science](#) in addition to air pollution science).*

### **NAM, U.S. Chamber recycle their old talking points**

If these arguments sound familiar, it's because they are. Back in 2008, the EPA under the Bush Administration tightened the ozone standard from effectively 84 ppb to 75 ppb, a standard that was much weaker than what the science advisors had recommended. Still, this was too high for NAM and the U.S. Chamber of Commerce. The new standard "could have a devastating effect on manufacturing employment," [said John Engler](#), then-chief of the trade group in 2007. Bryan Brendle, NAM's

director of air quality policy, [was reported to have said](#) there is no evidence of increased health benefits from a lower standard (*login required*). NAM also released data on the cost of the rule, despite the fact that the law requires that the EPA consider public health and not costs in setting the standard. Meanwhile, the U.S. Chamber of Commerce pressured the EPA to consider foreign emissions in its 2008 rulemaking.

These arguments were wrong in 2007. And they are demonstrably wrong in 2015 now that we have the hindsight to look at the impact of that 2008 standard. [Analysis](#) after [analysis](#) has shown the economic benefits of health-based ambient air quality standards. Hardly a “devastating impact.” And new standards have always lead to cleaner air (check out this [neat EPA graphic](#) showing that 90% of counties not meeting the 1997 ozone standard now meet it). The standards have made our air cleaner and we can literally observe that in the data. If the arguments didn't work in 2008, I'm not sure why NAM or the Chamber should expect a different outcome this year. But I'm sure it will be déjà vu all over again (RIP, Yogi) when we hear about the “devastating” impacts of the new rule. I'll be waiting with my tiny violin.

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*About the author: Gretchen Goldman is a lead analyst in the Center for Science and Democracy at UCS. She holds a PhD and MS in environmental engineering from the Georgia Institute of Technology and a BS in atmospheric science from Cornell University. See [Gretchen's full bio](#). Follow her on Twitter at [@GretchenTG](#).*

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