

February 13, 2017

Catherine McCabe, Acting Administrator  
U.S. Environmental Protection Agency  
William Jefferson Clinton Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

RE: 2015 Ozone NAAQS Implementation Rule, Docket Number – EPA-HQ-OAR-2016-0202

Dear Acting Administrator McCabe,

As the Environmental Protection Agency crafts an implementation rule for the updated 2015 ozone standard, we call on the Agency to prioritize the protection of public health. We reject removing or weakening any protections that serve to protect communities from dangerous air pollution, and we ask that EPA carefully and fully implement the framework that Congress established under the Clean Air Act for bringing polluted areas into attainment of health-protective standards and for making sure their air remains safe and clean.

Our country has made great progress in reducing ozone pollution since the passage of the 1990 Clean Air Act Amendments, but too many communities continue to endure unsafe levels of smog pollution. Bad air days, when the outdoor pollution concentrations reach unsafe levels, affect millions of Americans each year, driving children and seniors indoors, endangering outdoor workers, and inducing hundreds of thousands of asthma attacks that can send people to the emergency room. Children, seniors, people with breathing ailments like asthma, low income families, and communities of color are particularly vulnerable. Now is no time to slacken up and we are counting on EPA to finalize a strong implementation rule for the 2015 ozone standard.

The ozone implementation rule must follow the process the Clean Air Act requires for achieving timely attainment of all ozone standards. Congress amended the Act in 1990 because a “discretion-filled approach” did not succeed at reducing ozone pollution levels. It just let states, industry, and others game the system by promising emission reductions on paper that did not lead to real-world air quality improvements.

The framework Congress established calls for stronger controls the longer an area fails to attain, and for measures that ensure that controls are actually effective at reducing emissions of ozone-forming pollution. EPA must fully follow this framework and fully require these measures. Overall, there must be accountability and enforceability. We call on EPA to:

- Retain the 2008 standard, which will ensure that areas continue making progress toward attaining that standard on time and in the way Congress required—which will also help drive attainment of the 2015 standard;
- Maintain all applicable planning requirements for nonattainment and maintenance areas, to ensure that the air remains safe to breathe after an area attains a standard;
- Establish strong milestone compliance demonstrations to make sure nonattainment areas steadily reduce emissions of ozone-forming pollutants; and
- Finalize the proposal that states must look at reasonable controls within their state, but outside a nonattainment area, that will help a nonattainment area come into timely attainment.

But where EPA seeks to increase “flexibility” beyond what Congress provided, it violates the law and contributes to delays in attaining the standards—putting our health at risk. EPA must not:

- Revoke the 2008 standard, which will set back pollution reduction efforts;
- Allow existing large industrial sources of ozone-forming pollutants to satisfy their “reasonably available control technology” obligations by “trading” or “averaging” paper emission credits; or
- Authorize new industrial sources of ozone-forming pollution to avoid required pollution reductions by trading increases in emissions of one pollutant for decreases in another.

We count on EPA to protect our health and well-being. It can do so here, or it can issue a rule that is a giveaway to big polluters. We urge EPA to stand on the side of public health by issuing a strong ozone standard implementation rule.

Thank you for your consideration.

Air Alliance Houston  
 American Veterans (AMVETS)  
 Appalachian Mountain Club  
 California Kids IAQ  
 Central California Asthma Collaborative  
 Clean Air Task Force  
 Clean Water Action  
 Coalition for a Safe Environment  
 Comite Civico del Valle  
 Community Dreams  
 Earth Action, Inc.  
 Earth Day Network  
 Earthjustice  
 EMERGE  
 Gasp  
 League of Conservation Voters  
 Medical Advocates for Healthy Air  
 Moms Clean Air Force  
 NAACP - San Pedro-Wilmington Branch # 1069  
 National Parks Conservation Association  
 Natural Resources Defense Council  
 Rachel Carson Council  
 Safe Climate Campaign  
 San Pedro & Peninsula Homeowners Coalition  
 Sierra Club  
 St. Philomena Social Justice Ministry  
 Sunflower Alliance  
 Texas Environmental Justice Advocacy Services (T.E.J.A.S.)  
 Union of Concerned Scientists  
 Utah Physicians for a Healthy Environment  
 Voces Verdes  
 Wilmington Apostolic Faith Center  
 Wilmington Improvement Network