

Congress of the United States
Washington, DC 20515

June 22, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson:

We write to you today regarding our concerns over the Environmental Protection Agency's (EPA) voluntary reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ground level ozone. As you are well aware, EPA issued its final ozone standard in March 2008, so EPA's proposed July 29, 2011 final reconsideration will come more than three years after the Agency's original decision. Further, EPA's reconsideration is at odds with the Clean Air Act's statutory NAAQS review process that includes mandatory reviews of new science and affords significant public participation and comment. EPA is already more than three years into the current statutory five-year review cycle for the 2008 ozone NAAQS. As such, we are seriously concerned that EPA intends to issue a final reconsideration without adhering to the important procedures and safeguards afforded by the ongoing statutory process.

A departure from the ongoing Clean Air Act statutory review process is extraordinary and EPA's proposed reconsideration will only hurt working families and significantly increase operating costs for manufacturers during this time of economic uncertainty. Indeed, EPA's new proposed standard could nearly triple the number of nonattainment areas and, under the high end of EPA's own estimate, add \$90 billion dollars per year to already high operating costs faced by manufacturers, agriculture, and other sectors. Areas that will not be able to meet EPA's proposed new NAAQS will face increased costs to businesses, restrictions on infrastructure investment, and limits on transportation funding. Recent studies indicate that each affected state could lose tens of thousands of jobs, if not more. Our constituents stand to lose their jobs, health care, and other employee benefits for their families. Our communities will lose local tax revenue critical to funding public education and municipal infrastructure.

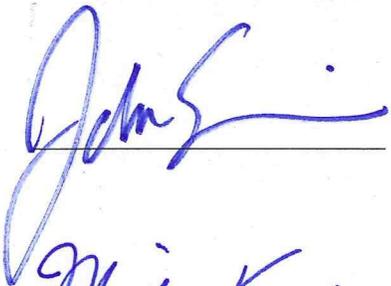
In addition to the various negative economic consequences, states face significant implementation challenges for newly identified nonattainment areas. Given states' current lack of resources, the scope of EPA's proposed reconsideration rule, and the compressed schedule resulting from EPA's proposed July 2011 issuance, many states will find it difficult if not impossible to develop and implement compliance plans. Moreover, EPA's proposed ozone standard is so stringent that even certain remote wilderness areas would violate it, including some of our nation's most pristine national parks such as the Grand Canyon National Park and the Great Smoky National Park.

When EPA is essentially three years into a five-year statutory review process, it makes no sense for the Agency to be conducting a simultaneous voluntary reconsideration based on five year-old science. The Clean Air Scientific Advisory Committee (CASAC), to which EPA submitted new charge questions on January 26, 2011, considered its participation as "redundant" to its previous work. EPA's decision to reconsider the 2008 level, outside the regular five-year review process, appears unreasonable given the fact that EPA has offered no new evidence to justify this course of action. Indeed, EPA is now choosing to interpret the same basic body of information that existed in 2008 to reach a different conclusion, a conclusion that just three years ago was found by EPA to be sufficiently protective of public health.

In conclusion, given the significant costs and implications of EPA's current proposed rule, evaluating new information and affording the public the opportunity to participate is critical to avoid detrimental impacts on the people the rule is intended to protect. Accordingly, we strongly urge EPA to consider merging its current discretionary reconsideration into the ongoing five-year review process. Doing so will permit EPA to focus its efforts and resources on one proceeding, thereby limiting the unnecessary redundancy resulting from the parallel proceedings it is currently managing.

The five-year review process will focus on the same issues as the reconsideration, but will have the added advantage of permitting the review of new information, utilizing the thorough procedural process established by the Clean Air Act, and affording the public the opportunity to fully participate. Certainly this approach is more favorable than the current reconsideration process which limits the use of new data and limits the public from providing comments that will assist the EPA in its evaluation and subsequent establishment of new standards.

Sincerely,

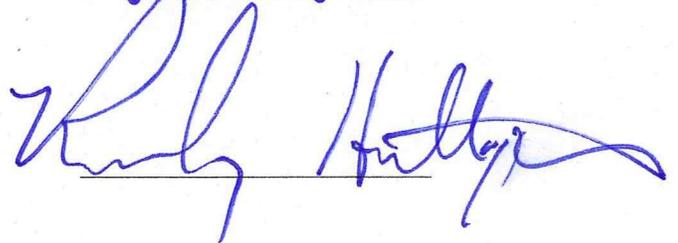


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Cher W Dent


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Jerry Buckhorn



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Paul

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McLawrence TX-23

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By [unclear]

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[unclear]

[unclear] MO-6

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