

EPA Staff Recommends More Stringent Ozone Standards

Beveridge & Diamond, P.C., 2007

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On January 31, 2007, EPA's Office of Air Quality Planning and Standards ("OAQPS") released a Final Staff Paper recommending that the primary and secondary National Ambient Air Quality Standards ("NAAQS") for ozone be lowered. EPA staff issued this recommendation based on its determination that an expanded body of scientific evidence indicates that significant impacts to public health and welfare occur even in areas with ozone levels that are below the current standards. OAQPS issued the Final Staff Paper in connection with the Clean Air Act requirement that EPA periodically review the sufficiency of the NAAQS, and revise the standards if necessary.

In the Final Staff Paper, OAQPS recommends that the primary NAAQS for ozone, established to protect public health, be lowered to a level somewhere below the current limit of 0.08 parts per million ("ppm") to as low as 0.06 ppm. The secondary ozone standard, which is to protect public welfare (including vegetation, forests, and commercial crops), is currently the same as the primary standard of 0.08 ppm. OAQPS recommends that the secondary standard be set using a different form for the standard. The recommended form is referred to as "W126," which is a cumulative, weighted total of twelve-hour exposures over a three-month period giving greater weight to exposures at higher levels of ozone. Using that form for the standard, OAQPS recommends that the secondary standard be set within a range from 21 ppm-hours to 7 ppm-hours.

Pursuant to the term of a consent decree, EPA has agreed to sign for publication notices of proposed and final rulemaking regarding the ozone NAAQS by June 20, 2007 and March 12, 2008, respectively.

The Final Staff Paper and EPA's Fact Sheet for the Final Staff Paper are available at:

http://www.epa.gov/ttn/naaqs/standards/ozone/s_o3_cr_sp.html