

Ground-level Ozone Positioning Essay

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Introduction This September, President Obama issued a request to withdraw the Environmental Protection Agency's (EPA) recommended revision of the National Ambient Air Quality Standard (NAAQS) for ground-level ozone from 75 parts per billion (ppb) to 60 ppb. In 2013, EPA will be required to review its current ground-level ozone NAAQS again. In order to prepare for the regulatory process, I recommend that the National Federation of Independent Business (NFIB) oppose the stricter ground-level ozone standard because of the serious burden on business in relation to unclear net benefits to society. I also suggest that because of the unclear data, NFIB refrain from making further claims about public harm resulting from the regulation.

Background Ground-level ozone is formed by the reaction of automotive emissions, fuel combustion byproducts, and industrial emissions in the presence of sunlight (EPA, 2006). Therefore, efforts to control ground-level ozone often impact the cost of energy or industrial activity because of increased compliance measures. The Clean Air Act requires EPA to develop ground-level ozone standards with an "adequate margin for safety," and to reevaluate them periodically to determine if revisions are appropriate (EPA, 2008). The Clean Air Act and a 2001 Supreme Court decision forbid EPA from considering financial costs of compliance when determining NAAQS, although it provides a regulatory impact analysis for public reference (*Whitman v. American Trucking Assn., Inc.*, 2001). EPA's decision to revise the 2008 ground-level

ozone NAAQS from 75 ppb to 60 ppb was based on concerns that the 2008 standard was too lax. The American Lung Association sued EPA in 2008 to force the revision, but withdrew its suit in 200..... middle of paperp.011091215Manufacturers Alliance (2010). Economic implications of EPA's proposed ozone standard. Washington, DC: Norman, D.A. Retrieved from <http://www.mapi.net/MediaCenter/news/Lists/Posts/Post.aspx?ID=189>U.S. EPA (2008). Final ozone NAAQS regulatory impact analysis (EPA Report No. EPA-452/R-08-003). Research Triangle Park, NC. Retrieved from http://www.epa.gov/ttn/ecas/regdata/RIAs/452_R_08_003.pdfU.S. EPA (2006). Air quality criteria for ozone and related photochemical oxidants (EPA Report No. EPA-600/R-05/004aF-cF). Washington, DC. Retrieved from <http://cfpub.epa.gov/ncea/cfm/recordisplay.cfm?deid=149923>U.S. EPA (2010). Supplement to the March 2008 regulatory impact analysis. Washington, DC. Retrieved from http://www.epa.gov/ttn/ecas/regdata/RIAs/s1-supplemental_analysis_full.pdfWhitman v. American Trucking Assn., Inc, 531 U.S. 457 (2001).

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