



Will M. Ollison
Senior Scientist

Regulatory and Scientific Affairs

1220 L Street, NW
Washington, DC 20005-4070
USA
Telephone 202 682-8262
Fax 202 682-8270
Email OLLISONW@API.ORG
www.api.org

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Dr. H. Christopher Frey
Chair, Clean Air Scientific Advisory Committee
Science Advisory Board
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Mr. George A. Allen
Chair, Clean Air Scientific Advisory
Air Monitoring & Methods Subcommittee
Science Advisory Board
US Environmental Protection Agency
1200 Pennsylvania Avenue NW
Washington, DC 20460

Re: Draft Letters on the Clean Air Scientific Advisory Committee (CASAC) Review of EPA's Second Draft Health Risk and Exposure Assessment (HREA) for the Review of the Ozone (O₃) National Ambient Air Quality Standards and Second Draft Policy Assessment (PA) for the Review of the Ozone National Ambient Air Quality Standards (NAAQS)

Dear Dr. Frey and Mr. Allen:

In its draft letters to the Administrator, CASAC fails to address an altitude bias in the present mixing ratio form of the primary O₃ NAAQS. Briefly, residents at high altitude locations such as Denver, CO inspire about 20% less O₃ when exposed to given ambient O₃ levels at a given breathing rate than do residents at sea level. This altitude effect and its implications are discussed in API written comments submitted May 20, 2014 for CASAC consideration and March 27, 2014 for CASAC-AMMS consideration.

We encourage CASAC to ask the Agency to correct this altitude bias in gaseous NAAQS by adjusting inhaled O₃ dose to local barometric pressure in the final revised O₃ HREA response estimations and by providing compliance determinations akin to those available in current PM regulations that account for this bias (40 CFR 50, Appendices J & L, 2.2). A CASAC discussion of this issue may best fit within its responses to EPA HREA charge question #4 and PA Chapter 3 charge question #2.

It is crucial that the mixing ratio formulation bias error be corrected since presently high altitude monitoring data, unadjusted with respect to actual resident dose, penalize such municipalities by effectively requiring them to attain a more stringent O₃ standard (e.g., by 20% in Denver, CO) than coastal cities. Unaddressed, this municipal inequity may result in a NAAQS that violates the Clean Air Act since courts¹ require that a national NAAQS formulation stringency be uniformly "sufficient, but not more than necessary" in all cities.

Sincerely,

¹ Whitman v. American Trucking, 531 U.S. 457, 473 (2001) - *We agree with the Solicitor General that the text of § 109(b) (1) of the CAA at a minimum requires that "[f]or a discrete set of pollutants and based on published air quality criteria that reflect the latest scientific knowledge, [the] EPA must establish uniform national standards at a level that is requisite to protect public health from the adverse effects of the pollutant in the ambient air."* Tr. of Oral Arg. in No. 99-1257, p. 5. Requisite, in turn, "*mean[s] sufficient, but not more than necessary.*" Id., at 7