

May 19, 2014

Dr. Holly Stallworth  
Designated Federal Officer (DFO)  
Via email: Stallworth.holly@epa.gov

**Re: May 28<sup>th</sup> Public Teleconference of the Chartered Clean Air Scientific Advisory Committee (CASAC) and the Ozone Review Panel**

Dear Dr. Stallworth,

On behalf of the 6,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer the following statement to the CASAC for consideration during its May 28 public teleconference concerning review of federal ozone standards.

ARTBA's membership includes private and public sector members that are involved in the planning, designing, construction and maintenance of the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA members undertake a variety of activities that could be directly impacted by any change in EPA's National Ambient Air Quality Standards (NAAQS) for ozone. ARTBA's public sector members adopt, approve or fund transportation plans, programs or projects under Title 23 U.S.C. and Title 49 U.S.C., while ARTBA's private sector members plan, design, construct and provide supplies for these federal transportation improvement projects. This document represents the collective views of our 6,000 member companies and organizations.

Under the federal Clean Air Act (CAA), EPA must review NAAQS for six different pollutants, including ozone, every five years. Of particular concern to the transportation community are penalties under the CAA allowing for the withholding of federal highway funds if CAA standards are not met. While ARTBA shares both the CASAC's and United States Environmental Protection Agency's (EPA) goal of improving air quality and protecting public health, we have significant objections to the air quality standard review process as a whole.

Regulations do not operate in a vacuum. Before deciding whether or not to tighten existing ozone standards, CASAC and EPA should take account what has already been achieved as well as expected air quality improvements from already approved initiatives. When considering ozone standards, and any possible changes, EPA need look no further than its own data.

Specifically, EPA's own reports have indicated a 25 percent decline in annual ozone pollution since 1980. Additionally, ground level ozone (as opposed to the ozone in the upper atmosphere or "ozone layer," which occurs naturally) is formed by the combination of the oxides of nitrogen

(NO<sub>x</sub>) and volatile organic compounds (VOCs) in sunlight. NO<sub>x</sub> and VOCs are referred to as the “criteria pollutants” for ozone. As levels of NO<sub>x</sub> and VOCs decline, so will the amount of harmful ground level ozone. Since 1980, NO<sub>x</sub> levels have decreased by 59 percent and VOC levels have decreased by 57 percent.<sup>1</sup>

Further, CASAC and EPA should consider reductions in ozone levels that will occur as a direct result of existing regulations and those yet to take effect. Dramatic improvements in ozone levels will continue to come from implementation of regulations enacted in 2007 on sulfur levels in gasoline, as well as measures affecting heavy-duty diesel engines and highway vehicles. In fact, in 2006, regulations took effect requiring refiners to meet a 30-parts per million (ppm) average sulfur level for gasoline with a cap of 80-ppm. This fuel enables vehicles to use emissions controls which are projected to reduce tailpipe emissions of NO<sub>x</sub> by 77 percent from passenger cars and as much as 95 percent for pickup trucks, vans and sports utility vehicles. When fully implemented by 2030, these regulations are expected to have the effect of removing 164 million cars from our nation’s roadways.<sup>2</sup>

Also, on a related note, EPA has recently proposed considering economic impacts when making CAA regulatory decisions. ARTBA submitted comments strongly supporting this proposal, in part because the NAAQS review process is exactly the sort of EPA action where such an analysis should be conducted. In fact, on March 24, ARTBA and 35 other industry associations sent a letter to CASAC explaining that implementation of the low end of the ozone standard revisions being considered by CASAC and EPA could cost the national economy as much as \$90 billion annually—a cost significant enough to be included in any regulatory analysis.

Lastly, EPA and CASAC should also consider the consequences of proposed ozone changes on other federal activities that promote public health and economic stability. Tightening ozone standards could result in the withholding of federal highway funds which would have negative effects on both employment and development for impacted counties where transportation improvements are delayed or cancelled. In many instances, these federal-aid projects are intended to improve demonstrated public safety threats. Further, once completed, transportation improvements can reduce congestion and improve air quality. Such improvements will not be realized if projects cannot go forward. A complete analysis of potential NAAQS revisions should include the effects of the potential for increased unemployment, reduced congestion relief and weakened public safety.

In conclusion, ARTBA urges CASAC and EPA to take notice of the current progress that has been and will be made in cutting the overall levels of ozone before approaching public policy decisions resulting in further regulation.

Sincerely,



T. Peter Ruane  
President & C.E.O

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<sup>1</sup> Id.

<sup>2</sup> United States Federal Highway Administration, *Transportation Air Quality Selected Facts and Figures*, p. 36 (2006).