

Working Draft Letter V1-0a Dated 03/27/2008 – Do Not Cite or Quote

Dear Administrator Johnson:

The Clean Air Scientific Advisory Committee (CASAC or Committee), augmented by subject-matter-expert Panelists — collectively referred to as the CASAC Ozone Review Panel — met via a public advisory teleconference on March 28, 2008. The purpose of this conference call was to hold follow-on discussions concerning the Final Rule for the National Ambient Air Quality Standards (NAAQS) for ozone, which the Agency published on March 12, 2008. The Ozone Panel roster is attached as Appendix A.

In our most-recent letters to you on this subject — EPA-CASAC-07-001, dated October 24, 2006, and EPA-CASAC-07-002, dated March 27, 2007 — the CASAC unanimously recommended selection of an 8-hour average Ozone NAAQS within the range of 0.060 to 0.070 parts per million for the primary (human health-based) Ozone NAAQS. Moreover, with regard to the secondary (welfare-related) ozone standard, the Committee recommended an alternative secondary standard of cumulative form that is substantially different from the primary ozone NAAQS in averaging time, level and form — specifically, the W126 index within the range of 7 to 15 ppm-hours, accumulated over at least the 12 “daylight” hours and the three maximum ozone months of the summer growing season. The CASAC now wishes to convey, by means of this letter, its additional, unsolicited advice with regard to the primary and secondary Ozone NAAQS. *In doing so, the 25 members of the CASAC Ozone Review Panel are unanimous in strongly urging you, as EPA Administrator, to ensure that these recommendations be considered during the next review cycle for the Ozone NAAQS that will kick-off next year.*

March 12, 2008 was the first time since 1997 that the primary standard for ozone was updated, and the CASAC commends you for taking a step in the right direction by lowering the primary eight-hour ozone standard from 0.08 parts per million to 0.075 ppm. The Committee is also pleased that the Agency has abandoned the artificial use of only two decimal places for the standard, as reported in ppm. As noted in the CASAC’s previous letters to you on this subject, this practice has allowed rounding of ozone concentrations to as high as 0.084 ppm to meet the previous standard.

Nevertheless, the members of the CASAC Ozone Review Panel do not endorse the new primary ozone standard as being sufficiently protective of public health, let alone with an adequate margin of safety, as explicitly required by the Clean Air Act. The CASAC — as the Agency’s statutorily-established science advisory committee for advising you on the national ambient air quality standards — *unanimously recommended* lowering the primary standard to the range of 0.060–0.070 ppm for the purpose of protecting sensitive subpopulations, such as asthmatic children and adults, as well as others with chronic respiratory disease, thus providing this requisite margin of safety.

As you are well aware, numerous medical organizations and public health groups have also expressed their support of these CASAC recommendations. *In other words, there is both virtual unanimity and great certainty within the public health community about the need for further lowering the national ambient ozone standards.* We sincerely hope that, in light of these judgments and the supporting scientific evidence, you or your successor will select a more health-protective primary ozone standard in the future.

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The CASAC was also greatly disappointed that you did not change the form of the secondary standard. As stated in the preamble to the Final Rule, even in the previous 1996 ozone review, “there was general agreement between the EPA staff, CASAC, and the Administrator, ... that a cumulative, seasonal form was more biologically relevant than the previous 1-hour and new 8-hour average forms (61 FR 65716)” for the secondary standard. *Thus, in both the previous review and in the current review, the Agency staff and its advisors agreed that a change in the form of the secondary standard was desirable.* Unfortunately, this common-sense and scientifically-sound approach was not accepted, and the default position of using the primary standard for the secondary standard was once again instituted. This decision, according to the preamble, was based on comments from both the Office of Management and Budget (OMB) and the White House — and those concerns apparently overrode all the scientific information given by the CASAC, as an officially-constituted advisory body, as well as your own EPA scientific and technical staff. *The Committee sincerely hopes that in the next round of Ozone NAAQS review, the Agency will be able to support and establish a reasonable and scientifically defensible cumulative form for the secondary standard.*

We recognize that it will be difficult to bring the nation into compliance with lower primary and secondary ozone standards. However, the fact that it is difficult does not mean that it is not achievable, and the substantial progress made to date testifies to this. Therefore, the CASAC hopes that, in the future, through application of innovative new techniques in energy production, we as a nation can devise effective and efficient ways to lower the ambient ozone levels to a sufficiently health-protective level. It is axiomatic that the impetus for making such far-reaching changes can be only be enhanced by tighter national regulatory standards.

As always, the members of the CASAC wish the Agency well in our crucial — and mutual — efforts to protect both the human health and the environment.

Sincerely,

/Signed/

Dr. Rogene Henderson, Chair
Clean Air Scientific Advisory Committee