



UTILITY and TRANSPORTATION CONTRACTORS ASSOCIATION OF NEW JERSEY

Street Address: 2310 Highway 34 North, Manasquan, NJ 08736
Mailing Address: P.O. Box 728, Allenwood, NJ 08720
732-292-4300 FAX: 732-292-4310 www.utcanj.org



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February 7, 2011

Dr. Holly Stallworth, Designated Federal Officer (DFO)
EPA Science Advisory Board (1440R)
United States Environmental Protection Agency
1300 Pennsylvania Avenue, NW
Washington, D.C. 20004

Re: Science Advisory Board Staff Office; Notification of a Public meeting of the Clean Air Scientific Advisory Committee (CASAC) Ozone Review Panel

The Utility and Transportation Contractors Association of New Jersey (UTCA) wishes to offer a statement to the Environmental Protection Agency's (EPA) CASAC as part of the February 18th meeting to review EPA's 2008 National Ambient Air Quality Standards (NAAQS) for ozone.

UTCA currently numbers 1,000 member firms active in all phases of heavy, highway, marine, utility, recycling and environmental remediation construction throughout the State of New Jersey.

According to the EPA the purpose of reviewing the 2008 National Air Quality Standards (NAAQS) for ozone is "to ensure they are scientifically sound and protective of public health and the environment." President Obama expanded upon this goal when he signed a January 18 Executive Order noting that all regulatory efforts must "protect public welfare, safety and our environment while promoting economic growth, innovation competitiveness and job creation." The President's Executive Order further states all regulations must "be based upon the best available science" and "use the best, most innovative and least burdensome tools for achieving regulatory ends" It is with this meshing of scientific review and anticipated public policy in mind that UTCA wishes to offer comments on the EPA's recommendation for tightening the current standards for ozone.

Specifically, the President's Executive Order notes agencies must tailor regulations to "impose the least burden on society." With this in mind, EPA and CASAC must be cognizant of the impact more stringent ozone standards would have on other federal initiatives. Nearly 34,000 people die on U.S. highways each year and many federally funded highway improvements are designed specifically to address safety issues.

As such, imposing new ozone standards that lead to highway improvements being denied could be counterproductive to improving public health.

When considering ozone standards, and any possible changes, it is important to note the EPA's own reports have indicated an overall decline in ozone pollution. As EPA reported last year between 1990 and 2008, gross domestic product increased 64

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percent, vehicle miles traveled (VMT) increased 36 percent, energy consumption increased 19 percent, and U.S. population grew by 22 percent. During the time period, total emissions of the six principal air pollutants dropped by 41 percent.ⁱ In addition, there has been a decline in the overall concentration level of criteria pollutants for ozone (1-Hour) of 25 percent in the past 20 years.ⁱⁱ This progress has occurred both prior to and since the implementation of the existing ozone NAAQS. Furthermore, this continuing improvement indicates the current standard is working, and there is no need for any modification.

The EPA must consider reductions in ozone levels 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 30-parts per million (ppm) average sulfur level for gasoline with a cap of 80-ppm. When fully implemented by 2030, these regulations are expected to have the effect of removing 164 million cars from our nation's roadwaysⁱⁱⁱ

The revisions to the ozone NAAQS proposed by the EPA would greatly increase the stringency of the ozone regulations at a time when implementation of existing standards is already resulting in noticeable progress. Currently, 48 percent of the counties monitored for ozone levels are out of compliance. Tightening the current standard to levels put forth by the EPA could increase this to 96 percent (at the .060 ppm end of EPA's proposal,) almost doubling the amount of monitored counties that are out of compliance. As a result, these counties would then face the prospect of having highway funds put in jeopardy.

Any tightening of the ozone standard would result in the increased possibility of federal highway funding being placed at risk. Such a development would delay critically needed improvements to our nation's infrastructure network which has already reached "critical mass" in terms of being able to serve the needs of our citizens and economy. As such, the UTCA strongly feels recent recommendations to tighten ozone standards ignore the public health and welfare of those citizens in areas where transportation improvement projects will be placed at risk. We urge the EPA and CASAC not to alter the 2008 ozone NAAQS.

UTCA urges 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. Additional regulation at this point is akin to "moving the goalposts" and would run the risk of diluting current compliance efforts and should not be pursued. UTCA remains committed to helping to achieve a cleaner environment through the continuation of proven technological and regulatory efforts

Sincerely,

Robert A. Briant, Jr.
Chief Executive Officer

ⁱ U.S. EPA., *Our Nation's Air, Status and Trends through 2008* (February 2010).

ⁱⁱ United States Environmental Protection Agency, *National Trends in Ozone Levels, Ozone Air Quality 1980-2008*, available at <http://epa.gov/air/airtrends/ozone.html>.

ⁱⁱⁱ United States Federal Highway Administration, *Transportation Air Quality Selected Facts and Figures*, p 36 (2006)