



EPA Announces Revised Ozone Standards

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On March 12, 2008, EPA announced its decision make the primary and secondary national ambient air quality standards (“NAAQS”) for ozone more stringent by lowering both standards from 80 parts per billion (“ppb”) to 75 ppb. The actual effect of this change is greater than these levels indicate because the numerical rounding applicable to the existing standards allows for ozone levels as high as 84 ppb. The revised standards are widely expected to result in ozone NAAQS nonattainment area designations in areas that have not previously been in nonattainment status.

EPA’s decision prompted immediate criticism from industry and environmental interest groups alike. Industry representatives claim that the existing 80 ppb standards are protective and should have been retained and criticize the new standards as too costly. Environmental groups claim that EPA inappropriately considered cost in setting the standards, which they believe should have been set at even more stringent levels. Specifically, they criticize EPA for not following the recommendation of the agency’s Clean Air Scientific Advisory Committee, which unanimously recommended that EPA lower the standard to between 60 ppb to 70 ppb. Also at issue is a last-minute directive from the White House, pursuant to which the new secondary standard was set at the same level as the primary standard, rather than the seasonally-adjusted secondary standard that EPA had sought to promulgate.

Information regarding the new ozone standard is available on EPA’s website at:

<http://yosemite.epa.gov/opa/admpress.nsf/6424ac1caa800aab85257359003f5337/325164c014b3b8538525740a00745786!OpenDocument>