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Statement of Chairman Lamar Smith (R-Texas)

Reality Check: The Impact and Achievability of EPA's Proposed Ozone Standards

Chairman Smith: Today is the final day to submit comments on the Environmental Protection Agency's (EPA's) proposed National Ambient Air Quality Standards (NAAQS).

The Agency's proposal seeks to lower the standard to 65-70 parts per billion (ppb), from the current 75 ppb standard that was set in 2008 and is only now being implemented. Our hearing will review the impact of this proposed regulation and whether it can be implemented.

By law, the EPA is required to review the ozone standard every five years, but the agency is not required to set new standards. According to EPA's own website, since 1980, ozone levels have decreased by 33 percent and Volatile Organic Compounds have decreased by over 50 percent.

The air we breathe is significantly cleaner and will continue to improve thanks to new technologies. However, it is premature and unnecessary for the EPA to propose a new standard when we have not yet given states the opportunity to meet the 2008 standard. Many of the technologies that the EPA forces states to use either do not exist or will be excessively expensive.

In its Regulatory Impact Analysis, the EPA assumes that these controls will somehow just automatically be implemented. As this chart shows, at 70 ppb, over 60 percent of the costs of the program are based on so-called "unknown controls." And at 65 ppb, unknown controls become 75 percent of the estimated costs. By the EPA's own admission, this rule is unworkable.

I am also concerned that the science used to justify this rule is not good science. These proposed standards are impossible to meet in some places. The ozone level that occurs naturally would be above the standard set by the EPA, which would mean trying to beat Mother Nature.

International transport of ozone from countries like China and Mexico further complicate attaining the existing ozone standards. The EPA has failed to adequately consider these issues.

We should all be concerned about the process the EPA used to reach their conclusions. During earlier stages of this rule making, EPA relied on studies with data that was not publically available. This raises a lot of suspicions. Furthermore, the EPA has regularly chosen to disregard inconvenient scientific conclusions and muzzled dissenting voices.

This hearing provides an example of why we should support both the Secret Science Reform Act and the Science Advisory Board Reform Act, which are on the House floor this week.

The Secret Science Reform Act requires that the EPA use the best available science in an honest and transparent manner. The Science Advisory Board Reform Act promotes fairness, transparency, and public participation to ensure unbiased scientific advice.

There will be serious economic consequences if the EPA moves forward with new ozone standards. Implementation of this rule will cost billions of dollars and adversely affect many Americans. The cost is certain but the health benefits are not.

Today's witnesses will testify on how this proposed rule will impact American small businesses and job creation. According to the Business Roundtable's analysis, nearly 60 percent of Americans would live in areas of non-attainment, including 45 of 50 states that would be completely or partially violating the standard.

A non-attainment designation under the Clean Air Act has serious consequences. It stops new employers from moving into the state. Businesses would be forced to deal with additional burdensome permitting and compliance obligations, which halt expansion and economic development. Ultimately, good jobs will be lost.

This rule could be devastating. Many communities still struggle to meet the standards that were set in 2008. Other communities have never met the standards set in 1979. State and local municipalities will bear the brunt of the regulatory costs.

Tighter regulations also will hamper economic recovery and put additional burdens on the backs of hard-working American families. According to a February 2015 National Economic Research Associates comprehensive study, the average annual household consumption could be reduced by \$830 per year. In addition, families will have to pay for higher energy prices.

In 2010, businesses and communities across the country protested the EPA's efforts to tighten these standards. The overwhelming concerns eventually forced President Obama to withdraw the proposal. The President does not have any reason to propose these new rules since our air is already becoming cleaner.

These are the wrong regulations at the wrong time. The EPA should reconsider their proposed rule and keep the existing 2008 standard.

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