



COMMITTEE ON
SCIENCE, SPACE, & TECHNOLOGY
Lamar Smith, Chairman

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Statement of Environment Subcommittee Chairman Jim Bridenstine (R-Okla.)
EPA's 2015 Ozone Standard: Concerns over Science and Implementation

Chairman Bridenstine: Today's hearing focuses on the Environmental Protection Agency's final rule, announced earlier this month, to lower National Ambient Air Quality Standards for ozone to 70 parts per billion, down from the current standard of 75 ppb.

This hearing comes at a critical time as we must carefully review the science, impact and achievability of this final regulation, a regulation with heavy compliance costs but questionable environmental benefits.

Across the country, ozone levels and emissions for volatile organic compounds have been reduced significantly over the past few decades. My home state of Oklahoma is among those constantly working to improve air quality.

Despite this, it is concerning that the EPA is proposing to tighten the standard, especially since the existing standard, set in 2008, has yet to be fully implemented – and I will remind my colleagues that this is due to the fact that the guidance for state implementation plans was only released this past February by the EPA. States must be given a chance to comply with the existing standard before being imposed another onerous set of standards that are not achievable.

This year, this Committee has held several hearings to examine this complicated and massive regulation. Here are some important facts that we have learned from these hearings:

1. Just one study consisting of 31 participants is being used as the scientific justification of the costliest regulation in the history of this country, according to Dr. Allen Lefohn, a leader in environmental research.
2. Witnesses testified that background ozone contributes a significant amount to the observed total ozone concentrations, and with this proposed standard, background or natural ozone may become the main reason certain areas across the U.S. exceed the standard. Further, there are many national parks in the west which regularly exceed the new standard.
3. Contributions from wildfires to the ozone level are considered a part of background. Tightening the existing ozone standards may cause more unintentional fires of greater intensity as the use of prescribed, controlled fires may be limited. This has serious implications, especially to rural and remote areas.
4. While EPA claims that there are mechanisms to deal with background ozone, EPA has yet to provide details. This is especially true regarding implementation of its Exceptional Event Rule Demonstrations. According to the testimony of Ms. Kara Keslar from Wyoming's Department of Environmental Quality:

“Wyoming has submitted 5 stratospheric intrusion demonstrations. One demonstration has been concurred with and 4 have not yet been acted on by EPA.” This is an unacceptable track record.

5. Rural areas will be hit especially hard by the Clean Air Act’s transportation conformity requirements, which could mean the withholding of federal highway funds if an area is in non-attainment. According to the Oklahoma’s Department of Transportation, “Rural areas do not have the resources to achieve sufficient reductions of pollutants. The proposed action would be detrimental to social and economic development for rural areas across the state of Oklahoma.”

Beyond these concerns, it remains troubling to me that those who will bear this regulation’s compliance costs may also suffer a decline in their health status. Not surprisingly, the EPA did not include the premature deaths caused by the loss of disposable income when considering the true impact of this standard.

Furthermore, millions of senior citizens living on fixed incomes and low-income Americans may be forced to choose between medications, paying for heat, or for their food. Moreover, other existing and proposed EPA regulations such as the proposed Clean Power Plan will further exacerbate the negative economic impact.

This hearing is critical because Congress has the obligation to ensure the EPA adheres to the intent of the Clean Air Act, that the science behind any rule is sound, and that the totality of the impact of any rule is taken into account.

I want to thank each of the witnesses for coming this afternoon and I look forward to hearing their testimony. I yield back the balance of my time.

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