



## The Problems with EPA's Plan to Implement the New Smog Standard

Though the Bush EPA took an important first step by naming the counties that violate the standard, as it was required to do by law, its plan for implementing the standard is seriously flawed.

Since 1979, the Clean Air Act has had a "1-hour" ozone standard on the books that protects only against the highest levels of ozone experienced over short time periods. By the mid-1990's, however, it became clear that it is also necessary to protect against lower ozone levels experienced over longer periods of time. The "8-hour" standard was adopted by EPA in 1997. Unfortunately, though naming the counties is an important step, the EPA plan for implementing the standard is seriously flawed.

Certain metropolitan areas that should have to clean up ozone smog under the new 8-hour standard, like Pittsburgh, Allentown/Bethlehem, Scranton/Wilkes-Barre and Harrisburg, will not be required by EPA to use a set of control measures specifically designed by Congress to address ozone pollution, nor will they have to comply with the timeframe for doing so set forth in the Clean Air Act. Instead, polluters will likely be able to delay cleanup for at least a decade into the future. In addition, big polluters in even smoggier areas like Philadelphia will get extended deadlines to clean up smog pollution.

Among the specific problems, EPA's new plan:

- **Makes breathers in the smoggiest parts of the country wait even longer for clean air.** Many parts of the country already aren't meeting even the less stringent "1-hour" standard. EPA wants to discard the ongoing timelines for this old standard and start the clock again.
- **Opens gigantic loopholes for areas violating the new standard but not the old standard.** The old standard measures short-term smog levels; the new standard covers smog that is less concentrated but lasts longer, and so also has serious health impacts. Many parts of the country violate the new standard but not the old standard – exactly the reason the new standard was enacted. However, under EPA's implementation rule, those areas could avoid Congressionally-mandated controls altogether.

Sources:

Current 1-hour standard counties:

EPA nonattainment Green Book, August, 2003.

Available online at <http://www.epa.gov/oar/oaqps/greenbk/anay.html>

Proposed 8-hour standard counties:

EPA State Recommendations and EPA Responses, December 2003.

Available online at <http://www.epa.gov/ozonedesignations/state.htm>

Population data:

U.S. Census Bureau population for the year 2000.

Available online at <http://www.census.gov/>

Proposed Interstate Air Quality Rule as published in Federal Register, January 30, 2004, 40cfr Parts 51, 72, 75, and 96, pages 4639 – 4640.