



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

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Statement by Chairman Andy Biggs (R-Ariz.)

State Perspectives on Regulating Background Ozone

Chairman Biggs: In 2015, the Obama EPA lowered the National Ambient Air Quality Standard (NAAQS) from 75 parts per billion to 70 parts per billion. Meeting this new, unreasonable standard has placed an excessive economic burden on states across the country, and especially those in the Southwest. In my own state of Arizona, naturally-occurring background ozone—over which we have virtually no control—has created a compliance nightmare.

The solution to this problem is simple: the EPA should take local geographic factors into account when determining ozone standards. Simply slapping a “nonattainment” designation on areas where ozone emissions are not even originating is both unfair and devastating to business in the state. Background ozone can come from both domestic and international sources. For instance, a large amount of Arizona emissions originate in Mexico. However, the way the NAAQS are set, these emissions from outside the country are used against U.S. states.

The tragic result is that the Clean Air Act ends up burdening the very Americans it seeks to help—more often than not, hard-working people living in rural areas. Cutting emissions has become synonymous with cutting jobs.

Instead of enforcing unreasonable mandates, the states and EPA should instead work together to determine the amount of man-made emissions versus natural and international emissions in any given area. It makes absolutely no sense to force an area within the U.S. to try to compensate for emissions caused by other countries.

At first glance, Section 179B of the Clean Air Act seems to offer relief from emissions from international sources. However, when put into practice, it does not go far enough. A successful 179B demonstration does not allow an area to avoid a “nonattainment” designation; it just relieves it of some potential sanctions.

We cannot continue to punish states for emissions it cannot control. A nonattainment designation in turn triggers a nonattainment New Source Review (NSR), which then applies to all new major sources or major modifications to existing sources of pollutants. So, if a new business wants to open up or an old business wants to make certain changes, it has to go through the NSR process.

One of the requirements in this process is for a company to offset emissions. But in agricultural communities, where big business is the exception not the rule, offsets are almost impossible. There are simply not enough businesses to offset against.

This is why businesses would be reluctant to set up shop in a rural area that is in nonattainment—and I don't blame them. In a situation where sanctions are costly and offsets are impossible, businesses aren't given much of a choice. Job opportunities disappear and environmental regulations end up institutionalizing poverty.

We need to find a better system, and I look forward to this hearing as a way to explore these issues and foster a true discussion on the impacts of background ozone.

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