



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

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Statement of Chairman Lamar Smith (R-Texas)

EPA's 2015 Ozone Standard: Concerns over Science and Implementation

Chairman Smith: Today's hearing is on the Environmental Protection Agency's (EPA's) 2015 National Ambient Air Quality Standards for ozone.

The EPA is required to review the ozone standard every five years, but the agency is not required to set new standards.

The 2008 standard of 75 parts per billion is just now being implemented. And many states have not had the opportunity to meet the 2008 standard since guidance from the EPA for this standard was not made public until February. However, earlier this month, the EPA further reduced the standard to 70 parts per billion.

At our previous Committee hearings on the EPA's ozone rule, witnesses testified that further reduction of the standard is premature and unnecessary due to the lack of any sound science and the negative impact it will have on our economy. Unfortunately, the EPA did not address the serious concerns raised by these witnesses.

Our hearing today will review the impact of this final rule. According to EPA's own website, since 1980 ozone levels have decreased by 33 percent. The air we breathe is significantly cleaner and will continue to improve thanks to new technologies. However, many of the technologies that the EPA forces states to use either do not currently exist or will be overly expensive.

At the reduced ozone standard, over 60 percent of the costs of the program are based on technology that does not currently exist. The EPA assumes this technology will somehow be developed to implement their stringent regulations.

And these proposed standards are impossible to meet in some places where the ozone level that occurs naturally would be above the standard set by the EPA. Many of these communities would be responsible for ozone that they do not have the ability to control.

Wind-blown ozone from countries like China and Mexico further complicate the ability of the U.S. to meet the existing ozone standards.

Ozone Scientists Dr. Allen Lefohn and Dr. Owen Cooper raised concerns that, "[T]he [air] transport of urban pollution to rural areas is important for nonattainment considerations."

The EPA has failed to adequately consider these issues. This new ozone rule could cause many areas throughout the United States to be out of compliance with the Clean Air Act through no fault of their own.

A non-attainment designation under the Clean Air Act has serious consequences. It could cause new employers to not move into the state. Businesses would be forced to deal with additional burdensome permitting and compliance obligations, which slow expansion and economic development. Ultimately, good jobs will be lost in these areas. I am also concerned that the EPA's justification for this rule is not based on good science.

In August, I sent both the EPA and the Office of Management and Budget (OMB) letters in which I raised concerns about the proposed rule's over-reliance on one study, parts of which contradict previous peer-reviewed studies.

My letter also questioned if EPA and OMB properly addressed the issue of background ozone that witnesses raised in previous Science Committee testimony when EPA determined the final standard. I am concerned that neither agency adequately considered background ozone or the over-reliance on one study. Unfortunately, neither agency has provided the information I requested.

While EPA claims to base its regulations on the best available science, unless the EPA can prove otherwise it appears that their claims are nothing more than political rhetoric.

Good science should dictate policy. However, it appears that the EPA conveniently cherry-picks the science that supports its extreme agenda. This is not sound science; it is science fiction. Furthermore, the EPA has regularly chosen to disregard inconvenient scientific conclusions and muzzle dissenting voices.

Today's witnesses will testify on how this proposed rule will impact American small businesses and job creation.

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