



October 1, 2020

Andrew Wheeler, Administrator  
U.S. Environmental Protection Agency  
EPA Docket Center, Air and Radiation Docket  
Mail Code 28221T  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Attn: Docket ID No. EPA-HQ-OAR-2018-0279

Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Virginia

Re: *Proposed Action – Review of the Ozone National Ambient Air Quality Standards*

Dear Administrator Wheeler:

The Ozone Transport Commission (OTC) writes to express our concern with the truncated review process the U.S. Environmental Protection Agency (EPA) has recently implemented that fails to include sufficient scientific expertise to comprehensively inform the Administrator in making this proposed decision. Because of the insufficient information presented and the inadequate scientific review process currently used by EPA, we are unable to evaluate and fully comment on EPA's proposed action to not revise the current primary and secondary ozone national ambient air quality standards (NAAQS) for ozone.<sup>1</sup> Therefore, we request that the Agency withdraw its proposed action and provide a fuller scientific evaluation that better supports a future re-proposed action.

The OTC is a multi-state organization created under the Clean Air Act and led by the governors and their designated representatives from 12 states and the District of Columbia<sup>2</sup> to advise the EPA on addressing our shared ground-level ozone problem. Ozone pollution affects the health and environment of more than 66 million people in the OTC region, particularly the young, elderly, and persons with compromised health. Protecting public health and the environment from the harms of ozone pollution is at the core of the OTC's work.

The OTC is inherently non-partisan and united in its efforts to ensure public health and environmental protection by identifying practical and cost-effective ozone reduction strategies. A science-based approach in undertaking our duties is paramount to what the OTC does. With this in mind, we are concerned with EPA's changes to the NAAQS review process that have

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<sup>1</sup> 85 Fed. Reg. 49830-49917 (August 14, 2020).

<sup>2</sup> The Washington, DC mayor designates its two OTC representatives.

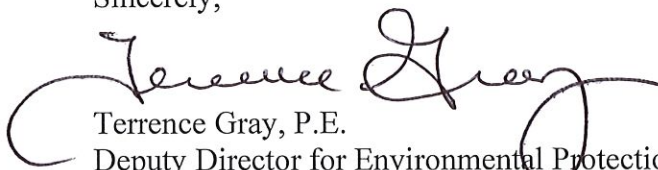
diminished the use of the best available science and precluded a fuller range of scientific expertise leading up to EPA's proposed action.

When EPA last revised the ozone NAAQS in 2015, the previous Clean Air Scientific Advisory Committee (CASAC) noted "that, based on the scientific evidence, a level of 0.070 ppm provides little margin of safety for the protection of public health, particularly for sensitive subpopulations."<sup>3</sup> CASAC at that time had the benefit of additional scientific expertise to inform its advice to EPA through the CASAC Ozone Review Panel of 20 people made up of CASAC members and outside public health researchers as well as experts in environmental sciences necessary for evaluating welfare impacts (e.g., agricultural and other vegetation damages).

There was no comparable breadth of expertise available in this latest NAAQS review process to better inform the current CASAC, and in turn EPA, on whether the proposed retention of the ozone NAAQS does in fact provide an adequate margin of safety as required by the Clean Air Act, nor whether the form and level of the secondary standard does in fact provide sufficient protection of welfare values, such as crop and forest health. While we respect the EPA's staff efforts in developing the Integrated Science Assessment during this review, it too would benefit from the additional outside expertise previously available in past reviews but removed from this one.

In the end, we do not have confidence that the record before the EPA Administrator is sufficiently informed to base a decision on revising the current ozone NAAQS. As such, we request that EPA withdraw the proposed action and return to a fuller review process involving the best available science and greater expertise before re-proposing.

Sincerely,



Terrence Gray, P.E.  
Deputy Director for Environmental Protection  
Rhode Island Department of Environmental Management  
OTC Chair

cc: OTC Commissioners and Air Directors  
U.S. EPA Regional Administrators, Regions I, II, and III

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<sup>3</sup> Clean Air Scientific Advisory Committee. CASAC Review of the EPA's Second Draft Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards. Letter to EPA dated June 26, 2014. Available at [http://yosemite.epa.gov/sab/sabproduct.nsf/5EFA320CCAD326E885257D030071531C/\\$File/EPA-CASAC-14-004+unsigned.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/5EFA320CCAD326E885257D030071531C/$File/EPA-CASAC-14-004+unsigned.pdf).