



MARY TAYLOR
LT. GOVERNOR
STATE OF OHIO

March 17, 2015

The Honorable Gina McCarthy, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy:

Last November, your agency issued proposed rules to change the National Ambient Air Quality Standard (NAAQS) for ground-level ozone from the current standard of 75 parts per billion (ppb) to a standard in the range of 65 to 70 ppb. I am writing to express serious concerns with the proposal and to encourage you to maintain the current NAAQS for ground-level ozone.

In Ohio, we have worked hard to establish a balanced regulatory system, led by the state's Common Sense Initiative that was created in 2011. We believe that the state and businesses should work in partnership to ensure a strong regulatory system promoting compliance, not punishment. This does not mean that we do not value the protections to health, safety, and the environment that are achieved through a strong regulatory system. In fact, the State of Ohio has seen significant improvement in the quality of the air we breathe since enactment of the federal Clean Air Act. However, we believe and have instructed our agencies to adhere to the core principle that protection of the environment and economic progress are not mutually exclusive. When evaluating proposed regulations, we require our agencies to articulate the need for the regulation, including any scientific analysis, as well as the economic impact in order to determine whether the purpose of the regulation justifies the impact. We believe that the current proposal to change the NAAQS would fail under this analysis due to both the economic impact and the lack of a scientific basis for reducing the standard below the current 75 ppb.

As mentioned above, in Ohio we demand that our agencies justify their regulatory actions with science, and we do understand that the EPA's interpretation of the Clean Air Act is that decisions are to be based on health considerations only. Even under this standard, we believe the proposal fails to meet your criteria. According to the Ohio EPA, your agency is relying on the same basic research that was used years ago, and upon which the EPA made the determination in 2010 to not tighten the standard. We do not believe there is anything in the toxicological or epidemiological analysis that justifies a standard below 75 ppb.

Moreover, the proposed changes have the potential for large economic impacts, both in Ohio and throughout the country. It is estimated that an NAAQS of 65 ppb could cause up to \$22

billion in lost gross state product between 2017 and 2040, and perhaps more than \$840 million in compliance costs. Based on current data, at least 34 out of 88 Ohio counties would be out of compliance with the proposed standard. In 2011, the federal Office of Information and Regulatory Affairs (OIRA) cited the unpredictability and uncertainty a new NAAQS would cause to the economy in urging your predecessor not to move forward with a similar proposal.

Ohio is in the process of implementing dozens of massive new regulations put in place by your agency over the past several years: regulations like the Mercury and Air Toxics Standards, the Boiler MACT, fuel economy standards for cars and trucks, regional haze rules, the Cross-State Air Pollution Rule, Tier 3 tailpipe emissions standards, and of course the Clean Power Plan. Taken together, these regulations impose billions of dollars in new costs. They will also drive major reductions in the emissions that cause ozone, making a new NAAQS even less necessary.

We are focused on creating jobs and developing a compliance friendly environment. However, the EPA continues to strain our resources by imposing a steady stream of complex and expensive new regulations that require an army of policy and technical experts and lawyers to decipher, respond to, and ultimately implement. Again, we do not believe that environmental protection and economic development are mutually exclusive. The current standard is helping improve the quality of our air, and any further reduction is unjustified. We ask you to reconsider these burdensome regulations and maintain the current standard of 75 ppb.

Sincerely,



Mary Taylor
Lt. Governor