

Testimony of Liz Mueller
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On
The U.S. Environmental Protection Agency Notice of Proposed Rulemaking
Revised Cross-State Air Pollution Rule Update for the 2008 Ozone National Ambient Air Quality
Standards

Docket ID No. EPA-HQ-OAR-2020-0272

November 12, 2020

Good afternoon. I want to thank you for providing the opportunity to comment on the proposed Revised Cross-State Air Pollution Rule. My name is Liz Mueller. I am the National Director of Advocacy for the American Lung Association's Healthy Air Campaign. Our mission is to save lives by improving lung health and preventing lung disease. Reducing air pollution is a critical focal point for achieving that mission.

One of the most dangerous air pollutants is ground-level ozone, also known as smog. Ozone pollution aggressively attacks lung tissue by chemically reacting with it. Even low levels of exposure can trigger immediate, dangerous health impacts including shortness of breath, wheezing, asthma attacks, and an increased need for medical treatment in those with lung diseases like asthma or chronic obstructive pulmonary disease (COPD). It also increases the risk of respiratory infections which underlines the urgency of reducing ozone levels while the country continues to battle a pandemic brought on by a respiratory infection.

We appreciate that EPA is taking steps to address shortfalls identified through legal challenges to the 2016 Cross State Air Pollution Update. During the public comment period for the rule in 2016, we addressed the failure to incorporate the implementation of new pollution control strategies and encouraged the use of a phased approach to account for concerns of a lack of time to install new controls. Upon reading this current proposal, we note that this phased approach has been included with the understanding that new technology will be applied to further reduce emissions. We also note that EPA decided to set specific NOx emissions budgets for each year from 2021 to 2024. Enforcing specific budgets for electric generating units on a yearly basis will help ensure that EGUs continue to implement pollution control technologies, even if – or when – various units retire or the sector transitions to cleaner energy technology.

While this update is a step in the right direction, we feel that it must be strengthened further if it is to successfully comply with the requirements under the Clean Air Act to fully protect public health. The proposed budgets for NOx emissions operate under the assumption that aggressive reductions in emissions will not be feasible until the 2022 ozone season when electric generating units have modern controls installed. As we emphasized during the public comment period for the 2016 Update, existing NOx controls can reduce pollution more than what EPA assumes. Additionally, EPA could exercise its

authority under the Clean Air Act to reduce NOx emissions by other methods while new technology is being developed and installed, such as requiring that coal plants don't operate on high ozone days.

The urgency for creative and aggressive approaches to reduce NOx emissions is underlined by the fact that this proposed rule is meant to comply with ozone standards that are too weak to adequately protect the public from harmful ozone pollution. The 2008 National Ambient Air Quality Standard for ozone is 75 parts per billion. The American Lung Association has advocated for an ozone standard of no higher than 60 parts per billion and the research supporting that standard has only grown in the last decade.

In spite of it being based on an outdated standard, we encourage EPA to strengthen the current proposal so that it more aggressively enforces the clean-up of interstate transport of ozone pollution, setting states on a path to expeditiously meet the 2015 ozone standard of 70 parts per billion, as required by the Clean Air Act – and provide more protection for all who experience adverse health effects of air pollution.

Communities dealing with pollution blowing in from across state lines have been waiting for nearly 5 years for this action to be taken and to see accountability enforced on the polluting states. EPA has taken steps to address weaknesses in the original rule to make pollution reductions more enforceable. On behalf of the American Lung Association and the communities we serve, I call on EPA to strengthen the rule even further so that it can be more protective of public health.

Thank you.