



Public Health at Risk in the American West as President Obama Withdraws Proposed Smog Standards

WildEarth Guardians Calls for Clean Air Action

Report Prepared by Jeremy Nichols, Climate and Energy Program Director for WildEarth Guardians, September 6, 2011

A Region With a Smog Problem

On September 2, 2011, President Barack Obama announced he was ordering the U.S. Environmental Protection Agency (“EPA”) to withdraw its plans to revise national ambient air quality standards for ground-level ozone, the key ingredient of smog.¹ The announcement leaves westerners particularly vulnerable to the effects of smog.²

WildEarth Guardians analyzed information provided by EPA as part of their 2010 proposed rule to update the ground-level ozone standards. This analysis found that President Obama’s announcement delays clean, breathable air for more than 50 million westerners, up to 78% of the entire population of the region. The tables below present the results of this analysis.³

The “Total Number of People Living in Polluted Areas” column in the tables below reflects the number of people living in counties with at least one monitor that, as of the EPA’s proposed rule, would register a violation of the EPA’s proposed standards, depending on where the standard was ultimately set. The EPA’s proposed standards would have limited ozone concentrations to a range of between 0.060 to 0.070 parts per million over an eight-hour period.⁴ To determine whether a county would violate, the EPA assessed whether the three-year average of the fourth highest annual eight hour ozone readings exceeded either 0.060, 0.065, or 0.070 parts per million at any monitor.

The health effects of ground-level ozone include asthma attacks, reduced lung function, inflammation of airways, coughing, throat irritation, pain when breathing, wheezing, and shortness of breath. Premature death may also be a symptom of ozone exposure. These health effects lead to increased health care costs due to increased hospital admissions, reduced worker

¹ The announcement can be viewed here, <http://www.whitehouse.gov/the-press-office/2011/09/02/statement-president-ozone-national-ambient-air-quality-standards>.

² The analysis considered western states to include Arizona, California, Colorado, Idaho, Montana, New Mexico, Nevada, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

³ These tables are based on air quality data from 2006-2008. WildEarth Guardians is preparing an updated analysis to reflect air quality data from 2009-2011. As of the date of this report, this updated analysis is showing that additional areas would likely violate the EPA’s proposed ozone standards, including Garfield County, Colorado (would violate a 0.060 parts per million standard), Mesa County, Colorado (would violate a 0.065 parts per million standard), and Uintah County, Utah (would violate a 0.070 parts per million standard).

⁴ The EPA would have ultimately adopted a specific standard somewhere within this range.

productivity, and reduced student productivity.⁵ Under the Clean Air Act, the EPA is required to set national ambient air quality standards for ozone based solely on what is needed to protect public health from these negative impacts.⁶ The Agency determined that under its 2010 proposal, the health benefits of stronger ozone standards could be as high \$100 billion annually for the United States.⁷

According to the data, up to 78% of the total population of the American West would benefit from stronger ozone standards.⁸ However, this figure is likely a low estimate because under the Clean Air Act, the EPA is required to clean up counties that may not be in violation, but that may contribute to violations in neighboring counties.⁹ Even if the EPA had established a standard at 0.070 parts per million, the upper end of its proposed range, more than 50 million westerners, or 74% of the entire population, would have reaped the benefits. Notably, 90% of all Californians, 87% of all Arizonans, 89% of all Utahns, 88% of all Nevadans, 79% of all Coloradoans, a full quarter of all Idahoans, among many more, would have also benefited.

Under the Clean Air Act, states have three years to develop ground-level ozone clean up plans and between three and 20 years to reduce smog to acceptable levels, depending on the severity of the violation. As the table below shows, the worse the smog (e.g., extreme), the longer the clean up period. However, these schedules are triggered only after a new standard is adopted. The President’s announcement therefore derails these timeframe, leaving the vast majority of westerners at risk from smog for an indefinite amount of time.

Smog Clean Up Schedule Under the Clean Air Act¹⁰

Nonattainment Designation for Ozone	Number of Years to Clean Up
Marginal	3
Moderate	6
Serious	9
Severe	15
Extreme	20

⁵ For an overview of the health effects of ground-level ozone, visit <http://www.epa.gov/apti/ozonehealth/population.html>.

⁶ This was upheld by an unanimous Supreme Court in *American Trucking Association v. Whitman*, 531 U.S. 457 (2001).

⁷ According to the EPA’s Regulatory Impact Analysis, <http://www.epa.gov/groundlevelozone/pdfs/fs20100106ria.pdf>.

⁸ The population data may not fully reflect more recent 2010 census data. A total list of counties projected to violate can be found at <http://www.epa.gov/air/ozonepollution/pdfs/CountyPrimaryOzoneLevels0608.pdf>.

⁹ Section 107(d)(1) of the Clean Air Act defines a nonattainment area as “any area that does not meet (or that contributes to ambient air quality in a nearby area that does not meet” the national ambient air quality standards.

¹⁰ This schedule is set forth under Section 181(a) of the Clean Air Act. In the West, the only severe or extreme nonattainment areas are in or near the Los Angeles, California area.

Clean Air Implications in the West of a 0.060 Parts Per Million Ozone Standard

State	Population	Total Number of People Living in Polluted Areas	% of Total State to Benefit from Cleanup
Arizona	6,500,180	5,930,812	91
California	36,756,666	33,698,391	92
Colorado	4,939,456	3,905,465	79
Idaho	1,523,816	518,395	34
Montana	967,440	0	0
Nevada	2,600,167	2,310,284	89
New Mexico	1,984,356	1,221,899	62
North Dakota	672,491	17,413	3
Oregon	3,790,060	1,242,880	33
South Dakota	814,180	8,216	1
Utah	2,736,424	2,447,523	89
Washington	6,549,224	3,793,749	58
Wyoming	532,668	110,249	21
TOTALS	70,367,128	55,205,276	78

Clean Air Implications in the West of a 0.065 Parts Per Million Ozone Standard

State	Population	Total Number of People Living in Polluted Areas	% of Total State to Benefit from Cleanup
Arizona	6,500,180	5,930,812	91
California	36,756,666	33,174,176	90
Colorado	4,939,456	3,905,465	79
Idaho	1,523,816	380,920	25
Montana	967,440	0	0
Nevada	2,600,167	2,310,284	89
New Mexico	1,984,356	1,192,055	60
North Dakota	672,491	0	0
Oregon	3,790,060	862,304	23
South Dakota	814,180	8,216	
Utah	2,736,424	2,447,523	89
Washington	6,549,224	2,661,158	41
Wyoming	532,668	70,305	13
TOTALS	70,367,128	52,943,218	75

Clean Air Implications in the West of a 0.070 Parts Per Million Ozone Standard

State	Population	Total Number of People Living in Polluted Areas	% of Total State to Benefit from Cleanup
Arizona	6,500,180	5,673,248	87
California	36,756,666	33,152,972	90
Colorado	4,939,456	3,905,465	79
Idaho	1,523,816	380,920	25
Montana	967,440	0	0
Nevada	2,600,167	2,285,388	88
New Mexico	1,984,356	959,242	48
North Dakota	672,491	0	0
Oregon	3,790,060	0	0
South Dakota	814,180	0	0
Utah	2,736,424	2,447,523	89
Washington	6,549,224	1,875,519	29
Wyoming	532,668	49,929	9
TOTALS	68,880,457	50,730,206	74

The Aftermath

Making matters worse, although the EPA revised the ozone standards on March 12, 2008, those standards have yet to be implemented. At the time, the EPA strengthened the ozone standards, lowering acceptable limits from 0.085 to 0.075 parts per million. The Agency found the revision was politically motivated, but nevertheless represented a strengthening of clean air safeguards.¹¹

Among other things, EPA was required to designate areas as nonattainment, or in violation of, the 2008 standards by March 12, 2011. These designations would have triggered clean up requirements for a number of areas in the American West. For some areas, such as Sublette County, Wyoming, the designations would have triggered the first-ever ozone clean up effort, providing much needed relief for residents. In 2010, the EPA announced it would make designations under the 2008 standards in March of 2011.¹²

The maps below show the areas that would likely be designated as nonattainment under the 2008 standards, as well as the proposed 2010 standards. Although the 2008 standards clearly

¹¹ The EPA noted that the 2008 standard of 0.075 parts per million did not comport with science, <http://www.epa.gov/air/ozonepollution/pdfs/fs20100106std.pdf>.

¹² The EPA was actually obligated to make designations by March 12, 2010, however the Agency took a one-year extension so that it could revise the 2008 ozone standards. 75 Fed. Reg. 2936-2937 (Jan. 19, 2010).

would not provide sufficient protection for many parts of the American West, they would have provided greater clean air protection for a number of areas. Coupled with President Obama's September 2, 2011 announcement withdrawing the EPA's 2010 proposed, westerners are especially vulnerable now from the effects of smog.

Hope for Clean Air in the West

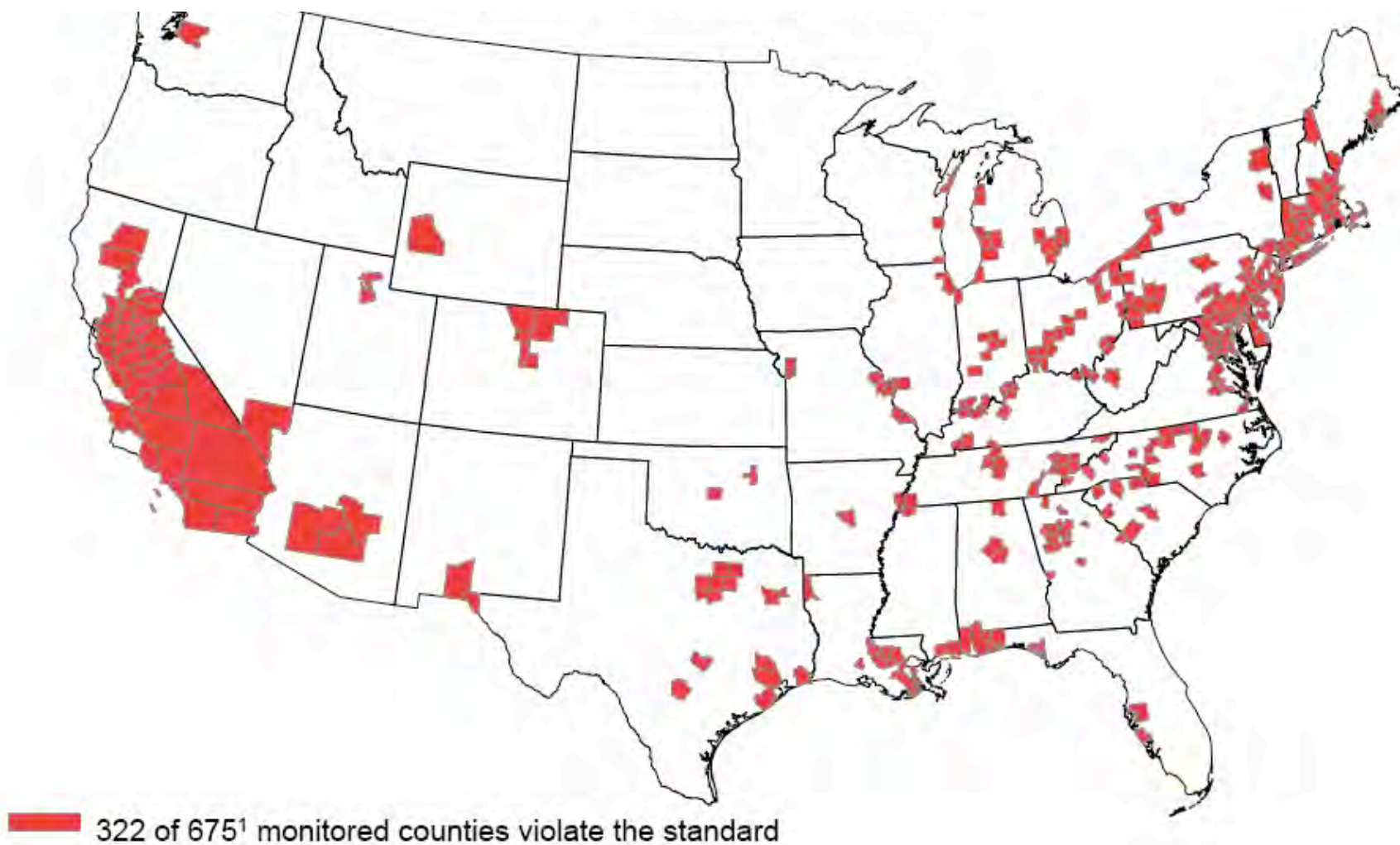
In response to President Obama's announcement, WildEarth Guardians filed suit against the EPA over its failure to implement the 2008 ozone standards.¹³ Although inadequate, they are a step forward and should be implemented in order to ensure that the American West—including areas such as Sublette County, Wyoming, Salt Lake City, Utah, Denver, Colorado, and Phoenix, Arizona—are on track to restore clean, breathable air for all westerners. When successful, the suit will lead to the designation of nonattainment areas, triggering obligations upon the states and the EPA to ensure that all dirty air areas are cleaned up in accordance with the Clean Air Act.

WildEarth Guardians also intends to file suit against the EPA to compel the Agency to implement other aspects of the 2008 ozone standards. Such requirements include obligations to limit interstate transport of ozone pollution, obligations to ensure that stationary sources are controlling their emissions to protect the standards, and obligations to ensure that clean air areas stay free of unhealthy smog.

With nearly 80% of the entire population of the American West at risk from smog, the EPA and the Obama Administration must be held accountable everywhere possible for ensuring westerners are provided the clean air they need to be prosperous, happy, and healthy. As the EPA implements the 2008 ozone standards, WildEarth Guardians will be working tirelessly to ensure the Agency and the Obama Administration follow through to establish limits on smog pollution according to science and the law. With \$100 billion in health benefits on the line, the entire nation, and in particular the American West, cannot afford more clean air delay.

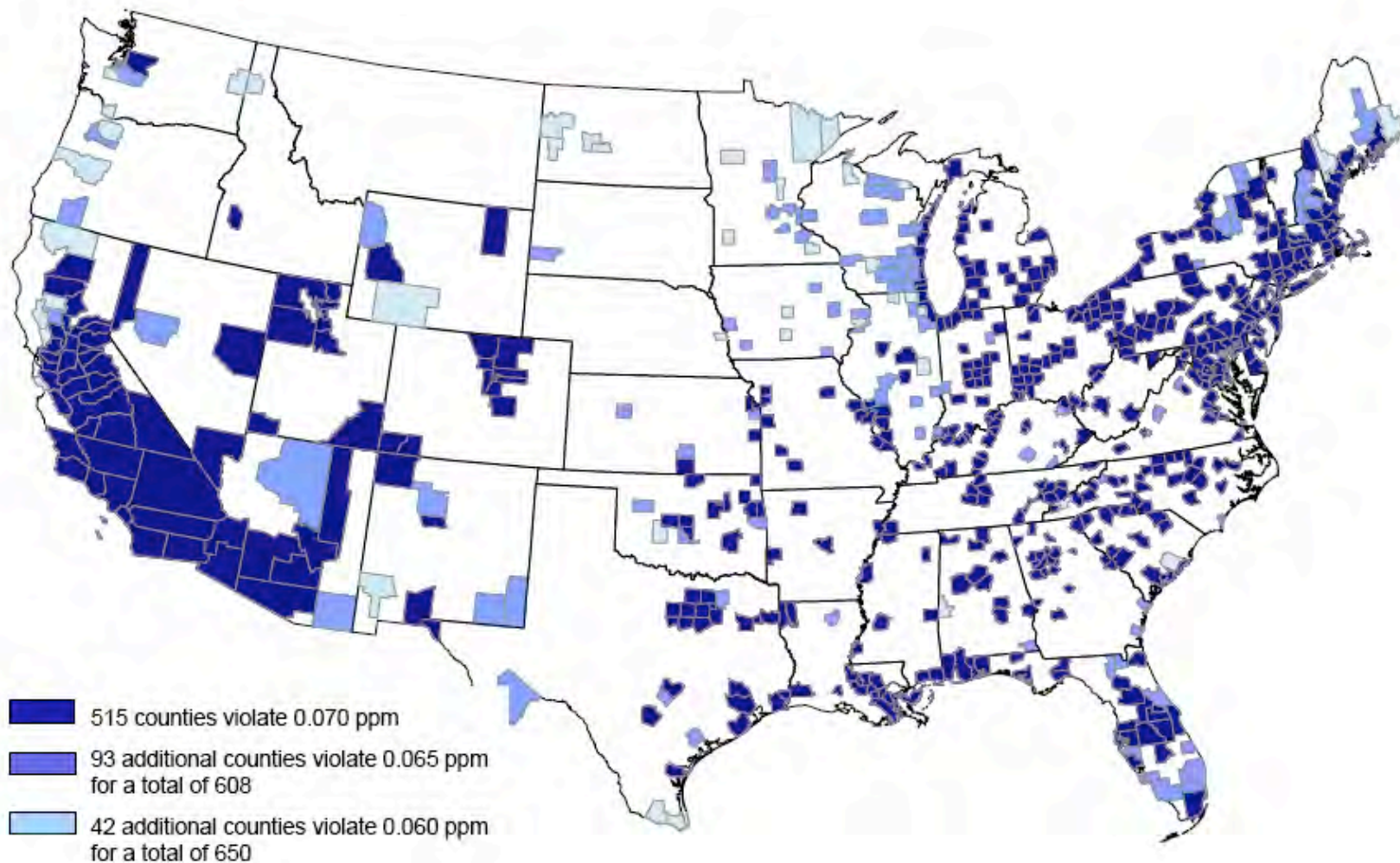
¹³ The lawsuit can be downloaded at <http://climatewest.files.wordpress.com/2011/09/2011-8-24-ozone-area-designations-complaint.pdf>.

Map 1. Counties With Monitors Violating the 2008 Ozone Standards¹⁴



¹⁴ This map can be downloaded at <http://www.epa.gov/air/ozonepollution/pdfs/20100104maps.pdf>. This map is based on 2006-2008 air quality data.

Map 2. Counties With Monitors Violating 2010 Proposed Ozone Standards¹⁵



¹⁵ This map can be downloaded at <http://www.epa.gov/air/ozonepollution/pdfs/20100104maps.pdf>. This map is based on 2006-2008 air quality data.