



June 2016

## Summary of H.R. 4775

# Provisions That Would Gut the Clean Air Act

Committee on Energy and Commerce, Democratic Staff

House Republicans claim that the goal of H.R. 4775, the “Ozone Standards Implementation Act,” is to facilitate a more efficient implementation of the Environmental Protection Agency’s (EPA) National Ambient Air Quality Standards (NAAQS) by states. But in reality, the bill is an irresponsible compilation of attacks that strike at the heart of the Clean Air Act and would undermine decades of progress on cleaning up pollution and protecting public health from all criteria pollutants – not just ozone.

### **The bill drastically delays implementation of the 2015 ozone NAAQS by up to eight years**

In October 2015 EPA finalized an ozone standard that adequately protects public health. The more protective standard of 70 parts per billion is already long overdue, and is expected to yield net benefits of up to \$4.6 billion in 2025 alone. But section 2(a) would needlessly suspend the realization of these public health benefits, which are particularly important for those with increased risk from ozone exposure like the elderly and those with asthma. Asthma disproportionately affects children, lower income families, and minority communities.

### **The bill doubles the NAAQS review period for all criteria air pollutants to every 10 years**

EPA is required to review the most up-to-date science and medical information on air pollutants every five years, and update the standards if necessary to protect public. The current five-year cycle provides a reasonable amount of time for the development and review of new studies. Section 3(a) extends the review period from every five years to every ten years, and therefore ensures that any update of the standards will not be based on the latest scientific evidence. Delaying EPA’s review of the best medical science won’t make outdated air pollution levels safe – it will just lead to more Americans suffering from unhealthy air for a longer period of time.

### **The bill changes the criteria for establishing a NAAQS from one that is based solely on protecting public health to one that includes consideration of “technological feasibility”**

The NAAQS are the core of the Clean Air Act, and are set at a level adequate to protect public health, including the health of sensitive groups such as children and the elderly. The NAAQS determine what level of air pollution is “safe” to breathe. Section 3(b) would undermine the long-standing criteria for establishing a NAAQS to include the “technological feasibility” of achieving the standard. This will allow polluters to override scientists, leading to air quality standards based on the potential impact to industry profits rather than health.

### **The bill gives new and expanded facilities amnesty from new air quality standards**

Section 3(d) requires EPA to issue rules and guidance for implementing a new or revised NAAQS “concurrently” when issuing the standard. If EPA does not meet this requirement, then new or expanding facilities would only have to comply with the outdated NAAQS, allowing some facilities to pollute more than their fair share. This shifts the burden and cost of cleaning up pollution to existing facilities, and would only serve to slow down the preconstruction permitting process.

### **The bill exempts extreme nonattainment areas from contingency measures**

Areas with poor air quality are currently required to establish contingency measures if they fail to make progress toward achieving the ozone standard. Section 3(e) exempts areas with the worst air quality from this requirement, effectively removing any incentive for extreme nonattainment areas to even try controlling their pollution.

### **The bill drastically expands the definition of “exceptional events”**

Section 3(h) expands the definition of “exceptional events” to include high temperatures and drought. This change would allow states to ignore poor air quality data that is associated with common occurrences, like hot summer days, and makes them appear as if the air is safe.