

March 24, 2014

Air and Radiation Docket and Information Center
U.S. Environmental Protection Agency
Mail Code 2822T
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: Docket No. EPA-HQ-OAR-2008-0699, Release of Draft Documents Related to the Review of the National Ambient Air Quality Standards for Ozone

On behalf of the 6,000 members of the American Road and Transportation Builders Association (ARTBA), I respectfully offer comments on the U.S. Environmental Protection Agency's (EPA) "Draft Documents Related to the Review of the National Ambient Air Quality Standards (NAAQS) for Ozone"

ARTBA's membership includes private and public sector members that are involved in the planning, designing, construction and maintenance of the nation's roadways, waterways, bridges, ports, airports, rail and transit systems. Our industry generates more than \$380 billion annually in U.S. economic activity and sustains more than 3.3 million American jobs.

ARTBA members undertake a variety of activities that could be directly impacted by any change in EPA's NAAQS for ozone. ARTBA's public sector members adopt, approve or fund transportation plans, programs or projects under Title 23 U.S.C. and Title 49 U.S.C., while ARTBA's private sector members plan, design, construct and provide supplies for these federal transportation improvement projects. This document represents the collective views of our 6,000 member companies and organizations.

EPA's issuance of the draft ozone documents is one of the first steps in EPA's NAAQS review as required by the federal Clean Air Act (CAA). Under the CAA, EPA must review NAAQS for six different pollutants every five years. While ARTBA shares EPA's goal of improving air quality and protecting public health, we have significant objections to the air quality standard review process as a whole.

Regulations do not operate in a vacuum. Before deciding whether or not to tighten existing ozone standards, EPA should take account what has already been achieved as well as expected air quality improvements from already approved initiatives. When considering ozone standards,

and any possible changes, it is important to note the EPA's own reports have indicated a 25 percent decline in annual ozone pollution since 1980¹.

Ground level ozone (as opposed to the ozone in the upper atmosphere or "ozone layer," which occurs naturally) is formed by the combination of the oxides of nitrogen (NO_x) and volatile organic compounds (VOCs) in sunlight. NO_x and VOCs are referred to as the "criteria pollutants" for ozone. As levels of NO_x and VOCs decline, so will the amount of harmful ground level ozone. Since 1980, NO_x levels have decreased by 59 percent and VOC levels have decreased by 57 percent².

Further, the EPA must consider reductions in ozone levels that will occur as a direct result of existing regulations and those yet to take effect. Dramatic improvements in ozone levels will continue to come from implementation of regulations enacted in 2007 on sulfur levels in gasoline, as well as measures affecting heavy-duty diesel engines and highway vehicles. In fact, in 2006, regulations took effect requiring refiners to meet a 30-parts per million (ppm) average sulfur level for gasoline with a cap of 80-ppm. This fuel enables vehicles to use emissions controls which are projected to reduce tailpipe emissions of NO_x by 77 percent from passenger cars and as much as 95 percent for pickup trucks, vans and sports utility vehicles. When fully implemented by 2030, these regulations are expected to have the effect of removing 164 million cars from our nation's roadways.³

Thus, there are currently regulatory efforts underway which aim to result in significant ozone reduction and should be considered when deciding whether to tighten current ozone standards.

Also, on a related note, EPA has recently proposed considering economic impacts when making CAA regulatory decisions. ARTBA strongly supports this proposal. While EPA is currently still taking comment on the issue, ARTBA contends the NAAQS review process is exactly the sort of EPA action where such an analysis should be conducted. Withholding federal highway funds can have negative effects on both employment and development for impacted counties where transportation improvements are delayed or cancelled. Further, once completed, transportation improvements can reduce congestion and improve air quality. Such improvements will not be realized if projects cannot go forward. A complete analysis of potential NAAQS should include the effects of the potential for both increased unemployment and reduced congestion relief.

In conclusion, ARTBA urges EPA to take notice of the current progress that has been and will be made in cutting the overall levels of ozone before approaching public policy decisions resulting in further regulation.

Sincerely,



T. Peter Ruane
President & C.E.O

¹ U.S. EPA Air Quality Trends, available at: <http://www.epa.gov/airtrends/aqtrends.html#comparison>.

² Id.

³ United States Federal Highway Administration, *Transportation Air Quality Selected Facts and Figures*, p. 36 (2006).