



BEATTY & WOZNIAK, P.C.  
*Energy in the Law*

## **EPA releases Final Policy Assessment Report on Ozone**

*Staff Support Lowering the Standard to a Range Between .060 and .070 ppm.*

By: [Dave Scott](#)

On Friday afternoon, August 29, the day before Labor Day Weekend, EPA released its final "Policy Assessment for the Review of the Ozone National Ambient Air Quality Standards (NAAQS)." The report, available [here](#), was prepared by EPA staff as part of the Agency's review of the adequacy of the existing primary and secondary NAAQS for ozone. The current primary standard was set in 2008 at .075 ppm. Attainment of the standard is based on a three year average of the fourth highest monitored level from a given regulatory monitoring location.

After discussing at length the various studies and data available, EPA staff conclude that the "available scientific evidence and exposure/risk information provide strong support for considering an [ozone] standard with a revised level in order to increase public health protection." The report goes on to state that the Administrator should "consider a revised standard level within the range of 70 ppb to 60 ppb [.070 ppm to .060 ppm]" because "a standard set within this range could provide an appropriate degree of public health protection and would result in important improvements in protection for at-risk populations and lifestages."

Setting the primary ozone NAAQS at this lower level would result in a broad expansion of the areas of the country designated as non-attainment for ozone. EPA has developed maps highlighting those areas of the country that may face a non-attainment designation if the standard is lowered. While based on somewhat dated information, the maps are useful for illustrative purposes. They are located [here](#).

EPA has also recently released related reports—"Health Risk and Exposure Assessment for Ozone" and "Welfare Risk and Exposure Assessment for Ozone." Both are available [here](#).

On a related note, oral argument has been set for October 21, 2014 before the United States Court of Appeals for the District of Columbia for those parties challenging, and defending, EPA's attainment/non-attainment/unclassifiable determinations based on the 2008 ozone standard. The parties recently presented proposals to the Court for the argument format, including the amount of time each party in the consolidated case would have to make their arguments.

For more information on the Policy Report, or the pending ozone litigation, please contact [Dave Scott](#) at Beatty & Wozniak.

2014, Beatty & Wozniak, P.C. All rights reserved.

This newsletter does not constitute legal advice. The views expressed in this newsletter are the views of the authors and not necessarily the views of the firm. Please consult with legal counsel for specific advice and or information.

Read our complete [legal disclaimer](#).