



March 22, 2010

The Hon. Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20004

Re: Reconsideration of the National Ambient Air Quality Standards for Ozone, Docket No. EPA-HQ-OAR-2005-0172, 75 Fed. Reg. 2938 (Jan. 19, 2010).

Dear Administrator Jackson:

The undersigned state manufacturing associations are strongly concerned with EPA's efforts to further tighten the National Ambient Air Quality Standard (NAAQS) for ozone. Given the continued improvement of the nation's air quality under the 1997 and 2008 standards, which were lowered less than two years ago, we are extremely concerned that EPA is proposing to bypass established processes to adopt stricter standards. This action will derail industry's efforts to recover from the most severe recession since

the 1930s. For these reasons, we strongly urge EPA to not move forward with its proposal to lower the existing standard below 75 parts per billion (ppb).

EPA's proposal to lower the ozone NAAQS will unnecessarily cause severe economic harm. Large swathes of the United States will be designated as being non-compliant with the new rule and will be unable to comply with a new rule. Lowering the existing 75 ppb standard to the lower end of the proposed range of 60 ppb would result in almost tripling the number of counties being designated as being in violation of the Clean Air Act (CAA). Designating an area as being in violation (or in "nonattainment") moreover, leads to new mandates and costs under the CAA, including additional control requirements for manufacturers, the need for new business to undergo nonattainment New Source Review permitting, and the imposition of financial penalties in areas failing to meet the new standards. All these actions will discourage new businesses from locating in nonattainment areas and restrict the growth of existing businesses.

This is not the time to impose these sorts of costs on American business, just as we are recovering from the recent financial downturn in which more than 2.1 million manufacturing jobs have been lost. It makes no sense to hurt local economies already struggling to emerge from the recession. The U.S. is projected to spend approximately \$9.6 billion per year on compliance costs with the current standard by 2010. A more stringent ozone standard could impose \$22 billion in additional annual compliance costs on industry, costing even more jobs.

Not only is EPA poised to add economic burdens that will cost jobs, but it is violating the CAA. We are concerned that in the rush to lower the NAAQS to conform to the Clean Air Science Advisory Committee's (CASAC) unachievable policy recommendations, the Agency has not followed the legally required process set out in the CAA. Before modifying a NAAQS, EPA must prepare a "criteria document" reflecting the latest scientific knowledge, and then have that document reviewed by CASAC. EPA has not followed these procedures. If EPA desires to modify the NAAQS, it must start over.

In short, commenters urge EPA not to further lower the standard. The proposed changes have not been made in a manner consistent with the requirements of the CAA, and will unnecessarily harm American manufacturing and business. We urge you to exercise your policy discretion to prevent even more Americans from losing their jobs.

Sincerely,

Arkansas State Chamber of Commerce/Associated Industries of Arkansas
Associated Industries of Florida
Associated Industries of Missouri
California Manufacturers & Technology Association
Illinois Manufacturers Association
Indiana Manufacturers Association
Iowa Association of Business and Industry
Kentucky Manufacturers Association
Louisiana Chemical Association
Michigan Manufacturers Association
Minnesota Chamber of Commerce
Montana Chamber of Commerce
Nebraska Chamber of Commerce
Nevada Manufacturers Association
New Jersey Business & Industry Association
State Chamber of Oklahoma
Pennsylvania Manufacturers Association
South Carolina Chamber of Commerce
Tennessee Chamber of Commerce
Texas Association of Business

Utah Manufacturers Association
West Virginia Manufacturers Association
Wisconsin Manufacturers Association