



June 16, 2016

Dear Senator:

Clean air is fundamental for good health, and the Clean Air Act promises all Americans air that is safe to breathe. The undersigned public health and medical organizations urge you to **oppose S. 2882, the so-called “Ozone Standards Implementation Act of 2016.”** Despite the clear scientific evidence of the need for greater protection from ozone pollution, and the Clean Air Act’s balanced implementation timeline that provides states clear authority and plenty of time to plan and then work to reduce pollution to meet the updated standard, S. 2882 imposes additional delays and sweeping changes that will threaten health, particularly the health of children, seniors and people with chronic disease.

In contrast to what the bill’s title implies, S. 2882 reaches far beyond implementation of the current ozone standards. It also permanently weakens the Clean Air Act and future air pollution health standards for all criteria pollutants. **Specifically, S. 2882 weakens implementation and enforcement of all lifesaving air pollution health standards including those for carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide.** It would also permanently undermine the Clean Air Act as a public health law.

The Clean Air Act requires that the Environmental Protection Agency review the science on the health impacts of carbon monoxide, lead, nitrogen dioxide, ozone, particulate matter, and sulfur dioxide air pollutants every five years and update these national ambient air quality standards according to the current science. **S. 2882 would lengthen the review period of the air pollution health standards from once every five years to once every ten years for all criteria pollutants.** As the science continues to evolve, EPA and states should have the best and most current data inform air pollution cleanup.

New research shows additional impacts that air pollution has on human health. For example, on March 29, 2016, a new study, *Particulate Matter Exposure and Preterm Birth: Estimates of U.S. Attributable Burden and Economic Costs*, was published that shows particulate air pollution is linked to nearly 16,000 preterm births per year. **Under S. 2882, EPA would have to wait as much as a decade to consider new evidence when setting standards. Ten years is far too long to wait to protect public health from levels of pollution that the science shows are dangerous or for EPA to consider new information.**

In the 2015 review of the ozone standard, EPA examined an extensive body of scientific evidence demonstrating that ozone inflames the lungs, causing asthma attacks, resulting in emergency room visits, hospitalizations, and premature deaths. A growing body of research indicates that ozone may also lead to central nervous system harm and may harm developing fetuses. In response to the evidence, EPA updated the ozone standards. While many of our organizations called for a more protective level, there is no doubt that the new 70 parts per billion standard provides greater health protections compared to the previous standard.

S. 2882 would delay implementation of these more protective air pollution standards for at least eight years. This means eight years of illnesses and premature deaths that could have been avoided. Parents will not be told the truth about pollution in their community and states and EPA will not work to curb pollution to meet the new standards. **The public has a fundamental right to know when pollution in the air they breathe or the water they drink threatens health, and Congress must not add eight years of delay to health protections and cleanup.**

**S. 2882 would also permanently weaken implementation of the 2015 and future ozone standards.** It would reduce requirements for areas with the most dangerous levels of ozone. Areas classified as being in “extreme nonattainment” of the standard would no longer need to build plans that include additional contingency measures if their initial plans fail to provide the expected pollution reductions. **The Clean Air Act prioritizes reducing air pollution to protect the public’s health, but S. 2882 opens a new opportunity for communities to avoid cleaning up, irrespective of the health impacts.**

Further, the bill would greatly expand the definition of an exceptional event. Under the Clean Air Act, communities can demonstrate to EPA that an exceptional event – such as a wildfire – should not “count” in determining whether their air quality meets the national standards. **This bill would recklessly expand the definition of exceptional events to include high pollution days when the air is simply stagnant – the precise air pollution episodes the Clean Air Act was designed to combat – and declare those bad air days as “exceptional.”** Changing the accounting rules will undermine health protection and avoid pollution cleanup.

**Additionally, the bill would permanently weaken the Clean Air Act.** The Clean Air Act is one of our nation’s premier public health laws because it puts health first. The Act has a two-step process: first, EPA considers scientific evidence to decide how much air pollution is safe to breathe and sets the standard that is requisite to protect public health with an adequate margin of safety. Then, states work with EPA to develop a plan to clean up air pollution to meet the standard. Cost and feasibility are fully considered in the second phase during implementation of the standard.

This bill states that if EPA finds that “a range of levels” of an air pollutant protect public health with an adequate margin of safety, then EPA may consider technological feasibility in choosing a limit within that range. Further, the bill would interject implementation considerations including adverse economic and energy effects into the standard setting process. **These changes will permanently weaken the core health-based premise of the Clean Air Act – protecting the public from known health effects of air pollution with a margin of safety.**

**S. 2882 is a sweeping attack on lifesaving standards that protect public health from air pollution. This bill is an extreme attempt to undermine our nation’s clean air health protections.** Not only does it delay the long-overdue updated ozone standards and weaken their implementation and enforcement, it also permanently weakens the health protections against many dangerous air pollutants and the scientific basis of Clean Air Act standards.

**Please prioritize the health of your constituents and vote NO on S. 2882.**

Sincerely,

Allergy & Asthma Network  
Alliance of Nurses for Healthy Environments  
American Lung Association  
American Public Health Association  
American Thoracic Society  
Asthma and Allergy Foundation of America  
Children’s Environmental Health Network  
Health Care Without Harm

American Academy of Pediatrics  
American College of Preventive Medicine  
National Association of County & City Health Officials  
National Environmental Health Association  
March of Dimes  
Physicians for Social Responsibility  
Public Health Institute  
Trust for America’s Health