



March 16, 2015

The Honorable Gina McCarthy
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Dear Administrator McCarthy,

In the four decades since the Clean Air Act was signed into law, our states have driven unprecedented improvements in air quality. We have done so while adhering to the core principle that meaningful environmental measures can and must coexist with free market policies that promote job growth and economic freedom. Your agency's new proposed change to the National Ambient Air Quality Standard (NAAQS) for ground-level ozone jettisons these free market policies in favor of an onerous, job-crushing standard. As chief protectors of our states' economies, we oppose this proposed change to the NAAQS for ground-level ozone.

The proposed NAAQS is so extreme that even some of our pristine national parks may not be able to satisfy it. It goes without saying that most cities and counties have no chance of attaining this standard. Indeed, many areas of our states have background levels of ozone at or near the levels you are proposing. According to an estimate by the Congressional Research Service, EPA's power-grab could plunge anywhere from 76% to 96% of the counties currently monitored for ozone into nonattainment.

Nonattainment is an economic penalty box so severe that needed economic growth is stunted. In nonattainment areas, any growth is predicated on successfully navigating a bureaucratic maze of federal and state regulators. New development resulting in any new ozone emissions in the area must be offset with emission reductions elsewhere—turning economic development into a zero-sum game. Some businesses will be forced to employ costly control measures. Some will likely scrap existing facilities and equipment altogether. The end result, of course, is that the costs will be passed on to hard-working Americans. Millions of Americans could be affected in a much more direct and devastating way: it is estimated that the proposed standard could cost the equivalent of 1.4 million jobs annually.

Nonattainment also jeopardizes needed transportation infrastructure projects. Roads that would add desperately needed capacity in nonattainment areas would be subject to review by multiple federal agencies—despite the fact that many of these projects may actually reduce ozone emissions by relieving congestion. This additional level of oversight is sure to both delay needed transportation projects and make them more expensive—if not thwart them altogether. It's no wonder many are calling this “the most expensive regulation ever.”

All of this says nothing of the dozens of massive new regulations put in place or proposed by your agency over the past several years: regulations like the Mercury and Air Toxics Standards, the Boiler MACT, fuel economy standards for cars and trucks, regional haze rules, the Cross-State Air Pollution Rule, Tier 3 tailpipe emissions standards, and of course the Clean Power Plan. Taken together, these regulations impose billions of dollars in new costs on our states and our citizens. Moreover, these regulations collectively work to lower ozone emissions already. Piling on the additional burden and expense of a lower ozone standard simply isn't necessary. In fact, many of our states have seen a dramatic decrease in ozone levels over the past decade under the current, more flexible standard.

Our states' resources are not infinite. At a time when we should be focusing on growing the economy and creating jobs, the EPA is imposing a steady stream of complex, expensive new regulations that require an army of policy and technical experts and lawyers to decipher, respond to, and ultimately implement. The proposed NAAQS for ozone is the most onerous and expensive yet. We ask you to instead keep the current standard of 75 parts per billion (ppb) in place.

Sincerely,



Governor Asa Hutchinson
Arkansas



Governor Nathan Deal
Georgia



Governor C.L. “Butch” Otter
Idaho



Governor Michael R. Pence
Indiana



Governor Bobby Jindal
Louisiana



Governor Paul R. LePage
Maine



Governor Phil Bryant
Mississippi



Governor Mary Fallin
Oklahoma



Governor Nikki Haley
South Carolina



Governor Greg Abbott
Texas



Governor Scott Walker
Wisconsin