



Dannel P. Malloy

GOVERNOR
STATE OF CONNECTICUT

June 20, 2017

The Honorable E. Scott Pruitt
Administrator
U.S. Environmental Protection Agency
William Jefferson Clinton Building
1200 Pennsylvania Ave, NW
Mail Code: 1101A
Washington, DC 20460

RE: Objection to Delay of Designations for the 2015 Ozone Standard

Dear Administrator Pruitt:

I am dismayed by your June 6th letter announcing a delay in implementation of the designation phase of the 2015 ozone National Ambient Air Quality Standards (NAAQS). Your decision is deeply troubling because it will postpone important progress to improve air quality in my home state of Connecticut, as well as states across the nation.

Pushing back the timeframe for putting in place this new, more stringent standard prolongs the risk of illness – and even death – for thousands of residents in my state who are most sensitive to unhealthy levels of ozone in our air. In addition to placing our health at risk, delay in addressing high ozone levels created by the interstate transport of air pollution from upwind states to Connecticut undermines our economy. Finally, your purported rationale for this deferral has little— if any—basis in law or fact.

Delay puts the health of Americans at risk

Noticeably absent from your letter is any mention of protection of public health – but your own science and our experience here in Connecticut demonstrate that there are real human costs to postponing the implementation of better standards. Your decision to extend the Environmental Protection Agency's (EPA's) deadline for promulgating initial area designations under the 2015 ozone NAAQS by a full year will push back long-awaited remedial actions required to clean the air Connecticut residents breathe every hour of every day. Your action is the latest evidence of EPA's failure to address ozone levels and to require all states to limit the discharge of air pollution within their borders.

Here in Connecticut we take this issue seriously. As you may recall, during this past winter's convening of the National Governors Association, I presented you with the fact that my state is already designated nonattainment for ozone and that we measure the highest levels of ozone in the Northeast. This is, however, through no fault of our own. More than 90% of this pollution blows into our state from other places. In fact, on some days, every power plant and factory in our state could shut down and Connecticut would still exceed the ozone NAAQS.

This point is worthy of repetition—if every power plant and factory within the boundaries of our state ceased operations, our air would still exceed the ozone NAAQS because of air pollution created in *other* states.

This is not fair to the people of Connecticut and it puts the health of our population at severe risk. We urge you to move faster – not slower – to implement the 2015 ozone standard so that concentrations of pollution in our air will be less of a threat to our residents.

High ozone levels have been directly linked to illnesses such as asthma, and in Connecticut, children, women, Hispanics, blacks, and residents of Connecticut's five largest cities are disproportionately affected by this condition. Connecticut is above the national average in asthma sufferers, and in 2014, Connecticut incurred over \$135 million in acute care charges due to asthma.

Delay hurts the state economy

Your letter also talks about not wanting to “imped[e] economic growth.” But delay means that Connecticut – a state where extensive investments have been made to limit pollution – will remain at a competitive economic disadvantage against states that ignore critical air quality issues in an effort to maintain a low-cost environment for their businesses.

In a nonattainment area, industries face additional administrative and air pollution control costs when applying for a new permit or expanding their business. Industries in our state are required to install the most stringent emissions controls in the country when building a plant, and must purchase pollution credits to offset new emissions. This can add millions of dollars to the cost of doing business.

The cost of removing additional pollution in Connecticut, where we already have stringent requirements in place, is estimated at \$10,000 to \$40,000 per ton. Compare this to the estimated cost of as little as \$500 to \$1,200 per ton it takes to remove the same amount of pollution in upwind states, where even some basic control technologies have not been installed at various facilities.

Delay contradicts the facts

Your argument for the delay is weak and unjustified. Contrary to claims in your June 6 letter, the EPA has all of the information and authority it needs to act.

Specifically, ambient ozone concentrations measured by over 1,100 monitoring stations located throughout the country were certified and submitted to EPA by May 1, 2016. States submitted

their designation recommendations as required by the October 2016 deadline. There is nothing missing from past information used by EPA to designate areas after previous revisions to the ozone NAAQS. Your agency is currently in possession of all the necessary information to promulgate the required initial designations immediately.

The other factors cited in your letter – background ozone levels, international transport, and exceptional event demonstrations – are immaterial to the initial area designations, but instead are considerations for the next phase—the implementation phase. In fact, Congress addressed these matters through separate provisions distinctly different from area designation requirements,¹ which provide EPA adequate flexibility to address the implementation considerations without delaying the significant public health benefits that your own Regulatory Impact Analysis shows greatly outweigh the costs of implementation.²

For the sake of public health and economic fairness, I urge you to reconsider the unnecessary one-year extension and to promulgate initial attainment and nonattainment designations under the 2015 ozone NAAQS as required by CAA section 107(d)(1)(B), and finalize the implementation rule proposed on November 16, 2016.

Connecticut looks forward to working with EPA to achieve our shared air quality goals while also ensuring that the necessary emissions reductions are secured in an equitable manner from contributing states.

Sincerely,



Dannel P. Malloy
Governor, State of Connecticut

¹ Specifically, Clean Air Act section 179B related to international transport, and section 182(h) related to rural transport areas, apply to state implementation plans or revisions that are due after an area's designation. Section 179B has in fact already been successfully applied by Texas to address international transport after the El Paso area was designated nonattainment. See "Approval and Promulgation of Implementation Plans for Texas; Approval of Section 179B Demonstration of Attainment, Volatile Organic Compounds and Nitrogen Oxides Motor Vehicle Emissions Budgets for Conformity for the El Paso Ozone Nonattainment Area." 69 Federal Register 32450-32454 (June 10, 2004).

² See [EPA-452/R-15-007](#); September 2015. The Regulatory Impact Analysis concludes that the revised standard will avoid 320-660 premature deaths annually and provide important benefits for those with asthma and chronic lung disease, avoiding 230,000 asthma attacks, 160,000 lost school days, and 28,000 missed work days each year. Overall, EPA estimates annual benefits of \$2.9-\$5.9 billion, outweighing estimated annual costs of \$1.4 billion. The one-year designation delay will unnecessarily cause substantial health and economic damages while needlessly deferring benefits. These are EPA's national estimates (excluding California) for 2025.