



Fact Sheet

November 13, 2002

PROTECTING PUBLIC HEALTH FROM OZONE AIR POLLUTION

The Ozone (Smog) Public Health Standard

In 1997, the U.S. Environmental Protection Agency (EPA) strengthened the ground-level ozone (smog) national ambient air quality standard to improve protection of children and other vulnerable populations against decreased lung function, respiratory ailments, hospital admissions and emergency room visits for respiratory causes, inflammation of the lungs, and possible long-term lung damage.

EPA's 1997 decision to tighten the ozone standard was based on an assessment of epidemiological and clinical studies demonstrating adverse health effects at pollution concentrations that currently exist in numerous communities across the country. These harmful effects occur even when ozone levels comply with the previous air quality standard, issued 23 years ago. EPA issued the 1997 standard because the previous standard was not adequately protecting public health.

Since 1997, the public health imperative for the standard has only become stronger as further scientific research has documented the adverse health effects of ozone. Several studies have associated elevated ozone levels with school absences due to asthma and other respiratory ailments.¹ Research has indicated that ozone may not only trigger asthma, but actually could be linked to the development of the condition in children.²

Delays in Implementing the Ozone Standard

Since 1997, the ozone standard has been the subject of a multiyear legal challenge by industrial interests. The central legal disputes were resolved by a March 2002 ruling of a federal court of appeals rejecting the legal attacks on the standard. This ruling followed a February 2001 unanimous decision of the United States Supreme Court rejecting industry arguments that EPA acted unlawfully in basing the standard solely on public health data. Under the Clean Air Act, the first crucial step to implement the 1997 ozone standard is EPA's determination of which areas meet or do not meet the standard. Although EPA was directed by law to make this determination more than two years ago, the agency failed to do so.

Citizen Suit and Proposed Settlement to Protect Public Health from Harmful Effects of Ozone

The American Lung Association, Environmental Defense, Natural Resources Defense Council, Sierra Club, Alabama Environmental Council, Clean Air Council, Michigan Environmental Council, Ohio Environmental Council, and the Southern Alliance for Clean Energy have filed a citizen suit to compel EPA to implement the 1997 ozone standard.

¹ Gilliland, F.D., et al. "The Effects of Ambient Air Pollution on School Absenteeism Due to Respiratory Illness," *Epidemiology* 12:43-54 (2001); Chen, L., et al. "Elementary School Absenteeism and Air Pollution," *Inhalation Toxicology* 12:997-1016 (2000).

² McConnell, R., et al. "Asthma in exercising children exposed to ozone: a cohort study," *The Lancet*, 359:386-91 (2002).

We have reached a proposed settlement with EPA that will require EPA to designate which areas nationwide do not meet the ozone standard - and to do so no later than April 2004. This deadline would be enforceable through a consent decree signed by a district court judge. To meet this deadline, EPA and the states will need to immediately begin taking steps to evaluate air quality monitoring data and other necessary information to determine which specific areas nationwide will be declared in noncompliance with the health standard.

Areas designated in noncompliance with the ozone standard must adopt pollution control strategies to achieve the standard within certain time frames. There are many cost-effective ways to reduce harmful ozone pollution levels through a combination of federal, state and local efforts. For example, the adoption of new federal emission standards and cleaner fuel requirements to lower the ozone-forming pollutants from large non-road engines such as construction equipment, agricultural engines, aircraft, and large commercial marine vessels would make a major contribution to healthier air quality. States have flexibility in designing pollution abatement programs based on local conditions and factors.

Communities with Ozone Pollution Levels Above the Standard

The 1997 public health standard for ozone is 0.08 parts per million and compliance is based on a 3-year average of the fourth-highest daily maximum 8-hour ozone concentration. EPA estimates that 291 counties, with a population of about 120 million people, have monitored violations of the standard, based on 1999-2001 data. See EPA's website at: <http://www.epa.gov/airtrends/data/AQupdate2001.pdf> (Table 4). This estimate of the affected population is conservative, since a violation in a single county generally represents unhealthy exposure across a broader area. Recent EPA data indicates that, if the delineation of areas violating the ozone standard is based on metropolitan areas, there would be a total of more than 600 counties in noncompliance, affecting more than 170 million people.

The 2002 Ozone Season: Widespread Noncompliance in Urban Areas and National Parks

The need for prompt action under the ozone standard has been underscored by air quality data from recent years, including the summer of 2002, when unhealthy ozone levels were widespread in numerous areas around the nation. In Pennsylvania, for example, the health standard was exceeded on 50 days over the course of the summer. See http://www.dep.state.pa.us/dep/deputate/airwaste/ag/ozone/ozone_exceed.htm

Eight national parks - Great Smoky Mountains, Joshua Tree, Mammoth Cave, Pinnacles, Rocky Mountain, Sequoia-Kings Canyon, Shenandoah, and Yosemite National Parks - monitored numerous days with unhealthy ozone levels in the summer of 2002. See <http://www2.nature.nps.gov/ard/gas/exceed.htm>

Ozone and EPA's New Source Review Rollbacks

EPA's impending rollbacks to the new source review program will undermine a critical tool that states have relied on for a quarter century to protect against worsening ozone air quality in areas with unhealthy pollution levels.

Web Sites of Citizen Suit Participants

[The American Lung Association](#)

[Natural Resources Defense Council](#)

[Alabama Environmental Council](#)

[Michigan Environmental Council](#)

[Southern Alliance for Clean Energy](#)

[Environmental Defense](#)

[Sierra Club](#)

[Clean Air Council](#)

[Ohio Environmental Council](#)