

Oral Statement of Nick Goldstein
Before the Environmental Protection Agency
Public Hearing
For the Reconsideration of the 2008 NAAQS
February 2, 2010—Arlington, VA

Good morning, I am Nick Goldstein, Assistant General Counsel for the American Road and Transportation Builders Association (ARTBA).

ARTBA represents more than 5,000 members nationwide, involved in all sectors of the U.S. transportation design and construction industry.

I would like to begin my statement by thanking the Committee for the opportunity to speak at today's public hearing regarding the reconsideration of the 2008 National Ambient Air Quality Standards (NAAQS) for ozone.

According to EPA Administrator Lisa Jackson, the purpose of reviewing the 2008 ozone NAAQS is to "ensure they are scientifically sound and protective of public health and the environment." To assist in achieving this goal, ARTBA would like to provide its unique perspective on the recommendation for tightening the current ozone standards.

The stated goal of reviewing the ozone NAAQS is to improve both public health and the environment. This is a commendable objective and one shared by ARTBA. EPA however, must be cognizant of the impact more stringent ozone standards would have on other federal initiatives. Nearly 42,000 people die on U.S. highways each year and many federally-funded highway improvements are designed specifically to address safety issues. As such, imposing new ozone standards that lead to highway improvements being denied could be counterproductive to improving public health. Further, jeopardizing highway funding in new areas through implementation of the EPA's recommendations is self-defeating and would impose new obstacles for needed transportation improvements that can cut both harmful emissions and billions of dollars in wasted motor fuel caused by traffic congestion.

When considering new ozone standards, it is important to note the EPA's own reports have indicated an overall decline in ozone pollution in the past thirty-five years. This decline has occurred despite overwhelming growth in population, vehicle miles traveled, energy consumption and Gross Domestic Product. As EPA reported last year: "between 1980 and 2008, gross domestic product increased 126 percent, vehicle miles traveled (VMT) increased 91 percent, energy consumption increased 29 percent, and U.S. population grew by 34 percent. During the same time period, total emissions of the six principal air pollutants dropped by 54 percent." Specifically, there has been a decline in the overall concentration level of criteria pollutants for ozone (1-Hour) of 25 percent in the past 20

years. This progress has occurred both prior to and since the implementation of the existing ozone NAAQS. Furthermore, this continuing improvement indicates the current standard is working, and there is no need for any modification.

Further, the EPA must consider reductions in ozone levels which will occur as a direct result of both existing regulations and those yet to take effect. Dramatic improvements in ozone levels will come from implementation of recently enacted and soon to be enacted regulations in areas such as:

- sulfur levels in gasoline;
- heavy-duty diesel engines and highway vehicles;
- heavy-duty trucks and buses; and
- emissions from nonroad diesel engines.

The revisions to ozone standards proposed by EPA would greatly increase the stringency of the ozone regulation at a time when implementation of existing standards is already resulting in noticeable progress.

Counties need some sense of predictability in order to develop long-range transportation plans to achieve ozone reduction. The current regulations were enacted in 2008, less than two years ago. Additional requirements will only serve to hamper efforts to comply with current standards by opening the door to possible litigation and sanctions potentially resulting in the loss of federal funding for transportation construction projects. This would be self-defeating, as highway improvements are a driving force behind the dramatic reductions in ozone and other pollutants which are already taking place.

Any tightening of ozone standards would likely result in communities being thrown out of compliance with the Clean Air Act and, in turn, placing federal highway funds for those areas at risk. In addition to the aforementioned increases in VMT and population, Federal Highway Administration data shows substantial increases overall numbers of motor vehicles (58 percent) and licensed drivers (41 percent) since 1980. During this same time period, the number of lane miles in the United States has only increased by six percent. The nation's road system is not keeping up with an ever growing congestion problem. Jeopardizing highway funding for these areas through implementation of the EPA's proposal would exacerbate this problem by imposing new obstacles for needed transportation improvements that can cut both harmful emissions and billions of dollars in wasted motor fuel caused by traffic congestion.

In conclusion, ARTBA urges the Committee to take notice of the current progress that has been and will be made in cutting the overall levels of ozone before approaching public policy decisions which would result in further regulation. Counties attempting to take a step forward to meet the 2008 standards should not be forced to take two steps back and adjust to new standards less than two years later. Current programs which are reducing ozone must be given a chance to be implemented before new standards or initiatives are considered. Additional regulation at this point is akin to "moving the goalposts" and would run the risk of diluting current compliance efforts and should not be pursued.