

The Curse of the Reconsidered Ozone NAAQS (and maybe PM?)

George Allen, NESCAUM

(participated in 2011 and 2023 reconsiderations and 2014 O3 review)



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“Reconsiderations” of 2020 PM and O3 NAAQS Reviews

Trump administration CASAC PM and O3 reviews: 2018-2019

Reconstituted CASAC - unqualified (by their own admission)

- Industry consultant chair, one academic, no panel
- Rushed, broke long-standing process norms (concurrent ISA/PA)

No changes – despite EPA Staff recommending tighter annual PM

Biden administration PM and O3 Reconsiderations announced 6/2021

“in a manner that adheres to rigorous standards of scientific integrity”

Another reconstituted CASAC, with panels, lots of academics

Consistent with previous process norms

Nothing political about this process

O3 Reconsideration[s]

The back-story: Not the first time.

2009-2011 Obama/Jackson reconsideration of 2008 revision (0.084 to 0.075 ppm)

CASAC: 60 to 70 ppb; Admin. Johnson ignored them (“policy, not sci, advice”)

Reconsideration: 70 ppb, pulled at the last minute (9/1/2011 - election year)

==> Was to be 65 (OMB push-back) per NY Times story:

<https://www.nytimes.com/2011/11/17/science/earth/policy-and-politics-collide-as-obama-enters-campaign-mode.html>

Or in pg 114 of this FOIA package:

<https://19january2017snapshot.epa.gov/sites/production/files/2014-01/documents/second-release-part-o.pdf>

FOIA link:



From the first version EPA sent to OMB in 2011:

“...the Administrator has concluded that a standard set at 0.065 ppm O₃ is requisite to protect public health with an adequate margin of safety. In so doing, she concludes that a primary O₃ standard set at 0.070 ppm would not protect public health with an adequate margin of safety for susceptible populations...”

2011 - 2014 Obama/McCarthy review (70 ppb):

CASAC: “70 ppb may not meet the statutory requirement to protect public health with an adequate margin of safety ... our policy advice is to set the level of the standard lower than 70 ppb”

2018 - 2020 Trump O3 review: 70 ppb

1/19/21: “unlawful, arbitrary and capricious”

2022 - 2023 O3 reconsideration:

holds legal action on 2020 rule in abeyance

- Policy Assessment document only, not ISA (PM recon included ISA)
- Revised PA: EPA staff still said 70 ppb [???
- CASAC concerns with ISA; put PA review on hold to assess ISA quality
- Revised revised PA, still 70

2022 - 2023 O3 reconsideration (continued)

- CASAC March 2023 panel (“all but one” of 18): 55 to 60 ppb [!!!]
EPA relied on CHE (chamber) studies, discounting the epidemiology

“CASAC strongly believes that the preponderance of epidemiological findings related to O3 short-term respiratory health effects was not adequately used in preparing the current PA.”

- Secondary/Welfare NAAQS (trees, crops, etc): 7 to 9 ppm-h (W126 form)

EPA didn't know what to do with this disconnect between staff and CASAC
pulled the reconsideration (8/21/23)

started next full review; IRP for ISA in fall 2024; final in 2028? (election year)

Until then we have 70 ppb ...

Legal Status, Jan. 3, 2024: EPA requested voluntarily remand of 2020 rule
buys time for full review

Context: Canadian CAAQS is 60 ppb (4th highest MDA8) in 2025
What it should be without the politics of compliance?

Important: Reconsiderations are discretionary Agency actions
do **NOT** reset the 5-year CAA clock – not full review cycles required by CAA

TBD as of 1/31/24: Will PM reconsideration (9 and 35) get pulled?
1/30/24 PM Abeyance extended again, to 2/13/24 -- Goffman conf vote?
More than a year since proposal (Jan. 6 2023);
It IS an election year ... (2011 O3)

Take-home lesson: Never try to finalize a tighter NAAQS in an election year