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MADIGAN URGES EPA TO LISTEN TO ITS OWN EXPERTS ON OZONE LEVELS

Illinois Joins Other States to Petition EPA to Adopt More Stringent Standards To Better Protect Public Health

Chicago - Attorney General Lisa Madigan, 13 other states, the District of Columbia and New York City have filed a petition with the federal appeals court in Washington, D.C. seeking review of a final rule issued March 27, 2008, in which the U.S. Environmental Protection Agency (EPA) adopted the National Ambient Air Quality Standard (NAAQS) for ozone.

The Clean Air Act requires EPA to set NAAQS for pollutants considered harmful to public health and the environment. The NAAQS limits the amount of pollutants such as ozone that can be in the air. The EPA rule revised the eight-hour standard for ozone from 0.084 parts per million (ppm) to 0.075 ppm. EPA also adopted an identical standard for the secondary NAAQS based on cumulative exposure over at least 12 daylight hours and three maximum ozone months of the summer growing season. In setting these standards for air quality, however, the EPA disregarded the advice of its own scientific advisory committee. EPA's Clean Air Scientific Advisory Committee recommended that EPA adopt a standard in the range of 0.60 to 0.070 ppm, citing a recent study that reported adverse effects in lung function for even healthy adults when ozone reaches a level of 0.80 ppm.

Ozone, commonly known as smog, forms when hydrocarbon vapors and nitrogen oxides react in the presence of sunlight and heat. Sources of hydrocarbons include vehicles, small engines, chemical plants, factories, refineries and filling stations. Nitrogen oxides are released by power plants, industrial boilers, vehicles and locomotives.

Last September, during a public hearing on the EPA's proposed rule to revise the NAAQS for ozone, Madigan's office presented testimony urging the EPA to protect public health by heeding the advice of its own scientists.

"It is simply unacceptable for EPA to ignore its own science advisory committee and set the new ozone standard at a level that will make breathing more difficult for children, seniors, people who work outdoors and those who already suffer from chronic lung disease," Madigan said. "It is absolutely vital that the EPA follow the science on this issue and adopt a standard that protects public health."

In the past six months, Madigan has joined with her colleagues nationwide to force environmental action by the federal government on a number of fronts:

- In April of this year, Madigan joined 14 other states, major cities and several environmental groups in filing a petition asking the D.C. Circuit Court to order EPA to comply within 60 days with the U.S. Supreme Court mandate in *Massachusetts, et al., v. EPA*. In that groundbreaking Supreme Court decision, the Court held that EPA is required to determine whether emissions of carbon monoxide, a greenhouse gas, contribute to endangering the public health or welfare.
- In January, Madigan joined 14 other states in filing a Motion to Intervene in California's Petition for Review of EPA's refusal to grant California's request for a waiver so that it could enact tougher pollution standards for car emissions than those of the federal government.
- In November 2007, Madigan and 11 other attorneys general filed suit against the EPA seeking a reversal of new regulations that, among other things, would allow thousands of companies to avoid disclosing to the public the toxic chemicals they use, store and release into the environment.

Attorney General Madigan also has taken the lead in fighting for clean air through efforts to ensure that the federal government does not weaken the regulations requiring older industrial and power generating facilities to upgrade with modern pollution control equipment.

Joining Illinois in the appeal filed Tuesday in the Court of Appeals for the District of Columbia Circuit are New York, California, Connecticut, Delaware, Maine, Maryland, Massachusetts, New Hampshire, New Jersey, New Mexico, Oregon, Pennsylvania, Rhode Island, the District of Columbia and New York City.

Senior Assistant Attorney General Gerald Karr and Environmental Counsel Susan Hedman are handling the matter for Madigan's Environmental Bureau.

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