

## **TESTIMONY CONCERNING USEPA PROPOSED NAAQS**

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On behalf of Illinois Attorney General Lisa Madigan, I would like to thank everyone present for the opportunity to offer these comments to U.S. EPA's proposed revision to the health standard for ozone.

EPA's proposed revision to the ozone standard ignores the counsel of its own Clean Air Scientific Advisory Committee ("CASAC"), that there is no scientific justification for retaining the current ozone standard and that the standard needs to be substantially reduced to protect human health, particularly sensitive subpopulations. Studies have shown that healthy adults, even at the current standard can suffer decreased lung function, increased respiratory symptoms, inflammations, and increased susceptibility to respiratory infection. Additionally, the impacts of ozone are far worse on young children, senior citizens, individual who work outside, and those individuals already suffering from lung disease, such as asthma. The Office of the Illinois Attorney General fully supports CASAC's unanimous recommendation that the primary ozone National Ambient Air Quality Standard ("NAAQS") be revised to a range of 0.060 to 0.070 parts per million ("ppm").

CASAC was established by Congress with the specific mission of advising EPA in establishing ambient standards under the Clean Air Act. If the Clean Air Act provisions establishing CASAC are to have any meaning at all, then EPA must carefully consider its recommendations. It could be argued that EPA may consider CASAC's recommendation and then choose to reject it based on sound science. Whether that is true or not, it is not what is happening here.

This rejection of science as a basis for setting Clean Air Act ambient standards violates not only the Clean Air Act provisions establishing CASAC, but the larger principle upheld by the US Supreme Court in 2001, which is that NAAQS standards must be based solely on public health considerations. It is not entirely clear what considerations were behind EPA's ill-explained disregard of CASAC. But it is clear that public health was not at the forefront.

CASAC puts considerable effort in using science to help set NAAQSs that are protective of public health. EPA's proposal to leave the standards as is or lower them to levels that are not protective of human health is not consistent with recommendations of the science advisors. Ozone is a dangerous and pervasive problem that must be met head

on with a strong national standard. Once again we support the range proposed by CASAC.