FACT SHEET

Final Rule to Implement the 1997 8-Hour Ozone National Ambient Air Quality Standard: Classification of Areas That Were Initially Classified as Subpart 1; Revision of the Anti-Backsliding Provisions to Address 1-Hour Contingency Measure Requirements; Deletion of Obsolete 1-Hour Ozone Standard Provision

ACTION

- On April 27, 2012, the U.S. Environmental Protection Agency finalized revisions to the 2004 rule that specified the first phase of requirements that state, tribal and local air pollution control agencies would follow to meet the 1997 8-hour Ozone National Ambient Air Quality Standards.

- As a result of this action, the Clean Air Act classifications for 16 areas of the U.S. will be revised for the 1997 8-hour ozone standard. The areas were originally classified under the more general Subpart 1 provisions of the CAA as shown in the table below. The areas will be classified as marginal or moderate under the ozone-specific Subpart 2 provisions of the CAA.

- The revisions are EPA's response to a December 22, 2006 decision by the U.S. Circuit Court of Appeals for the District of Columbia Circuit Court. (*South Coast Air Quality Management Dist. v. EPA*, 472 F.3d 882 (D.C. Cir. 2006)).

- EPA is reclassifying the following areas under Subpart 2 as shown in the table below.

State	Area	Original Subpart 1 Classification	New Subpart 2 Classification
Arizona	Phoenix-Mesa	Marginal	Marginal
California	Amador and Calaveras Counties (Central Mountain)	Marginal	Moderate
	Chico	Marginal	Marginal
	Kern County (Eastern Kern)	Moderate	Moderate
	Mariposa and Tuolumne Counties (Southern Mountain)	Marginal	Moderate
	Nevada County	Moderate	Moderate
	San Diego	Moderate	Moderate
	Sutter County (Sutter Buttes)	Marginal	Marginal
Colorado	Denver, Boulder, Greeley, Ft. Collins & Love	Marginal	Marginal
Nevada	Las Vegas	Marginal	Marginal
New York	Albany-Schenectady-Troy	Marginal	Marginal
	Buffalo-Niagara Falls	Moderate	Moderate
	Essex County (Whiteface Mtn.)	Marginal	Marginal
	Jamestown	Moderate	Moderate
	Rochester	Marginal	Marginal
Pennsylvania	Pittsburgh-Beaver Valley	Moderate	Moderate

- Subpart 2 of the Clean Air Act contains additional requirements that areas need to follow to implement the standards for ground-level ozone. EPA is aware that many of the areas listed in the table above have already satisfied certain Subpart 2 requirements in their state air plans.

- The final action addresses how contingency measures for the 1-hour ozone standards should apply under the anti-backsliding provisions of the 1997 8-hour ozone implementation rule. The contingency measures include emissions control requirements designed to maintain air quality that meets the level of the 1-hour ozone standard. The provisions must remain in state implementation plans to assure that air quality does not deteriorate or back-slide

- If areas have current air quality data that meets the 1997 8-hour ozone standards and Clean Data Determinations, they may be able to suspend planning obligations as long as the air quality meets the standard.

- This action removes the provisions that exempted areas from the requirements of nonattainment new source review and CAA section 185 penalty fees under the 1-hour standards.

- This action deletes an obsolete provision that stayed the EPA's authority to revoke the 1-hour ozone standard pending judicial review and certain rulemaking activities that have now been completed.

BACKGROUND

- The EPA set the 1997 ground-level ozone standard at 0.08 parts per million - ppm. Even though the ozone standard was subsequently revised in 2008, the 1997 standard remains in effect. Many areas throughout the country continue to work towards attaining it.

- On March 12, 2008, the EPA strengthened the 1997 8-hour primary ozone standard, designed to protect public health, to a level of 0.075 ppm. EPA also strengthened the secondary 8-hour ozone standard to the level of 0.075 ppm making it identical to the revised primary standard.

- On April 30, 2004 (69 FR 23951), the EPA published the final Phase 1 implementation rule that addressed the following key elements related to implementation of the 1997 8-hour ozone national ambient air quality standards:
    - Classifications for the 8-hour NAAQS; revocation of the 1-hour NAAQS (i.e., when the 1-hour NAAQS will no longer apply);
    - How anti-backsliding principles will ensure continued progress toward attainment of the 8-hour ozone NAAQS;
    - Attainment dates; and
    - The timing of emissions reductions needed for attainment.

- On December 22, 2006, the U.S. Circuit Court of Appeals for the District of Columbia Circuit issued a decision, ruling against EPA on several of the issues raised and rejecting other challenges to the rule. (*South Coast Air Quality Management Dist. v. EPA*, 472 F.3d 882 (DC Cir. 2006)).

- In response to this court action, the EPA proposed revisions to this rule in January 2009 to address the provisions vacated by the court. Today's rulemaking finalizes these revisions.

HEALTH AND ENVIRONMENTAL EFFECTS OF OZONE POLLUTION

- Ground-level ozone is not emitted directly into the air, but forms through a reaction of nitrogen oxides (NOx) and volatile organic compounds (VOC) in the presence of sunlight.

- Emissions from industrial facilities and electric utilities, motor vehicle exhaust, gasoline vapors, and chemical solvents are the major man-made sources of NOx and VOC.

- Exposures to ozone can:
  - Reduce lung function, making it more difficult for people to breathe as deeply and
  - vigorously as normal,
  - Irritate the airways, causing coughing, sore or scratchy throat, pain when taking a
  - deep breath and shortness of breath,
  - Inflame and damage the airways,
  - Increase frequency of asthma attacks,
  - Increase susceptibility to respiratory infection, and
  - Aggravate chronic lung diseases such as asthma, emphysema and bronchitis.

- In some people, these effects can lead to:
  - Increased medication use among asthmatics,
  - More frequent doctors visits,
  - School absences,
  - Increased emergency room visits and hospital admissions, and
  - Increased risk of premature death in people with heart and lung disease.

- Groups that are at greater risk from ozone include:
  - People with lung disease, especially children with asthma,
  - Children and older adults, and
  - People who are active outside, especially children and people who work outdoors.

- Ground-level ozone can have harmful effects on sensitive vegetation and ecosystems. When sufficient ozone enters the leaves of a plant, it can:
  - Interfere with the ability of sensitive plants to produce and store food, leading to reduced growth, making them more susceptible to certain diseases, insects, other pollutants, competition and harsh weather.
  - Visibly damage the leaves of trees and other plants, harming the appearance of vegetation in urban areas, national parks, and recreation areas. These effects can have adverse impacts on ecosystems, including loss of species and changes to habitat quality, and water and nutrient cycles.

FOR MORE INFORMATION

- To download the action from EPA's website, please visit: http://www.epa.gov/air/ozonepollution/actions.html#stand.

- Today's final rule and other background information are also available either electronically at http://www.regulations.gov, the EPA's electronic public docket, and comment system, or in hardcopy at the EPA Docket Center's Public Reading Room.

- The Public Reading Room is located in the EPA Headquarters Library, Room Number 3334 in the EPA West Building, located at 1301 Constitution Ave., NW, Washington, D.C. Hours of operation are 8:30 a.m. to 4:30 p.m. eastern standard time, Monday through Friday, excluding Federal holidays.

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