

The EPA's proposed ozone standard and what it could mean for Wisconsin

By JOHN PAULUS

Seventy-five parts per billion is a huge number when it comes to ground-level ozone pollution, says the United States [Environmental Protection Agency](#). Seventy-five parts per billion is the current air quality standard for ozone pollution, commonly known as smog.

In a regulatory proposal published in the [Federal Register](#) in December, the EPA is proposing to reduce the allowable threshold for ground-level ozone to between 65 and 70 parts per billion.

While the change might seem small and somewhat arbitrary, it's no small thing and it calls into question whether we've granted too much discretion to our regulatory agencies.

According to Eric Bott, director of environmental and energy policy at [Wisconsin Manufacturers & Commerce](#), at 70 parts per billion, all of Wisconsin's counties along Lake Michigan, and more somewhat inland from the lakeshore counties, from Green Bay to Kenosha would become non-attainment areas.

He said, "sixty-five is where the smart money thinks USEPA will set the standard."

At that threshold, Bott said, most of southeastern Wisconsin, south of a line drawn from Green Bay to Grant County, would become a non-attainment area and that potentially could prohibit any significant expansion of Wisconsin's manufacturing economy in that area.

"We're nervous – this is a big deal," Bott said.

Not so much, says the EPA: The proposed standard dovetails with other regulatory initiatives. In proposing a new ozone air quality standard, it wrote: "To provide a foundation that helps [state] air agencies build successful strategies for attaining new O₃ standards, the EPA will continue to move forward with federal regulatory programs, such as the proposed Clean Power Plan and the final Tier 3 motor vehicle emissions standards."

In requesting comments on the proposed ozone change, the EPA also invited comments on maintaining the current standard, alternatively lowering it to 60 parts per billion or choosing some point in between. The [comment period](#) ends on March 17.

The EPA's independent scientific advisory committee recommended the agency set the new standard at between 70 and 60 parts per billion. At the low end, it would make the rule the most expensive ever, according to a [NewERA Economic Consulting study](#), commissioned by the [National Association of Manufacturers](#). The NERA study pegged the compliance cost at \$270 billion annually.

According to Wisconsin [Department of Natural Resources](#) ozone monitoring stations, a 60 parts per billion ozone standard looks a lot like ambient peak summertime ozone levels.

Bart Sponseller, deputy division administrator for the DNR's Air, Waste and Remediation & Redevelopment Division, said its sensors on northern Wisconsin tribal reservations over the past three years have recorded average peak ozone levels of between 59 and 61 parts per billion.

While the EPA has its scientific advisory committee recommending a change in the air quality standard to between 70 and 60 parts per billion, the agency has complete discretion on changing the standard and where it should be set.

The National Association of Manufacturers, in its report on the potential economic fallout from a new ozone quality standard, observed: "The existing 0.075 (parts per million) ozone standard has not been implemented, meaning society has neither borne the costs nor determined there are discernible benefits of that standard."

That about sums it up – costs borne by the public versus discernible benefits.

It's the driver in Gov. Scott Walker's plan to [legally challenge](#) the [EPA Clean Power Plan](#) and in Congress' proposed [Regulations from the Executive in Need of Scrutiny \(REINS\) Act](#). The Clean Power Plan is designed to reduce carbon emissions from fossil-fuel fired power plants; the REINS Act would require legislative and presidential approval of any major federal regulatory action.

The EPA's proposed change in the ozone standard puts a face on the debate that will define the course of American regulatory policy in the next election cycle and beyond.

John Paulus of Cedarburg is a retired environmental journalist.