

FACT SHEET

PROPOSED RULE TO DEFER THE EFFECTIVE DATE FOR 8-HOUR OZONE STANDARD NONATTAINMENT DESIGNATIONS FOR EARLY ACTION COMPACT AREAS

ACTION

- On December 11, 2003, the Environmental Protection Agency (EPA) proposed to defer the effective date of “nonattainment designations” for certain areas of the country that do not meet the national 8-hour ozone air quality standard. EPA designates an area as “nonattainment” if its air quality fails to meet health-based national air quality standards.
- An official nonattainment designation requires an area to implement a number of efforts to improve air quality by a certain date.
- The areas subject to this proposed rule are known as *Early Action Compact* areas. Early Action Compacts have signed innovative agreements with EPA to reduce ground-level ozone pollution sooner than the Clean Air Act requires.
- In a separate rule, by April 15, 2004, EPA will designate all areas for the 8-hour ozone standard. At that time EPA anticipates that it will defer the effective date of nonattainment designations for *Early Action Compact* areas that continue to meet compact milestones towards clean air.
- EPA will accept comment on the proposal through 60 days after publication of the proposed rule in the *Federal Register*. After reviewing all comments, the Agency anticipates issuing the final rule in April 2004 at the same time it designates areas for the 8-hour ozone standard.

BACKGROUND

- EPA is working with 33 communities around the country to get clean air as soon as possible. Together with EPA, these communities entered into *Early Action Compacts*. The goal of these Compacts is to reduce ground-level ozone, commonly known as smog. Communities with *Early Action Compacts* will start reducing air pollution about two years sooner than required by the Clean Air Act.
- By reducing pollution ahead of schedule, these communities will bring substantial, sustainable health and environmental improvements to their residents sooner than would have been achieved without these agreements.
- Communities participating in the *Early Action Compacts* must submit plans for meeting the

national 8-hour ozone standard in 2004, rather than waiting until 2007 -- the deadline for other areas not meeting the 8-hour ozone standard.

- *Early Action Compacts* require communities to:
 - < Develop and implement air pollution control strategies,
 - < Account for emissions growth, and
 - < Achieve and maintain the national 8-hour ozone standard.

- EPA will designate these areas “nonattainment” for the 8-hour standard. However, as long as *Early Action Compact* areas meet agreed upon milestones, the impact of nonattainment designation for the 8-hour ozone standard will be deferred, which means that certain Clean Air Act requirements, such as controls on new sources, will not apply.

- *Early Action Compact* areas must attain the 8-hour ozone standard no later than December 31, 2007. In areas that do not meet the *Early Action Compact* deadline, the nonattainment designation will become effective April 15, 2008.

- EPA will withdraw that nonattainment deferral if an area misses any milestone set out in the *Early Action Compact*.

- **How *Early Action Compacts* work:**
 - < *Early Action Compacts* give certain local areas the flexibility to develop their own approach to meeting the 8-hour ozone standard, provided the communities control emissions from local sources earlier than the Clean Air Act would otherwise require.
 - < Only areas that are already meeting the national 1-hour ozone standard are eligible for this innovative program because EPA wants to ensure that the communities participating have a proven record of environmental progress.
 - < The *Early Action Compact* requires areas to meet several milestones to be eligible for a deferral of the effective date of the 8-hour ozone designation.
 - < In order to qualify for a deferred effective date for nonattainment designation, States, Tribes or local areas must have submitted to EPA a complete compact by December 31, 2002. The area must meet a number of milestones (for submitting implementation plans, implementing local control measures, making progress reports, etc.).
 - < If an area receives a deferral, it must meet all of their subsequent clean air plan milestones to qualify for a continuation of the deferral.
 - < *Early Action Compacts* were signed by representatives of the local communities, State and Tribal air quality officials, and EPA Regional Administrators.

- In 1997, after reviewing the scientific data, EPA changed the way it measured ground-level ozone to better protect human health. The new standard measures ozone levels over 8-hour periods.

- Ground-level ozone – the primary component of smog – is formed in the atmosphere on hot, sunny days. The main ingredients of ozone come from cars, trucks, power plants, refineries and other large industrial facilities, and some natural sources.
- When inhaled, even at very low levels, ozone can:
 - < cause acute respiratory problems;
 - < aggravate asthma;
 - < cause significant temporary decreases in lung capacity of 15 to over 20 percent in some healthy adults;
 - < cause inflammation of lung tissue;
 - < lead to hospital admissions and emergency room visits [10 to 20 percent of all summertime respiratory-related hospital visits in the northeastern U.S. are associated with ozone pollution]; and
 - < impair the body's immune system defenses, making people more susceptible to respiratory illnesses, including bronchitis and pneumonia
- The Clean Air Act requires communities with air pollution levels that violate – or contribute to the violations of – the national air quality standard for ozone to
 - 1) be designated as “nonattainment,”
 - 2) have an EPA-approved plan in place to correct the problem, and
 - 3) attain each standard by specific dates.
- In addition to working with areas that are participating in *Early Action Compacts*, EPA is also working with local governments, States and Tribes that are not participating in an *Early Action Compact* to develop an implementation strategy for the 8-hour ozone standard.

FOR MORE INFORMATION

- To download a copy of this notice, go to EPA’s World Wide Web site at <http://www.epa.gov/ttn/oarpg/> under newly proposed or issued rules.
- General information on *Early Action Compacts* is available at <http://www.epa.gov/airlinks/> (click on the "Ozone and Particulate Standards" tab); and area-specific information on these compacts is available at <http://www.epa.gov/ttn/naaqs/ozone/eac/> .
- For further information today’s notice, contact David Cole of EPA’s Office of Air Quality Planning and Standards at (919) 541-5565 or cole.david@epa.gov
- Use of EPA’s electronic public docket to submit comments to EPA electronically is EPA’s preferred method for receiving comments. Go directly to EPA Dockets at <http://www.epa.gov/edocket> , and follow the online instructions for submitting comments.

- You may also submit comments and data by electronic mail (e-mail) to: [A-and R-Docket@epamail.epa.gov](mailto:A-and-R-Docket@epamail.epa.gov) , or you may also mail any comments on the proposed rulemaking to: Air and Radiation Docket, U.S. Environmental Protection Agency, 1301 Constitution Avenue, N.W., Room: B102, Washington, DC 20004. Attention ID: Docket No. OAR 2003-0090.
- Submit electronic comments as an ASCII file to avoid the use of special characters and encryption problems or in WordPerfect version 5.1, 6.1, or Corel 8 file format. Electronic comments and data must note the docket number (Docket No. OAR 2003-0090). You may file electronic comments online at many Federal Depository Libraries. Do not submit confidential business information (CBI) by e-mail. See the Federal Register notice for more information on how to handle the submittal of CBI. Avoid the use of special characters and any form of encryption.
- EPA's Office of Air and Radiation's homepage on the Internet contains a wide range of information on the air toxics program, as well as many other air pollution programs and issues. The Office of Air and Radiation's homepage address is: <http://www.epa.gov/oar/>.