



National Tribal Air Association (NTAA) Ozone and Particulate Matter

FACT SHEET

FACT

Under the Federal Clean Air Act, the Environmental Protection Agency (EPA) must review, every five years, the health based standards it sets for certain very common and detrimental pollutants, known as "criteria" pollutants.

SCIENCE

"Criteria" pollutants include ozone, fine or larger size particulate matter (PM), Lead, Carbon Monoxide (CO), Nitrogen Oxides (NOx), and Sulfur Oxides (SO₂).

Ozone results when emissions of Volatile Organic Compounds (VOCs) and Nitrogen Oxides (NOx), released from cars, industry and other sources into the atmosphere, react to form ground-level ozone pollution

Reducing the emissions of SO₂ and NOx will lead to the reduction of "acid rain" a known pollutant of lakes and forests.

FACT

After the standards, known as National Ambient Air Quality Standards (NAAQS) are set, EPA must officially designate all areas of the country as being in-attainment or non-attainment with the NAAQS.

If, after reviewing the best available science, EPA finds that lower NAAQS are required to protect public health with an adequate margin of safety, it must lower the standard.

DEFINITION

"Attainment" refers to when the ambient concentrations of certain pollutants in a particular area are brought into the air quality standards set by the EPA.

"Non-attainment" refers to when the concentrations of certain pollutants in a particular area are not brought into the air quality standards set by the EPA

FACT

The attainment status determines the stringency of regulations that must be enforced in order to restore the quality of the air. Tribes and states are permitted, but not required, to make recommendations to EPA on the boundaries of any non-attainment areas in their jurisdiction.

TRIBAL CONCERNS

In 1997, EPA revised the standards for ozone and particulate matter to make them more protective of public health. In the subsequent designation process, tribes raised a number of concerns:

1. Several tribes felt that EPA had not given adequate notice to tribes and generally had not provided adequate consultation on the issue.

In previous designations dating back to the 1970's, tribes had been completely left out of the process, in part because they lacked the air program staff to raise the issue to their attention.

2. Some tribes that are close to urban areas asserted that:

(a) they should not be included in a "non-attainment" area because their air did in fact meet the standard, despite the lack of monitoring data to prove this, or

(b) although their air quality did in fact violate the standard, the violation was caused by pollution being transported (brought in on winds) from outside the reservation.

In this second case, tribes argued that it is not fair to subject the tribes to economically burdensome regulations when they are not the cause of the problem.

3. In response to these concerns, a work group of tribal air staff from different tribes and tribal organizations was created to work with EPA staff in clarifying the issues and exploring possible solutions. The role of the Work Group is not to make recommendations to EPA, but rather to prepare the tribes by providing information and analysis that tribes can use to comment to EPA or use in the course of government-to-government consultation. The Work Group has been in operation for nearly a year and is currently finalizing a number of detailed issue papers.

A CALL TO ACTION

Tribal leaders and their air staff may want to look into this matter to see if their tribe's interests are affected, particularly if they are close to an urban area, have concerns with air quality on their reservation (including off-reservation pollution transport), or are concerned about potential impacts on tribal economic development.

FOR MORE INFORMATION

Work Group findings and recommendations and a list of regional EPA contacts can be found on the National Tribal Air Association (NTAA) website at www.ntec.org. This issue will be among several considered at NTAA's October 15 & 16, 2002 conference in Oneida, WI. Call for more information or conference details at **505-242-2175**.