

USA Today, Guest Commentary, Monday, October 5, 2015

Obama's ozone overreach

With unrealistic ozone standards that will push counties into nonattainment, Obama risks national welfare for his political legacy.

By Jim Inhofe

On Thursday, the Obama administration finalized a new national ambient air quality standard (NAAQS) for ozone as part of the president's legacy of addressing the environment through regulatory overreach. Not only does the new ozone standard impose very real, draconian economic costs on states across the country, but it is veiled in the false promise of environmental benefits.

If the past is prologue, we can be certain that this new ozone standard will be no different, imposing draconian economic costs on states and counties across the country.

In 2008, the Bush administration set the standard for ozone at 75 parts per billion (ppb). This standard, a reduction from the 84 ppb set in 1997, was viewed at the time as quite stringent, and counties faced major challenges in meeting it. Now, the Obama administration has set the ozone standard at 70 ppb — a requirement that will push counties all over the country out of attainment, causing extensive economic turmoil.

When a county is in nonattainment, business as usual stops dead in its tracks. In order to build anything from factories to schools to hospitals, one must jump through a series of regulatory hoops, giving EPA veto power over any major projects. Not meeting the standard could keep companies from expanding and could even result in some industries electing to shut down their facilities and move out of state or even out of the country to places where there are fewer compliance restrictions, like China and India.

When I was mayor of Tulsa, Tulsa County was in nonattainment of the 1979 ozone NAAQS, so I have seen firsthand the economic impacts associated with the challenges of attainment and the legacy of EPA intervention that continues long after meeting the standard. Counties in Oklahoma have since met the 1979 and 1997 standard and are working very hard to consistently meet the 2008 standard. Fortunately, Oklahoma will remain in attainment of the 70 ppb standard, but by moving the goal posts the Obama administration's new standard will threaten our hard work in many states across the country by wreaking havoc on businesses, causing job loss and stifling the economy. While EPA claims only 358 counties across the country will be pushed out of attainment as a result of lowering the standard to 70ppb, this number only takes into consideration the areas EPA is currently monitoring. There are an additional 1,500 counties without monitors that are at risk of not meeting the new standard.

An additional consequence of a nonattainment designation that the administration frequently glosses over is its impact on transportation. A nonattainment county can lose federal highway and transit funds unless it can demonstrate that a project will not increase ozone emissions. A determination must be obtained from the Federal Highway Administration (FHWA) and EPA before states will regain access to federal dollars for highway projects. As a result, states like mine will continue dealing with the safety issues from further eroding roads and bridges. Employees working on highway and transit projects may find their jobs in jeopardy while the local area faces project delays and additional, unnecessary costs.

Despite EPA's insistence that this rule is about public health, one state is essentially exempt from meeting any ozone standard: California. While claiming to be a leader in public health and insisting on more stringent standards for the rest of the country, Los Angeles County — by far the nation's most populated — averages a staggering 109 ppb in ozone.

If EPA's scare tactics were correct, we should be seeing an overwhelming public health crisis throughout the state of California that would make it unconscionable to continue allowing the state to remain so far out of compliance. Fortunately, these health impacts just haven't materialized.

As a country, we have confronted and controlled the most common sources of ozone precursors, and our options are few and far between to handle what remains, which is mostly naturally occurring ozone and ozone transported from other countries such as Mexico. The rule exhibits a flippant disregard for rural and high-elevation communities that have no control over naturally occurring ground-level ozone. The administration should have given states and counties across the country the opportunity to fully meet the 2008 standard before implementing this frivolous and costly mandate.

Jim Inhofe is a Republican senator from Oklahoma and chairman of the Senate Committee on Environment and Public Works.