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Summary of H.R. 806 Section 3(b)

Eviscerating Health-Based Air Quality Standards

Committee on Energy and Commerce, Democratic Staff

House Republicans claim that H.R. 806, the Ozone Standards Implementation Act, does nothing to roll back any public health protections found in the Clean Air Act. But in fact, section 3(b) would undermine a cornerstone of the law by requiring EPA to take technological feasibility into account when setting the health-based air quality standard for all criteria pollutants, not just ozone.

Health-Based Standards and Considerations of Costs under the Clean Air Act

Since 1970, the core of the Clean Air Act has been a set of standards called the national ambient air quality standards (NAAQS). The NAAQS are “health-based” standards, set by EPA at a level adequate to protect public health, including the health of sensitive groups such as children and the elderly, using the best available science. Essentially, the NAAQS determine what level of air pollution is “safe” to breathe based on the best-available science and epidemiological studies.

Economic costs come into play when EPA and the states develop deadlines and plans for achieving the health-based standards. EPA sets deadlines for compliance, which take into account costs and can vary according to difficulty of achieving the standards. The states take costs into account when they develop their plans to control air pollution and attain compliance with the standards. EPA takes costs into account when reviewing these state plans.

The Success of the Clean Air Act

This structure has been extraordinarily effective in cleaning the air and has made the Clean Air Act the nation’s most successful environmental law. EPA has set NAAQS for six air pollutants: ozone, nitrogen dioxide (NO₂), sulfur dioxide (SO₂), carbon monoxide (CO), lead, and particulate matter (PM). Between 1980 and 2014, emissions of these six air pollutants dropped by 63 percent. During the same time period, the nation’s gross domestic product increased 147 percent, vehicle miles traveled increased 97 percent, energy consumption increased 26 percent, and U.S. population grew by 41 percent.

These emissions reductions have generated dramatic public health benefits. A recent peer-reviewed study estimates that the Clean Air Act will save more than 230,000 lives and will prevent millions of cases of respiratory problems in 2020 alone. It will also enhance our national productivity by preventing 17 million lost work-days. These public health benefits translate into \$2 trillion in monetized benefits to the economy.

H.R. 806 Section 3(b)

H.R. 806 would take over four decades of clean air policy and turn it on its head by requiring EPA to consider technological feasibility when determining what level of pollution is “safe.” This will allow polluters to override scientists, leading to air quality standards based on the potential impact to industry profits rather than health. It removes the important firewall separating the setting of the standards from their implementation, and virtually guarantees the public will never know what level of air quality is truly safe. This section, if it became law, could reverse decades of progress in cleaning our air.

Furthermore, the history of the Clean Air Act is a history of exaggerated claims by industry that have never come true. Despite repeated assertions that achieving clean air was just not feasible, American ingenuity has consistently risen to the challenge and made our country the leader in both clean air and clean air technology.