June 14, 2017

Dear Members of the New York State Congressional Delegation:

We write today to express our strong opposition to H.R. 806 and S.263, the so-called “Ozone Standards Implementation Act of 2017.” We believe this bill represents a sweeping attack on the public health underpinnings of the Clean Air Act and we request you speak out against and vote “No” on this bill.

When it was enacted, the Clean Air Act promised healthful air for all to breathe. More than forty five years later, this promise remains unfulfilled. The Clean Air Act is a highly successful public health law that directs the U.S. Environmental Protection Agency (EPA) on many air pollution matters, but most importantly it requires the setting of standards for air pollutants. Specifically, it directs EPA to set all health standards based solely on the best available science. This bill systematically weakens EPA’s ability to do that, and, if enacted, it will put the lives of New Yorkers at risk.

H.R. 806 and S.263 undermines the Clean Air Act by corrupting the two-step process for setting health standards. Under the Clean Air Act, EPA and a body of independent scientists review the best peer-reviewed health science to determine the level at which breathing polluted air can cause health impacts for sensitive populations, like children with asthma. Then, states work with EPA to develop plans to meet that standard. By law, EPA is barred from considering the cost of compliance in the first step. Cost and technical feasibility are instead an integral part of the second step. This bill injects cost considerations into the first step. Cost has no bearing on what science dictates is safe or unsafe, and so it has no place in determining the pollution level that is healthy for us to breathe.

The bill’s effects are not limited to the new standards for ozone; H.R. 806 and S.263 also stalls standards for nitrogen oxide, sulfur oxide, carbon monoxide, particulate matter, and lead. This bill forces EPA to wait a decade before it can consider new science and set new standards to protect public health. This jeopardizes progress toward cleaner air and delays health protections for millions of New Yorkers, especially those more susceptible to the effects of pollution – children, older adults, and people with asthma. These health impacts pose significant costs on New York families that we cannot afford to exacerbate by ignoring science and delaying new standards.
We urge you to oppose this dangerous legislation by casting your votes against H.R. 806 and S.263, and working with your colleagues and the EPA to advance policies to improve air quality, and protect public health and the environment.

Sincerely,

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