

## **4. Policy Position**

### **Endorsement of the Ozone Transport Assessment Group**

#### **BACKGROUND**

The federal environmental policy for the nation, as established by Congress through the enactment of the Clean Air Act and its amendments, has established a very aggressive and ambitious program for meeting the health-based ozone air quality standard throughout the United States. The states, which are primarily responsible for meeting these program requirements through the development of state plans, have found that a strict interpretation of some of the dates for submission of plans is unrealistic.

In light of these developments, the Ozone Transport Assessment Group (OTAG) - which membership is composed of the 13 Northeastern states in the Ozone Transport Commission, the 24 states from the South and Midwest, and the U.S. Environmental Protection Agency - was established specifically to work together to address these issues. OTAG is working within a very short time frame to scientifically assess the ozone transport issue and develop acceptable recommendations to deal with the problem. The scientific and technical credibility of the work being done is critical to the success of the effort.

The southern states and other states across the nation have already spent billions of dollars to come into compliance with the provisions of the federal Clean Air Act and its amendments. Any unwarranted costly emissions restrictions have the potential to adversely impact state environmental programs, the price of energy, and the ability of the South's industries, business, and people to compete in the global market place.

#### **RECOMMENDATION**

The members of the Southern Legislative Conference of The Council of State Governments strongly encourage the U.S. Environmental Protection Agency to allow the states to work together to complete the technical assessment of the ozone transport issues within OTAG and call upon the U.S. EPA to allow adequate time to complete all of the extensive technical work required, including the complex computer modeling which is underway and upon which many major policy decisions may rest.

The Southern Legislative Conference strongly endorses the scientific assessment of nitrogen oxide and ozone transport issues currently under development by OTAG, and specifically calls upon the U.S. Environmental Protection Agency to allow this group adequate time to complete and verify the accuracy of a massive computer model upon which the economic future of the South may well rest, and reject arbitrary deadlines which will impede ensuring the validity of that model and the practice of sound science.

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Furthermore, the Southern Legislative Conference calls upon the U.S. EPA and OTAG to encourage the active participation of elected state officials in the Ozone Transport Assessment Group; and calls upon the U.S. EPA to refrain from actions or decisions in the absence of such participation that would have the effect of imposing on the Southern states regulatory requirements in excess of and in addition to those already specified by the Clean Air Act, as amended.

Also, the members of the Southern Legislative Conference call upon OTAG to ensure that any strategy selected is based on sound science and is the most cost-effective means of reducing transported ozone. The members affirm that the recommendations ultimately produced by the Ozone Transport Assessment Group be carefully reviewed, considered and approved by the legislative and executive branches of the 37 OTAG member states; and, if the recommendations are beyond the legislative authority currently contained in the Clean Air Act, then a joint legislative proposal should be agreed upon for consideration by the U.S. Congress.

Finally, the members of the Southern Legislative Conference request that, before a final recommendation is submitted to U.S. EPA, OTAG provide the legislative leadership of the member states of the Southern Legislative Conference with said recommended strategy along with the estimated costs of compliance.