

Buddy Garcia, *Chairman*  
Larry R. Soward, *Commissioner*  
Glenn Shankle, *Executive Director*



## TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

*Protecting Texas by Reducing and Preventing Pollution*

September 25, 2007

The Honorable Stephen L. Johnson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, D.C. 20460

Dear Administrator Johnson:

I am writing to provide my concerns with EPA's proposed rule on the National Ambient Air Quality Standard for ozone. A new lower standard in the range being considered by EPA (from 0.060 to 0.080 parts per billion) will have a significant negative consequence to the economy of the state. If the standard is lowered to 0.060 ppb, every county in the Texas with an ozone monitor would exceed the standard. It is therefore absolutely necessary that the science behind any new standard be without question. I do not believe that is the case at the current time.

There is not consensus in the scientific community about the need to lower the standard. The epidemiology studies evaluated by EPA used monitoring data, a poor measure of exposure, instead of personal exposure data. The studies also used poor health effects indices, i.e., medical records that were collected for other purposes. None of the epidemiology studies found causality with ozone and health effects, and of those studies that found an association between ozone and health effects, the effects can be attributed to other pollutants, such as particulate matter.

Not only is the scientific basis for a new ozone standard questionable, the ability of states, particularly Texas, to meet a new standard is also questionable. The challenges the State faces in Houston may foreshadow what most of the country may face under stricter standards. The Houston-Galveston-Brazoria (HGB) area is unique and includes one of the most comprehensively-controlled industrial complexes in the world. Yet, even with extensive regulations attainment of the current standard by 2010 is impossible.

The Texas Commission on Environmental Quality (TCEQ) works very closely with all stakeholders to find solutions to this problem. We require 80 percent nitrogen oxide emissions reductions for point sources and controls for highly reactive volatile organic compounds. For mobile source controls we have emissions inspections, Texas Low Emission Diesel, and the Texas Emissions Reduction Program (TERP), a multi-million dollar grant incentive program.

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Texas is using every opportunity to address the current ozone problem and still is faced with insurmountable challenges.

The TCEQ has already placed very stringent controls on point sources as mentioned previously. The control strategies to meet a new lower standard will be completely different in nature than current rulemaking being considered to address the existing standard. Stakeholders will be faced with installing controls to meet the current standard and then possibly having to install completely different control technologies to meet a new standard. In addition, background ozone concentrations in many areas are higher than the proposed standard. EPA must also recognize that the majority of emissions contributing to ozone formation come from mobile sources, which states are generally preempted from regulating.

In summary, I do not believe that lowering the ozone standard would improve public health in Texas. Given the existing scientific debate and the extreme economic impact and obvious difficulties in meeting a new standard, I encourage EPA to maintain the current standard.

Sincerely,

A handwritten signature in black ink that reads "Buddy Garcia". The signature is written in a cursive, slightly slanted style.

Buddy Garcia, Chairman  
Texas Commission on Environmental Quality

cc: Governor Rick Perry  
Senator Kay Bailey Hutchison  
Senator John Cornyn  
Mr. Barry Jackson  
Mr. James Connaughton