

Northeast and Mid-Atlantic States Seek to Curb Air Pollution from Upwind States

Eight states file petition to require upwind states to take action

WASHINGTON, D.C. (December 9, 2013) – Eight Northeast and Mid-Atlantic States today petitioned the U.S. Environmental Protection Agency (EPA) to require upwind states to reduce air pollution generated within their borders, which causes asthma attacks, respiratory disease, and other public health problems downwind.

The multi-state action is aimed at requiring nine upwind states – Illinois, Indiana, Kentucky, Michigan, North Carolina, Ohio, Tennessee, Virginia, and West Virginia – to be a ‘good neighbor’ by reducing air pollution emissions that are carried by prevailing winds and contribute to the formation of ozone to the north and east. The petition seeks long-overdue commitments from the upwind states to protect the health of downwind residents and to level the playing field for businesses.

The petition cites decades of inaction by the upwind states during which time the eight Mid-Atlantic and Northeastern states have spent tens of billions of dollars to reduce their own air emissions. The petition asks EPA to require the nine upwind states to join them in what is known as the “Ozone Transport Region” (OTR). Under the federal Clean Air Act, states added to the OTR would have to take actions to limit air pollution consistent with the efforts of the downwind states through the use of readily available control technologies and reliance on cleaner fuels to generate power.

States filing the petition – all current members of the OTR – are: Connecticut, Delaware, Maryland, Massachusetts, New Hampshire, New York, Rhode Island, and Vermont.

Under Section 176A of the federal Clean Air Act, states can petition the EPA to add any state to an air quality region such as the OTR if there is reason to believe it is the source of pollution-causing violations of air quality standards elsewhere. The EPA Administrator is required to approve or disapprove of such a petition within 18 months.

In submitting the petition to EPA, the eight downwind states told EPA Administrator Gina McCarthy, “We believe expansion of the transport region and implementation of the required controls in upwind states are necessary for all of the OTR to achieve attainment in a timely manner. We also believe that the consultation process that is such an important part of the Ozone Transport Commission’s activities can benefit all states in an expanded OTR in the assessment of the ozone transport problem and result in the development of effective solutions.”

Millions of residents in the downwind states petitioning EPA are exposed to unhealthy levels of ozone, which can irritate the respiratory system, causing coughing, throat irritation and chest pains and aggravating asthma and other chronic lung diseases. Ozone and other air pollutants have also been linked to premature death.

Despite aggressive actions taken by downwind states to reduce air pollution generated in-state, EPA modeling shows that interstate transport of air pollution contributes significantly to violations of health-based air quality standards for ground-level ozone within their borders. As much as 70 to 98 percent of this ozone air pollution problem is blown in from upwind states – and parts of some downwind states would remain in violation of federal standards even if they eliminated all of the pollution generated within their borders.

Industries and electric power plants in downwind states have invested heavily in pollution control technologies and additional emissions reductions would come from smaller sources at greater cost. The cost of removing an additional ton of pollution in downwind states is estimated at between \$10,000 to \$40,000 – compared to as little as \$500 a ton in upwind states, where even some basic control technologies have not been installed.

How Ozone is Formed

Ground level or “bad” ozone is created when two types of air pollutants – nitrogen oxides (NOx) and volatile organic compounds (VOC) – react in the presence of sunlight and warm temperatures. These air pollutants are generated from industrial facilities and electric power plants, motor vehicle exhaust, and gasoline vapors. Air pollution from upwind states is transported into the Ozone Transport Region on prevailing westerly winds from the Ohio River Valley and from the southwest along the Interstate-95 urban corridor.

Comments from Governors/Commissioners

“Connecticut is tired of serving as the tailpipe of America,” said **Connecticut Governor Dannel P. Malloy**. “We’re paying a steep public health and economic price for the failure of upwind states to make investments needed to operate power plants and industrial facilities in a clean and efficient manner. Now is the ideal time – with cheap natural gas available – to get the upwind polluters to take action.”

"Delaware air quality remains overwhelmed by air pollution from upwind states, even though we have reduced emissions within Delaware of ozone-forming pollution by more than 70% since 1990," said **Delaware Governor Jack Markell**. "While Delaware's in-state sources are well-controlled with state-of-the-art technology, this is simply not true of our upwind neighbors. As a result, Delaware pays more for healthcare resulting from respiratory illnesses and our industries are forced to do more than those in the states causing the pollution, and that's simply unfair. We need a level playing field among states to ensure that all states can enjoy healthy air."

“By making better choices we have significantly reduced air pollution generated within Maryland’s borders. Now, the air pollution that blows into Maryland from states upwind of us must be cut to protect the health of our citizens,” said **Maryland Governor Martin O’Malley**. “The filing of this petition is a crucial step in addressing this problem. It is

time for the upwind states to do the right thing. We look forward to working with them – and to a future with cleaner, healthier air.”

“Massachusetts and our partner states have already implemented significant air pollution control measures that have dramatically cut ozone pollution from localized sources,” said **Massachusetts Governor Deval Patrick**. “However, ozone-causing pollutants transported from upwind states cross our borders and pose threats to public health and safety, our economic vitality and our overall quality of life.”

“For the people of New Hampshire to live the healthy, productive lives they deserve, our air needs to be as clean as possible,” said **New Hampshire Governor Maggie Hassan**. “Unfortunately, too often, air pollution blows into our state from areas of the country that haven’t undertaken all of the clean air measures that we have in New Hampshire. It is unacceptable for our citizens to suffer from poor air quality because of the inaction of upwind states, and this petition will encourage the EPA to hold those states accountable.”

“Our goal is to eliminate Ozone Alert Days in Rhode Island. Despite aggressive state and regional efforts to reduce ozone causing emissions within our borders, Rhode Islanders still face bad air days each and every summer because of air pollutants from upwind states,” said **Rhode Island Governor Lincoln D. Chafee**. “The Cross State Air Pollution Rule, which is currently under review in the Supreme Court, would provide a good first step. However, stronger controls, including the expansion of the Ozone Transport Region, are needed to level the playing field and improve air quality in downwind states such as Rhode Island.”

“Vermont’s ozone pollution results almost entirely from emissions transported from upwind states,” said **Vermont Governor Peter Shumlin**. “Additional reductions of those emissions are needed to protect the health of our citizens and our environment.”

Additional Information

Complete archive of documents related to the filing of the Section 176A petition at www.ct.gov/deep/176aPetition.

For additional information:

Dennis Schain
Communications Director
Connecticut Department of Energy and Environmental Protection
(860)462-3468
Dennis.schain@ct.gov