



Statement of the Ozone Transport Commission on the Need for Federal Measures to Reduce Ozone-forming Air Pollution

Under principles of cooperative federalism, the Ozone Transport Commission (OTC) calls upon the U.S. Environmental Protection Agency (EPA) and any other relevant federal agencies to adopt strong measures to reduce ozone precursor emissions from sources under federal control. These measures are needed to assist the OTC members in expeditiously achieving the ozone national ambient air quality standards (NAAQS) throughout the Ozone Transport Region (OTR). The OTC members also recognize that federal measures are needed to improve air quality in disadvantaged communities that bear a disproportionate share of this country's air pollution burden and the health harms it causes.

Volatile organic compounds (VOCs) and nitrogen oxides (NOx) are the key precursors responsible for unhealthy levels of ground-level ozone pollution in the OTR. Nationally, sources under federal control account for more than 50% of ozone forming pollutants. The disparity is even greater in the OTR. For example, ozone-forming emissions in Maryland from sources under federal control comprise over 70% of the state's total. In New Jersey, mobile source emissions under federal authority make up approximately 79% of the state's summertime NOx emissions, far exceeding stationary source emissions at 21%.

Over the years, the OTC members have adopted increasingly stringent pollution controls on stationary sources (e.g., coal-fired power plants and municipal waste combustors) within their borders. A majority of the OTC members have also been early and consistent adopters of advanced clean vehicle regulations that have historically run ahead of federal mobile source standards in providing greater pollution reductions sooner.

The OTC members have made great progress in reducing ozone pollution across the region through these aggressive measures. Furthermore, EPA has provided important support to the OTC's efforts by promulgating a series of regional NOx control programs across much of the eastern United States to address interstate pollution transport. These collective and cooperative measures have a demonstrated track record of success by helping bring much of the OTR near or into attainment for all existing ozone NAAQS.

Parts of the OTR, however, persistently remain in violation of at least one of the health-based ozone NAAQS. This includes the New York City metropolitan region where tens of millions of people live. There remain important and large pollution sources with great potential to reduce emissions, including zero-emission options, but these sources fall under federal authority. The OTC members are generally

Connecticut

Delaware

District of Columbia

Maine

Maryland

Massachusetts

New Hampshire

New Jersey

New York

Pennsylvania

Rhode Island

Vermont

Virginia

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preempted under the Clean Air Act from regulating them. Examples of these source types include small engines (e.g., lawn and garden equipment), locomotives, aircraft, and ocean-going vessels, which are particularly polluting.

While many OTC members have adopted or are adopting more protective regulations to control emissions from passenger vehicles and heavy-duty trucks as allowed by section 177 of the Clean Air Act, OTC members must rely on federal action to control non-road and out-of-state mobile source emissions at levels necessary to achieve healthy air quality in our region, and to move to zero-emissions wherever possible. For vehicles already on the road, the OTC calls upon EPA to address aftermarket catalysts at a national level to ensure durability of replacement components.

In recognition of the increasingly diminished pool of pollution sources subject to OTC member jurisdiction, the OTC calls upon EPA and other relevant federal agencies to work collaboratively with us in leveraging federal authority to expeditiously address the key emission sources of ozone precursors under federal control.

Adopted by the Commission on June 14, 2023.