



## National Tribal Air Association's Fact Sheet on EPA's National Ambient Air Quality Standards (NAAQS)

### **The National Ambient Air Quality Standards (NAAQS)**

The Clean Air Act (CAA) identifies two types of NAAQS. Primary standards provide public health protection, including protecting the health of sensitive populations such as asthmatics, children, and the elderly. Secondary standards provide public welfare protection, including protection against decreased visibility and damage to animals, crops, vegetation, and buildings. The EPA has set NAAQS for six principal pollutants, called "criteria air pollutants": Ozone Ground Level, Particulate Matter, Carbon Monoxide, Lead, Sulfur Dioxide, and Nitrogen Dioxide. EPA reviews these standards every five years, at which time they may be revised.

### **Are there any changes coming?**

This Administration is changing the guidelines and timeframes for the revision of the NAAQS, with the memorandum "Back to Basics Process for Reviewing National Ambient Air Quality Standards" (May 9, 2018).<sup>1</sup> This Memorandum stipulates to complete the reviews in a "timely, efficient, and transparent manner." The five principles for EPA to observe in future NAAQS reviews are:

1. Meet statutory deadlines (right now it is established for every five years);
2. Address all CAA provisions for NAAQS reviews;
3. Streamline and standardize the process for development and review of key policy-relevant information;
4. Differentiate science and policy judgments in the NAAQS review process;
5. Issue timely implementation regulations and guidance. The rules and guidelines should provide information relevant to the submission and consideration of state implementation plans, preconstruction of permit applications, and address potential tools.

Each criterion will have its own time and process for the reviews. Three of the six criteria pollutants are summarized below.

### **Nitrogen Dioxide (NO<sub>2</sub>)**

One aspect of vehicle pollution is the gasses produced in the process of combustion. NO<sub>2</sub> is especially harmful to human health, and it gets in the air when fossil fuels are burned. In April 2018, EPA announced they are retaining the NAAQS for oxides of nitrogen (NO) after review of the technical and medical evidence. The NAAQS for nitrogen oxides are a 1-hour standard at a level of 100 ppb based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations, and an annual standard at a level of 53 ppb.

### **Ozone (O<sub>3</sub>)**

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<sup>1</sup> <https://www.epa.gov/sites/production/files/2018-05/documents/image2018-05-09-173219.pdf>

EPA strengthened the air quality standards for ground-level O<sub>3</sub> in 2015 to 70 parts per billion (ppb). The CAA requires EPA to issue designations after the agency sets a new NAAQS or revises an existing standard. After designating most of the U.S. (including areas of Indian country) as meeting the standards in November 2017, the Agency is now completing nearly all remaining area designations.

On April 30, 2018, EPA designated areas as “nonattainment” – not meeting the standards (51 areas in 22 states and the District of Columbia and including two Tribal areas designated separately from the surrounding states); “unclassifiable” – available monitoring data is not sufficient to make a determination (1 area); or “attainment/unclassifiable” – meeting the standard and not contributing to a violation of the standard (all remaining areas addressed in this final rule).<sup>2</sup>

### **Sulfur Dioxide (SO<sub>2</sub>)**

On May 24, 2018, EPA issued a proposed action to retain the current primary standard set at a level of 75 ppb, as the 99th percentile of daily maximum 1-hour SO<sub>2</sub> concentrations, averaged over 3 years. While EPA is looking at retaining the current standard, the proposed action asks for comment on the four "basic elements" of the current NAAQS: indicator, averaging time, level, and form. EPA is asking in particular, "whether there are appropriate alternative approaches for the averaging time or statistical form that provide comparable public health protection, and the rationale upon which such views are based."<sup>3</sup>

### **How does this affect Tribes?**

EPA has not shown any intention to relax the standards. However, the Administration has initiated a proposed rule to review the science used in regulations issued by EPA including NAAQS. EPA has indicated that the intention for the NAAQS reviews is to recommit EPA to a “process that protects public health and the environment, and is timely, complete, based on transparent information, balanced with respect to policy and science, and determined to inform our state partners with the information needed.” These potential changes could affect all Tribes.

EPA's designation of the O<sub>3</sub> attainment/unclassifiable areas around the country may affect some areas that used to be nonattainment including areas of Indian Country. This designation changed some nonattainment areas to attainment/unclassifiable. One example is Racine County in Wisconsin: this area is an active manufacturer of electronics and imaging equipment, therefore changing its classification means the factories might not invest as much in pollution control technologies and may instead focus on production and expansion.

### **Where can I find more information?**

<https://www.epa.gov/criteria-air-pollutants>

<https://www.epa.gov/no2-pollution/primary-national-ambient-air-quality-standards-naaqs-nitrogen-dioxide>

<https://www.epa.gov/so2-pollution>

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<sup>2</sup> <https://www.epa.gov/ozone-designations/additional-designations-2015-ozone-standards>

<sup>3</sup> [https://www.epa.gov/sites/production/files/2018-05/documents/npr\\_primary\\_so2\\_naaqs\\_05-24-18\\_0.pdf](https://www.epa.gov/sites/production/files/2018-05/documents/npr_primary_so2_naaqs_05-24-18_0.pdf)