

House Engrossed
air quality; ozone levels

State of Arizona
House of Representatives
Fifty-seventh Legislature
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HOUSE CONCURRENT MEMORIAL 2010

A CONCURRENT MEMORIAL

URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO PREVENT THE ENVIRONMENTAL PROTECTION AGENCY FROM PENALIZING ARIZONA FOR UNACHIEVABLE OZONE STANDARDS.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the President and Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, on September 16, 2022, the United States Environmental
4 Protection Agency (EPA) reclassified Maricopa County as a moderate
5 nonattainment area for ozone limits under the Clean Air Act; and

6 Whereas, the EPA under the Biden Administration tried to force the
7 adoption of ozone control measures on the State of Arizona and its
8 individual citizens, motorists and businesses that would have devastated
9 this state's economy; and

10 Whereas, the main contributor to nonattainment for Maricopa County
11 was the adoption of the 2015 EPA guidelines, which dropped acceptable
12 ozone levels from 75ppb to 70ppb; and

13 Whereas, multiple studies have shown that higher ozone levels in
14 Maricopa County are caused by natural events and that external activity
15 outside this state is beyond the scope and control of the citizens of this
16 state; and

17 Whereas, states in the intermountain West have demonstrated ongoing
18 reductions in ozone precursor emissions, yet observed ozone has remained
19 stagnant or, in some cases, has increased; and

20 Whereas, 42 United States Code section 7509a requires the EPA
21 administrator to approve state implementation plans establishing that this
22 state would attain and maintain the relevant national ambient air quality
23 standards by the attainment date but for emissions emanating from outside
24 of the United States; and

25 Whereas, there is no evidence that any of the control measures being
26 considered, including additional regulations on businesses, expanding
27 public transit or adopting vehicle miles travelled land use programs or
28 vehicle trip reduction requirements, will result in Maricopa County
29 reaching attainment; and

30 Whereas, the Maricopa Association of Governments has issued public
31 statements acknowledging that the removal of all 4,000,000 internal
32 combustion vehicles in the Metropolitan Phoenix area would not bring
33 Maricopa County into compliance with the ozone requirements mandated by
34 the EPA; and

35 Whereas, during the Covid-19 pandemic in 2020, ozone levels
36 increased from 79ppb to 87ppb despite the fact that most vehicular and
37 business activity was halted in Maricopa County; and

38 Whereas, the EPA imposing fines and penalties or withholding
39 Arizona's share of federal transportation dollars for nonattainment would
40 be coercive and unfairly punitive to the citizens of this state; and

41 Whereas, if the EPA abided by the plain text of 42 United States
42 Code section 7509a, the Maricopa region would attain and maintain the 2015
43 ozone standard.

1 Wherefore your memorialist, the House of Representatives of the State of
2 Arizona, the Senate concurring, prays:

3 1. That the President and Congress of the United States prevent the
4 United States Environmental Protection Agency from imposing coercive and
5 likely unconstitutional penalties on Arizona to comply with an ozone
6 standard that is impossible to attain through any of the control measures
7 being considered.

8 2. That the Environmental Protection Agency revise its regulations
9 to comply with the requirements of 42 United States Code section 7509a,
10 requiring its administrator to approve a state implementation plan if the
11 state establishes that it would attain and maintain the relevant air
12 quality standard but for emissions emanating outside of the United States.

13 3. That the Environmental Protection Agency maintain the existing
14 2015 standard and not further lower an already unattainable standard that
15 is not supported by science.

16 4. That the Secretary of State of the State of Arizona transmit
17 copies of this Memorial to the President of the United States, the
18 President of the United States Senate, the Speaker of the United States
19 House of Representatives and each Member of Congress from the State of
20 Arizona.