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March 10, 2015

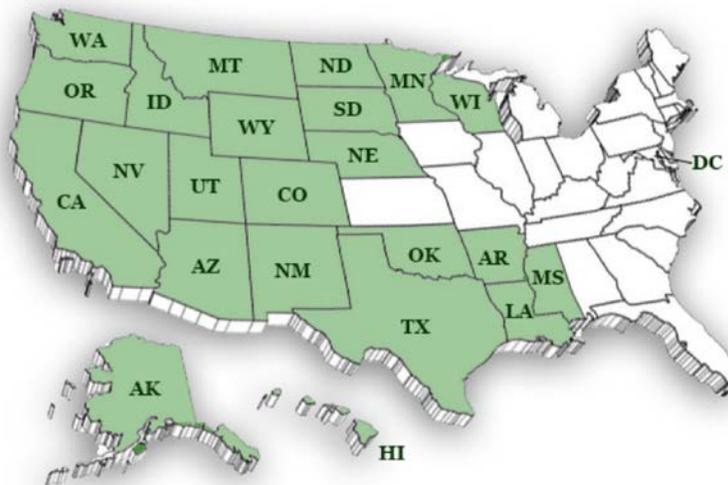
The Honorable Gina McCarthy  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue NW  
Washington, DC 20460

Submitted electronically

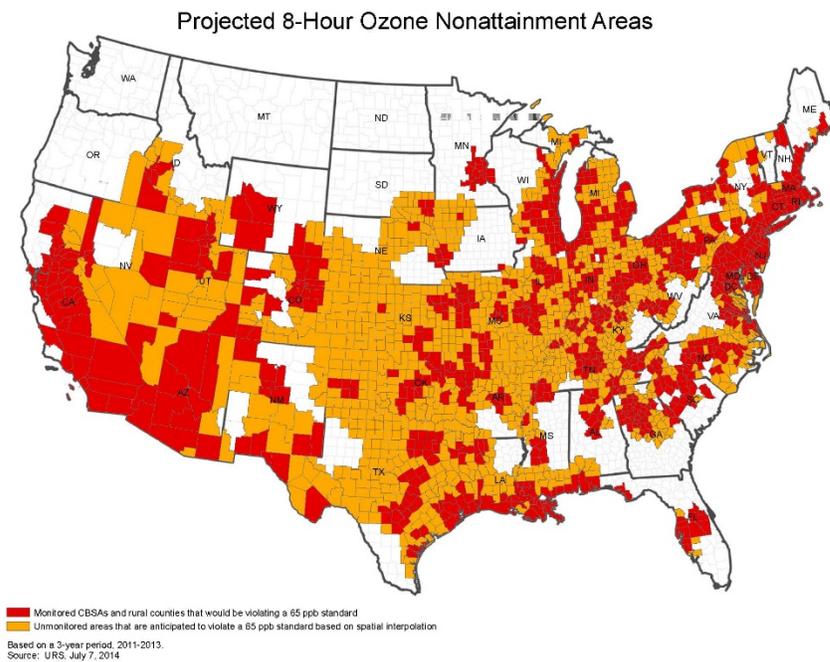
RE: Docket ID No. EPA-HQ- OAR-2008-0699

Dear Administrator McCarthy:

The Western States Land Commissioner's Association (WSLCA) is deeply concerned about the harmful impact that the Environmental Protection Agency's (EPA) recently proposed rule to make ozone standards more stringent could have on States ability to generate critical income for education and other state institutions. Our organization is led by the land commissioners of 23 states, which together manage over 440 million acres of land, mineral properties, submerged lands, and water resources. Under state constitutional and statutory mandates our members return hundreds of millions of dollars annually for the benefit of K-12 education, higher education and to support other public purposes provided by state law. Our association also consists of affiliate members representing businesses, industries, and organizations that support WSLCA's mission and help to conserve, develop, and maximize the value of the lands and natural resources within the western states.



EPA's proposal to lower the national ozone standard would significantly expand the number of nonattainment areas nationwide and bring many rural areas into the program without an effective means to achieve compliance. As shown in the following map, an ozone standard at the 65 ppb considered in the proposed rule would put portions of 18 of our 23 member states into nonattainment for ground level ozone under the Clean Air Act. In some areas, the level of background ozone that is naturally occurring pushes even remote counties far from industrial activity into nonattainment. According to EPA's own data, even the pristine Grand Canyon and Yellowstone National Parks would fail the proposed ozone standards. How does EPA anticipate that these areas and rural communities could ever achieve attainment? This proposal's hardship is real and immediate, while the benefits are unverified and uncertain.



Many of the WSLCA member state lands are located at high altitudes. As the EPA has noted in the proposed rule, high altitude temperature inversions can trap low level pollutants, creating ozone concentrations that are not a result of man's activities. This phenomenon could tip the scale for many struggling rural communities if they are placed into nonattainment status under the new proposed rule. In addition, the EPA proposed rule acknowledges that ozone can be transported long distances by wind. Some communities are already struggling to meet the current ozone standard because of unfortunate topography and wind patterns. Decreasing the standard would further impede and harm many communities at no fault of their own.

The natural resources generated from state lands managed by our members are the raw materials that supply the manufacturers of America. If finalized, EPA's proposed stringent ozone standards would limit business expansion in nearly every populated region of our member states and impair the ability of local companies to create new jobs. This would directly affect the demand of raw materials from state trust lands that we manage and the bottom line of public school funding.

The ability of WSLCA land commissioners to generate revenue is a fiduciary duty of their office and essential to the funding of public schools in western states. Our members generate revenue primarily through the leasing of land for mining and the production of oil and gas. Development of these resources typically occurs in rural America where such activities drive the local economy and where industries have already made substantial investments to reduce their NOx and VOC emissions in compliance with the 75 ppb standard issued in 2008. Studies show the return on investment in ozone emission reduction is diminishing, and the further steps that would need to be taken to meet a stricter standard would have an increasingly higher cost. The chart below shows that approval of this proposed rule would have a crippling effect on overall state economies and would seriously impair the ability of our member states to fund public education.

<b>PROJECTED IMPACT TO WSLCA MEMBER STATES FROM THE EPA PROPOSE NAAQS FOR OZONE AT 65 PPB</b>			
	<b>Estimated Loss in Gross State Product from 2017 to 2040</b>	<b>Estimated Lost Jobs or job equivalents per year</b>	<b>Estimated Total Compliance Costs</b>
<b>Alaska</b>			
<b>Arizona</b>	\$7,000,000,000		\$5,000,000,000
<b>Arkansas</b>	\$9,000,000,000	23,414	\$17,000,000,000
<b>California</b>	\$233,000,000,000	149,554	\$106,000,000,000
<b>Colorado</b>	\$16,000,000,000	10,525	\$815,000,000
<b>Hawaii</b>			
<b>Idaho</b>	\$4,000,000,000	3,436	
<b>Louisiana</b>	\$3,000,000,000	33,829	\$43,000,000,000
<b>Minnesota</b>	\$18,000,000,000	10,959	
<b>Mississippi</b>		13,076	\$19,000,000,000
<b>Montana</b>	\$7,000,000,000	2,968	
<b>Nebraska</b>	\$5,000,000,000	4,456	
<b>Nevada</b>	\$19,000,000,000	5,846	\$2,000,000,000
<b>New Mexico</b>	\$8,000,000,000	9,875	\$5,000,000,000
<b>North Dakota</b>	\$3,000,000,000	1,779	
<b>Oklahoma</b>	\$18,000,000,000	35,503	\$35,000,000,000
<b>Oregon</b>	\$8,000,000,000	5,863	
<b>South Dakota</b>		2,792	
<b>Texas</b>	\$286,000,000,000	347,322	\$376,000,000,000
<b>Utah</b>	\$7,000,000,000	5,809	\$86,000,000
<b>Washington</b>	\$16,000,000,000	9,753	
<b>Wisconsin</b>	\$30,000,000,000	24,421	\$10,000,000,000
<b>Wyoming</b>	\$48,000,000,000	3,062	\$213,000,000
<b>WSLCA State Totals</b>	<b>\$745,000,000,000</b>	<b>704,242</b>	<b>\$619,114,000,000</b>

Source:

A February 2015 study by NERA Economic Consulting and commissioned by the National Association of Manufacturers - See more at: <http://www.nam.org/Issues/Ozone-Regulations>

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Against these economic consequences, scientific uncertainties regarding the benefits of more stringent ozone standards have increased. Stringent ozone standards may have severe unintended consequences for public health. Studies show that by increasing the costs of goods and services such as energy, and decreasing disposable incomes, regulation can inadvertently harm the socio-economic status of individuals and, thereby, contribute to poor health and premature death. WSLCA believes these scientific uncertainties should be better explored in order to best allocate resources in a manner that strengthens both the economy and the environment. Environmental regulations should be based on sound science. If they are not, then it opens the door for regulations that are based on politics, or on other reasons that do not benefit the public.

The air is getting cleaner, and the impact of the 2008 standards have yet to be fully realized and examined. These current ozone standards need an opportunity to work. The WSLCA is a nationally recognized voice for prudent land management. We value clean air and responsible, sustainable management of resources. A variety of industries and independent parties have examined scientific studies and the EPA's own data used to model a lower ozone standard. Most reports conclude that the EPA's process of setting ozone standards has not scientifically proven that further lowering of the maximum ozone levels will provide any measurable increase in human health protection.

Therefore, in light of the significant economic hardship and uncertain benefits of implementing a more stringent ozone standard the WSLCA calls on EPA to retain the existing ozone standards of 75 ppb in the final rule. We appreciate the opportunity to comment on these proposed rules.

Sincerely,

A handwritten signature in black ink that reads "John Thurston". The signature is written in a cursive, flowing style.

John Thurston, President

Western States Land Commissioners Association

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Enclosure: WSLCA Resolution 2015-02



**RESOLUTION 2015-02  
CONCERNING THE PROPOSED CHANGES TO NATIONAL AMBIENT  
AIR QUALITY STANDARDS FOR OZONE**

**Whereas**, the Western States Land Commissioners Association (“WSLCA”) affirms its commitment to clean air quality and responsible development and use of America’s natural resources; and

**Whereas**, the Environmental Protection Agency (EPA) has proposed a rule to make revisions to the primary and secondary national ambient air quality standard (NAAQS) for ozone (O<sub>3</sub>); and

**Whereas**, the EPA’s proposed rule significantly lowers the O<sub>3</sub> standard to a range of 65 ppb to 70 ppb, despite not yet fully implementing or understanding the positive impacts of the 2008 standard, which is the current 75 ppb level; and

**Whereas**, members of WSLCA have state constitutional mandates to manage millions of acres of lands and waterways for economic development, public education, conservation, recreation, and other public purposes provided by state law, which will be significantly and adversely impacted if the proposed rule is adopted; and

**Whereas**, the responsible oil, gas, mining and other developments sited on state lands are often located in rural America and the EPA’s proposal would significantly expand the number of nonattainment areas nationwide and bring many rural areas into the program without an effective means to achieve compliance; and

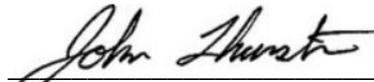
**Whereas**, EPA’s own modeling analysis suggests a majority of O<sub>3</sub> exceedances are caused by anthropogenic emissions or naturally occurring conditions such as high altitude conditions, foreign trade winds and wildfire - conditions that cannot be controlled by regulation; and

**Whereas**, studies show the return on investment in ozone emissions reduction is diminishing and that further steps to meet a stricter standard would have significant and increasingly higher cost without any scientifically proven evidence to support measurable increase in human health protection.

**THEREFORE BE IT RESOLVED AS FOLLOWS:**

1. WSLCA urges the EPA to allow the current O<sub>3</sub> standard adopted in 2008 to be fully implemented and understood prior to examining and modeling another NAAQS.
2. WSLCA recommends any new NAAQS for O<sub>3</sub> properly account for the cost benefit to achieving a lower standard. And, to consider whether investment in technology necessary to achieve the standard is realistic, attainable and economically viable, particularly in rural areas of the nation where a preponderance of oil, gas, and mining developments occur and provide a critical economic engine for communities as well as funding hundreds of millions of dollars annually to support state education and institutions.
3. WSLCA urges the EPA to acknowledge the economic consequences and scientific uncertainties of implementing a more stringent ozone standard and that the existing ozone standards of 75 ppb be retained in the final rule.

Adopted this 9<sup>th</sup> day of March, 2015.



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John Thurston, President  
WSLCA



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Lisa Schneider, Secretary  
WSLCA