

UPDATED INFORMATIVE DIGEST

ADOPTION OF AMMENDMENTS TO REGULATIONS FOR THE STATE AMBIENT AIR QUALITY STANDARD FOR OZONE

Sections Affected: Proposed amendments to title 17, California Code of Regulations (CCR), sections 70100, 70100.1, 70200, and the document Incorporated by reference in section 70100.1: Air Monitoring Quality Assurance Manual, Volume IV: Monitoring Methods for the State Ambient Air Quality Standards.

Background: Section 39606(a)(2) of the Health and Safety Code requires the ARB to adopt ambient air quality standards in consideration of the public health, safety, and welfare, including but not limited to health, illness, irritation to the senses, aesthetic value, visibility interference and the effects of air pollution on the economy. Ambient air quality standards, as defined in section 39014 of the Health and Safety Code, reflect the relationship between the composition and intensity of air pollution to undesirable effects. Ambient standards relating to health effects, including the ozone standard, is to be based upon the recommendations of the Office of Environmental Health Hazard Assessment (OEHHA). Existing section 70100 of 17 CCR consists of definitions of ambient air quality standards, and existing section 70200 consists of a table of standards. Section 70100.1 sets forth approved samplers, measurement methods, and instruments for monitoring for compliance with ozone standards. The adopted amendments have modified the parts of these sections pertaining to ozone.

Section 39606(d) of the Health and Safety Code (Children's Environmental Health Protection Act (SB 25, Escutia; Stats. 1999 ch. 731, sec. 3)) required the ARB, in consultation with the OEHHA, to review all California health-based ambient air quality standards to determine if any were inadequate to protect public health, including the health of infants and children. At its December 7, 2000 meeting, the Board approved a report, "Adequacy of California Ambient Air Quality Standards: Children's Environmental Health Protection Act," prepared by ARB and OEHHA staffs. The report concluded that health effects may occur in infants and children and other potentially susceptible subgroups exposed to several criteria pollutants at or near levels corresponding to their current standards. A criteria pollutant is defined as an air pollutant for which acceptable levels of exposure can be determined and for which an ambient air quality standard has been set. The report identified the standard for ozone as having the second highest priority for review and revision, after those for particulate matter and sulfates. The Board approved new standards for particulate matter and sulfates in spring of 2002, after which work commenced on review of the ambient air quality standard for ozone.

For the ozone standard review, ARB and OEHHA staff considered and evaluated available scientific literature regarding the impacts of ozone air pollution on public health. The body of evidence reviewed demonstrated associations between health effects and ozone. A quantitative health impacts assessment conducted by ARB staff estimated, an amendment to the Initial Statement of Reasons, that attainment of the proposed 8-hour ozone standard would result in an annual reduction of approximately

630 cases of premature death, thousands fewer hospital admissions for heart and lung diseases, and millions fewer school absences and minor restricted activity days.

Staff Proposal: Based on a review of the scientific evidence on ozone health effects and the recommendations of the OEHHA, ARB staff proposed and the Board adopted the following:

- Ozone 1-hour-average Standard – retain the current 1-hour-average standard for ozone at 0.09 ppm, not to be exceeded.
- Ozone 8-hour-average Standard – establish a new 8-hour-average standard for ozone at 0.070 ppm, not to be exceeded.
- Ozone Monitoring Method -- retain the current monitoring method for ozone which uses the ultraviolet (UV) photometry method for determining compliance with the State ambient air quality standard for ozone. Incorporate by reference (17 Cal. Code Regs. section 70100.1) all federally approved UV methods (i.e., samplers) for ozone as "California Approved Samplers". This will result in no change in air monitoring equipment practices, but will align state monitoring requirements with federal requirements.

In 17, CCR, section 70100 (Definitions), ARB staff proposed and the Board adopted the following:

- Delete the provision for "Oxidant".
- Revise the provision for "Suspended Particulate Matter (PM10)" deleting that portion on measurement methods.
- Revise the provision for "Fine Suspended Particulate Matter (PM2.5)" deleting that portion on measurement methods.

In 17, CCR, section 70100.1 (Methods, Samplers, and Instruments for Measuring Pollutants), ARB staff proposed and the Board adopted the following:

- Delete the listing of specific analytical and monitoring methods, samplers, and equipment to be used to measure pollutants in the ambient air to determine compliance with the State Ambient Air Quality Standards
- Revise the provisions on the methods to be used in the ambient air to determine compliance with the State Ambient Air Quality Standards to indicate that California Approved Samplers are set forth in "Air Monitoring Quality Assurance Manual Volume IV."

In 17, CCR, section 70200 (Table of Standards), ARB staff proposed and the Board approved the following:

- Revise the provision for "Ozone" to reflect addition of the proposed 0.070 ppm standard.

Several commentors at the April 28, 2005 Board hearing asked that the health impacts (benefits) analysis (Appendix B of the Staff Report) be presented in such a way as to

illustrate the proportion of total benefits that would accrue with attainment of the federal 8-hour ozone standard of 0.08 ppm, the State 1-hour standard of 0.09 ppm, and the proposed State 8-hour standard of 0.070 ppm, compare to current measured ozone levels, in order of stringency. The Board directed Staff to perform the requested analysis and to release the revised Appendix B, along with updated Executive Summary and Overview chapters of the staff report, for a 15 Day Public Comment Period. Staff performed this analysis, and the results were presented in the revised Appendix B that was released on October 27, 2005, for a 15 Day Public Comment Period.

In response to the Board's direction, a "Notice of Public Availability of Modified Text," was mailed in accordance with section 44, title 1, California Code of Regulations, on October 27, 2005. The mailing included the revised Appendix B, and updated Executive Summary and Overview chapters, with the text changes clearly indicated, as required by Government Code section 11346.7(a). Pursuant to Government Code 11347.1(b), these additional documents and all other documentation relied upon in the regulatory action were made available for inspection at the ARB's Public Information Office, Environmental Services Center. The comment period ended November 11, 2005.

No comments were received in response to the Notice of Availability of Modified Text, and the Executive Officer issued Executive Order R-06-002 adopting the publicly noticed regulations. After the Office of Administrative law approves the final regulatory package, it is filed with the Secretary of State. The modifications to the regulations will become effective no later than 30 days after the filing.