Commissioner Paul Mercer
Maine Department of Environmental Protection
17 State House Station
Augusta, Maine 04333-0017

Dear Commissioner Mercer:

This letter is to express the deep concern of the American Lung Association on the impacts the decision to opt of the Ozone Transport Region (OTR) will have on the citizens of Maine from Kittery to Lubec, but also those who live in the heart of the state. The Lung Association testified in opposition to the petition at the June 30th public hearing, but we feel there is additional need to address our immediate health concerns specific to the coastal area.

Ozone significantly worsens the respiratory health problems Maine citizens encounter. Maine has among the highest prevalence of asthma in the country, with more than 131,000 adults and nearly 18,800 children with asthma. But people with asthma are not the only ones at risk from ozone: Maine has more than 250,000 children under age 18 and more than 257,600 adults over age 65 who suffer when ozone levels are elevated.

The DEP's stated objective to remove most of Maine from the OTR is to limit the most effective requirements that have helped Maine to continue to meet the national air quality standards for ozone: "to limit areas of the state where new OTR emission controls might be required in the future, and to enable Maine facilities to do capital improvement projects without needing to purchase emission offsets." The DEP lists many industries that would not have to install proven measures to reduce the emissions that other industries in Maine would still need to control. Some industries may be waiting to submit license applications that would prefer to do so without the OTR requirements. However, the tools in the OTR allow Maine to ensure that Maine people are well protected from the threats of the increased pollution, including the precursors to ozone, while still having industry expand in the state. Some of those measures provide greater protection to the people who live near those facilities than just the reduced ozone. For example, in the *Maine's Ozone Success Story*, DEP mentions that:

> "Forest products facilities will not have to repeatedly reevaluate the appropriate non-attainment level NOx emission controls for their combustion equipment or VOC non-attainment level emission controls for drying kilns every time the ozone standard is changed. Because of being in the OTR, every time the ozone standard is changed, a state needs to reevaluate nitrogen oxide and VOC control strategies to meet non-attainment level Reasonably Available Control Technology requirements." (page 10).

More research is uncovering evidence of the harm that NOx and VOCs pose directly before they create ozone. For example, increased evidence warns that repeated exposure to NOx for extended periods may cause the development of asthma in children, as EPA concluded in the 2016 *Integrated Science Assessment for Oxides of Nitrogen: Health Effects*.[1] So, allowing facilities to not have to meet otherwise more protective levels would potentially place more Maine children at risk of developing asthma.

Maine's proposal to opt out also threatens the unraveling of the OTR, a long-standing partnership established under the Clean Air Act to protect the people in the Northeast and Mid-Atlantic. Such an unraveling means that Maine could lose more than it gains if upwind controls are lost. Maine's

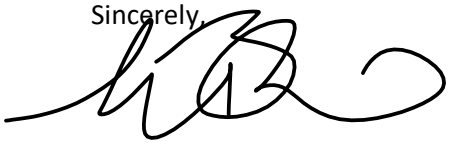
argument that because all counties in Maine meet the standards eliminates the need for other states to include Maine in a demonstration to opt out; primarily Vermont and New Hampshire would be in a good position to do so. It is paramount to thoroughly evaluate the ozone impacts on Maine's whole coast before concluding standards are being met there.

Part of that assessment requires additional coastal monitoring before any of the state can be included in any opt out provision. The limited monitoring likely means that other days with high ozone fail to be counted, based on evidence from older monitoring sites no longer in use. One example is the monitor in Small Point, about midway between Cape Elizabeth and Port Clyde that consistently gave higher values than either site. That Small Point monitor had readings that were higher than most of Kennebunkport's highest readings on the same days and gave high values on days Kennebunkport did not. Many pockets along the coast likely mimic Small Point's uniqueness to record much higher ozone concentrations than the sparse ozone monitoring currently recorded along the immediate coast. The Small Point monitor was discontinued with plans to reestablish a comparable site that would have similar exposure to ozone, but it never was reestablished. However, the historical information from the Small Point monitor means that areas along the coast are very vulnerable to high ozone concentrations and should not be removed from the OTR.

Each year for the last seven years the Lung Association's representative at the Air Bureau's annual monitoring meeting has urged the Air Bureau to reestablish that site to affirm that reductions seen at other monitors outside the York area were actually reduced below the standard. That request has even greater relevance now that the 2015 ozone standard is in place and no representative data exist to affirm that Small Point area meets that new standard. The Small Point site showed concentrations would be much higher than the other coastal sites being used to demonstrate compliance.

The Lung Association requests that all counties in Maine remain in the OTC, to provide protection for the residents of Maine from ozone and its precursor air pollutants. The Lung Association also urges DEP to establish new monitoring sites with necessary resources to fully assess the ozone's impact. We urge you to correct this gap in necessary data that would provide a more accurate reflection of the ozone impact along the Maine coast. Thank you for your attention on this request.

Sincerely,



Lance L. Boucher, Senior Division Director
State Public Policy, East
American Lung Association

[1] U.S. EPA. Integrated Science Assessment (ISA) for Oxides of Nitrogen – Health Criteria (Final Report, 2016). U.S. Environmental Protection Agency, Washington, DC, EPA/600/R-15/068, 2016.