



July 30, 2018

Commissioner Paul Mercer
Department of Environmental Protection
17 State House Station
Augusta, ME 04330

Preliminary Comments in Opposition to Department of Environmental Protection (DEP) Petition to Withdraw Most of Maine from Ozone Transport Region

My name is Dylan Voorhees and I am the Clean Energy Director for the Natural Resources Council of Maine (NRCM.) Thank you for allowing us to provide comments on the DEP's draft petition to the U.S. Environmental Protection Agency to withdraw most of Maine from the Ozone Transport Region (OTR). Today we are providing preliminary comments with our key concerns and arguments against this petition. We plan to file more detailed and technical comments by the September 10th deadline.

NRCM is strongly opposed to this petition. If granted, it would directly result in an increase in harmful air pollutants that affect Maine people, and undermine regional cooperation that is essential to protect our air. The federal government is currently working to weaken air pollution standards in every way possible, allowing industries in upwind states to *increase* pollution. Maine's effective withdrawal from the OTR would leave the state vulnerable, with less ability to reduce upwind pollution that negatively affects the health of Maine people.

1. The proposal would increase harmful air pollution in Maine.

Ozone is a dangerous form of air pollution with significant harmful effects on our lungs. Elevated levels of ozone are especially dangerous to those with lung diseases, such as asthma, as well as the young and the elderly.

The singular purpose of the petition is to allow new sources of pollution (including expanded and modified facilities) to emit more ozone-forming NOx and Volatile Organic Compounds (VOC) than they can currently. The claim in the petition that the proposal will not degrade air quality in Maine is false. Unless there are no new, expanded or modified sources, emissions will increase, negatively affecting our air quality. The petition states that, if the petition is granted, there are many potential sources that would emit more pollution than they are allowed under the OTR. Regardless of whether or not the proposal results in official "non-attainment" designations, it is clear that Maine's air quality will worsen if this petition is granted.

Actions and controls that reduce VOCs not only reduce ozone pollution also reduce the emission of air toxics. Air toxics cause numerous harmful health effects, including brain development in infants. This gives additional reason to be concerned about weakening limits on VOCs.

2. Clean air is essential to Maine and needs continued improvement, especially in the face of weakening federal pollution standards.

We agree with the DEP that the OTR has been successful in reducing air pollution. We strongly disagree with any implication that Maine's air is "clean enough" or that more action is not needed.

The fact that Maine continues to suffer from bad air quality on many occasions each year attests to the fact that "attainment" of national standards is not indicative of healthy air quality. Just last month, the DEP issued a warning for as many as *eight days* of bad air quality caused by high ozone levels. Maine's very high rates of asthma also remind us that we have more to do. And clean air is essential to Maine's tourism economy, as well.

The Trump Administration is actively working to weaken pollution limits under the Clean Air Act. This includes significantly weakened tailpipe standards for cars and trucks, which is expected to be announced this week. It also includes weaker air pollution (and air toxics) rules for power plants. To the extent these efforts are successful, they will result in greater pollution in upwind states and worsened air quality in Maine. That makes this a terrible time to turn our back on ozone limits and regional cooperation.

3. This petition would undermine regional cooperation that is essential for improving and protecting Maine's air quality.

The proper response to continued air quality challenges and a successful regional agreement would be to *strengthen and expand* that agreement. That is what is happening with the Regional Greenhouse Gas Initiative. That also remains a possibility with the OTR: most of the participating states have been working to add additional upwind states that also affect our collective air quality to the OTR. That has been an uphill battle and Maine has not supported it.

Instead, Maine is turning our back on the region. The DEP's justification for Maine's withdrawal is a recipe for unraveling the OTR. Other parts of other states also contribute very small amounts of pollution to the region. What is to stop them from leaving as well? Currently the OTR reflects a "we're in this together" attitude toward controlling pollution that knows no political borders. Taking most of Maine out of the OTR goes in the opposite direction and reduces our leverage with other states for ongoing decisions about reducing ozone pollution.

4. The proposal to leave tiny portions of Maine in the OTR is cynical and arbitrary.

The message this petition sends to other states is made even more cynical by the proposal to leave tiny portions of Maine *in* the OTR. This effectively tells other states that they must still concern themselves with their contribution to pollution in parts of Maine but we will not.

(Incidentally, the DEP has not demonstrated that Maine emissions are not contributing significantly to ozone in Acadia or the York towns.)

The selection of 10 towns in York County to keep in the OTR is arbitrary. The air in Saco (left in OTR) is no different from the air in Scarborough (taken out). This proposal would create an arbitrary regulatory boundary across York County, with different pollution rules on each side of the county. The DEP has not justified this arbitrary division.

5. Weakening environmental protections to allow industry to pollute more is a failed and outdated economic development strategy.

Most Maine people have abandoned the old idea that environmental protection is at odds with economic development. They understand that clean air, land and water are essential to Maine's economy. The link between clean air and tourism is easy to see, for example. One recent study found a direct connection between ozone levels and visitations at national parks, including Acadia.

Through enforcement of the Ed Muskie's Clean Air Act and other laws, Maine has experienced a cleaner environment while our economy has grown and diversified. With its simplistic logic that air pollution standards are hurting our economy, this petition belongs in the 1950's.

We don't deny that sometimes reducing pollution means costs for polluters. (Although decades of experience shows time and time again that predictions of burdensome costs by industry are often vastly exaggerated.) But Maine embarks on a race to the bottom when we fail to recognize the benefits of reducing pollution, whether those are public health benefits or a stronger tourism economy.

We urge the DEP to reconsider this petition, give greater weight to protecting Maine's air quality and public health, and put more stock in regional cooperation as a tool to reduce upwind pollution.

Thank you.