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United States Environmental Protection Agency  
Public Hearing for the Review of the National Ambient Air Quality Standards for Ozone  
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Good morning. I’m Nick Goldstein, Vice President of Regulatory and Legal Issues with the American Road and Transportation Builders Association or A-R-T-B-A.

A-R-T-B-A, a 118-year old organization based in the Nation’s Capital, represents all sectors of the U.S. transportation construction industry; an industry that generates $500 billion in U.S. economic activity and helps sustain more than 4 million American jobs.

On behalf of the more than 8,000 members of the American Road & Transportation Builders Association (ARTBA), I respectfully offer support for the U.S. Environmental Protection Agency’s (EPA) recent decision to retain both the primary and secondary National Ambient Air Quality Standards (NAAQS) for ozone without revision.

ARTBA’s membership includes private and public-sector members that are involved in the planning, designing, construction and maintenance of the nation’s roadways, waterways, bridges, ports, airports, rail and transit systems.

ARTBA members undertake a variety of activities directly impacted by EPA regulations. ARTBA’s public sector members adopt, approve or fund transportation plans, programs or projects while ARTBA’s private sector members plan, design, construct and provide supplies for all federal-aid transportation improvement projects.

NAAQS compliance is a particularly important issue for the transportation construction sector as counties which do not meet NAAQS can have federal highway funds withheld. These funds are important to areas aiming to improve air quality through transportation improvements that ease congestion.

EPA’s decision to retain the current ozone NAAQS is supported by examining what has already been achieved as well as expected air quality improvements from previously approved initiatives.
Regulations do not operate in a vacuum. EPA’s own data indicates overall concentrations of the pollutants monitored through the NAAQS, including ozone, have dropped “significantly” since 1990 and “[d]uring this same period, the U.S. economy continued to grow, Americans drove more miles and population and energy use increased.”

EPA’s decision also promotes both public health and economic stability. Tightening ozone standards despite their current effectiveness could result in the withholding of federal highway funds in areas forced out of compliance with new standards. This, in turn, would have negative effects on both employment and development for impacted counties where transportation improvements are delayed or cancelled. In many instances, these federal-aid projects are intended to improve demonstrated public safety threats. Once completed, transportation improvements can reduce congestion and improve air quality. Such improvements will not be realized if projects cannot go forward.

Additionally, ARTBA is encouraged by EPA’s current efforts to examine the entire NAAQS process. Local officials need some sense of predictability in order to develop long-range transportation plans to achieve emissions reduction goals. In many instances, counties are focusing on addressing existing NAAQS and any additional changes to the standards are akin to “moving the goalposts in the middle of the game.” If counties are to effectively comply with current NAAQS, new requirements will only serve to hamper these efforts by opening the door to possible litigation and sanctions potentially resulting in the withholding of federal funding for transportation improvement projects. A complete analysis of potential NAAQS revisions should also include the effects of the potential for increased unemployment, reduced congestion relief and weakened public safety. The NAAQS process should be reformed with a view towards maximizing results while minimizing excessive regulatory requirements.

In conclusion, ARTBA supports EPA’s decision to retain the current ozone NAAQS. With air quality already improving, further regulation in not necessary and, perhaps, thought should instead be given to altering existing requirements in a manner which would reduce regulatory burdens without sacrificing the success which has already been achieved. We look forward to continuing to work with the EPA towards achieving cleaner air through efforts which strike the proper balance between environmental protection and our nation’s infrastructure needs.