



May 18, 2016

The Honorable Pete Olson  
United States House of Representatives  
Washington, DC 20515

The Honorable Henry Cuellar  
United States House of Representatives  
Washington, D.C. 20515

Dear Representatives Olson and Cuellar:

On behalf of the Small Business and Entrepreneurship Council (SBE Council), and its project, The Center for Regulatory Solutions (CRS), I am writing to express our strong support for H.R. 4775, the “Ozone Standards and Implementation Act of 2016.” We commend you along with the bill’s original cosponsors, Representatives Bill Flores (R-TX), Bob Latta (R-OH), House Majority Whip Steve Scalise (R-LA), House Majority Leader Kevin McCarthy (R-CA), and Rep. Henry Cuellar (D-TX).

SBE Council represents 100,000 small business members across the country. One of their top public policy concerns is overreaching federal regulations that are stifling investment, innovation, competitiveness and access to capital. H.R. 4775 would help reverse that trend by delivering much needed regulatory certainty through more rational, science-based implementation of the Clean Air Act (CAA).

Over the last year, through reports and analyses, SBE Council’s CRS project has played a leading role in educating the public and small businesses about the decline in jobs and economic growth that will result from the new ozone standard approved by the Environmental Protection Agency (EPA). CRS documented the significant, bipartisan opposition to tightening the standard from nearly 700 national, state and local officials and stakeholders, and from businesses of all sizes.

In October 2015, EPA ignored broad-based comments and testimony and the requirements of the law. Mountains of compelling, independent evidence, a good part of which was generated by CRS, exposed the agency’s secretive decision-making process, the harmful economic consequences of a 70 parts-per-billion standard, and the agency’s deeply flawed science.

H.R. 4775 contains a number of provisions that SBE Council's members are pleased to support. First, the bill would delay implementation of the 2015 ozone standards, giving states and businesses more time sort through a mess largely of EPA's making. The agency only a year ago issued implementation guidance to the states for the 2008 ozone standards, *7 years after they were finalized*. Even as states are wrestling with this challenge, EPA piled on last year with a tougher standard, which means, among things, more uncertainty for small businesses.

Second, the bill includes policy reforms that should help prevent this sort of disaster in the future. To help alleviate the bureaucratic permitting nightmares for new facilities, and expansions at existing facilities, under the CAA, the bill would delay the application of the 2015 standard to "preconstruction permits" until non-attainment designations are completed. This will provide greater regulatory certainty and allow for economic growth to occur in areas that can't meet the new standard.

Instead of reviewing whether revisions are needed to the National Ambient Air Quality Standards (NAAQS) every 5 years, as is now required by the CAA, H.R. 4775 prudently provides more time, moving the review to every 10 years. As EPA's current confusion demonstrates, the 5-year timeframe is simply inadequate for a thoroughgoing, scientifically sound review. In addition, the bill allows the EPA Administrator to consider "technological feasibility" when setting a new standard, which will help in getting the standard right.

We appreciate your dedication to fixing the damage and regulatory mess that EPA has caused, and more broadly, your willingness to advance the cause of sound regulatory reform. Both of these issues are critically important to returning the U.S. economy to a path of robust growth and expansion, and to small businesses competing and succeeding in the global economy.

Sincerely,

A handwritten signature in black ink, appearing to read "Karen Kerrigan". The signature is fluid and cursive, with a large initial "K" and "K" for the last name.

Karen Kerrigan  
President and CEO

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***Protecting Small Business, Promoting Entrepreneurship***