

REFERENCE TITLE: air quality; ozone standards; opposing

State of Arizona
House of Representatives
Fifty-sixth Legislature
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2023

HCM 2008

Introduced by
Representative Carbone

A CONCURRENT MEMORIAL

URGING THE PRESIDENT AND CONGRESS OF THE UNITED STATES TO HALT THE
IMPOSITION OF UNREALISTIC OZONE STANDARDS ON THE STATE OF ARIZONA.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 To the President and Congress of the United States of America:

2 Your memorialist respectfully represents:

3 Whereas, on September 16, 2022, the United States Environmental
4 Protection Agency (EPA) reclassified Maricopa County as a moderate
5 nonattainment area for ozone limits under the Clean Air Act; and

6 Whereas, the EPA under the Biden Administration is trying to force
7 the adoption of ozone control measures on the State of Arizona and its
8 individual citizens, motorists and businesses that would devastate the
9 economy; and

10 Whereas, the main contributor to nonattainment for Maricopa County
11 was the adoption of the 2015 EPA guidelines, which dropped acceptable
12 ozone levels from 75ppb to 70ppb; and

13 Whereas, multiple studies have shown that higher ozone levels in
14 Maricopa County are being caused by natural events and that external
15 activity outside the state is beyond the scope and control of the citizens
16 of this state; and

17 Whereas, there is no evidence that any of the control measures being
18 considered, including additional regulations on business, expanding
19 transit, adopting vision-zero zoning programs or vehicle trip reduction
20 requirements will result in Maricopa County reaching attainment; and

21 Whereas, the Maricopa Association of Governments has issued public
22 statements acknowledging that the removal of all 4,000,000 internal
23 combustion vehicles in the metropolitan Phoenix area would not bring
24 Maricopa County into compliance with the ozone requirements mandated by
25 the EPA; and

26 Whereas, during the Covid-19 pandemic in 2020 ozone levels increased
27 from 79ppb to 87ppb despite the fact that most vehicular and business
28 activity was halted in Maricopa County; and

29 Whereas, the imposition of fines and penalties or the withholding of
30 Arizona's share of federal transportation dollars by the EPA for
31 nonattainment would be coercive and unfairly punitive to the citizens of
32 this state.

33 Wherefore your memorialist, the House of Representatives of the State of
34 Arizona, the Senate concurring, prays:

35 1. That the Biden Administration and the United States Congress
36 stop the United States Environmental Protection Agency from imposing
37 coercive and likely unconstitutional penalties on Arizona to comply with
38 an ozone standard that is impossible to attain through any of the control
39 measures being considered.

40 2. That the Secretary of State of the State of Arizona transmit
41 copies of this Memorial to the President of the United States, the
42 President of the United States Senate, the Speaker of the United States
43 House of Representatives and each Member of Congress from the State of
44 Arizona.