

State of South Dakota

SEVENTY-SECOND SESSION
LEGISLATIVE ASSEMBLY, 1997

543A0787

SENATE CONCURRENT RESOLUTION NO. 4

Introduced by: Senators Dunn (Jim), Aker, Flowers, Morford-Burg, Shoener, and Vitter and
Representatives Brooks, DeMersseman, Derby, Duniphan, Madden, Matthews,
Monroe, Napoli, and Pederson (Gordon)

1 A CONCURRENT RESOLUTION, Urging the Environmental Protection Agency to reaffirm
2 certain air quality standards.

3 WHEREAS, the U.S. Environmental Protection Agency (EPA) has a responsibility to review
4 periodically the National Ambient Air Quality Standards (NAAQS) for ozone and particulate
5 matter (PM); and

6 WHEREAS, EPA is considering establishing a more stringent ozone standard and a new,
7 more stringent standard for particulate matter at or below 2.5 microns (PM2.5); and

8 WHEREAS, South Dakota, its local jurisdictions, business and citizens have supported
9 health-based National Ambient Air Quality Standards (NAAQS) that are premised on sound
10 science; and

11 WHEREAS, the proposed new standards will significantly expand the number of
12 nonattainment areas for both ozone and particulate matter, resulting in additional emission
13 controls in all areas, thus imposing significant economic, administrative, and regulatory burdens
14 on South Dakota, its citizens, business, and local governments; and

15 WHEREAS, preliminary data analysis on the new PM2.5 standard by EPA places Pennington

1 County on the projected nonattainment list; and

2 WHEREAS, EPA's own Clean Air Science Advisory Committee was unable to find any
3 "bright line" that would distinguish any public health benefit among any of the proposed new
4 standards for ozone, including the current standard; and

5 WHEREAS, there are no EPA approved methods for PM2.5 testing and little existing PM2.5
6 monitoring data; and

7 WHEREAS, there are many unanswered questions and scientific uncertainties regarding the
8 health effects of particulate matter, and in particular PM2.5, including divergent opinions among
9 scientists who have investigated the issue; exposure misclassification; measurement errors; lack
10 of supporting toxicological data; lack of a plausible toxicological mechanism; lack of correlation
11 between recorded PM levels and public health effects; influence of other variables; and the
12 existence of possible alternative explanations; and

13 WHEREAS, no scientific proof exists that establishing a more stringent ozone standard or
14 a new, more stringent PM2.5 standard would avoid alleged adverse health, but would assuredly
15 impose significantly higher costs:

16 NOW, THEREFORE, BE IT RESOLVED, by the Senate of the Seventy-second Legislature
17 of the State of South Dakota, the House of Representatives concurring therein, that the State
18 of South Dakota advises and strongly urges EPA to reaffirm the existing NAAQS for ozone;
19 advises and strongly urges EPA to refrain from establishing a new NAAQS for PM2.5 at this
20 time, and to gather the necessary PM2.5 monitoring data and conduct all necessary research
21 needed to address the issue of causality and other critical and important unanswered scientific
22 questions concerning PM2.5; and advises and strongly urges EPA to identify any unfunded
23 mandates or other administrative and economic burdens for the state or local governments or
24 agencies that would result from the proposed changes to the NAAQS for ozone and particulate
25 matter.