July 12, 2022

The Honorable Joe Biden
President of the United States
1600 Pennsylvania Ave. NW
Washington, D.C. 20500

Re: People Need Clean Air to Breathe, Even in the Permian Basin

Dear President Biden:

In light of dangerous and growing smog pollution in the Permian Basin of southeast New Mexico and west Texas, your U.S. Environmental Protection Agency has responsibly taken the very first steps to address this serious problem and work to safeguard people and communities.

The undersigned public health, environmental justice, and environmental organizations applaud your administration for recognizing and taking action on this significant health crisis. **We urge you to ensure the Environmental Protection Agency stays on track to curtail harmful pollution, restore clean air, and confront the burden and cost of an unhealthy environment in the Permian Basin.**

For several years now, the Permian Basin has experienced soaring concentrations of ground-level ozone pollution. The key ingredient of smog, ozone is a poisonous gas. At high concentrations, it is lethal, but even at very low concentrations it is a serious respiratory irritant than can trigger asthma attacks, inflame the lungs, worsen emphysema, and even lead to premature death. Children, seniors, and adults active outdoors are most at risk from the harmful effects of ozone.

The Environmental Protection Agency estimates the health costs of ozone in the U.S. to be in the billions. Research indicates that every American shoulders at least $2,500 in added health care costs every year due to high air pollution.

Federal air quality standards limit ozone concentrations in the ambient air to no more than 0.070 parts per million over an eight-hour period. In the Permian Basin, ozone concentrations regularly exceed this standard, an alarming indication that the air people breathe is routinely harming them.

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In light of this, the Environmental Protection Agency has signaled that the Permian Basin should be designated a "nonattainment area," a designation that would bring the region into compliance with ozone standards and restore clean air. Under the Clean Air Act, a "nonattainment area" designation would empower the states of New Mexico and Texas to develop air pollution cleanup plans and set a deadline for attainment of the ozone standards.

Put another way, a nonattainment designation would ensure that people and communities throughout the Permian Basin no longer suffer the harmful and costly effects of smog. We support the Environmental Protection Agency's efforts to achieve this end.

Ozone is formed when air pollution from smokestacks, tailpipes, and oil and gas extraction activities reacts with sunlight. In the Permian Basin, the massive build out of oil and gas wells, pipelines, processing plants, refineries, and more has led to a surge in ozone forming pollution. Wasteful flaring and venting is rampant while more development has also led to more traffic and heavy machinery.

Emissions in the oil and gas sector can be cost-effectively controlled. Unfortunately in the Permian Basin, companies have largely chosen not to utilize cost-effective emissions controls. A nonattainment designation is squarely within the Environmental Protection Agency's authority under the Clean Air Act and would be a critical step toward ensuring all companies utilize cost-effective emissions controls in the Permian Basin.

Air monitors in the Permian Basin have confirmed that ozone levels are dangerously high. In New Mexico, a monitoring station in the community of Carlsbad so consistently measures high ozone that the air quality is in violation of federal standards. Under the Clean Air Act, where a federal air quality standard is violated, the Environmental Protection Agency is obligated to designate the area as "nonattainment."

In other parts of the U.S., nonattainment designations have been critical to driving down smog levels, restoring healthy air, promoting cleaner economic development, and easing the burden of health costs. Denver, Dallas, Houston, San Antonio, Phoenix, and many other regions of the U.S. have reaped tremendous economic and environmental benefits from nonattainment designations. It is a proven and powerful means of protecting and restoring air quality under the Clean Air Act and promoting healthy economies.

Americans everywhere are shouldering the costs of rising prices and economic volatility. In the Permian Basin, these costs are magnified by the costs of unhealthy smog. It is well established

that high ozone is linked to increased emergency room and hospital admissions, missed school and work days, and more medicine use. These costs are very real.

We support your administration's efforts to protect public health and the environment. Your Executive Order 13990, "Protecting Public Health and Environment," has helped usher in landmark initiatives to confront pollution, promote clean energy, and inspire economic innovation. The Permian Basin stands to benefit tremendously from the Environmental Protection Agency's efforts to protect clean air.

We are so grateful for the Environmental Protection Agency and its proposal to designate the Permian Basin a nonattainment area due to its dangerous smog levels. We strongly urge you to support the Agency and ensure it follows through with its proposal. The communities of the Permian Basin deserve clean air as much as any other region of the U.S.

For our health and environment, we thank you.

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