



July 13, 2026

U.S. Environmental Protection Agency
EPA Docket Center
Docket ID No. EPA-HQ-OAR-2025-0201
Mail Code 28221T
1200 Pennsylvania Avenue NW
Washington, D.C. 20460

Submitted electronically via Regulations.gov

RE: Comments opposing Ozone Reclassification State Implementation Plan Rule, 91 Fed. Reg. 35639 (June 12, 2026), Docket ID No. EPA-HQ-OAR-2025-0201

Clean Wisconsin urges EPA to reject its proposed rule, “Ozone Reclassification State Implementation Plan Rule,” 91 Fed. Reg. 11843 (June 12, 2026). The proposed rule is unlawful and, if finalized, would undermine the Clean Air Act’s public health protections for ozone nonattainment areas while substantially weakening the Act’s framework for addressing continued violations of the 2015 National Ambient Air Quality Standard for ozone (“2015 Ozone NAAQS”). Clean Wisconsin is a statewide environmental nonprofit organization that works to ensure a healthy future for every Wisconsin community by combatting pollution of our air, water, and land. EPA’s proposal would particularly harm Wisconsin residents, who are already experiencing deteriorating ozone air quality. At a time when ozone pollution remains a persistent and worsening concern, EPA should not reinterpret the Clean Air Act in a manner that effectively dismantles the Act’s graduated classification scheme and delays the implementation of needed emissions reductions.

Ground-level ozone is linked to asthma attacks, reduced lung function, chronic obstructive pulmonary disease exacerbations, cardiovascular disease, strokes, pregnancy complications, neurotoxicity, and premature death.¹ Children, older adults, people with respiratory illnesses, and communities of color face disproportionate impacts from ozone pollution.²

Across Wisconsin, ozone pollution is estimated to cause 100-400 premature deaths per year.³ Human-related emissions of ozone precursors (nitrogen oxides, NOx, and volatile organic

¹ National Ambient Air Quality Standards for Ozone, 80 Fed. Reg. 65292, 65307-08 (Oct. 26, 2015); EPA, *Integrated Science Assessment for Ozone and Related Photochemical Oxidants* 2-20 to -24, tbl.2-1 (Feb. 2013) (EPA-HQ-OAR-2008-0699-0405); American Lung Assoc., *State of the Air: 2022 Report* at 24-25 (2022).

² EPA, *Integrated Science Assessment for Ozone and Related Photochemical Oxidants*, at IS-1, EPA/600/R-20/012 (Apr. 2020), <https://cfpub.epa.gov/ncea/isa/recordisplay.cfm?deid=348522>; EPA, *Children’s Environmental Health Disparities: Black and African American Children and Asthma* at 3, https://www.epa.gov/sites/production/files/2014-05/documents/hd_aa_asthma.pdf (accessed Mar. 15, 2026).

³ Zhang et al. 2018. Long-term trends in the ambient PM2.5- and O3-related mortality burdens in the United States under emission reductions from 1990 to 2010. *Atmospheric Chemistry and Physics* 18: 15003–15016; Malashock et al. 2022. Estimates of ozone concentrations and attributable mortality in urban, peri-urban and rural areas worldwide



compounds, VOCs) create a public health burden in Wisconsin valued at \$6 billion per year, from premature death, hospital and emergency-room visits for respiratory conditions, asthma symptoms, and missed school and workdays.⁴

Specifically, there are persistent ozone pollution problems and nonattainment issues along Wisconsin's eastern lakeshore, an area with a large and diverse population. The entirety of Milwaukee and Ozaukee Counties and portions of Sheboygan, Washington, Waukesha, Racine, and Kenosha Counties are in nonattainment of the 2015 ozone NAAQS standards. As such, approximately one-third of Wisconsin residents live in areas not meeting the 2015 Ozone NAAQS and experience unhealthy levels of ozone.⁵ Ozone pollution that exceeds the federal standard poses even greater health risks to respiratory health. These health risks are higher for more vulnerable populations, including children and the elderly.⁶

For a period of time, from 2001 to 2010, ozone levels along Wisconsin's eastern lakeshore consistently declined. Since then, the Design Values of monitors in ozone nonattainment areas have fluctuated some but mostly remained relatively flat and, importantly, have not met the NAAQS standard of 70 ppb.⁷ As such, ozone regulatory nonattainment classifications in Wisconsin have increased in severity as the areas continue to not attain the standard.

To estimate the health harms of Wisconsin ozone NAAQS nonattainment, Clean Wisconsin employed the EPA's Benefits Mapping and Analysis Program (BenMAP).⁸ BenMAP has been used in past EPA Regulatory Impact Analyses to quantify health impacts and their associated economic cost due to changes in air quality.⁹ Specifically, this analysis identifies the health effect occurrences and quantified health cost of ozone Design Values above the NAAQS 70 ppb standard. Clean Wisconsin's analysis of Wisconsin's ozone nonattainment health impact used

in 2019. *Environmental Research Letters* 17: 054023; United States Environmental Protection Agency. 2025. Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA). <https://www.epa.gov/cobra>.

⁴ United States Environmental Protection Agency. 2025. Co-Benefits Risk Assessment Health Impacts Screening and Mapping Tool (COBRA). <https://www.epa.gov/cobra>.

⁵ Wisconsin Department of Natural Resources. 2022. DNR Releases 2022 Air Quality Trends Report. October 11, 2024. <https://content.govdelivery.com/accounts/WIDNR/bulletins/3319c1d>

⁶ Zhang J., Wei Y., Fang Z. 2019. Ozone Pollution: A Major Health Hazard Worldwide. *Front. Immunol.* doi.org/10.3389/fimmu.2019.02518

⁷ Lake Michigan Air Directors Consortium (LADCO). 2023. Conceptual Models of Ozone Formation in the Great Lakes Region: Technical Report. Figure 4.24, page 121. Available at: <https://www.ladco.org/wp-content/uploads/Projects/Ozone/Ozone-conceptual-model-report-FINAL-Feb-2023.pdf>

⁸ United States Environmental Protection Agency. 2025. Environmental Benefits Mapping and Analysis Program (BenMAP). <https://www.epa.gov/benmap>

⁹ See, U.S. ENV'T PROT. AGENCY, EPA-452/R-24-006, FINAL REGULATORY IMPACT ANALYSIS FOR THE RECONSIDERATION OF THE NATIONAL AMBIENT AIR QUALITY STANDARDS FOR PARTICULATE MATTER (2024).



reported 2023-2025 8-Hour Ozone Design Values,¹⁰ was conducted at the county-level, and includes only short-term health impacts.¹¹

According to the analysis, ozone NAAQS nonattainment in Wisconsin is estimated to result annually in 2–4 deaths, 138 emergency room visits, and 57,600 occurrences of asthma symptoms in Milwaukee, Ozaukee, Sheboygan, Washington, Waukesha, Racine, and Kenosha Counties (Table 1). This yields \$88,600,000 – \$112,000,000 of health harms every year. Ozone nonattainment is already harming Wisconsin residents, and the proposed revision to the SIP requirements will make it even harder to address this existing and persistent public health problem.

Health Effect	Occurrences	Quantified Health Cost (\$)
Minor Restricted Activity Days	34,700	2,830,000
Asthma Symptoms	57,600	14,400,000
Emergency room visits	138	141,000
Hospital admissions	12	499,000
School Loss Days	29,300	45,500,000
Mortality – low estimate	2	25,200,000
Mortality – high estimate	4	48,900,000
Total – low estimate	-	88,600,000
Total – high estimate	-	112,000,000

Table 1: BenMAP results for a scenario analyzing Wisconsin’s current ozone nonattainment Design Values and a change to NAAQS attainment of 70 ppb Design Values in the six counties that are designated in nonattainment. Yearly incidences and the quantified health costs are reported for short-term health impacts and mortality with a 2% discount rate.

Climate change has and will continue to exacerbate the problem and worsen ozone pollution in Wisconsin. Hot, sunny conditions are essential for ozone formation, and Wisconsin is expected to, and has already experienced, longer periods of summer temperatures and thus longer ozone seasons due to climate change.¹² Accordingly, ambient ozone pollution levels that exceed

¹⁰ If a county had multiple monitors, they were averaged to represent the county’s D8HourMax. Although some WI counties are only partially in nonattainment, we applied their nonattainment design values to the entire county to match the BenMAP spatial scale. Wisconsin Department of Natural Resources. 2026. 8-Hour Ozone Design Values: 2023-2025. Available at: <https://dnr.wisconsin.gov/sites/default/files/topic/AirQuality/OzoneDVs2025.pdf>

¹¹ Table 9 and Table 11, United States Environmental Protection Agency. 2024. Estimating PM2.5- and Ozone-Attributable Health Benefits: 2024 Update. <https://www.epa.gov/system/files/documents/2024-06/estimating-pm2.5-and-ozone-attributable-health-benefits-tsd-2024.pdf>

¹² Wisconsin Initiative on Climate Change Impacts. 2026. Wisconsin’s Changing Climate: Envisioning a climate resilient future. <https://wicci.wisc.edu/2026-assessment-report>

the federal standard have occurred earlier and later than past ozone seasons. The trending meteorological pattern of sunny and hot days in spring and fall have resulted in more high ozone days, including in central, inland Wisconsin, as has been the trend in recent years (Figure 1).

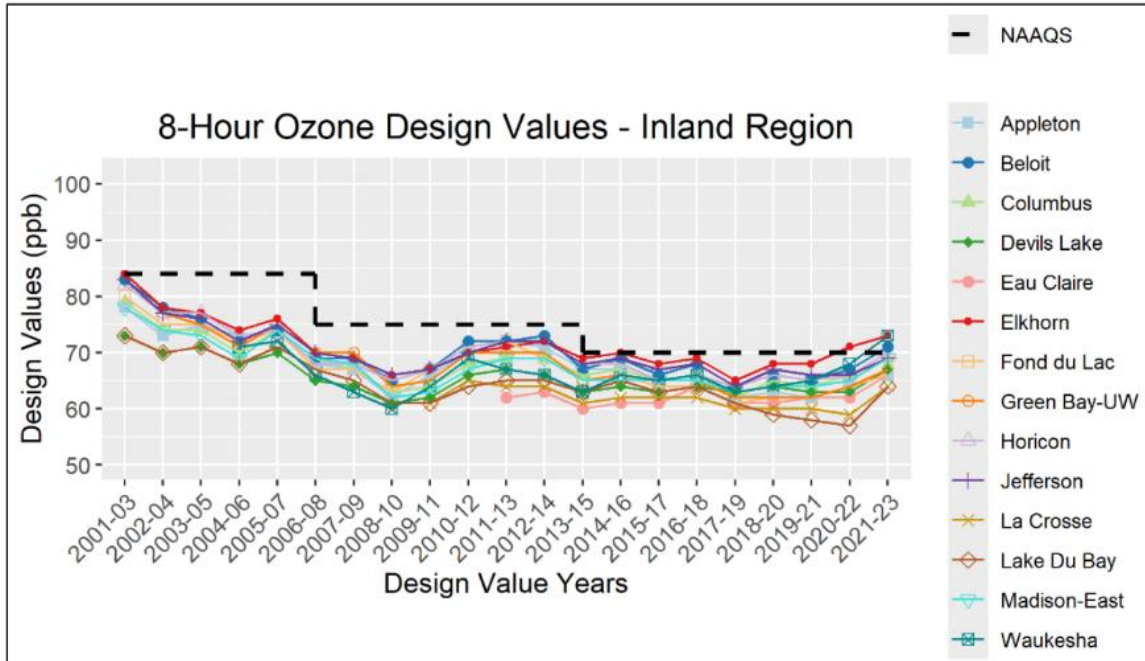


Figure 1. Trends in 8-hour ozone design values for the Inland region of Wisconsin. From: Wisconsin Department of Natural Resources. 2024. 2024 Wisconsin Air Quality Trends Report: Data from 2001-2023. Publication Number AM-643, December 2024.

Using data from EPA's Ozone Watch¹³ tool, the data on Wisconsin's three current nonattainment areas (Sheboygan, Milwaukee, and the Wisconsin-portion of the Chicago area) shows that ozone levels are getting worse compared to a few years ago. Below are line graphs tracking the upward ozone design value trends across monitors from the 2019 design value to the present.

¹³ EPA, Ozone Watch, <https://www.epa.gov/outdoor-air-quality-data/ozone-watch>

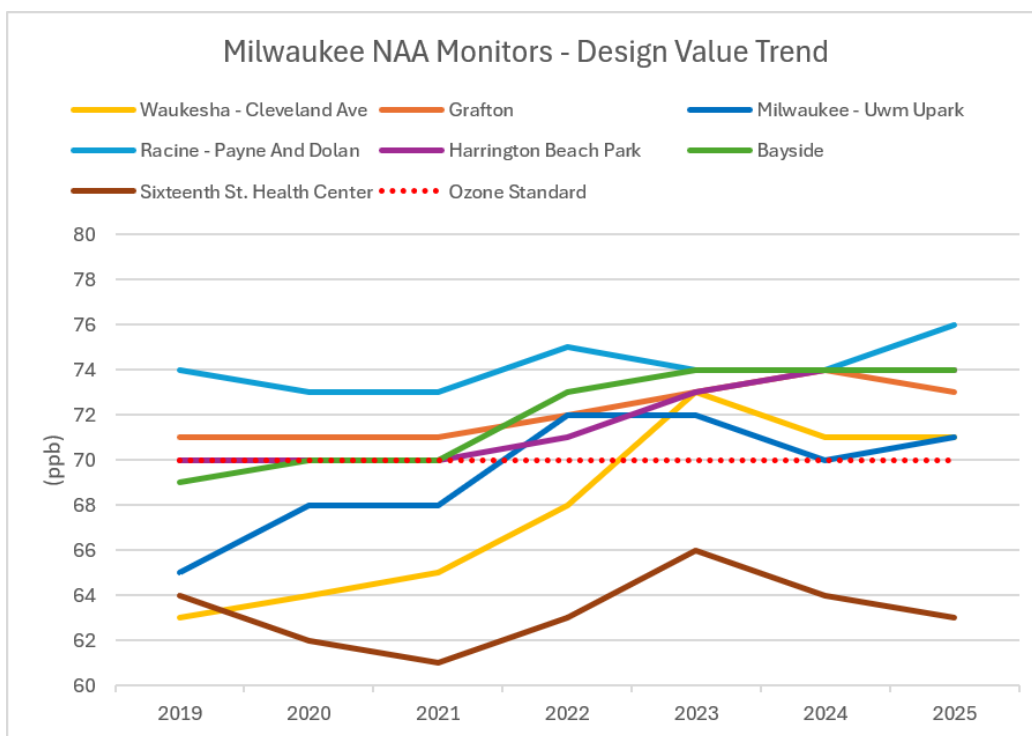


Figure 2. Trends in 8-hour ozone design values for Milwaukee nonattainment area monitors. Data downloaded from EPA’s Ozone Watch tool.

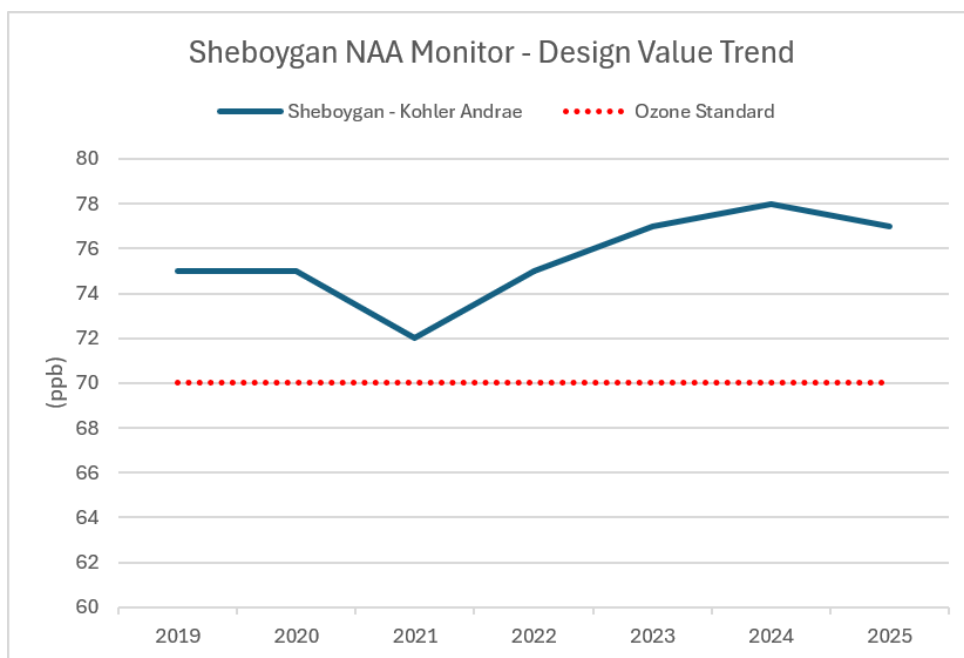


Figure 3. Trends in 8-hour ozone design values for the Sheboygan nonattainment area monitor. Data downloaded from EPA’s Ozone Watch tool.

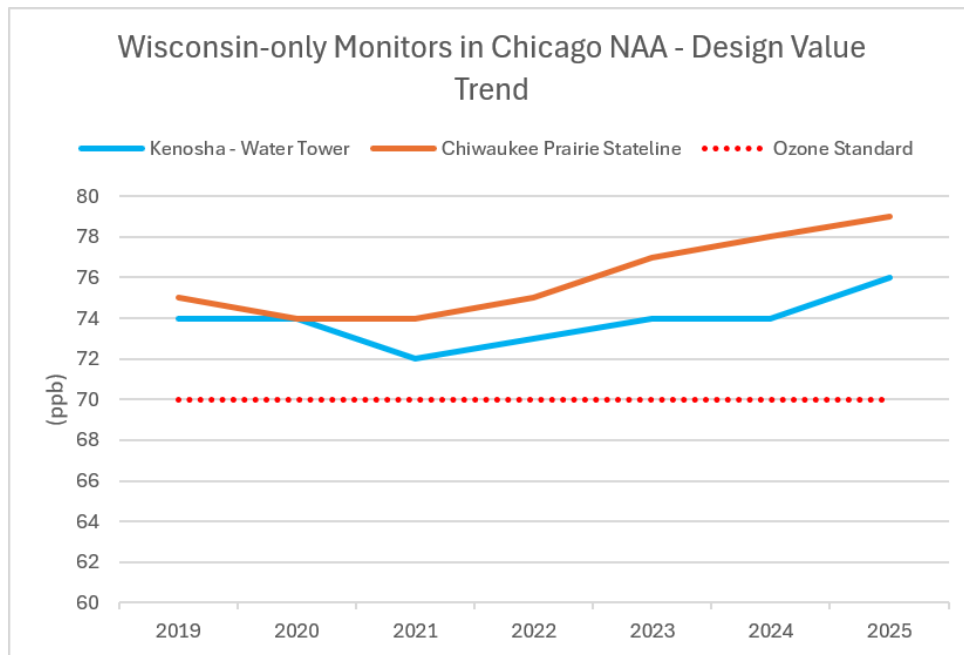


Figure 4. Trends in 8-hour ozone design values for the Wisconsin monitors in the Chicago nonattainment area. Data downloaded from EPA’s Ozone Watch tool.

Congress directed EPA to implement national ozone standards through a framework that requires states to attain those standards “as expeditiously as practicable.”¹⁴ EPA’s proposal is inconsistent with that statutory mandate. As the record demonstrates, ozone concentrations in Wisconsin continue to worsen, imposing ongoing and increasing public-health burdens on residents throughout the state. Rather than promoting prompt attainment and improved air quality for Wisconsin communities, the proposal would create additional opportunities for delay by effectively excusing nonattainment areas from the consequences of failing to timely submit required State Implementation Plan revisions and associated emissions-reduction measures.

EPA’s proposed interpretation would undermine the Clean Air Act’s carefully structured graduated nonattainment framework, which Congress designed to impose increasingly stringent planning and control requirements as areas continue to fail to attain the ozone standards. By effectively nullifying statutory deadlines and their associated consequences following reclassification, the proposal would allow states to defer implementation of necessary pollution controls for years after an area is initially designated nonattainment. Thus, EPA’s proposal would delay attainment and necessary emissions reductions while weakening the Clean Air Act’s public-health protections, thereby prolonging Wisconsin residents’ exposure to unhealthy and potentially worsening ozone pollution.

¹⁴ 42 U.S.C. § 4511(a)(1).



For all these reasons, EPA should not finalize its proposal.