

## **Judge throws out Farm Bureau case in air ruling exemption**

The Associated Press, published in the Bakersfield Californian, Monday October 14, 2002, 04:35:06 PM

MERCED, Calif.(AP) - A federal appeals court has dismissed a California Farm Bureau lawsuit to block the U.S. Environmental Protection Agency from ending the industry's longtime exemption from federal air pollution regulations.

The 9th U.S. Circuit Court of Appeals threw out the lawsuit Friday because of a lack of jurisdiction, said Brent Newell, an attorney with the Center on Race, Poverty and the Environment.

The Farm Bureau, which represents 95,000 farmers, wants the air pollution exemption continued another three years so more studies can determine how much pollution farmers create.

Farm Bureau President Bill Pauli said the organization plans to file another appeal.

He said the court's decision was "a disingenuous attempt by the EPA to delay (the) Farm Bureau from getting its day in court. The court has made no ruling on the merits of our claim."

In May, the EPA settled a lawsuit to begin holding farms accountable for pollution from diesel water pumps and animal waste. Farms have had a break from Clean Air Act regulations for more than 25 years.

As part of the settlement, the EPA agreed to take over agriculture permitting.

EPA spokeswoman Lisa Fasano said Monday the agency has been moving forward with the permitting process for agriculture emissions despite the Farm Bureau's lawsuit.

Agriculture is the one of the largest industries in the state, contributing more than a quarter of the smog in the farm-rich San Joaquin Valley during summer months and most of the soot pollution the rest of the year, according to the California Air Resources Board. The valley is also one of the worst polluted air basins in America.

Kerry Drake, an EPA associate air director, said the agency's permitting program is expected to apply to large agricultural operations, including larger farms. The agency is still considering what fees are appropriate.

## **Farm Bureau to challenge EPA's regulation plan**

The Bakersfield Californian, Saturday October 12, 2002, 10:43:51 PM

The California Farm Bureau Federation announced late Friday it would challenge the U.S. Environmental Protection Agency's plan to impose new air quality regulations despite a court ruling.

On Thursday, the 9th U.S. Circuit Court of Appeals ruled that farmers statewide have to obtain operating permits and meet future emissions standards.

The Farm Bureau challenged a May settlement worked out between the EPA and a number of environmental groups. The group filed suit in the 9th Circuit to stop the settlement, but the court, without comment, rejected the farm bureau's suit, which was opposed by the EPA.

Representatives with local environmental groups said they were pleased with the court's decision. But CFBF President Bill Pauli called the move "a disingenuous attempt by the EPA to delay (the) Farm Bureau from getting its day in court."

Said Pauli: "The court has made no ruling on the merits of our claim. We will challenge the final rule, as we intended all along, and expect that we will be successful in the end."

California farmers have always been exempt from air pollution regulations. That changed when environmentalists sued the EPA, claiming the exemptions violated the Clean Air Act.

The deal reached in the lawsuit settlement means the California Legislature has to remove farming exemptions or risk losing billions in federal highway funding.

"It is a dangerous road to go down if we let vengeful activist lawsuits dictate environmental policy that hurts the ability of family farmers to produce food and other benefits," Pauli said. "It is regrettable that (the) EPA does not stand up for science and against damaging lawsuits from environmental groups."

## **Farmers lose battle on air rules**

By CHRISTINA VANCE, Bakersfield Californian staff writer, Friday October 11, 2002, 10:20:11 PM

The 9th U.S. Circuit Court of Appeals has tossed out a legal challenge by farmers seeking to void new air quality regulations.

The court's Thursday decision means farmers statewide will have to obtain operating permits and meet future emissions standards.

Local environmental groups, such as the Association of Irrigated Residents, were pleased with the court's decision, said Brent Newell, an attorney with the Center on Race, Poverty and the Environment.

"They're very enthused. It's important to them the settlement they reached with the EPA was preserved," he said.

Loron Hodge, executive director of the Kern County Farm Bureau, said farmers probably won't be surprised by the decision.

"We were hoping our lawsuit would delay the process a little bit. We've been trying to change our engines as fast as we can to get the older engines out of service," he said.

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The deal reached in the lawsuit settlement means the California Legislature has to remove farming exemptions or risk losing billions in federal highway funding, Newell said.

"The action the farm bureau took was to fight," he said.

Hodge said farmers weren't objecting to clean air, but bureau members were skeptical that the new regulations will do any good to improve air quality.

"It doesn't have good science behind it. If it'll work, then we're all for that," he said. "We breathe the same air anybody else does."

Environmentalists have agreed that requiring operating permits won't change air quality immediately, but they said it's a first step until the state exemption law is changed.

## **Farm Bureau lawsuit dismissed**

Bureau will continue its battle for exemption from clean-air rules.

Associated Press, (Published Tuesday, October 15, 2002, 6:42 AM)

MERCED -- A federal appeals court has dismissed a California Farm Bureau lawsuit to block the U.S. Environmental Protection Agency from ending the industry's longtime exemption from federal air pollution regulations.

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[Fresno Bee editorial](#)

## Opinion

### Smog's best friends

Bush administration launches new assault on California's air.  
(Published Tuesday, October 15, 2002, 4:11 AM)

President Bush declared war on the Clean Air Act the day he took office. The amicus brief the Bush Justice Department filed on behalf of car companies suing California is just the latest attack and the one that hits closest to home.

The Bush administration has joined General Motors and Daimler-Chrysler in their lawsuit to overturn the state's historic Zero Emission Vehicle (ZEV) mandate. The federal action is a direct and unprecedented assault on California's ability to protect its environment. California must fight back.

Originally, the state's clean air mandate required that 10% of new cars sold in the state in 2003 had to be zero polluting. At the behest of carmakers, the requirement was whittled back to little beyond the symbolic. Today, the ZEV mandate requires that automakers produce a mere 4,300 to 9,400 nonpolluting, mostly battery-powered cars.

State regulators reluctantly accepted the car companies' argument that there was no market for electric cars. They changed the rules to allow increasingly popular hybrids, cars that run on batteries and gasoline, to receive partial credit under the 10% ZEV mandate. The changes were made in cooperation with the industry, to give automakers what they said they wanted: more flexibility to explore promising new clean-air technologies, including hybrids and fuel cells.

Ironically, these more flexible rules are the very ones GM and Daimler-Chrysler and their allies in the White House have challenged. They argue that the new rules violate a federal law that bars states from setting fuel-mileage standards. While lower gas consumption may be an unintended but welcome benefit of the new rules, it was not the impetus.

Car companies know that; they lobbied for and then helped write these rules.

Now, cynically, they've sued to overturn them, and the White House has joined in the effort. The federal trial court judge has sided with the plaintiffs and enjoined the ZEV rules. California has appealed to the 9th U.S. Circuit Court of Appeals.

The lawsuit is a dangerous challenge to California's long-standing authority to go further than the federal government has ever been willing to go to protect the air we breathe. That authority has served the state and the country well. Over the last 30 years, prodded mostly by California, the automobile industry has produced steadily cleaner cars. By its actions, the Bush administration would halt that progress. By fighting back in court, California is serving the best interests of not only its own citizens, but also of citizens in other states.

[Letter to the Editor, Modesto Bee](#)

## State's rights first

October 15, 2002 Posted: 05:30:12 AM PDT

For those of us in California with asthma, the thought of the Bush administration joining with the auto companies to file suit against our zero-emissions law is obnoxious. How hypocritical to invoke federal regulation when it suits their favored contributors!

What next? A rollback of our nonsmoking laws in favor of the tobacco companies?

The administration should leave our state alone to regulate the quality of the air we breathe. Otherwise, what hope have we to expect any positive action in the current political environment?

TONY RAMIREZ

Modesto