

State spars with EPA on air quality standards

By Bernice Yeung

California Watch, Tuesday, May 8, 2012

The U.S. Environmental Protection Agency is not protecting public health and has violated federal law by failing to review air quality standards, according to a lawsuit filed by the American Lung Association, the state air board and a consortium of states.

A brief filed late last week by the EPA in federal court in Washington, D.C., states that it does not plan to complete the mandatory review until Aug. 15, 2013 – about 22 months after the legal deadline.

The EPA "does not dispute that it has missed the statutory deadline," the agency wrote in court documents.

But, it said, the delay is "due in part to the abundance of new scientific evidence concerning the potential health and welfare effects of PM (particulate matter) pollution" and the complexity of the issues involved.

The agency is required by the Clean Air Act to review every five years the federal standards for various pollutants in light of the most recent science. The agency's review of fine particulate matter, a pollutant that has been linked to a number of health problems, was supposed to be completed by October 2011. The plaintiffs sued the following February.

The fine particulate matter standards that the plaintiffs want reviewed may not be adequate to protect public health. According to a 2009 federal court decision, the EPA has not reasonably demonstrated that the existing standards would protect public health with an ample margin of safety. As a result of that decision, the EPA is under court order to revisit the national fine particulate matter standards so that they conform to scientific research on the pollutant's health impacts.

Lawsuits demanding that the EPA meet its standards review deadlines are not unusual. But Paul Cort, an attorney representing the American Lung Association, said the overdue review, coupled with the 2009 court decision, gives the case urgency.

"From a legal point of view, this case is about enforcing the deadline, but the reason that enforcing that deadline is so important is because the standards that are in place right now are known not to be adequate to protect public health," he said.

Janice Nolen, assistant vice president for national policy and advocacy for the American Lung Association, said that fine particulates, which can lodge in the lungs and potentially enter the bloodstream, are "probably one of the most dangerous outdoor air pollutants."

Research has associated fine particulates with premature deaths, heart attacks, strokes and asthma attacks. A 2012 EPA study estimated that based on 2005 air quality levels, between 130,000 and 360,000 Americans would die prematurely due to fine particulate matter exposure.

Fine particulates are a byproduct of combustion. They are emitted from sources such as diesel trucks and power plants, and during residential wood burning.

The California Air Resources Board joined the litigation "because we believe it's important that the EPA meet its deadline and that it regularly reviews the stringency of the pollutant standards to protect public health," said agency spokesman Stanley Young.

Industry organizations like the American Petroleum Institute and the American Fuel & Petrochemical Manufacturers did not return requests for comment. But in prior litigation, these and other industry groups have argued that fine particulate matter standards do not need to be further tightened because when it comes to health risks, the "approaches EPA used in the 2005 risk assessment virtually ensured that assessment overstated the risks."

In response to a California Watch inquiry about the lawsuit, the EPA said that it "will review" the case.

Regina McCarthy, assistant administrator for the office of air and radiation at the EPA, said the amount of time that the agency has taken to conduct a review is reasonable because of the "importance and complexity of the issues involved," according to a declaration filed with the court.

“EPA had earlier indicated publicly that EPA planned to propose and take final action ... on a more aggressive schedule,” the declaration said. “Notwithstanding these plans, EPA was unable to do so due chiefly to the time needed for the preparation of the complex and comprehensive supporting documents.”

But Cort, an attorney with Earthjustice in San Francisco who also represents the National Parks Conservation Association in this case, said that the agency is “dragging its feet.”

“It’s really disappointing because they have said publicly that fine particulate pollution is one of their top priorities,” he said.

The American Lung Association’s 2012 State of the Air report gave 18 California counties an “F” grade for particulate pollution.

[Note: The following clip in Spanish discusses the Kern Environmental Enforcement Network \(KEEN\) project that allows community members and environmental advocates to report environmental and health hazards in Kern County. For more information on this Spanish clip, contact Maricela Velasquez at \(559\) 230-5849.](#)

Agencias y comunidad se unen para combatir el polen ambiental

Raul Camacho, Sr.

El Popular, Friday, May 4, 2012

En una conferencia de prensa que se llevo a cabo en la oficina del comisionado de agricultura del Condado de Kern el pasado martes primero de mayo, en la que participaron miembros ejecutivos y miembros comunitarios para informar y reportar irregularidades sobre los pesticidas que se usan actualmente. Pesticidas que dañan a la salud humana y que portando pancartas de alerta sobre que hay que denunciar las faltas que los agricultores cometan contra el ambiente, así lo dio a saber durante la conferencia la Señora Tracey Brieger, Co Directora de la reforma de pesticidas del estado.

Ella fue acompañada por una docena de miembros de la comunidad entre ellos, el Señor Gustavo Aguirre Director y organizador del Centro de la Raza Contra el Ambiente y Pobreza, la Señora Rebeca Salinas miembro comunitaria de la ciudad de Lamont, dedicada a proteger la salud comunitaria y el Señor Brian Johnson Director del Cumplimiento sobre el Control de Tóxicos del Estado quien dijo que la aplicación de las leyes vigentes puede mejorar la salud comunitaria.

Aunque es cierto que la legislación para proteger la salud comunitaria podría ser más vigorosa, existen ya numerosas leyes a nivel local, estatal y federal que fueron creadas para reducir la exposición a los peligros ambientales. Por desgracia, muchas de estas leyes no se aplican, lo que significa que no están cumpliendo con su cometido de prevenir y reducir la exposición.

Existen muchos obstáculos que dificultan denunciar las violaciones; entre ellos: los miembros de la comunidad desconocen que algo es ilegal o no saben a quién llamar, las leyes no se han aplicado antes, las barreras idiomáticas. Para que las leyes vigentes sean más eficaces, es necesario: 1) que los vecinos afectados reconozcan y denuncien las violaciones, 2) que las agencias respondan y hagan cumplir las leyes, y 3) que los infractores se sientan incentivados y obligados a prevenir futuras violaciones. Con vistas al futuro, las agencias deben fortalecer las leyes a fin de proteger la salud y el bienestar de los vecinos.

Los grupos comunitarios y de activistas han comenzado a reunirse periódicamente con los vecinos con el objetivo de poner en marcha la Red de Acción de Kern para la Vigilancia del Cumplimiento de las Leyes Ambientales (KEEN), una versión local del modelo de IVAN. ¡Involúcrese ya y ayude a proteger la salud de comunidad! El proyecto abarca muchos temas, como son los pesticidas, la contaminación del aire y de las lecherías, los derrames de petróleo o los incineradores, la contaminación del agua, el vandalismo, el grafiti y los problemas que enfrentan quienes trabajan en los campos. Unidos podemos lograr cambios y hacer que nuestras comunidades sean más seguras y saludables.