

Calif. Supreme Court OKs future technology rules

The Associated Press

In the Modesto Bee, Fresno Bee and other papers, Tuesday, June 26, 2012

SAN FRANCISCO -- The California Supreme Court says regulators may require pollution controls on future technologies that don't exist.

The Los Angeles Times says Monday's unanimous decision is a victory for air pollution agencies that set standards intended to spur the development of new, greener technology.

Paint manufacturers had sued the South Coast Air Quality Management District over standards that limited the use of pollution-causing substances in paints and other coatings.

The suit said rules should rely on the best available technology.

But the court rejected that argument, saying air pollution agencies may require pollution controls based on technologies that do not exist but may be reasonably anticipated.

EPA study explains link between smog, heart problems

By Bernice Yeung, California Watch

In the Fresno Bee, Monday, June 25, 2012

Smog has been linked to heart problems and even death, and new research by the U.S. Environmental Protection Agency begins to explain why.

Researchers found that healthy young adults who have been exposed to ozone - which is a major component of smog - experience physiological changes that could be linked to heart ailments in vulnerable populations, such as elderly people with cardiovascular disease. Additionally, the study "provides a plausible explanation for the link between acute ozone exposure and death," lead author Robert B. Devlin said in a statement.

The study has special implications for Californians, who are exposed to some of the highest ozone levels in the country.

Of the 10 regions in the country with the most ozone pollution, nine are in California, with Los Angeles-Long Beach-Riverside topping the list, according to the American Lung Association.

"Our ozone problem is the result of the combination of population, climate, terrain and industry," with car exhaust as the main source of the pollutant in California, Dimitri Stanich, a spokesman for the California Air Resources Board, wrote in an email. "California has historically had the worst air pollution in the union. In the 1940s, there were smog events in the L.A. area where residents couldn't see a city block."

Ozone is created when pollutants from cars, power plants and other sources interact with sunlight.

To address ozone pollution, the air resources board requires car manufacturers to meet more stringent emission standards and regulates some chemical-based consumer products that may contribute to ozone during evaporation.

In its new study, EPA researchers exposed 23 healthy young adults to two-hour sessions of both clean air and ozone-polluted air at levels about two times greater than what residents in China or Mexico experience during the middle of the day. After exposure to the pollutant, the study subjects saw an increase in various cardiovascular indicators that could result in heart problems in people with heart disease, including vascular inflammation and a reduced ability to dissolve artery-blocking blood clots.

Though studies of ozone and human health abound, the new EPA study, published in the American Heart Association journal *Circulation*, is among the first to use human volunteers to explain how ozone can potentially kill people by causing heart attacks. Previous epidemiological studies have shown a connection using statistical analyses.

"It's the strongest evidence that there is a true causal connection" between ozone exposure and heart health, and confirms and expands what has been suggested in previous studies, said Douglas Dockery, an environmental epidemiology professor at Harvard's School of Public Health.

Health experts said that the latest EPA study is an important contribution to determining the extent of the relationship between ozone exposure and cardiovascular problems - an issue that is far from scientifically settled.

A larger, 90-person study among the elderly was recently launched by the Boston-based Health Effects Institute in conjunction with UC San Francisco and two other universities.

"There is not a universal set of studies that say, 'Yeah, ozone definitely contributes to cardiovascular effects,' " said Dan Greenbaum of the Health Effects Institute. "But that may be because we have not looked at it the right way, and that is what we are trying to do with this study (of the elderly)."

Joe Lyou, a governing board member of the South Coast Air Quality Management District and the CEO and president of the Coalition for Clean Air, said more could be done at a policy level to address the health impacts of ozone pollution.

"We need to move toward zero and near-zero emission transportation for both people and freight," he said in an email. "In order to meet our clean air standards, we have to focus on the combustion of petrochemical fuels and identify ways to minimize and eliminate it. If we do it right, we can increase energy efficiency, reduce our dependency upon foreign oil and save boatloads of money."

The EPA is currently reviewing the national air quality standards for ozone and will issue a final rule in 2014. In preparation, a draft scientific assessment was recently released by the agency for public comment, and it states that the current health research is "suggestive of a causal relationship" between the pollutant and cardiovascular effects. The agency's Clean Air Scientific Advisory Committee Ozone Review Panel, however, had previously recommended that the EPA upgrade this determination to "likely to be a causal relationship."

In September, the Obama administration rejected a proposed rule from the EPA to tighten the federal air quality standards related to ozone pollution. In a statement, the president cited the "importance of reducing regulatory burdens and regulatory uncertainty, particularly as our economy continues to recover."

Court upholds state pollution rules on offshore ships

Bob Egelko, staff writer

S.F. Chronicle, Tuesday, June 26, 2012

WASHINGTON -- The U.S. Supreme Court rejected a shipping industry challenge Monday to California's air pollution rules requiring ocean-going vessels to use low-sulfur fuel within 24 miles of the coast, standards that the state said would save thousands of lives.

The state Air Resources Board adopted the restrictions in July 2009 for ships that cross the 24-mile threshold while bound for California ports. The rules expire in 2015 when federal regulations take effect that will impose similar standards within 200 miles of the nation's shorelines.

The Ninth U.S. Circuit Court of Appeals in San Francisco upheld the state's regulations in March 2011, but the Pacific Merchant Shipping Association appealed to the Supreme Court. The association said the

rules would cost the industry at least \$275 million a year for fuel purchase and storage and would extend the state's reach beyond its three-mile territorial limit.

"The subject matter of such regulation requires national uniformity," the shipping organization argued.

The court denied review without comment.

The court action "finally puts an end to industry's attempts to shirk responsibility and reduce air pollution that's threatening the health of millions of Californians," said attorney Melissa Lin Perilla of the Natural Resources Defense Council, which joined the state in defense of the rules.

In its 2011 ruling upholding the regulations, the appeals court said low-grade bunker fuel from ships has a sulfur content more than 1,600 times as high as trucks' diesel fuel and exposes 80 percent of the state's population to pollutants linked to cancer, respiratory ailments and heart disease.

The court said California was entitled to regulate conduct beyond the three-mile offshore limit because of "the serious harmful effects of this conduct on the state and its residents."

The Air Resources Board estimated that its regulations would reduce sulfur dioxide emissions by 90 percent and prevent nearly 100,000 cases of asthma and 3,500 premature deaths by 2015.

The board estimated industry costs at \$30,000 for each vessel reaching port.

The case is Pacific Merchant Shipping Association vs. Goldstene, 10-1555.