

Valley Air District Asks Trump Team For Help With Clean Air Act

By Kerry Klein

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In a new bid to clean the Valley's dirty air, the local air district is flexing its political muscles, attempting to amend a federal law and appealing to the Trump transition team for help.

Local air officials have pulled another tool out of their toolkit: federal politics. Seyed Sadredin, director of the San Joaquin Valley Air Pollution Control District, says they'd like to see some changes to a well-known law.

"We've believed for a long time that the federal Clean Air Act has served the nation well," he says, "but after 40 years of essentially going unchecked, there are some parts of it that are antiquated and need some rethinking."

The Clean Air Act. A sweeping law passed in 1963 and last amended in 1990. It regulates air emissions across the country, and it sets penalties for failing to meet national standards.

For over a year, Sadredin and the air district have led a campaign to rewrite parts of the law to better account for the Valley's challenging circumstances. Earlier this year, proposals from the air district were written into a bill that passed the House of Representatives. In their latest bid, district officials have distributed a white paper making similar arguments to the incoming Trump administration.

"We see it as an educational document so they know our issues, they know what's important to the valley, and what are some of our recommendations," says Sadredin. "Hopefully that'll guide their efforts moving forward."

While the air district argues it's covering all its bases, health advocates see this process as a slow march toward dismantling the Clean Air Act—especially given the reputation of Trump's nominee to lead the EPA.

The proposals in the white paper fall across a broad spectrum, and include requests to eliminate bureaucratic red tape and better account for population growth.

The paper also reiterates the need for help in dealing with emissions that are out of the air district's control. Earlier this year, the air district petitioned the EPA to enforce tougher limits on emissions from trucks and locomotives. Mobile sources like that are a tremendous source of pollution, but they're under the jurisdiction of the EPA. Sadredin says other extenuating circumstances like severe wildfires and our smog-trapping geography prevent us from attaining national standards.

"A poor region like ours with chronic double-digit unemployment and a lot of poverty should not be subject to these devastating sanctions, if it's not our fault," he says.

The air district would like a break from those penalties. We're already paying some. A \$12 fee on car registrations at the DMV arose in 2012 after we failed to meet an ozone standard. Further failures could result in penalties on new businesses and loss of federal highway funds. The air district would like to see those instead replaced with incentives.

The air district claims this is all justified because it's done all it can to reduce pollution and it's left no stone unturned. Some advocates agree, but say it's not so simple.

"In a way, I agree with that; it's just we can go back and dig under those stones a little bit more," says John Capitman, a public health researcher at Fresno State and a member of the air district's board. He says yes, we need help from the feds. But he's not sure this is the right way to engage them.

"Instead of just talking about what can we do, how can we do more, what help do we need, we're focusing on how do we change the law, how do we undo the requirements?" he says. "So that's the difference in strategy that is important to highlight."

Capitman says even drastic measures like a ban on wood burning could be on the table.

“These sort of draconian things are ideas like no drive days,” he says. “I’m not sure what those most draconian measures would look like but it seems to me it’d be really valuable to engage a full-throated conversation about them.”

Tom Frantz would like to see some of these extreme measures now. He’s an almond farmer and air quality activist, and he agrees there’s still more the air district can do.

“When they say it’s not possible to do something, they’re saying, simply, it costs too much,” he says.

He argues the costs to public health are far worse than however much it would cost to take preventive measures now.

So what would these proposed amendments really mean for the Clean Air Act? I took that question to Kurt Cline, chair of the political science department at Fresno State.

“I don’t think it guts the Clean Air Act,” he says. “Really what you have here is the Valley air district trying to make a case that they’ve been overregulated, and in some sense they have.”

He says most of the changes in this document don’t actually get at the legislative core of the Clean Air Act. Which means EPA administration can make the changes without new laws.

The next question is: will the EPA make those changes? It’s tough to say. Scott Pruitt, Trump’s nominee to lead the EPA, is a close friend of the oil industry and supports states’ rights. Cline says a lot of these proposals would probably appeal to Pruitt and Trump. But the call for tougher regulations on truck and train emissions? Maybe not.

“It’s like a duck duck goose, which one of these doesn’t belong?” he says. “It doesn’t fit with the other ones as much in terms of, what we want are reductions in terms of processes and procedures, but at the same time, we’d like you to strengthen national standards. So that might be one that they don’t get.”

Meanwhile, the bill that incorporates some of these policy proposals, called HR 4775, didn’t make it to a Senate vote by the end of the current legislative session. The bill could be resubmitted, or, district officials may try to find another way to make their case to Washington.