

Obama's new ozone standard has greens seeing red

By Alex Guillén

Politico, Thursday, October 1, 2015

The Obama administration handed a win to industry groups Thursday on a fiercely debated rule for smog-causing ozone pollution — leaving green groups feeling betrayed once again and threatening legal action.

The new EPA standard is stricter than one the George W. Bush administration had set in 2008, but it's far laxer than what environmental and public health groups consider necessary to lessen illnesses like childhood asthma.

Thursday's action came four years after the White House abruptly squelched an earlier EPA attempt to tighten the ozone rule, a move that greens still regard as one of the great betrayals of Obama's presidency.

David Baron, the managing attorney with Earthjustice, called the standard "weak-kneed" and "a betrayal of the Clean Air Act's promise of healthy air." He said it is likely his group and other environmentalists would sue.

"Lowering the smog standard ... is a modest step in the right direction, but it doesn't go far enough to protect the millions of Americans living in communities with dangerously high levels of smog pollution," said Sierra Club Executive Director Michael Brune.

The EPA set the limit at 70 parts per billion, below the Bush-era standard of 75 parts per billion, a cut that represents a win for business and industry groups that lobbied and advertised furiously against tightening the standard at all, saying stricter rules would wipe out jobs, drive businesses overseas and even put national parks at risk of violating the law.

But, realizing the Obama administration was likely going to lower the standard somehow, those groups urged the administration to at least go no further than 70 ppb.

That's not stopping them from joining the chorus of critics against the rule.

National Association of Manufacturers President and CEO Jay Timmons acknowledged that "the worst-case scenario was avoided."

"However," he added in a statement, "make no mistake: The new ozone standard will inflict pain on companies that build things in America — and destroy job opportunities for American workers."

American Petroleum Institute President and CEO Jack Gerard urged Congress to kill the rule, saying the administration "ignored science by changing the standards before allowing current standards to work."

But EPA Administrator Gina McCarthy said research showed that moving standard lower was justified.

"The science clearly tells us that the 2008 standards of 75 ppb are not adequately protective of public health and needed to be revised," she told reporters.

Senate Environment and Public Works Chairman Jim Inhofe (R-Okla.) told POLITICO ahead of the rule's release that he is planning a vote to block the rule under the Congressional Review Act, a rarely used law that allows a simple majority to reject major regulations. That effort will almost certainly have to overcome a veto from Obama, and Inhofe may lack the votes he needs to succeed.

But others said the EPA seemed to have found a middle ground that would benefit the environment, even though neither business groups nor environmentalist were pleased.

Bill Becker, executive director of the National Association of Clean Air Agencies, said in a statement that EPA "threaded the needle" at 70 ppb.

"By following the expert advice of its independent science advisors, EPA has set the stage for state and local air pollution control agencies to begin implementing this important program," he added.

Obama himself raised eyebrows among environmentalists last month by expressing what seemed like less than overwhelming enthusiasm about taking on ozone again. In an address to told business leaders, he contrasted his administration's aggressive regulatory push on climate change — which he said "was

hatched by us” — with ozone, which he said the administration is legally required to deal with “based on the science that’s presented to us.”

Environmentalists also complained that the White House’s regulatory czar, Office of Information and Regulatory Affairs Administrator Howard Shelanski, attended recent meetings with the National Association of Manufacturers and Marathon Petroleum Corp., but not any of the meetings with environmental or health groups at OMB. Shelanski and his deputy spoke by phone with API’s Gerard about the ozone rule on Tuesday.

Under the Clean Air Act, EPA is supposed to reconsider the ozone standard every five years, though there is no requirement to change it.

Industry opponents have long portrayed lowering the ozone standard as a costly regulation.

Areas that are not in compliance with the lower threshold have to figure out where to lower emissions. In a worst-case scenario, that can mean manufacturers and other industrial groups avoid areas that are in violation and may decide against locating new ventures in those places, and potentially delay or cancel transportation projects.

NAM put out an analysis pegging a 65 ppb standard, the lowest end of EPA’s proposed range, to a \$1.7 trillion hit, and dubbed it the “most expensive regulation in U.S. history.” NAM did not model a 70 ppb standard.

But the White House again dismissed the claim that pollution regulations were a drag on the economy. Spokesman Josh Earnest said today that the “EPA for more than four decades has been working with state and local agencies to cut air pollution, and in that same period of time they have succeeded in cutting air pollution by 70 percent, and at the same time the economy has tripled.”

Still, EPA raised its projection that 14 counties outside of California would be in violation of the 70 ppb requirement by 2025, up from the nine counties it had originally forecast.

Still, lawmakers who oppose the tighter ozone rule said EPA had lowered the limits too far.

“This doesn’t make any sense at all when you have so many states that haven’t met the threshold they already have,” Sen. Joe Manchin (D-W.Va.) said. “But it’s nothing new, this is the way EPA has been operating from day one.”

Darren Goode and Eric Wolff contributed to this report.

[Bakersfield Californian Op-Ed, Thursday, October 1, 2015:](#)

We need to support for amendments to the federal Clean Air Act

By David Couch and Harold Hanson

The Federal Clean Air Act, signed into law by President Richard Nixon in 1970 and last amended by Congress in 1990 under President George H. Bush, has served the nation well. However, over the last 25 years, important lessons have been learned from implementing the law, and it is clear now that a number of well-intentioned provisions in the Act are leading to unintended consequences. The antiquated provisions of the Clean Air Act are now leading to confusion, and lack of updated congressional directive has rendered courts and non-elected government bureaucrats as policy makers. We urge the Congress and the President to take bipartisan action to modernize the Act. Failure to correct the structural deficiencies in the Act will lead to economic devastation for San Joaquin Valley residents and businesses without commensurate benefit in improving the region’s air quality.

We support and want to retain the core elements in the Act that serve to protect public health through the establishment and pursuit of science-based ambient air quality standards. Over the years, residents and businesses have made significant investments and sacrifices in an effort to reduce air pollution and improve public health throughout the San Joaquin Valley. With an investment of over \$40 billion, air pollution from San Joaquin Valley businesses has been reduced by over 80%. The pollution released by industrial facilities, agricultural operations, cars and trucks is at a historical low, for levels of all pollutants. San Joaquin Valley residents’ exposure to high smog levels has been reduced by over 90%.

The new standards established under the Act approach the background pollution concentrations in many regions throughout the nation including the San Joaquin Valley. As currently written, the Act does not provide for consideration of technological achievability and economic feasibility in establishing deadlines for attaining the associated federal mandates. When enacting the last amendment to the Act over 25 years ago, Congress did not contemplate the reality that we face today, where after reducing pollution levels by over 80% will still leave a large gap in meeting the standards that cannot be satisfied under the formula-based deadlines prescribed in the act. This sets up regions such as the San Joaquin Valley for failure leading to costly sanctions and severe economic hardship.

The 2015 Federal Clean Air Act Modernization Proposal presented to Congress by the San Joaquin Valley Air Pollution Control District will preserve the federal government's ability to routinely reevaluate and set health protective air quality goals based on sound science while avoiding current duplicative requirements and confusion. The proposed changes would also require strategies that lead to the most expeditious air quality improvement while considering technological and economic feasibility. In addition, regions, such as the San Joaquin Valley, would be able to focus efforts on meeting new air quality goals in the most expeditious fashion through deployment of scarce resources in a manner that provides the utmost benefit to public health.

The changes proposed by the District will provide necessary economic and regulatory certainty while retaining public health safeguards. As logical as it may seem, enacting change given the current political climate in Washington will not be easy. We ask all San Joaquin Valley residents, businesses and policymakers to join us in our efforts to bring about these commonsense changes to the Act.

See details at www.valleyair.org/2015-Clean-Air-Act-Modernization-Proposal.pdf.

Kern County Supervisor David Couch and Bakersfield City Councilman Harold Hanson are Valley Air District governing board members.

Valley will struggle with tough, new air standard

By Mark Grossi

Fresno Bee, Thursday, Oct. 1, 2015

Federal leaders on Thursday announced their most-protective national ozone standard, saying California alone would save up to \$2.1 billion annually in health care after 2025.

But the San Joaquin Valley, which hasn't yet achieved the older eight-hour ozone standard, will struggle to meet this one in the 2030s, a local air-quality leader said. Cars, trucks, buses, tractors and trains would have to run on electricity, said Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District.

"We will have to eliminate emissions associated with fossil fuel combustion," he said.

The Valley leads the nation in the number of days exceeding the federal eight-hour ozone standard over the last 15 years, followed closely by the South Coast Air Basin, according to figures from the California Air Resources Board.

The controversial new ozone standard – industries say it's too strict, environmentalists say it isn't tough enough – is 70 parts per billion.

The older standard set in 2008 is 75 parts per billion. The oldest eight-hour standard was 80 parts per billion, set in 1997.

Most counties in the nation will achieve it by 2025, federal officials said. California's trouble spots – led by the Valley and South Coast – would have a deadline of 2037, the EPA said.

The bowl-shaped Valley always has had air-quality challenges because its often stagnant weather patterns tend to allow the buildup of pollution over many days.

Gina McCarthy, administrator of the U.S. Environmental Protection Agency, said the science-based standards are aimed at the health of Americans.

“Put simply – ozone pollution means it hurts to breathe for those most vulnerable: our kids, our elderly and those suffering from heart and lung ailments,” she said Thursday in a prepared statement.

The new standard would prevent more than 200 premature deaths in 2025, EPA said.

Ozone is a corrosive gas that forms when oxides of nitrogen combine in warm, sunny weather with fumes from gasoline, paint and dairies. The gas can irritate the lungs and trigger breathing problems, asthma and heart ailments.

Based on its proposal from last year, the EPA had been exploring a standard of somewhere between 65 and 70 parts per billion – and many advocates pushed them to go even lower than that.

But groups such as the National Association of Manufacturers strongly resisted. On Thursday, the group’s president and CEO, Jay Timmons, said the new standard was expensive and burdensome on industries.

“The new ozone standard will inflict pain on companies that build things in America — and destroy job opportunities for American workers,” he said.

On the other side of the issue, environmental, health and other advocacy groups resisted the new standard for not going far enough.

Harold P. Wimmer, national president of the American Lung Association, said in a prepared statement that the new standard “offers significantly greater protection than the previous, outdated standard.”

He also urged members of Congress to defend the Clean Air Act against “any attacks that would block, weaken or delay life-saving protections from ozone pollution.”

But, he added that the threshold should have been lower, perhaps as low as 60 parts per billion: “The level chosen of 70 parts per billion simply does not reflect what the science shows is necessary to truly protect public health.”

Let’s Talk Health: EPA takes steps to improve air quality, but is it enough?

By Ana B. Ibarra

Merced Sun-Star, Friday, Oct. 2, 2015

The U.S. Environmental Protection Agency has tightened its restriction on ground-level ozone standards, and while that may be good news for public health in the San Joaquin Valley and elsewhere, the change met complaints from industry, which sees it as burdensome and a threat to businesses and jobs.

The EPA on Thursday adopted a new standard limiting ozone to 70 parts per billion over eight hours, down from the previous standard of 75 parts per billion.

Ozone is a reactive gas that is harmful to lung tissue, especially for the elderly, children and people with certain health conditions. It forms as ground-level oxides of nitrogen and volatile organic compounds react in the air. Major sources of NOx and VOC include emissions from factories, electric utilities and motor vehicles, as well as gasoline vapors and chemical solvents.

The San Joaquin Valley is especially prone to ozone accumulation because of its bowl-like shape and a climate that includes frequent temperature inversions, hot summers and stagnant, foggy winters, according to the San Joaquin Valley Air Pollution Control District. The bowl tends to collect the vehicle emissions generated in the Valley, as well as from the Bay Area and the Sacramento Valley.

The EPA recognizes the ozone problem is more severe in some areas than others. While some areas will have about five years to adapt to the new standard, the agency is giving the San Joaquin Valley until 2037 to do so.

Areas that fail to meet the new standard could see cuts in federal highway funding.

According to supporters, the new federal standard will help improve the health of the general population and will be especially beneficial for at-risk groups.

“Put simply – ozone pollution means it hurts to breathe for those most vulnerable: our kids, our elderly and those suffering from heart and lung ailments,” EPA Administrator Gina McCarthy said in a statement Thursday. “Our job is to set science-backed standards that protect the health of the American people.”

The California Air Resources Board said the new standard is especially critical in the San Joaquin Valley and the South Coast, which includes Los Angeles and Orange counties. Together, these regions are home to nearly two-thirds of the state's residents. A large number of these people also work outdoors.

The updated ozone limits could result in a number of benefits, including fewer premature deaths, thousands fewer missed school and work days, and a reduction in visits to the emergency room, EPA officials said. The agency also estimates annual savings of \$2.9 billion to \$5.9 billion in health care costs in 2025.

Despite what seems to be a step in the right direction for public health, not everyone is happy about the stricter levels.

The National Association of Manufacturers, for example, has been vocal about its opposition to tighter ozone standards, calling the proposal "burdensome, costly and misguided."

"The new ozone standard will inflict pain on companies that build things in America – and destroy job opportunities for American workers," said Jay Timmons, NAM president and CEO, in a statement. "Now it's time for Congress to step up and take a stand for working families."

But even those who pushed for stronger ozone restrictions were not completely satisfied with the new 70 parts per billion standard. The American Lung Association said an ozone limit of 60 parts per billion would have been a stronger limit, as it offers more health protection.

Under the new standard, the association said, many sensitive populations will still be at risk on "moderate code" days.

Despite dissatisfaction on both sides, the EPA said the change was necessary to comply with the Clean Air Act, which requires the agency to review standards every five years to ensure it is keeping up with the latest science.

The California Air Resources Board estimates the new standard will be beyond the reach of several rural counties, adding to the state's existing 16 "non-attainment areas." The San Joaquin Valley and the South Coast, according to the board, are the only two air basins considered "extreme" non-attainment areas.

The Valley usually leads in number of days exceeding the federal eight-hour ozone standard.

To meet the new air quality standard, more pollutant reduction is needed. To aid in these efforts, the air board is proposing strategies that include establishing requirements for cleaner technologies, requiring cleaner-burning renewable fuels and promoting zero-emission technologies for cars, trucks and off-road equipment.

Now it'll just be a matter of time to check if the efforts are enough to help the Valley meet the updated air quality standards and if the pollution limits are actually strong enough to improve health as supporters claim.

Calling all student artists!

Air District seeks entries for annual kids' calendar

GBU Mountain News, Thursday, Oct. 1, 2015

Do you know a Valley student from kindergarten through high school age who loves to create? Help them showcase their work in the annual Healthy Air Living Kids' Calendar!

The deadline for entries is Monday, October 5 for the annual, four-color, bilingual, wall calendar, produced with the help of Valley students who illustrate the ways we can live healthy air lives, with accompanying clean-air messages. Twenty-thousand copies are printed and distributed free of charge to schools, community groups, healthcare facilities, churches and nonprofit organizations throughout the Valley.

Guidelines for creating a winning Healthy Air Living calendar entry:

Paper should be placed sideways, in landscape orientation, so it is 8-1/2 inches high and 11 inches wide.

Artwork should be in color. Medium can be paint, pen, crayon, marker, pencil or even computer-generated art. Vivid colors that reproduce well are recommended.

Artwork should contain a message about how to live a Healthy Air life. Examples of past messages are "Less cars, more feet," "Hacer del mundo un lugar mejor," "Don't pollute! Keep the air clean."

Bilingual and Spanish-language messages are encouraged.

Fourteen pieces of art will be selected for the calendar. Artists must include their name and address, phone and/or email contact, age, grade and school on the back of the entry. Please mail art flat, not folded, to: 2016 Kids Calendar, Valley Air District, 1990 E. Gettysburg Ave., Fresno, CA 93726, or submit your art at the nearest District office.

For an example of this year's calendar, visit http://www.valleyair.org/kids/clean_air_calendar_contest.htm

Grant aims to lower truck emissions in Valley

Turlock Journal, October 2, 2015

The San Joaquin Valley Air Pollution Control District has grants available for truckers to help reduce emissions in the area.

Trucks are the largest source of the air basin's nitrogen oxide emissions, which create both ozone and particulate pollution, and the Valley Air District has budgeted \$639,132 to fund new trucks and reduce emissions under this grant program.

"We understand the importance of providing financial incentives to this crucial part of our Valley's economy and are very pleased we can offer this assistance," said Seyed Sadredin, the District's executive director and air pollution control officer.

District funding will provide truckers with assistance that further reduces emissions beyond mere compliance with existing state regulations. This funding can be paired with the California Hybrid and Zero-Emission Truck and Bus Voucher Incentive Program operated through CALSTART.

Truck owners and small businesses operating Class 5 or Class 6 trucks are eligible to apply for grants that will allot up to \$40,000 per eligible truck to help reduce truck emissions. The grant cannot exceed 35 percent of the total cost of the new truck.

Eligible truck owners need to be small business owners in the San Joaquin Valley operating Class 5 (16,001 to 19,500 pounds Gross Vehicle Weight Rating) or Class 6 (19,501 to 26,000 pounds Gross Vehicle Weight Rating) trucks currently in compliance with the California Air Resources Board on-road truck regulations.

The application period opened Thursday and applications are available through participating dealerships. The application period will remain open until the funds have been exhausted.

The program is targeting 1991 -2003 engine model year trucks that meet the program eligibility requirements below:

- Reside in the San Joaquin Valley
- Currently registered and in operation
- Meets minimum usage requirements

A complete listing of program requirements and participating dealerships can be found at <http://valleyair.org/grants/onroadtrucks.htm> or by calling program staff at 559-230-5800