



March 21, 2017

The Honorable Congressman John Shimkus
Chairman, Environmental Subcommittee of the Energy and Commerce Committee
United States House of Representatives
2265 Rayburn House Office Building
Washington, DC 20515

CC: The Honorable Members of the Environmental Subcommittee of the Energy and
Commerce Committee

RE: OPPOSE H.R. 806 - OZONE IMPLEMENTATION ACT OF 2017 (OLSEN)

Dear Chair Shimkus,

On behalf of public health and environmental organizations, the Central Valley Air Quality Coalition (CVAQ) is writing to express its concerns with H.R. 806, a bill known to us as the “Smoggy Skies Act.”

Since 2003, the Central Valley Air Quality Coalition has led a partnership of more than 70 organizations to uphold the Clean Air Act and strengthen local air quality policy in California’s San Joaquin Valley, with the goal of improving public health and the quality of life for the Valley’s 4 million residents. Colleagues have already addressed why the Smoggy Skies Act will not help clean our air. The purpose of this letter is to rather provide context and clarity for the situation in the San Joaquin Valley and to shed light on the actions of the San Joaquin Valley Air Pollution Control District (District).

Foremost, the Clean Air Act - for very good reasons - does not allow air stagnation or a lack of precipitation to qualify as exceptional events. The climate of the San Joaquin Valley, a semi-desert region in Central California abutted by mountain ranges on three sides, is characterized by air stagnation and limited rainfall. With the advent of climate change, periods of drought and the stagnation that ensues will only increase. A recent study by Cornell researcher Toby Ault and his colleagues (2016) show that the chances of a severe ten-year megadrought in the Southwest this century is 80-90% and a 35-year

mega-drought has a 20-50% chance.¹ **Drought and air stagnation will not be an exceptional event in the Valley, but rather a reality we must plan for.** Excluding periods of air stagnation and drought from official recordkeeping will effectively remove protections for Valley residents when we need it the most.

Secondly, I would like to address the context in which our District's Executive Officer, Seyed Sadredin, speaks about contingency measures. PM 2.5 and ozone share precursors, thus control measures for each have mutual benefits. The District claims, for both ozone and particulate matter standards, that it has implemented all available control measures and therefore has nothing to set aside as contingency measures. In October of 2016, the California Air Resources Board denied this claim and sent District staff back to find additional measures. Since then, the District has presented a host of additional controls to explore - measures they claimed months earlier were nonexistent - disproving their own messaging that they had overturned every stone. Unfortunately, these additional measures are weak and do not include the dozens of recommendations made by advocates over the past ten years (please find attached a list of measures the District could either implement now, or set aside as a contingency measure). **The claim that contingency measures require an air district to hold back available controls would only make sense if this District were actually implementing all available controls.**

I would also like to address economic and technologic feasibility. At present, the Clean Air Act allows Districts to address feasibility within their implementation plans. If measures to reach attainment are too costly, or not technology feasible, a District can ask for a time extension from the EPA within normal regulatory avenues; this is a route the San Joaquin Air District has chosen many times. However, addressing economic and technologic feasibility when setting the health-protective standards double-counts economics and technology while discounting the science and public health impacts that are meant to be the basis of the standards.

The Air District and H.R. 806 seek to address one air quality standard at a time. Citing California's South Coast Air District planning efforts, CVAQ has continuously asked the San Joaquin Air District to develop an integrative plan that addresses the most stringent standard, integrating requirements for all subsequent standards. In late 2016, the District announced they would be planning an integrative PM 2.5 plan, addressing multiple standards, thus demonstrating the administrative options under the Act as-is.

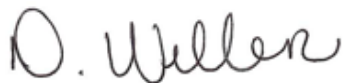
Lastly, we would like to address the claims that meeting the new federal clean-air standards would be akin to the Valley approaching "background concentrations" of

¹ Ault, T. R., J. S. Mankin, B. I. Cook, and J. E. Smerdon. "Relative Impacts of Mitigation, Temperature, and Precipitation on 21st-century Megadrought Risk in the American Southwest." *Science Advances* 2.10 (2016): Web. <<http://advances.sciencemag.org/content/2/10/e1600873.full>>.

ozone, or that that “all Valley businesses, agricultural operations, or trucks traveling through the San Joaquin Valley need to be eliminated” in order to reach attainment of ozone standards. These claims are false. At present, due to the implementation of mobile source controls promulgated by the California Air Resources Board, **the San Joaquin Valley will reach attainment of ozone standards within the timelines set by the Clean Air Act** (State Implementation Plan, p. 33).² In fact, newly proposed measures will provide additional reductions that go beyond what is needed to meet the Valley’s 2031 attainment date. This progress is ultimately tied to the impressive regulatory agenda of the state of California and is not attributable to the actions of our local Air District. Rather, our region will reach ozone standards despite our District ignoring significant sources of ozone pollution within its regulatory jurisdiction, such as volatile organic compound (VOC) emissions from dairies and oil and gas operations. Changes to the Act in response to the Valley’s ozone needs are therefore unnecessary - and would hurt our neighbors in the the Los Angeles area who have greater ozone challenges.

In conclusion, H.R 806’s proposed changes to the Clean Air Act are unnecessary and counterproductive. Thank you for your consideration.

Sincerely,



Dolores Weller
Director

Enclosure:

Opinion Editorial in the Fresno Bee: *Alex Sherriffs and John Capitman: Don’t back off demands for cleaner air* (September 30, 2015)

Letter Re: Hearing on EPA’s 2015 Ozone Standard: Concerns Over Science and Implementation (October 21, 2015)

CVAQ’s PM 2.5 Reduction Recommendations

² California Air Resources Board, *Revised Proposed 2016 State Strategy for the State Implementation Plan*, March 7, 2017 <https://www.arb.ca.gov/planning/sip/2016sip/rev2016statesip.pdf>