



PRESS RELEASE

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EPA ACTION ON OZONE PLAN ILLEGAL

Court Orders EPA to Revisit its Approval of the Valley's Ozone Plan

ARVIN, CALIFORNIA – California's San Joaquin Valley has some of the worst ozone pollution in the United States and today local residents won the latest round in their effort to clean up the air. The Committee for a Better Arvin, Comité Residentes Organizados al Servicio del Ambiente Sano ("Comité ROSAS"), the Association of Irrigated Residents, the Sierra Club, and Fresno-based Medical Advocates for Healthy Air prevailed in a lawsuit today in the Ninth Circuit Court of Appeals. The Court concluded that EPA ignored recent air pollution data when it approved the Air Board's plan to meet the 1-hour ozone standard.

"Our families' health is too important for EPA to ignore," said Maria Covarrubias of Comité ROSAS.

The plan, adopted in 2004, should have reduced enough ozone-forming air pollution in the Valley to meet a November 15, 2010 deadline. When EPA approved the plan in 2010, it had knowledge that the plan underestimated the amount of air pollution in the Valley, but chose not to consider that data. Because EPA ignored information before it, the Court has ordered EPA to revisit its decision.

"This is a victory for clean air because EPA is supposed to ensure that the Air Board in Fresno does everything to ensure that we meet these health-protective air standards," said Tom Frantz, President of the Association of Irrigated Residents. "EPA knew that the plan was not going to work, but approved it anyway. We are counting on EPA to require that the Air Board adopt a new, more aggressive plan that will get the job done."

"Because the Valley failed to meet the 2010 ozone deadline, the Clean Air Act requires that major sources of pollution pay fines until that standard is met," said Salvador Partida, Co-Chair of the Committee for a Better Arvin. "Instead, the Air Board imposed those fines on vehicle owners through a DMV fee, which is unjust and illegal."

"We are challenging the Air Board's vehicle fee decision now, but we hope that this victory will result in a better plan that actually meets the standard as soon as possible so that the public does not have to pay fines for years to come because of the Air Board's failure to ensure that we meet the ozone standard," added Frantz.

Though ozone in the upper atmosphere protects human health by blocking dangerous ultraviolet rays, at ground level ozone is a highly reactive and toxic pollutant that can cause serious respiratory damage when inhaled. Ozone is created in polluted air when oxides of nitrogen (NOx) and volatile organic chemicals (VOCs), both common industrial pollutants, react in the presence of sunlight.

Mobile sources such as heavy duty diesel trucks, construction equipment, and agricultural machinery are currently the largest sources of NOx emissions in the San Joaquin Valley. While most VOC emissions in urban areas come from stationary industrial sources, in the Valley the largest sources of VOC are the 1,600 industrial-style dairies and oil and gas production fields.

The Center on Race, Poverty & the Environment represents the Committee for a Better Arvin, Comité ROSAS, and the Association of Irrigated Residents. Earthjustice represents Sierra Club and Medical Advocates for Healthy Air.