



Our Children's Earth Foundation | 100 First Street, Suite 100-367, San Francisco, CA 94105

NEWS RELEASE

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CALIFORNIA AGRICULTURE AIR POLLUTION PLAN CHANGED

SAN FRANCISCO, California, May 19, 2003 (ENS) - Public health and environmental groups filed suit today in federal court to challenge the Bush administration's implementation of a permitting program to regulate major agricultural sources of air pollution in California.

The groups argue that the U.S. Environmental Protection Agency's proposed method would cover far fewer sources than the existing requirements under the Clean Air Act.

"EPA is basically regulating with a wink and a nod, telling the farmers what the threshold limit that requires a permit is, and then asking for an 'estimate' of what their emissions will be," said Anne Harper, staff attorney with the environmental law firm Earthjustice. "The reporting requirement could not be more lax."

The suit was filed in the Ninth Circuit Court of Appeals by Earthjustice on behalf of Medical Advocates for Healthy Air, Our Children's Earth Foundation and the Sierra Club.

The EPA's permit application form instructs agricultural operations to "estimate actual emissions" from diesel engines over the next year, but the Clean Air Act requires sources to determine the diesel engines' "Potential to Emit."

The groups say that this difference means that fewer sources will be considered "major sources" subject to permitting requirements under the Clean Air Act. They believe this will lead to more pollution in California, which has four of the top five worst ozone pollution areas in the nation. Of particular concern is the effect the permitting process could have on the San Joaquin Valley, one of the state's largest agricultural centers and a region with serious air quality concerns.

San Joaquin Valley is considering voluntarily moving to an "extreme" ozone nonattainment classification, where a source that emits more than 10 tons per year of nitrogen oxides or volatile organic compounds is considered a "major source" requiring a permit.

The San Joaquin Valley is currently in "severe" ozone nonattainment, where a source that emits more than 25 tons per year of nitrogen oxides or volatile organic compounds - smog forming pollutants - is considered major. "It is essentially a decision by EPA to illegally limit the

number of agricultural operations that are required to obtain an operating permit," said Kevin Hall, of the Tehipite Chapter of the Sierra Club.

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