



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

NEWS RELEASE

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EPA Requires California's Farmers to Re-Apply for Diesel Pump Permits

SAN FRANCISCO, CA. -- Activists on Tuesday announced a federal lawsuit settlement that could force farmers who use diesel irrigation pumps to again apply for controversial air pollution operating permits.

When farmers applied for the permits in May, federal officials accounted for the pollution from actual use of the engines, instead of adding in all possible pollution if the engines ran continuously. The Clean Air Act requires an accounting of all the possible pollution, activist lawyers said.

Now the U.S. Environmental Protection Agency has agreed to require farmers to re-apply for permits by Nov. 13 if the program cannot be shifted to the state by then. Officials said they would take a harder look at potential emissions.

"We're very pleased," said Earthjustice lawyer Anne Harper, representing the Sierra Club, Medical Advocates for Healthy Air and Our Children's Earth Foundation. "This would have set a very bad precedent nationally. Other industries would have wanted the same treatment."

But federal officials believe the November date may not be triggered at all. Jack Broadbent, EPA regional air division director, said if the governor signs SB 700, from Sen. Dean Florez, D-Shafter, by mid-October, the state would take over the permitting program.

SB 700, which has cleared both state legislative houses, would lift a decades-old farm exemption for air permit programs, allowing the state to run the program for the federal government.

"The farmers would be dealing with the local air districts at that point," Broadbent said. "We would shoot at Jan. 1 to transfer the permit program, and that would mean the application deadline would be Dec. 31 of next year."

Even if the governor doesn't sign SB 700, federal officials said they would still acknowledge that farm engines do not operate continuously all year. They said it is possible the estimates of the potential emissions would be the same as they were in May when farmers first applied for the program.

The permit program is primarily aimed at large pollution sources, such as glass factories and power plants. The permits allow regulators to track the amount of pollution from the largest sources and charge fees for the emissions.

The EPA this year required the farm permits statewide after settling another environmental lawsuit.

One farm official expressed disappointment over Tuesday's settlement. Debbie Jacobsen, president of the Fresno County Farm Bureau, said growers stepped up in May to file applications for the permit, but now might have to account for emissions they don't make.

"It's disconcerting," she said. "Some of these pumps aren't used for months at a time. Irrigation pumps aren't used 24 hours a day, seven days a week. That's not the way it's done here."

Cynthia Cory of the California Farm Bureau Federation, representing 95,000 members in 53 counties, said she didn't understand the settlement.

"How does the federal government expect the air to get any cleaner by having farmers apply to this program again?" she asked.

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