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Time to revamp the Clean Air Act

By The Bakersfield Californian

Can you imagine banning all vehicles in the San Joaquin Valley? Or how about an all out prohibition on combustion of fossil fuels in the region? Is it fair to require valley companies to pay millions in air pollution penalties when their operations account for 20 percent of air pollution but vehicles and other mobile sources pump out the other 80 percent? What would happen if Los Angeles had to prohibit a quarter of its population from driving each day?

These are some of the more draconian requirements that would have to be imposed in order for the San Joaquin Valley and other regions of California and the country to meet the goals of the federal Clean Air Act as a result of antiquated provisions and various court rulings. The act, which is 40 years old, has done tremendous good and is one of the nation's most successful environmental achievements. And there's no doubt it has made our region a healthier, safer place to live. But the act also is in desperate need of some fixes, a point that was effectively made by Seyed Sadredin, the San Joaquin Valley's regional air pollution chief, before a congressional subcommittee last week.

As well-intentioned as the Clean Air Act is, we simply can't imagine that Congress, which approved the original 1970 Clean Air Act with just a single no vote in both houses, and which gave overwhelming bipartisan approval to major updates to the act in 1990, ever intended some of the consequences the law has created today. A case in point is the multimillion-dollar fine imposed on the San Joaquin Valley despite the enormous progress that's been made cleaning the air and the ongoing obstacles that prevent it from meeting the goals for which it's being penalized. As Sadredin laid out in his testimony, it's not for lack of trying that the San Joaquin Valley hasn't met the increasingly stringent air quality standards of today. The problem has more to do with:

* The technology needed to meet stricter and stricter attainment goals is simply not available. Currently, the act allows for increasingly stringent air quality standards to be adopted by the federal government, and which local jurisdictions must meet within a set deadline, without regard for cost of meeting the standard or whether the technology to do so even exists. Currently, the U.S. Environmental Protection Agency is considering a new air quality standard that is nearly equivalent to the naturally occurring levels of air pollution in the San Joaquin Valley, according to Sadredin. To reach it, the valley would have to ban the combustion of all fossil fuels.

* The major sources of air pollution being outside an air district's control. The main issue here is emissions from mobile sources, over which regional air districts have no direct authority. Currently, 80 percent of emissions that significantly contribute to the valley's air pollution come from mobile sources. Only the state or federal government can act to bring down those emissions, yet regional air districts are held accountable when those sources contribute to our failure to meet air quality standards.

* Court cases that create complications and lack of clarity. For example, the valley is currently being penalized with millions in fines because a court ruled it must still comply with an air quality standard that was revoked in 2005.

These are just a few of the more blatant examples of how unwieldy certain aspects of the Clean Air Act have become. Sadredin's testimony also included a number of examples of bureaucratic red tape that has piled up over the years, which has relatively little to no impact on improved air quality but creates heavy and costly administrative burdens for the private sector and local and regional governments.

And it's not just Sadredin making the case. The head of the Los Angeles air district and many other regional and state air quality managers from around the nation have given similar testimony to the subcommittee.

The San Joaquin Valley has a huge stake in the continued success of the Clean Air Act, but that success will require reforms and updates. The situation faced by air districts like the valley's and the numerous court rulings that have complicated implementation of the act warrant serious and prompt attention from federal lawmakers. We urge them to work toward bipartisan consensus on sensible ways to improve this historic and beneficial law.