

EPA sees California progress on clean air backlog after threats to highway funding

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California is cooperating with the federal government to clear a backlog of reports on its implementation of the Clean Air Act, likely avoiding cuts to highway funding threatened by the Trump administration late last

year.

In a letter to Mary Nichols, chairwoman of the California Air Resources Board, obtained by McClatchy, the EPA said the two sides "have made great progress" toward resolving the backlog of "outdated, unnecessary or deficient" reports on the state's plans to combat pollutants.

"It's a big deal because it's a big chunk of the backlog," EPA spokesman Michael Abboud told McClatchy. "This is something that allows us to move forward in a good-faith effort, and this makes a nice little dent in it, although we have over 90-odd cases left."

"It is a first step, and we're glad that they took action here," Abboud said.

California's cooperation with the EPA could mark a turning point in its protracted battle with the agency, and more broadly with the Trump administration, over policies on climate, environment and public health.

The Clean Air Act requires states to submit implementation plans to the EPA outlining their efforts to cut emissions of six types of pollutants. When President Donald Trump entered office, the administration faced a backlog of more than 700 reports, roughly 140 of which originated in California, officials said.

California and the EPA have now together cleared 43 state implementation plans, known as SIPs—"a significant portion" of the government backlog, according to the agency's letter.

EPA Administrator Andrew Wheeler first warned California it would face consequences over the backlog in September, noting that EPA disapprovals would statutorily trigger federal sanctions on the state, including on transportation funds.

While Nichols—who is currently leading another battle against Wheeler over fuel efficiency standards—said that CARB would be willing to engage the EPA on its state implementation plans, she wrote in October that its backlog was primarily an EPA problem.

"Rather than mischaracterizing U.S. EPA's backlog as the result of California's purported failure to implement the Clean Air Act and threatening to withhold California's transportation funds, it is imperative that U.S. EPA move quickly to do its job and reduce pollution from the sources it has the responsibility to regulate," Nichols wrote. "California is prepared to coordinate with you in all efforts to focus on real actions to reduce emissions and protect people exposed to unhealthy air."

The EPA, meanwhile, is expected to finalize its rule setting federal standards for tailpipe emissions in the coming weeks. That move is a direct challenge to California, which has set its own stringent standards.

California is expected to challenge the EPA rule in federal court.

While the EPA's action on SIPs does not directly relate to its fuel efficiency fight with California, administration officials believe it could supplement its legal defense: that California has failed to uphold standards for pollutants other than greenhouse gases.

In an interview with McClatchy in September, Wheeler said that California had failed to meet federal standards regulating a host of pollutants unrelated to tailpipe emissions.

"I think the California Resources Board needs to spend and focus more time on the non-attainment areas that they have—the 82 non-attainment areas across the state," Wheeler said. "That has nothing to do with the CO₂ or auto standards."

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