

Clean Air Act

Sound Science and Regulatory Certainty

BACKGROUND

In addition to imposing stricter control on auto emissions, provisions in the California Clean Air Act (CCAA) are having an impact on development in the state. The US-EPA issued the Federal Implementation Plan (FIP) setting new standards for air quality.

The California Air Resources Board (CARB) issued the State Implementation Plan (SIP), which also imposes stricter limits on emissions from both mobile and stationary sources. CBPA provided testimony on the SIP, noting that commercial businesses are highly dependent on the use of heavy-duty equipments and vehicles for the transportation of goods, services and people. Therefore, any proposals which result in higher costs for any or all modes of transportation will create a disincentive for industry to successfully conduct business in California. It is no secret that many businesses have already left the state or have been forced to eliminate jobs as a result of the unfriendly regulatory atmosphere which stifles economic growth and opportunity.

Though the SIP imposes no new restrictions on indirect sources, such proposals are regularly advanced. The impact on our industry of proposed regulations dealing with indirect and stationary sources would be significant. Some of the proposed measures, such as those relating to so-called trip reduction ordinances, are counterproductive and have a negative effect on congestion and air quality. By restricting access to downtown and other commercial areas without adequate transportation alternatives, longer and more frequent trips to jobs and shopping will be required.

In late 2007 a federal judge ruled that the state has the authority to regulate greenhouse gas emissions from cars, thereby strengthening the state's ability to regulate and enforce clean air rules.

CBPA POSITION

Clean air is something that everybody supports and CBPA backs market-based approaches that encourages technologies and practices that lead to improved air quality.

CBPA actively supports solutions for improved air quality. However, we are opposed to approaches which disproportionately impose a heavy financial burden on those who create jobs and economic opportunity.

CBPA supports broad-based cost-effective implementation measures, which place the financial burden directly and proportionately on the cause of the pollution problem.

CBPA is in support of efforts to improve air quality, including legislation and measures which are incentive-based. Such efforts should be designed to encourage development that provides community-wide air quality benefits, such as capital improvements for congestion relief, in return for financial incentives such as fee reductions and reduction of zoning restrictions.

CBPA opposes unrealistic regulatory schemes, such as those which impose emission standards that are economically unattainable, and advocates cost-effective alternatives that will improve air quality without unnecessarily damaging the economy.

CBPA is concerned that the implementation of the Clean Air Act may force local governments to give up authority over land use. For example, the AQMP Conformity Procedures empower regional agencies to be placed into a position of deciding which cities will build housing and which cities will build shopping or employment centers, contrary to the needs and desires of local government and/or the marketplace.