

From: James E. Enstrom [mailto:jenstrom@ucla.edu]
Sent: Monday, November 16, 2015 9:46 AM
To: 'Joe Cassmassi' <jcassmassi@aqmd.gov>
Cc: 'Xinqiu Zhang' <xzhang@aqmd.gov>; 'Kalam Cheung' <kcheung@aqmd.gov>;
'Sang-Mi Lee' <slee@aqmd.gov>; 'Chung Liu' <cliu@aqmd.gov>; 'Yifang Zhu' <yifang@ucla.edu>
Subject: Important Request re November 17 SCAQMD STMPR AG Agenda

November 16, 2015

Joe Cassmassi
Planning and Rules Director
SCAQMD 2016 Air Quality Management Plan (AQMP)
Scientific, Technical & Modeling Peer Review (STMPR) Advisory Group
jcassmassi@aqmd.gov

Dear Mr. Cassmassi,

I am submitting these written public comments to the STMPR Advisory Group and to the SCAQMD staff members who are presenting at the November 17, 2015 Modeling Session Meeting. I make four basic points that are highly relevant to the preparation of the 2016 AQMP, although none of these points are on the Modeling Session Agenda. I request that all four of my points be addressed by the STMPR Advisory Group and SCAQMD staff as soon as possible.

1) There is overwhelming evidence that the ambient levels of 8-hour ozone and 24-hour fine particulate matter (PM_{2.5}) throughout the South Coast Air Basin (SCAB), as measured by SCAQMD (<http://www.aqmd.gov/home/library/air-quality-data-studies>), are substantially below the current USEPA NAAQS of 75 ppb for 8-hour ozone and of 35 µg/m³ for 24-hour PM_{2.5} (<http://www3.epa.gov/ttn/naaqs/criteria.html>). For instance, on November 15, 2015, the entire SCAB had an ambient 8-hour maximum ozone exposure of 53 ppb. The November 15, 2015 forecast for ambient 24-hour PM_{2.5} exposure at 38 monitoring stations throughout the SCAB ranged from 10 to 21 µg/m³, with an average of 12.9 µg/m³.

2) There is overwhelming evidence that personal exposure to ozone and PM_{2.5} among the residents of the SCAB is much lower than the ambient exposure levels cited above. For instance, from June 1995 to May 1996 the average personal exposure of school children was 11.4 ppb in Upland and 13.9 ppb in mountain towns between Crestline and Running Springs (<http://www.ncbi.nlm.nih.gov/pmc/articles/PMC1637960/pdf/envhper00304-0121.pdf>).

3) There is strong evidence that China is the source of a significant portion of the ozone (<http://news.sciencemag.org/earth/2014/09/china-blamed-u-s-ozone>) and PM_{2.5} (<http://blogs.wsj.com/chinarealtime/2010/12/01/california-pollution-made-in-china/>) in the SCAB and throughout California. Sources of ozone and PM_{2.5} that are outside of the SCAB need to be addressed in the 2016 AQMP.

4) Public hearings need to be held as soon as possible before the SCAQMD Board regarding the latest report and peer review on “the health impacts of particulate matter air pollution in the South Coast Air Basin,” in accordance with California Health and Safety Code Section 40471(b)

<http://www.leginfo.ca.gov/cgi-bin/displaycode?section=hsc&group=40001-41000&file=40460-40471>). Such hearings have been mandated every three years since 2001, but they have never been held before the SCAQMD Board Members. There is strong evidence that the health impacts of particulate matter in the SCAB are very minimal, as I have repeatedly stated to SCAQMD during the past decade.

In order to understand the importance of my request, please read recent comments critical of EPA, CARB, and SCAQMD (<http://www.scientificintegrityinstitute.org/BC110115091215.pdf>). These comments address both ozone and PM2.5 and have been published in the Wall Street Journal, the Los Angeles Daily News, the Bakersfield Californian, and the San Bernardino Sun. They include an op-ed by an SCAQMD Board Member and statements of concern by San Joaquin Valley Air Pollution Control Officer Seyed Sadredin.

Thank you very much for your prompt attention to my request.

Sincerely yours,

James E. Enstrom, Ph.D., M.P.H.
UCLA and Scientific Integrity Institute
jenstrom@ucla.edu
(310) 472-4274

cc: Xinqiu Zhang <xzhang@aqmd.gov>
Kalam Cheung <kcheung@aqmd.gov>
Sang-Mi Lee <slee@aqmd.gov>
Chung Liu <cliu@aqmd.gov>
Yifang Zhu <yifang@ucla.edu>

<http://www.bakersfield.com/Columnists/2015/10/31/LOIS-HENRY-New-ozone-rule-more-hot-air-from-the-EPA.html>

The Bakersfield Californian November 1, 2015

LOIS HENRY: New ozone rule more hot air from the EPA

By lhenry@bakersfield.com
Saturday, Oct 31, 2015 5:00 PM

With the Benghazi hearing sucking up everyone's attention Oct. 22, I'm betting you missed the House Science, Space and Technology Committee's hearing the same day on the new ozone standard set by the EPA earlier this month.

Which is shocking because, of the two issues, the new ozone standard will definitely have a bigger impact on your personal world than whether Hillary lied about why our Libyan embassy was attacked. (Discuss on your own time.)

So let me recap and, of course, throw in my two cents.

On Oct. 1, the EPA lowered the national ambient air quality standard for ozone to 70 parts per billion (ppb) for an 8-hour average. The deadline for attainment will likely be 2037.

The San Joaquin Valley already can't meet the previous two standards of 75 ppb (deadline 2032) and 84 ppb (deadline 2024). We finally did meet the even older standard of 124 ppb in 2013. But the EPA hasn't recognized that achievement because a monitor in Arvin was moved, which is a whole other story.

Anyhow, the valley's ozone level is pegged at 93 ppb, by the EPA using a convoluted and somewhat unfair methodology.

So, we have 22 years to drop our ozone by 23 parts per billion. Simple, right? No.

In fact, Seyed Sadredin, director the San Joaquin Valley Air Pollution Control District, has said repeatedly and told Congress on Oct. 22 that even if we stopped all fossil fuel combustion we still wouldn't hit 70 ppb.

Even so, his goal before the committee wasn't to ask that the standard be relaxed.

Sadredin wants the Clean Air Act amended to acknowledge a few realities that have emerged over the last 30 years we've been working on air pollution.

- Synchronize standards so they don't overlap. We have six attainment plans for six different standards right now with four more in the works and, yes, all have duplicative requirements.

- Different pollutants should be given different weight. For instance, we've learned locally that VOCs, volatile organic compounds, aren't as big of a health threat as NOx, nitrogen oxide. Why regulate for them the same?
- If you're already an "extreme nonattainment area," which we are, the EPA shouldn't require a "contingency" plan. Every emission that can be cut has been. There are no contingency emission cuts to be had.
- Instead of arbitrary deadlines, require the air district to prove every five years that it's done everything economically and technologically feasible to achieve EPA standards.
- Clarify rules around vehicle-related emissions due to population growth in nonattainment areas by allowing states to take credit for emission reductions due to vehicle turnover and improved tailpipe controls.

He didn't even get into the fact that the EPA doesn't account for China's ozone, which adds 5 to 20 ppb to the valley's overall level. But I'll let that one go for now.

The air district's tweaks are reasonable and would go a long way to making sure we're still pushing forward without being unfairly fined and sanctioned into oblivion. I hear Rep. David Valadao, R-Hanford, is considering introducing legislation to make the changes this year.

Good.

It's a start, but we still need a lot more rational thinking on this issue. While Sadredin wasn't interested in arguing whether ozone is truly the health bogeyman it's made out to be, I am.

First, air pollution, including ozone, doesn't cause asthma.

Repeat: asthma is not caused by air pollution.

I wish public agencies and activist groups could be sued every time they spit out that particular bit of misinformation.

Air pollution can exacerbate asthma symptoms, but it's not the root cause.

Here's another inconvenient truth: none of us is sucking in 93 ppb of ozone with every breath.

That figure is based on the fourth highest consecutive reading from the valley's worst air monitor. (One monitor in 25,000 square miles, by the way.)

Personal ozone exposure is much lower because most of us aren't outdoors all day.

In fact, a 2000 study on exactly that subject in San Bernardino County found school kids had, on average, personal ozone exposures of 18.8 ppb in Upland and 25.4 ppb in the mountain towns

during the height of ozone season. San Bernardino County's ambient ozone level is pegged at 102 ppb by the EPA.

We should know what the average personal exposure is region by region and study those health effects to see if there's a need to reduce ozone any further.

Otherwise, it seems, we're just regulating for the fun of it.

Don't be fooled by EPA Director Gina McCarthy's talk about how the new rule is a "science-backed" way to protect health.

The 2009 Edward Schelegle study the EPA relied on, which McCarthy mentioned in her announcement of the new rule, took 31 young adults at UC Davis and had them do vigorous exercise in 50-minute intervals for 6.6 hours in chambers filled with various levels of ozone.

Researchers found slightly reduced lung function at 72 ppb of ozone.

How ridiculous.

The general public isn't exposed to that level of ozone for that long under those conditions. And yet, we all have to adhere to this new rule.

"The problem is, (the EPA scientists) are very deep on very narrow issues," said Dr. Mike Honeycutt, director of the toxicology division of the Texas Commission on Environmental Quality, who also testified before Congress Oct. 22. "This process needs a number of experts, pulling together data streams. They need a risk assessor."

Even the EPA can't say whether the new ozone standard will cause any real decrease in asthma attacks, he said. And while the EPA also tries to pin premature mortality on ozone, no studies show actual causality.

In fact, if you're looking for ways to improve your life expectancy, you're far better off boosting your income than worrying about ozone.

Honeycutt sent me a chart showing the possible effect of a variety of lifestyle changes on premature mortality.

If you're in a lower income bracket and your paycheck drops by 10 percent, your risk of dying early increases by 35 percent.

Comparatively, a 10 ppb increase in ozone might increase your risk of early death by less than 1 percent.

As I said, a lot more rational thinking needed here.

Opinions expressed in this column are those of Lois Henry. Her column runs Wednesdays and Sundays. Comment at <http://www.bakersfield.com>, call her at (661) 395-7373 or email lhenry@bakersfield.com.

LOIS HENRY ONLINE

Read archived columns by Lois Henry at Bakersfield.com/henry.

Linked Articles

- [**LOIS HENRY: Air monitor problems go way beyond location**](#)
- [**LOIS HENRY: Arvin water district responds to state air bully**](#)
- [**LOIS HENRY: Study proves Arvin's air is improving**](#)
- [**Lack of credibility fouls the air in ozone debate**](#)

Lois Henry appears on “First Look with Scott Cox” every Wednesday on KERN 1180 AM and 96.1 FM from 9 to 10 a.m. The show is also broadcast live on www.bakersfield.com. You can get your 2 cents in by calling 842-KERN.

San Bernardino Sun October 24, 2015

Regulators must balance clean-air goals with job growth: Janice Rutherford

By Janice Rutherford

Posted: 10/23/15, 11:57 AM PDT

Anyone who grew up in the Inland Empire in the 1970s and 1980s knows the story.

Going outside to play on a summer afternoon meant burning eyes and lungs. If you moved here in the summer, you didn't know there was a mountain range a few miles from your home until October's Santa Ana winds blew away the smog.

We have made remarkable progress cleaning the air in the past three decades, yet our region still has the nation's dirtiest air. The federal government has imposed deadlines for meeting stricter air quality standards and threatened us with draconian regulatory measures and the loss of critical funding for transportation if we don't meet their targets.

The South Coast Air Quality Management District (AQMD) is in the process of drafting a plan to reach those targets, and deadlines are looming. The most difficult, if not impossible, target is the 2023 ozone standard, followed by an even stricter standard in 2032. And the feds keep moving the goalpost, recently reducing the acceptable level of ozone to just above natural background levels.

These targets and the measures we must take to get there have profound implications for our economy and residents. The AQMD faces the daunting task of finding a balance between cleaning the air and maintaining economic growth and job creation, and as San Bernardino County's representative on the AQMD governing board, I am encouraging staff and my board colleagues to do that as we create the 2016 Air Quality Management Plan, due out later this year.

This plan must emphasize several key points, and the agency should establish benchmarks and assumptions that are accountable to the public.

While dirty air clearly impacts public health, the most significant predictor of poor health outcomes is poverty. When people don't have jobs, their health, and their families' health, suffers. That must be understood as new rules are drafted.

Another factor is how much we Inland Empire residents drive. I don't know anyone who loves their commute into L.A. or Orange County. We all want to spend less time in traffic. The best way to do this is to move jobs into and create better jobs in the IE.

At the same time, our burgeoning logistics industry is providing a close-to-home ladder to the middle class for thousands of individuals, and we must be careful as we draft regulations that will impact the industry.

To that end, we cannot use air regulations to impinge upon or erode land use authority that belongs with local government. The people who live here, not regional authorities, should decide our community's future.

Industry is making substantial commitments to reach clean-air goals. A steel mill in one of the communities I represent is willing to spend nearly \$40 million on air pollution-control equipment to become what may be the cleanest mill in the country, if not the world.

Refineries, power plants and others have spent hundreds of millions of dollars on control equipment to reduce their emissions. Yet we keep cranking down on the requirements even though those sources represent just 25 percent of the air pollution generated in the region.

Roughly 75 percent of emissions come from heavy-duty trucks, construction equipment, ships, trains and other vehicles, which are regulated by the state and federal governments. If every truck and car on the road were new and fully met current emission standards, the region would still not achieve our federally imposed air quality targets. A huge percentage of automobiles would have to use alternative fuels, such as battery power and hydrogen, for us to meet the standard.

It is wrong that we are charged with reaching strict air-quality goals and face devastating penalties when the state and federal governments have failed to clean up the sources under their control.

We must demand from our state and federal officials that we get credit or waivers for the sources over which we have no control, as well as for pollution that blows in from overseas or other areas.

There is funding to defray the cost of purchasing cleaner vehicles, especially heavy-duty vehicles. As the Legislature debates how to spend up to \$3 billion in greenhouse gas cap-and-trade funding next year, we must prioritize spending on programs to deploy the cleanest vehicles and equipment, rather than on programs that have a questionable impact on pollution.

Cleaning our air is an important and challenging goal. We have made incredible progress, and as we do more, we must commit to encouraging a strong economy because that is as important to our residents' health and quality of life as clean air.

San Bernardino County Supervisor Janice Rutherford represents the 2nd District and is a member of the South Coast Air Quality Management District Governing Board.

<http://www.dailynews.com/government-and-politics/20151020/shelley-cost-of-regulations-will-take-your-breath-away>

Los Angeles Daily News October 21, 2015

Shelley: Cost of regulations will take your breath away

By [Susan Shelley](#), LA Daily News

Posted: 10/20/15, 11:08 AM PDT

In 2008, the California Air Resources Board banned diesel truck engines manufactured before 2010. Over a million trucks operating in California, including 625,000 that were registered out-of-state, were suddenly illegal.

Existing diesel engines could only be operated in California if they were retrofitted with a filter that could cost as much as \$15,000.

The regulation, known as the Statewide Truck and Bus Rule, carried an estimated price tag of \$10 billion. If you were wondering why everything moved by truck in California is more expensive, it's because you're paying that bill. A little of the cost is passed along in the price of everything from furniture to strawberries.

It's a basic principle of freedom that the government cannot pass a law that applies retroactively, criminalizing something that was legal at the time it originally happened. The U.S. Constitution says no "ex post facto Law shall be passed" by the federal government or by the states. "Ex post facto" is Latin meaning "from a thing done afterward."

It's another basic principle of freedom that the government exists by consent of the governed, meaning government officials are accountable to the people, not the other way around.

Alas, in California, these principles have been kicked to the curb. Or maybe it's more accurate to say they've been kicked to the CARB.

The California Air Resources Board is accountable to no one, something that troubled lawmakers in both political parties during the recent debate over climate legislation. When the governor would not agree to amendments giving the Legislature more oversight over the agency, lawmakers dropped a proposal for a 50 percent cut in petroleum use for transportation that CARB was set to enforce.

CARB claims an urgent need for the Truck and Bus Rule. But there are serious questions about whether this is true.

In the fall of 2008, a CARB staff report concluded that reducing “fine particulate” air pollution from diesel engines would [prevent 9,400 premature deaths in California](#) between 2011 and 2025. The report was presented to the CARB board members, who quickly voted to approve the new regulation requiring filters or new diesel engines.

But the lead staffer responsible [for that report](#), Hien Tran, was later revealed to have lied about his academic credentials — he purchased his Ph.D. from a diploma mill for \$1,000 — and although CARB chair Mary Nichols knew about the deception, she withheld that information from board members until months after they voted to pass the new rule.

The problems with the report were not limited to credentials. Extensive studies of the health effects of fine particulate air pollution, including one by CARB-funded scientist Michael Jerrett of the University of California at Berkeley, showed that it is [not causing any premature deaths](#) in California.

That’s all ignored by officials who are now throwing the book at companies that have failed to comply with the rule.

On Oct. 8, CARB and the U.S. Environmental Protection Agency announced that trucking firm Estes Express Lines will pay a \$100,000 fine and another \$290,000 for pollution-reduction education programs for operating 73 trucks in California between 2012 and 2014 without the required filters. In addition, Virginia-based Estes “voluntarily” replaced its trucks with new models to comply with California’s regulations.

In announcing the penalties, Jared Blumenfeld of the EPA stated that the Truck and Bus Rule will prevent 3,500 premature deaths in California between 2010 and 2025. The precise origin of this number, which used to be 9,400, is a little murky. The real number appears to be zero.

Meanwhile, billions of dollars are being spent to replace or retrofit diesel engines that already meet the clean-diesel engine standards established in 2001. It’s one more reason for businesses to take their jobs and leave the state.

California regulators can create any kind of rule, apply it retroactively, and declare illegal the equipment that five minutes earlier was in full compliance with the law. And the EPA is helping CARB enforce its rules on out-of-state companies that are beyond the jurisdiction of California authorities.

Why is this even legal?

It may not be. The California Construction Trucking Association, now renamed the Western States Trucking Association, has asked the U.S. Supreme Court to consider whether federal courts have [jurisdiction to review the matter](#).

Truckers will never get their billions back. But it’s not too late to save everybody else’s jobs from being retroactively criminalized by reckless regulators.

OPINION

REVIEW & OUTLOOK

California's Diesel Rule Scam

The Environmental Protection Agency and California Air Resources Board (CARB) are riding high after exposing Volkswagen's emission scam. But the self-proclaimed guardians are running their own regulatory racket. See their shakedown of Virginia-based trucker Estes Express Lines.

Under the Clean Air Act, the Golden State enjoys unique authority to impose stricter emission standards than the EPA, but only within its sovereign borders. Yet CARB exported its vehicle emission standards nationwide by forcing auto makers to re-engineer their fleets to state rules. Now the agency is trying to bring out-of-state truckers to heel.

In 2008 CARB banned diesel engines manufactured before 2010 from California roads. Under the rule, over a million truckers who operate in California, including 625,000 registered out of state, are required to replace their engines with a newer model or install a diesel particulate filter, which can cost more than their vehicles are worth.

This month CARB and EPA announced a \$390,000 settlement with Estes—\$100,000 of which goes to the U.S. Treasury—for failing to install filters on 73 of 500 trucks it operated in California between 2012 and 2014. Estes has since upgraded its entire California fleet.

CARB doesn't have authority to subpoena documents from out-of-state businesses, so EPA assisted the investigation by asserting jurisdiction under California's 2012 State Implementation Plan of the Clean Air Act that includes the truck rule. Last year EPA demanded that a dozen interstate trucking companies show com-

pliance with California's rule. A CARB spokesperson says the prosecution is "the first of what we hope are many cases." Caveat trucker.

The state imposes a rule based on phony science on all U.S. truckers.

Not surprisingly, the green police claim they are protecting Californians. According to EPA, the truck rule will prevent 3,500 premature deaths between 2010 and 2025. Yet there's little evidence linking

diesel particulate matter with an increase in mortality in California, which has among the lowest age-adjusted death rates in the country.

Studies show a weak association between mortality and particulate matter in Appalachia and the Midwest, but virtually no correlation in the western United States. This may be because the chemical composition of particulate matter—which can be generated from dust, wildfires, pollen, power plants, mining and farming—varies by region. Diesel exhaust makes up a small fraction of these fine airborne particles.

Notably, the epidemiological study that CARB used to justify its truck rule in 2008 had to be corrected after it was revealed that the report's lead staff scientist had purchased his statistics doctorate for \$1,000 from a diploma mill. CARB later revised its estimates of premature deaths prevented by the rule down to 3,500 from 9,400. After discovering the deceit, CARB Chairwoman Mary Nichols failed to inform the board and went ahead and propounded the regulations for adoption.

In other words, the regulations under which EPA and CARB are prosecuting truckers are based on dubious science. But when the cause is green virtue, such details don't matter.

OPINION

LETTERS TO THE EDITOR

A Closer Look at California's Diesel Rules

Clearly California Air Resources Board (CARB) Chairwoman Mary Nichols doesn't like "big rigs" ("Our Diesel Rule Is Sensible, And Clean Air Is No Scam," Letters, Oct. 24). Regrettably, actions of the regulatory body she leads raise the cost of goods transported by these same big rigs not only to the citizens of California but to the rest of the country as well.

In effect, the unholy alliance between the EPA and the CARB tramples states' rights and is but one more exhibit of our overregulated and (as a result) underperforming economy.

Ms. Nichols asserts that "a big rig belching out tons of toxic black soot" is a problem. Were her assertion true, perhaps her regulation would make sense.

The taxpayer-funded EPA tells us (Office of Transportation and Air Quality, EPA 420-F-08-027, October 2008) that particulate matter less than 10 microns (a regulated pollutant) emitted by semi-tractor trailers is 0.233 grams per mile. We need only look to another taxpayer-funded regulatory body, the Federal Motor Carrier Safety Administration, to learn that a truck driver is limited to 60 hours behind the wheel each week. Assuming said truck driver complies with 60-hour regulations at 60 mph and the rig emits the average pollution per EPA estimates, he would need to drive for almost 18 years to emit a single ton of the particulates that so concern Ms. Nichols. "Belching out tons" of these particulates would appear to be outside the capacity of any single truck.

If Ms. Nichols's assertion that California air is the worst in the country is in fact true, it would be fair to ask why? If, despite decades of regula-

tions more onerous than those of any other state or even the federal government, California air quality remains so poor, perhaps a radically different approach is called for.

PETER KINDRACHUK
Brentwood, Tenn.

Mary Nichols exaggerates the mortality risks of particulate matter. These risks are based on the unproven hypothesis that about one teaspoon of invisible fine particles inhaled over a lifetime causes premature death. My June 11 talk at the International Conference on Climate Change in Washington, D.C., provides overwhelming evidence that there is no causal relationship between fine (or diesel) particulates and premature death in California. The new NIH/NYU-funded Environmental Health Perspectives cohort study by George Thurston shows no relationship in California and only a tiny questionable relationship nationwide.

California has the lowest age-adjusted total death rate and almost lowest cancer death rate in the continental U.S. Current California air-pollution levels are at record lows and are no longer the clear cause of health problems in the state. The Statewide Truck and Bus Regulation is the result of a seriously flawed scientific and administrative process orchestrated by the CARB using outdated data that ignores evidence that diesel emissions have no adverse health effects, and the fact that the output of particulate matter from large trucks has declined by over 95% over the past 25 years.

Many scientists like myself are actively fighting this "diesel rule scam" to help both California and the U.S.

JAMES E. ENSTROM, PH.D., M.P.H.
Retired epidemiologist and physicist,
UCLA Fielding School
of Public Health
Los Angeles

<http://www.dailynews.com/government-and-politics/20151009/susan-shelley-clean-air-agency-rakes-in-high-fees-and-higher-salaries>

Los Angeles Daily News October 10, 2015

Susan Shelley: Clean-air agency rakes in high fees and higher salaries

By [Susan Shelley](#), LA Daily News

Posted: 10/09/15, 5:42 PM PDT | Updated: 2 hrs ago

California lost 32,000 manufacturing jobs between 2009 and 2013, and Los Angeles County lost another 4,700 over the last year.

The occupations projected to have the greatest job growth in California by 2022, according to the Employment Development Department, are personal care service provider, home care aide, food preparation worker or server and office administrative support employee.

Enjoy those student loan payments.

The good-paying jobs that left California are only part of the story. No one can know how many jobs never came to this state at all because of high taxes, high energy costs, abusive lawsuits and regulatory agencies that have become unreasonably costly and burdensome.

One such agency that's mentioned often — by people who are afraid to have their names used — is the [South Coast Air Quality Management District](#).

The story you are about to read is partially true.

It was a chilly day in prehistoric California, and a cave man was rubbing his hands together to keep them warm.

This gave him an idea. He picked up two rocks and rubbed them together energetically. A tiny spark of light flew off the rocks' surface. He picked up two heavy twigs and tried rubbing them against each other and against the rocks.

He worked for an hour, trying different combinations, until an amazing thing happened. Heat and light radiated from the bits of wood on the cold dirt. The cave man found more twigs and threw them on the fire, and then he used rocks to build a low wall encircling the flames.

That's when a man in a suit came running up to him, flashing a shiny leaf. "I'm from the South Caves Air Quality Management District," he said. "[Wood-burning fireplaces are not allowed in newly constructed homes.](#)" (This is an actual SCAQMD regulation.)

"Aggggh," the cave man said.

"And you have installed an unpermitted charbroiler," the man said. "The SCAQMD's permit fee is \$3,835.06 plus the Administrative Permit Revision Fee of \$997.27, a total of \$4,832.33." (This is the actual application fee for an SCAQMD permit for a charbroiler.)

"And because you failed to obtain a permit before installation, you owe 50 percent of the permit fee as a penalty, another \$1,917.53." (This is the SCAQMD's actual policy.) "You owe us \$6,749.86. We take cash or checks."

"Oof," the cave man said.

"If you plan to heat water over that fire you need a permit for a boiler," the regulator continued. "That's another \$4,832.33 and you'd be wise to pay it now, before you incur another penalty."

"Ug ERF guhtuk," the cave man suggested.

The man looked hurt. "We have bills to pay too, you know. Why, [just the salaries in our agency add up to over \\$70 million a year.](#) Our Executive Officer is paid over \$305,000, plus \$131,000 in retirement and health benefits. (Barry R. Wallerstein's actual 2013 compensation, in pay and benefits, was \$436,285.) And our Deputy Executive Officer for Engineering and Compliance — he's the one you'll meet if you don't get this charbroiler permitted — is paid close to \$200,000 a year. (Mohsen Nazemi's actual 2013 compensation, in pay and benefits, was \$292,873.)

"Erf," the cave man said.

"Have you maintained the proper records for this equipment?" the man asked. "I need copies of all your inspection reports."

"Ugggggggh," the cave man said.

"On another subject," the man continued cheerfully, "the SCAQMD's [annual awards luncheon at the Biltmore](#) is coming up, maybe you'd like to buy a table. Also, the Governor's Appointee to the Board is having the annual fundraiser for his nonprofit organization. I'm told there are still a few openings for Bronze Age sponsors. It's a wonderful opportunity. You get an ad in the program, four tickets for dinner, recognition from the podium...."

"Aggggh," the cave man said.

"Or the Platinum sponsorship," the man winked. "That includes the VIP reception."

"Ugggggh," the cave man said.

(The SCAQMD actually did have an annual awards luncheon at the Millennium Biltmore Hotel on Oct. 2. And the Governor's Appointee to the SCAQMD Board, environmental justice advocate [Joseph K. Lyou](#), has been paid \$100,000 a year as the president and CEO of the [Coalition for Clean Air](#), a nonprofit advocacy group that actually does hold an annual fundraiser sponsored by SCAQMD-regulated businesses.)

Sadly, the cave man, his family and the entire cave community died of exposure and starvation after the SCAQMD mandated new equipment that extinguished the fire. Thereafter, the human race evolved from a sexual harassment incident at the Biltmore.

Susan Shelley is a San Fernando Valley author, a former television associate producer and twice a Republican candidate for the California Assembly. Reach her at Susan@SusanShelley.com, or follow her on Twitter: [@Susan_Shelley](#).



Susan Shelley is a San Fernando Valley author, a former television associate producer and twice a Republican candidate for the California Assembly. Reach the author at Susan@SusanShelley.com or follow Susan on Twitter: [@Susan_Shelley](#).

- [Full bio and more articles by Susan Shelley](#)

REVIEW & OUTLOOK

California's Climate Change Revolt

The environmental lobby has tried to turn climate change into a social justice issue even though its anticarbon policies disproportionately harm the poor. Honest Democrats are starting to admit this, as we saw in this week's stunning revolt in the California legislature.

Jerry Brown doesn't have much to show for his second turn in Sacramento, and of late he has focused his legacy attention on reducing carbon emissions. The Governor hailed California as a model of green virtue at the Vatican this summer and had hoped to flaunt sweeping new anticarbon regulations at the U.N.'s climate-change summit in Paris this year.

But now his party has mutinied. Democrats hold near supermajorities in both legislative chambers with 52 of 80 seats in the Assembly. Yet this week 21 Democratic Assembly members representing middle- and low-income communities—including 11 blacks and Latinos—joined Republicans to kill a bill mandating a cut in state greenhouse gas emissions to 80% below 1990 levels by 2050.

Democrats also forced Mr. Brown to scrap a measure that would have given the California Air Resources Board plenary authority to reduce statewide oil consumption in vehicles by half by 2030. Imagine the EPA without the accountability. "One of the implications probably would have been higher gas prices," noted Democratic Assemblyman Jim Cooper. "Who does it impact the most? The middle class and low-income folks."

Many Democrats demanded that the legislature get an up-or-down vote on the board's proposed regulations before they take effect. Yet the Governor and Senate liberals wouldn't abide constraints on the board's powers.

The defeat is all the more striking for the failure of appeals to green moral superiority. Liberal groups targeted Catholic Democrats with ads featuring Pope Francis. Mr. Brown demonized oil companies for selling a "highly destructive" product.

The most morally destructive product in California these days is green government. Take the 33% renewable electricity mandate. Since 2011 solar energy has increased more than 10-fold while wind has nearly doubled. But during this period electricity rates have jumped 2.18 cents per kilowatt hour—four times the national average. Inland residents and energy-intensive businesses have been walloped the most.

California's cap-and-trade program has also hurt manufacturers, power plants and oil refiners, which are required to purchase permits to emit carbon. Between 2011 and 2014, California's manufacturing employment in-

creased by 2% compared to 6% nationwide, according to the federal Bureau of Labor Statistics.

Democrats reject green schemes that raise energy costs for the non-rich.

Cap and trade has also raised fuel costs, though its effect is hard to isolate from other environmental mandates. The Western States Petroleum Association last year projected that cap and trade would add 16 to 76 cents per gallon to the retail price of gas based on data from the Air Resources Board.

In 2006 Californians paid about 23 cents more per gallon than the national average due to higher gas taxes and the state's reformulated fuel regulations. The price premium increased to 41 cents last year and spiked to \$1.14 in May after several in-state refineries experienced problems. The average gas price in California is now \$3.22 and \$3.41 in the Los Angeles metro region (where a couple of refineries are undergoing maintenance) compared to \$2.36 nationwide.

California's low-carbon fuel standard will jack up gas prices even more. This anticarbon policy requires refiners to cut their fuel's "lifecycle" carbon emissions including transport to market by 10% by 2020. The goal is to boost California biofuels. However, there aren't enough commercially available "advanced" biofuels to meet the targets, so fuel blenders will have to buy regulatory credits.

The chief beneficiaries of the Golden State's green government have been the well-to-do, while low- and middle-income Californians have borne most of the regulatory costs. The Bay Area and Los Angeles regions account for 80% of the state's electric car rebates compared to the San Joaquin Valley's 2%.

Liberals in Sacramento have promised to spend cap-and-trade revenues on car-sharing programs, low-emissions public transit and electric-car charging stations in low-income communities. But then they sock it to these drivers with regulations that raise gasoline prices.

Meantime, while job growth in the Bay Area is booming, unemployment remains high in the rest of the state. The unemployment rate is 3.8% in San Francisco and 2.9% in Palo Alto. It's 10.4% in Fresno, 8.8% in San Bernardino and 9.6% in the refining hub of Carson—nearly four percentage points higher than in December 2007.

After this week's defeat, Mr. Brown vowed to use regulation to end-run the legislature. "We don't have a declaration in statute, but we have absolutely the same authority," he declared. President Obama has taught him well. Vengeance is his, and the Governor will make hard-up Californians pay for their sins of emission.