There will be “drastic, adverse impacts” on Californians’ health if a federal appeals court allows the Environmental Protection Agency (EPA) to eliminate a previously approved waiver, physicians say.

The California Air Resources Board (CARB) asked the EPA for—and received in 2013—a waiver to develop an Advanced Clean Cars program that aims to work together with other pollutant standards to control ozone and particulate matter. In turn, that would improve air quality, help address climate change and improve public health in a state where pollution has long been a public health concern.

But five years later, the EPA partially revoked the waiver saying California, which is home to the three cities that suffer the worst pollution nationwide and 16 regions the EPA classifies as ozone nonattainment areas, didn’t need the new “standards to meet compelling and extraordinary conditions” because “the health and welfare effects of climate change impacts on California are not extraordinary to that state and to its particular characteristics.”

Physicians disagree with the government’s assessment.

The Litigation Center of the American Medical Association and State Medical Societies and the California Medical Association joined the American Thoracic Society and others in filing an amicus brief to help the court understand “the serious public health implications that stem” from the EPA decision.

“Climate change poses severe health and welfare impacts to California that are unique in both nature and degree from other states and from the United States as a whole. These include increased health-related morbidity and mortality, increased formation of ambient air pollution and greater wildfire frequency. These impacts will increasingly harm Californians’ respiratory health and will disproportionately affect vulnerable populations,” says the brief filed in the case, Union of Concerned Scientists et al., v. National Highway Traffic Safety Administration et al.

Citing numerous scientific studies showing the positive impact that cutting automobile emissions can have on people’s health, the brief urges the U.S. District Court of Appeals for the District of Columbia
to vacate the EPA’s decision as arbitrary and capricious, an abuse of discretion and not in accordance with law.

Find out more about the cases in which the AMA Litigation Center is providing assistance and learn about the Litigation Center’s case-selection criteria.

A unique air quality battle

When the federal Clean Air Act was adopted in 1970, it included language that allowed California to ask for a waiver to adopt its own vehicle emission standards as long as they are, in aggregate, “at least as protective of the public health and welfare as applicable federal standards.”

Over the years, California’s exemption has allowed it to set tougher standards. It’s led to new technologies, including the catalytic converter, and to significantly improved air quality and improved public health in the state. For example, before CARB regulations began in the 1960s, one-hour ozone averages in the South Coast Air Basin exceeded 600 parts per billion (ppb) and eight-hour averages approached 400 ppb. Since 1998, neither average has exceeded 200 ppb, the brief tells the court.

“These air quality improvements have measurably improved the health of Californians,” the AMA Litigation Center brief says.

Plan would spur more reductions

The Advanced Clean Car regulations CARB developed with the EPA and National Highway Traffic Safety Administration included a low-emissions vehicle regulation for criteria pollutants, a low-emissions vehicle regulation for greenhouse gas emissions and a technology-forcing zero vehicle-emission vehicle regulation.

Under the program, zero-emission vehicles would comprise about 15% of the state’s auto sales in 2025. In late 2019, they comprised just 7.6% of sales.