

# Lawsuit Filed Seeking Reconciliation of Excess Pollution from Corrupt Credit Banking System

**Contacts:** **Catherine Garoupa**, Executive Director, Central Valley Air Quality Coalition: (559) 232-1698, [catherine@calcleanair.org](mailto:catherine@calcleanair.org); **Grecia Orozco**, Staff Attorney, Center on Race, Poverty, and the Environment, (526)659-5314, [gorozco@crpe-ej.org](mailto:gorozco@crpe-ej.org)

**For immediate release:**  
**March 21, 2023**

FRESNO, *Ca.* – San Joaquin Valley environmental justice advocates with the Central Valley Air Quality Coalition, Center on Race, Poverty, and the Environment, Committee for a Better Arvin, Committee for a Better Shafter, and Delano Guardians alongside impacted community members today have formally declared their intent to seek a court order to remedy years of improper air pollution controls at some of the region’s largest sources of air pollution. The groups sent a [formal 60 day notice of intent to sue](#) the San Joaquin Valley Unified Air Pollution Control District (Valley Air District) for violating the Clean Air Act. This action follows the District’s failure to correct its egregious violations of its Emission Reduction Credit (ERC) and offset equivalency program. The notice also comes after the [resignation of all 3 public members appointed to the Public Advisory Workgroup tasked with helping resolve deep rooted problems with the program on July 14, 2022](#) as a result of being disappointed in the lack of constructive dialogue and real outcomes.

The San Joaquin Valley is the most polluted air basin in the United States for fine particles (PM2.5) and one of the most polluted for ozone. Repeated failure to attain health protective standards results in approximately \$6 billion annually in public health costs, with communities of color and low income communities bearing the brunt. The Emission Reduction Credit (ERC) banking and offset equivalency system program managed by the Valley Air District has prioritized profits for the oil industry and other major pollution sources while socializing the cost onto Valley breathers, especially environmental justice communities. Inaccuracies and loopholes in the ERC program have serious implications for public health and environmental justice.

*Background on the ERC program:* The Valley Air District issues permits for new and expanding major sources of air pollution and, under state and federal law, must ensure that new air pollution does not contribute to our air pollution crisis. To accomplish that, new and expanding sources must offset their pollution by providing ERCs. Because many of the ERCs in the Valley are old and do not represent real air pollution reductions, the Valley Air District must demonstrate annually to the U.S. Environmental Protection Agency that its offset program provides equivalent reductions as required by the Clean Air Act. In 2020, an investigation by the California Air Resources Board disclosed widespread corruption and abuse of the District’s equivalency system and the District has since acknowledged that the system no longer provides the reductions that meet federal Clean Air Act requirements. This abuse can be traced back to as early as 2004 and have allowed major sources of air pollution to emit more pollution because the Valley Air District avoided implementing mandatory remedies that would have ensured new and expanding sources fully compensate for that air pollution.

The notice letter asks the Valley Air District to correct and resubmit the annual reports, provide the missing historical accounting of the system, and implement the automatic remedies upon system failure. Groups will file the lawsuit in federal district court at the end of the 60-day notice period if the Valley Air District fails to comply with the Clean Air Act.

“Historically, Arvin has been a city in Kern County that has been forced to bear the brunt of public health harms. As somebody who lives here and heads the Committee for a Better Arvin, I seek better lives for those who are forced to breathe the harmful valley air. With this lawsuit, we hold the Valley Air District accountable and make it clear how seriously we take the health of our community members and all those in Kern County,” said Estela Escoto, Committee for a Better Arvin.

“Year after year, we continuously see low-income communities and communities of color get the worst of the worst when it comes to public health harms. A quick internet search will show you that Kern County is number one in the United States for year-round particle pollution. The Valley Air District knows these numbers and they refuse to seek justice on our behalf. As a result, we must bring forward this lawsuit to bring relief to the neglected communities that need it the most,” said Anabel Marquez, Committee for a Better Shafter.

“The San Joaquin Valley is overburdened by the worst air pollution in the nation; despite this, the San Joaquin Valley Air Pollution Control District has allowed industrial sources to increase pollution by using nonexistent or invalid emission reductions to claim compliance with the Clean Air Act. By using unlawful regulatory loopholes, the Air District has sacrificed public health and safety for the sake of industry polluters. By sending this notice letter, communities most impacted by the region's severe air pollution will hold the district accountable for its misdeeds,” said Grecia Orozco, Staff Attorney for the Center on Race, Poverty, and the Environment.

The Center on Race, Poverty and the Environment was founded in 1989 and has operated with the unique understanding that legal advocacy needs to be community based.

“After decades of watchdogging this corrupt system, we can no longer wait for the San Joaquin Valley Air District to do the right thing by Valley breathers. Bringing this lawsuit is just one way for us to seek long overdue relief from the ongoing public health crisis caused by air pollution in the San Joaquin Valley, especially for people of color and low income communities,” said Catherine Garoupa, PhD, Executive Director of the Central Valley Air Quality Coalition.

The Central Valley Air Quality Coalition has been working on clean air issues in the Valley for 20 years.

The groups are represented by the Law Offices of Brent J. Newell, Lozeau Drury, LLP, and the Center on Race, Poverty & the Environment.

###

*About the Central Valley Air Quality Coalition:* CVAQ works toward awareness, acts as a watchdog, advocates for policy and mobilizes communities to restore clean air to the San Joaquin Valley.  
[www.calcleanair.org](http://www.calcleanair.org)

*About the Center on Race Poverty and the Environment:* CRPE is a national environmental justice organization providing legal, organizing, and technical assistance to grassroots groups in low-income communities and communities of color.  
[www.crpe-ej.org](http://www.crpe-ej.org)