

## SACRAMENTO

### Air board gets tough on construction equipment

John Wildermuth, Chronicle Staff Writer  
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**(07-27) 04:00 PDT Sacramento** -- The state Air Resources Board, led by its newly appointed chair, overrode concerns from the construction industry Thursday and unanimously approved tough new regulations that will slash the amount of air pollution coming from bulldozers, backhoes and other off-road diesel engines.

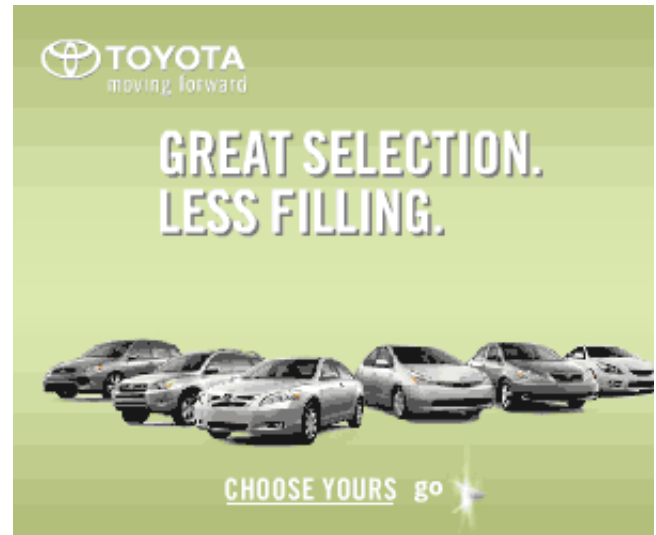
Mary Nichols, who was appointed to head the board by Gov. Arnold Schwarzenegger earlier this month, beat back an eleventh-hour effort by three other board members to give the affected industries more time before they had to either retrofit their machinery to meet the new air quality standards or junk some of their dirtiest equipment.

The new rules "are balanced, strong and progressive in their effect on the state's air," she said. The regulations, which take effect in 2010, will give large companies until 2020 to either refit their equipment or buy new, less polluting machinery. The deadline for small companies will be 2025.

The final vote came as a relief to environmentalists, who had feared the worst when Schwarzenegger last month fired former board Chair Robert Sawyer, who said he was dumped because he was too aggressive in cutting air pollution. Catherine Witherspoon, who then quit as the air board's executive officer, complained that she had been pressured by the governor's staff to ease the planned regulation on heavy diesel construction machinery.

Schwarzenegger denied the allegations and appointed Nichols, a favorite of environmentalists and one of the nation's best-known authorities on air pollution.

Nichols, who led the air board three decades ago under Democratic Gov. Jerry Brown, said getting back into California's air-quality battles wasn't hard because she had focused on similar issues as a top administrator at the Environmental Protection Agency under President Bill



Clinton and more recently as a professor at UCLA.

"I've been following the board's work even when I wasn't there," she said. "Besides, we were talking about heavy construction equipment the last time I was on the board."

That 30 or so years since then hasn't made the thorny dispute any easier to deal with. In a hearing that ran more than nine hours, environmental groups lined up Thursday against construction companies and labor unions in a fight they argued pitted public health against jobs and economic growth.

"Some companies may struggle to survive," said Diane Bailey, a scientist with the National Resources Defense Council, "but our concern is with people who struggle to breathe."

The strict standards for cleaner-burning diesel engines would mean 4,000 fewer premature deaths over the next 20 years and a savings of between \$18 billion and \$26 billion in health care costs, according to the air board's staff.

But forcing construction firms, heavy equipment rental companies, mining outfits and other owners of the state's 180,000 earthmovers, excavators and other off-road diesel machinery to spend between \$3 billion and \$12 billion to upgrade and replace that expensive equipment would be a recipe for economic disaster, people in those industries complained.

Gordon Downs, owner of a Bakersfield equipment rental company, said it would cost him nearly \$2 million a year to comply with the regulations, which is double his annual after-tax profit.

"Our industry has done nothing wrong," he said. "The equipment we've used to build California was never illegal."

The cost for the new rules goes beyond construction company profits, said Guy Prescott of Operating Engineers Local 3, which represents about 24,000 machine operators, surveyors and diesel mechanics in Northern California and the Central Valley.

"Every piece of machinery has a seat and that's a job," he said. "When you're taking equipment out of service and downsizing construction companies, you're eliminating jobs."

The new regulations would cause the loss of between 1,400 and 3,400 jobs a year, according to the air board staff.

The state's biggest pollution problems are in Southern California and the Central Valley, where it likely would be impossible to meet upcoming federal air pollution regulations without the strict new limits on nitrogen and particulate matter emissions. Both areas also have seen a growing number of childhood asthma cases, which health officials have linked to the dirty air.

"These regulations will shape the livability of our communities for years to come," said Joseph Lyou of the South Coast Air Quality Management District.

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