

07-7-7
June 21-22, 2007



mark murai

June 20, 2007

Chairman Robert Sawyer, Ph.D. and Members of the Board
California Air Resources Board
1001 I Street
Sacramento, CA 95812

RE: Comments on the 2007 SIP – Appendix H

Dear Chairman Sawyer and Members of the Board:

The California Strawberry Commission would like to express our support for amendment of the 1994 SIP for Ventura in Appendix H of your June 22, 2007, agenda item considering a statewide strategy for the 2007 California SIP. The California Strawberry Commission (CSC) represents all the 600+ growers, shippers, and processors of strawberries in California. California produces 88% of the fresh and frozen strawberry fruit in the USA with a current value of \$1.6 billion.

We would like to bring the following to your attention:

- Ventura achieved the 1-Hour Ozone Standard in 2002;
- Ventura County agriculture has significantly reduced emissions and adopted the best available control technology;
- the economic and environmental impacts if appendix H is not approved;
- amending the 1994 SIP is good for the economy and the environment;
- the 1994 SIP has been amended for Ventura in the past.

If Appendix H is not approved to transfer 1.9 tpd to the pesticide element of the 1994 SIP, DPR has reported that 10,000 acres will have to stop current production practices. According to the Ventura County Agricultural Commissioner's most current Annual Crop Report (2005), this would have an economic impact of \$286 million and we believe a loss of as many as 20,000 jobs. Moreover, the resulting pressure to develop these lands would likely lead to more emissions.

Ventura achieved the 1-Hour Ozone Standard in 2002

As you know, Ventura satisfied the 1994 SIP and achieved compliance with the federal 1-Hour Ozone Standard in 2002. "Best Air on Record..." reads a December 10, 2004 press release by the Ventura County Air Pollution Control District, noting, "There were NO exceedances of the federal one-hour ozone standard and NO health advisories" The release further states, "With no exceedances during 2004, two exceedances in 2003, and one exceedance in 2002, Ventura County has effectively attained the federal one-hour ozone standard."

Ventura County agriculture has reduced emissions and adopted BACT

When the 1994 SIP was approved, the most common fumigation technology resulted in 74% emissions.¹ In 1996, the United States Department of Agriculture, Agriculture Research Service formed a partnership with the California Strawberry Commission to evaluate fumigant alternatives. For the next several years, the partnership conducted over 25 on-farm, large scale demonstration projects. These projects showed that drip technology could both reduce the amount of fumigant needed to be used, and that the drip technology also reduced the emissions from 74% down to 22%.¹ In other words, compared to the standard technology used in 1994, the new drip technology is at least 80% cleaner.

Beginning in 1999 and continuing for several years, the Commission published multiple papers on drip technology and recommended its adoption. Over the next 8 years the strawberry industry overwhelmingly adopted this new method and over 95% of the strawberry acreage in Ventura now use the lowest emission methods identified by DPR for each fumigant applied.

Flawed science leads to a flawed judicial order

Despite the fact that Ventura has achieved the federal 1-hour ozone standard, and that Ventura agriculture has adopted BACT, there is a remnant in the 1994 SIP that will cause an economic hardship if Appendix H is not approved and will directly lead to changes in land use that will likely result in significant increases in VOC emissions compared to the current agricultural uses.

In *El Comite para el Bienestar de Earlmart v. Helliker*, the Judge ordered DPR to implement a regulation using 1991 as a base year. Because the Judge only considered information that was used to develop the 1994 SIP, the court did not receive information about the numerous scientific flaws in the 1990/91 base years. For example, in 2003, EPA sent a letter to ARB stating that Methyl Bromide is not a VOC². Simply subtracting Methyl Bromide from the Ventura inventory reduces total pesticide emission by nearly 50%, resulting in total pesticide emissions constituting less than 3.5% of Ventura's total ROG emissions.

The Economic Impact

Because the judge got it wrong, the DPR regulation will be about satisfying an obsolete process and have a minimal effect on improving air quality. More specifically, because the order is based on obsolete scientific findings, DPR has reported that the new regulation would cause 10,000 acres³ to stop production, kill 20,000 jobs and result in an economic loss of up to \$286 million⁴; all to accomplish a 2% reduction in total VOC emissions in Ventura, for an air district that has already achieved the federal 1-hour ozone standard.

The Environmental Impact

¹ DPR VOC Emission Adjustment Memo, April 6, 2007

² EPA Asst. Administrator Holmstead, November 13, 2003

³ DPR Press release, May 18, 2007

⁴ Ventura County Ag Commissioner Crop Report

DPR Director, Mary Ann Wamerdam recently stated, "Is California agriculture part of our air-quality problem or is it part of the solution? The shift to higher-value crops and more fumigant use, for example, is one side effect of a statewide real-estate boom. Farmers who lease their fields have a hard time competing with land speculators. And farmers who own land have good reason to cash out before the next commodity price downturn, drought, or flood pulls them into debt for years to come. With so much riding on every year's crop, it's little wonder that lenders and landowners require growers to fumigate their fields — whether they want to or not — to ensure profitability. We must recognize that every segment of our society has some value in the overall scheme of things. Grow crops or suburbs? It's a false choice for the environment to swap one source of smog for another that could be worse."⁵

As published in the DPR Statement of Reasons for their proposed VOC regulation, if Appendix H is not approved 10,000 acres will be impacted. The loss of fumigation will mean that yield will drop by half⁶ and growers will face financial hardship for no good reason. Without profitable agricultural use, this land will ultimately be developed into uses that will undoubtedly result in increased VOC emissions.

Not a Precedent

The 1994 SIP was a plan. New data becomes available and plans change. Since 1994, we know that BACT has been applied, that the air district has achieved the 1-hour ozone standard, and that the old 1991 inventory is significantly exaggerated.

In past years, Ventura has had similar situations where the 1994 SIP has been amended to allow for a transfer of credits from one strategy to another strategy. For example, the adhesives rule originally adopted by the local Air Pollution Control District had to be amended and credit from other programs was transferred to satisfy the targets originally planned. Such amendments are allowed by the Clean Air Act, and not unusual. This is not backsliding on the SIP commitment. It is an adjustment to the plan.

Our Request: amending the 1994 SIP is good for the economy and the environment

Your staff recommendation, reflected in Appendix H, proposed to revise the 1994 Ozone SIP to substitute 1.0 tpd of ROG emission reductions from California's on-going motor vehicle program, for 1.0 tpd of ROG emission reductions committed to for pesticides in the 1994 Ozone SIP in Ventura County.

After Appendix H was published, DPR published its proposed VOC regulation and supporting documentation. DPR's VOC Emissions Adjustment Memo (Table 23) shows that after BACT is utilized by 100% of the growers on 100% of the acres, that there is still a 1.348 tpd shortfall. This analysis was based on data from 2004. Growth has occurred since then. When adjusted with published data for 2007 acreage, the shortfall is 1.869 tpd. In other words, since Appendix H was published, DPR has published new technical data demonstrating that the correct amount to be transferred is 1.9 tpd.

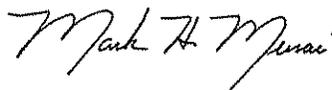
⁵ Ventura County Star Editorial, June 10, 2007

⁶ J. Duniway, July 2002 scientific paper

We request that you approve Appendix H with the corrected number of 1.9 tpd to be transfer from the motor vehicle program to the pesticide element.

Thank you for the opportunity to comment.

Sincerely,

A handwritten signature in cursive script that reads "Mark H. Murai".

Mark Murai
President