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10 IN THE UNITED STATES DISTRICT COURT
 11 FOR THE EASTERN DISTRICT OF CALIFORNIA
 12 SACRAMENTO DIVISION
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| <p>14 CALIFORNIA DUMP TRUCK OWNERS ASSOCIATION, 16 Plaintiff, 17 v. 18 MARY D. NICHOLS, Chairperson of the California Air Resources Board, and JAMES GOLDSTENE, Executive Officer of the California Air Resources Board, 20 Defendant, 22 NATURAL RESOURCES DEFENSE COUNCIL, INC., 24 Defendant-Intervenor.</p> | <p>2:11-CV-00384-MCE-GGH DECLARATION OF LINDA SMITH IN SUPPORT OF DEFENDANTS MARY NICHOLS AND JAMES GOLDSTENE'S OPPOSITION TO MOTION FOR PRELIMINARY INJUNCTION Date: December 15, 2011 Time: 2:00 p.m. Courtroom: 7 Judge The Honorable Morrison C. England, Jr. Trial Date June 3, 2013 Action Filed: February 11, 2011</p> |
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26 I, Linda Smith, declare:

27 1. The facts stated in this declaration are true of my own personal knowledge, and if
28 called as a witness in this matter I could and would testify competently thereto.

1 2. The opinions stated in this declaration are based on my education, experience, and
2 knowledge of air pollution health impacts, health risk assessments and emissions control.

3 3. I received my Bachelor of Arts degree in Biochemistry at the University of
4 California, Berkeley in Berkeley, California in 1971. I received a Ph.D. in the field of
5 Biochemistry from the Chemistry Department at the University of California, San Diego at San
6 Diego, California in 1977.

7 4. I am the Chief of the Health and Exposure Assessment Branch, Research Division of
8 the California Air Resources Board (the Board). I have held this position since 2007. Overall, I
9 have worked in the field of air pollution for over 12 years and have conducted emission inventory
10 work and am managing staff in the Research Division. I have worked at the Board since 1999.
11 Other positions I have held with the Board include: Air Pollution Specialist from 1999-2001 and
12 Air Resources Supervisor I from 2001-2007.

13 5. At the ARB, I managed and contributed to the reviews of the California ambient air
14 quality standards for particulate matter (PM_{2.5} and PM₁₀) and sulfates, ozone, and nitrogen
15 dioxide. I also participated in the development of the recommendations for revisions of these
16 standards, which were adopted by the Board. In addition, I supervise staff in managing research
17 contracts focused on the health effects of exposure to air pollutants.

18 6. In my present capacity as Chief of the Health and Exposure Assessment Branch, I
19 oversaw the work of my staff on the Board's 2010 Staff Report: Initial Statement of Reasons for
20 Proposed Rulemaking for Adoption of Proposed Amendments to the Truck and Bus Regulation,
21 the Drayage Regulations, and the Tractor-Trailer Greenhouse Gas Regulation.

22 7. As part of my duties, I am aware and knowledgeable of national ambient air quality
23 standards (NAAQS) for criteria pollutants that the United State Environmental Protection Agency
24 (EPA) has established pursuant to directives under the federal Clean Air Act (CAA). Among the
25 NAAQS that EPA has adopted are standards for particulate matter (PM) composed of particles
26 2.5 microns or less in diameter (PM_{2.5}) and 8-hour ozone. Two air basins in California – the
27 South Coast Air Basin and the San Joaquin Valley Air Basin – are in nonattainment for both
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1 PM2.5 and the 8-hour ozone standard. Under the CAA, the two air basins must come into
2 compliance with the PM2.5 and 8-hour ozone standards by 2014 and 2023, respectively.

3 8. In developing NAAQS, EPA conducts a review of the scientific literature relevant to
4 the health effects of air pollutants, evaluates the strength of the science, and where possible
5 quantifies the health risk of air pollutant exposures. These assessments are peer reviewed by the
6 Clean Air Scientific Advisory Committee, an independent body of national scientists.

7 9. In December 2009, EPA published a review of the PM-related health science
8 literature in the Integrated Science Assessment, which is the first part of the required periodic
9 review of the national ambient air quality standards (NAAQS) for PM. Based on epidemiologic,
10 controlled human exposure, and toxicological (using animal models) studies, EPA concluded that
11 long-term exposure to PM2.5 is causally associated with premature mortality and has no known
12 threshold of effect. A causal relationship means it has the highest scientific level of certainty in
13 its ability to contribute to premature death. In the current NAAQS review process, EPA has also
14 prepared the “Quantitative Health Risk Assessment for Particulate Matter” to quantify exposure
15 and risk. This report was peer reviewed through a public process by the Clean Air Scientific
16 Advisory Committee Particulate Matter Review Panel, an independent body of national scientists.

17 10. The EPA Quantitative Health Risk Assessment released in June 2010, relied on the
18 Krewski 2009 risk assessment methodology which evaluated the relationship between premature
19 death and PM2.5. That methodology utilized a study sponsored by the American Cancer Society
20 of about 500,000 participants in 116 U.S. cities, including cities in California. The EPA
21 concluded this study has significant advantages over other epidemiological studies of the
22 relationship between PM2.5 and premature death. These include the extended air quality analysis
23 which allowed an eighteen year follow-up period with the participants, a range of ecological
24 information (social, economic and demographic) to allow for consideration of potential
25 confounding, rigorous statistical methods, and a large study population. Using this relationship,
26 the EPA conducted a national-scale analysis and an assessment which was focused on 15 urban
27 study areas, including Fresno and Los Angeles. Based on this work, the EPA estimated that about
28 63,000 to 80,000 premature deaths each year in the United States are related to PM2.5.

1 11. Using the same methodology, the Board released a report in August 2010 that
2 estimated premature deaths associated with PM_{2.5} exposure in California. The Board estimated
3 that 9,200 (7,300 to 11,000, 95 percent confidence interval) of these deaths occur annually in
4 California and that reducing emissions to the level of the NAAQS for PM_{2.5} would reduce these
5 death by 2,700 annually (2,100 to 3,300, 95 percent confidence interval).

6 12. The EPA 2009 Integrated Science Assessment has also shown that exposure to PM_{2.5}
7 can be associated with increased hospitalization and emergency room visits for heart and lung
8 diseases.

9 13. High ozone levels also impact public health. Ozone exposure is associated with
10 breathing problems, lung tissue damage, and premature mortality in people with lung and heart
11 disease. Additionally, ozone exposure is associated with increased asthma rates for children and
12 adolescents. The health effects of ozone are documented in multiple science and risk assessments
13 prepared in the process of revising the NAAQS for ozone. The second draft of EPA's most recent
14 Integrated Science Assessment, released in September 2011, is the most current review of the
15 health effects of ozone. It showed that short-term exposure to ozone could be associated with a
16 number of health effects, such as respiratory tract inflammation, respiratory emergency
17 department visits and hospital admissions. The EPA concluded that short-term exposure to ozone
18 is causally associated with respiratory effects, and that mortality associated with exposure is
19 likely causal.

20 14. The Truck and Bus regulation is a key component of California's overall plan to
21 reduce PM_{2.5} and oxides of nitrogen (NO_x) emissions to attain the PM_{2.5} and ozone NAAQS
22 and improve air quality and public health. The regulation specifically addresses diesel PM
23 emissions, which are a component of ambient of PM 2.5.

24 15. Additionally, in August 1998, the Board identified particulate emissions from diesel-
25 fueled engines as a toxic air contaminant. Particulate emissions from diesel-fueled engines are,
26 by far, the largest contributor of known ambient air toxics cancer risk in California.

27 16. Following the identification process, the Board developed the Risk Reduction Plan
28 to Reduce Particulate Matter Emissions from Diesel-Fueled Engines and Vehicles (Diesel Risk

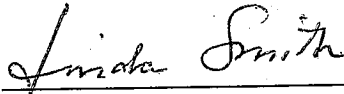
1 Reduction Plan) in September 2000, paving the way for the development of control measures
2 designed to reduce toxic diesel PM emissions. Through this plan, the Board's staff identified
3 strategies, including air toxics control measures and other regulations, to reduce diesel emissions
4 by 75 percent by 2010, and by 85 percent by 2020. The goal of each regulation is to make diesel
5 engines as clean as possible to reduce emissions and their associated cancer risk.

6 17. The Truck and Bus regulation is a critical piece of the Diesel Risk Reduction Plan
7 because of the large quantities of diesel PM emitted from the vehicles subject to this regulation.
8 Failure to obtain substantial reductions in diesel PM from trucks and buses will likely mean the
9 overall goals of the Diesel Risk Reduction Plan will not be met.

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I declare under penalty of perjury, under the laws of the United States of America, that the foregoing is true and correct and that this Declaration was executed in Sacramento, California on November 30, 2011.



Linda Smith