

SOUTHWEST CLEAN AIR AGENCY

Board of Directors Meeting
August 1st, 2024, at 3:00 PM
Southwest Clean Air Agency
5101 NE 82nd Ave Ste 101
Vancouver, WA 98662

This meeting will be held by video conference using Zoom:

<https://us02web.zoom.us/j/82154159897>

Meeting ID: 821 5415 9897

Or call in by phone (669) 900-9128.

AGENDA

- I. Call to Order
SWCAA Chair Alan Melnick
- II. Roll Call/Determination of Quorum
SWCAA Chair Alan Melnick
- III. Board of Directors Minutes
Board of Directors Minutes – May Meeting
- IV. Changes to the Agenda
SWCAA Chair Alan Melnick
- V. Consent Agenda
 - A. Approval of Vouchers
 - B. Financial Report
 - C. Monthly Activity Report
- V. Info Items & Public Comment
 - A. Member at Large Position Update
 - B. Office Move Update
- VII. Public Hearing
None
- VIII. Unfinished Business/New Business
None

IX. Executive Director's Report

- A. Coalition Of Energy, Agriculture and Biofuel Groups Seeks Scotus Review of EPA Decision To Grant Waiver Of Preemption For California's ACC Regulation (July 2, 2024)** - A coalition of 15 energy, agriculture and biofuels groups (fuel petitioners) filed a petition with the U.S. Supreme Court (SCOTUS) requesting that the High Court review an April 9, 2024, ruling by the U.S. Court of Appeals for the District of Columbia Circuit in a case challenging EPA's decision to grant a waiver of preemption under Section 209 of the Clean Air Act for California's Advanced Clean Cars (ACC) Regulation, adopted in 2012. The D.C. Circuit rejected the challenge for lack of standing. Those petitioners are now asking SCOTUS to overturn the D.C. Circuit's ruling and review the merits of their case. Petitioners are the American Fuel & Petrochemical Manufacturers; Clean Fuels Development Coalition; Diamond Alternative Energy, LLC; Domestic Energy Producers Alliance; Energy Marketers of America; ICM, Inc.; Illinois Corn Growers Association; Iowa Soybean Association; Kansas Corn Growers Association; Michigan Corn Growers Association; Minnesota Soybean Growers Association; Missouri Corn Growers Association; National Association of Convenience Stores; South Dakota Soybean Association; and Valero Renewable Fuels Company, LLC. For further information: https://www.4cleanair.org/wp-content/uploads/Litigation_SCOTUS_Cert_Pet-CA_Waiver-EnergyAg_Groups-070224.pdf
- B. SCOTUS Overrules Chevron Doctrine (June 28, 2024)** - By a vote of 6 to 3, the Supreme Court of the United States (SCOTUS) overruled its 1984 decision in *Chevron v. Natural Resources Defense Council*, which held that courts should defer to a regulatory agency's reasonable interpretation of an ambiguous statute. In this week's opinion, the Court holds, "The Administrative Procedure Act requires courts to exercise their independent judgment in deciding whether an agency has acted within its statutory authority, and courts may not defer to an agency interpretation of the law simply because a statute is ambiguous; *Chevron* is overruled." This opinion applies to two nearly identical cases heard by Court – 22-451, *Loper Enterprises v. Raimondo*, and 22-1219, *Relentless v. Department of Commerce* – having to do with a 2020 regulation issued by the National Marine Fisheries Service requiring that herring boat owners pay a daily \$700 fee for oversight of federal observers collecting data, who the boats are required to have onboard under a 1976 federal law to prevent overfishing. According to *The New York Times*, over the past 40 years 70 Supreme Court decisions have relied on *Chevron* as have 17,000 lower-court rulings. Setting aside this longstanding legal precedent shifts decision-making authority from the executive branch to Congress and the courts. For further information: https://www.4cleanair.org/wp-content/uploads/SCOTUS-Chevron_Doctrine_Decision-062824.pdf
- C. HEI Global State of The Air Report Finds 8.1 Million Deaths Annually Linked To Air Pollution (June 18, 2024)** - Air pollution now ranks as the second leading risk factor for death, according to the most recent *State of Global Air 2024 Report* from the Health Effects Institute, an advocacy and research organization that links public health impacts with emissions. Their new report analyzed 2021 data for air quality and health impacts for countries around the world. Of the total deaths, 90 percent of the global burden of air pollution resulted from noncommunicable diseases, including heart disease, stroke, diabetes, lung cancer, and chronic obstructive pulmonary disease (COPD). Newborns and

children under five years old were particularly vulnerable, suffering from premature birth, low birth weight, delayed brain development, asthma, lung diseases, and childhood cancers. HEI's report said that globally, air pollution is now only second to malnutrition as the largest risk factor for death for children under 5 years old, accounting for 709,000 deaths globally. Among all demographics in 2021, long-term exposure to ozone contributed to an estimated 489,000 deaths globally, including 14,000 ozone-related COPD deaths in the United States. For further information:

<https://www.stateofglobalair.org/resources/report/state-global-air-report-2024>

D. Ford Moves to Intervene In Support of EPA's Final Phase 3 Heavy-Duty GHG

Emission Standards Rule (June 12, 2024) - Ford Motor Company filed a motion in the U.S. Court of Appeals for the District of Columbia Circuit to intervene in support of EPA in litigation challenging the agency's final rule establishing Phase 3 greenhouse gas (GHG) emission standards for heavy-duty trucks and engines. In its motion, the movant intervener urged the court to grant its intervention request, writing "Ford supports EPA's efforts to regulate greenhouse gases and other emissions from heavy-duty motor vehicles. Ford is committed to reducing emissions in its own fleet and scaling up its production of electric vehicles and hybrids to satisfy growing customer demand and provide customers with choices in addition to vehicles that use internal combustion engines. Ford is investing billions in electrification efforts and creating jobs, including building new electric vehicle and battery assembly plants in Kentucky, Michigan, and Tennessee, transitioning existing facilities in Missouri and Ohio to produce electric vehicles, and expanding production capacity for hybrid vehicles. The Final Rule sets standards for reducing greenhouse gas emissions from heavy-duty vehicles for model year ("MY") 2027 to MY 2032 and selling electric and hybrid vehicles is a primary way by which Ford plans to comply. As a company directly regulated by the Final Rule that seeks a stable regulatory landscape for corporate planning, Ford has an obvious and substantial interest in this litigation, including in defending the EPA's authority to establish emissions standards and aspects of the rule that establish how automakers demonstrate compliance with those standards." For further information: https://www.4cleanair.org/wp-content/uploads/Litigation-Phase3_Rule-Ford_Motion_to_Intervene_for_EPA-061224.pdf

X. Board Policy Discussion Issues

As Necessary

XI. Issues for Upcoming Meetings

- SWCAA 400 rulemaking
- CPI fees increase proposal

XII. Adjourn

Notes:

(1) Served by C-TRAN Routes: 7, 72 and 76.

(2) Accommodation of the needs for disabled persons can be made upon request. For more information, please call (360) 574-3058 extension 110.