

GOP to take control of powerful SoCal air board

By Alex Matthews

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News of Republican victories in California are few and far between. Last year, the high point of the GOP's Election Day was the Democrats' loss of their supermajorities in the Legislature, even though Democrats retained control of every statewide elected office.

But in early November, Republicans scored a major victory: a seat on the South Coast Air Quality Management District, or SCAQMD. For the first time in years, GOP members will control the powerful board, beginning in January.

The district writes anti-pollution rules for over 17 million people in four counties, nearly half of all Californians. It is one of the most powerful pollution regulators in the country, often with a direct impact on the operations of businesses. Republicans have longed for years to control the district. Their ascension also reflects a curious political dichotomy in solid-blue California — while Democrats control statewide offices, the majority of locally elected officials across the state are Republicans.

“The population in the Los Angeles area is a little over 40 percent of the population of the state,” said state Republican Party Chair Jim Brulte. “Having conservative Republicans that are environmentally sensitive but also believe in market based solutions is a good thing.”

Seats on the 13-member board — which for years was eight Democrats and five Republicans — aren't filled by direct elections, but by appointments of local elected officials throughout the SCAQMD's jurisdiction and by Sacramento's political leaders. Ten members are chosen locally, while the governor, Assembly speaker and Senate Rules Committee have one appointment each. All have voting rights.

It is an arduous, politically driven process, with the various boards of supervisors having the final call for most of the appointments.

But despite the intense politics of the appointment process, many observers of the board's operations over the years say it's decisions generally are not partisan.

The district's board selects its own chairperson, which has been long-time chair William Burke, a Democrat. Burke is politically connected in Sacramento and an ally of former Assembly Speaker Willie Brown.

Last month, Orange County Republicans ousted Santa Ana Mayor Miguel Pulido, a Democrat, and replaced him with Lake Forest Councilman Dwight Robinson, a pro-business Republican. Earlier in the year, San Bernardino County Democratic supervisor Josie Gonzalez was replaced by Republican Janice Rutherford. The two changes give the district a new lineup on its governing board — seven Republicans and six Democrats.

For the many Californians who are unfamiliar with the minutiae of regional environmental regulatory bodies, this might seem like a minor dent in a state government dominated by Democrats. But the victory has been a long time coming for Republicans like Brulte, who has focused his time as the state GOP's chief focusing on winning strategic local offices.

District spokesperson Sam Atwood said the board is nonpartisan and comprised of local elected officials in order to accurately represent the interests of the communities it regulates.

Some of those who follow the board closely generally agree.

For example, Bill Magavern, a spokesperson for the Coalition for Clean Air, pointed out that one of the the board's foremost environmental advocates was an Orange County Republican named Hank Wedaa.

But for Brulte, the former Republican leader of both Senate and Assembly, it's got nothing to do with air quality policy and everything to do with partisan politics.

“I don't even follow [the district's] agendas,” he said. “We just had a plan to try and elect Republicans, and we have been executing it.”

According to Republican strategist Mike Madrid, the most recent Orange County Republican to take a seat at the board will hardly create a major shakeup in its policies. Rather, he described the likely changes as a “more balanced approach to some of the policies taken.”

“It’s not like Sacramento, where you sit down and your nameplate has an ‘R’ or a ‘D,’” he said.

But Democrats and environmental advocates fear that the GOP will use the board to advance a conservative agenda focused on rolling back environmental regulations.

“There are thoughtful Republicans that are not looking to despoil the earth and who understand that climate change is real,” said LA County Democratic Chairman Eric Bauman. “But as a general rule that’s not the case.”

Magavern pointed out that Robinson’s professional relationships could present a conflict of interest with regulatory decisions he makes on the board. Robinson is vice president and general manager of the Los Angeles Harbor Grain Terminal. According to Magavern, the diesel exhaust from harbor businesses is a significant air quality issue subject to control by SCAQMD.

According to Robinson and Atwood, potential conflicts of interest are addressed on a case-by-case basis by the management district’s legal counsel.

Environmentalists’ concerns that Robinson will be more pro-business than Pulido are not unfounded.

“I feel like the board has focused a little bit more on the environmental stewardship side, a little bit less on the economic impact that some of the regulations have on a lot of jobs in the southern California region,” Robinson told Capitol Weekly. “I’m definitely concerned about companies leaving California and taking middle class jobs with them.”

But the changes could be even more drastic than a simple majority voting preferentially for business interests over environmental protections.

A Republican majority could alter the leadership of the management district, which has had a lengthy history of Democratic control. The board elects its own chair and vice chair and additionally appoints staff who make policy recommendations, notably SCAQMD’s executive officer.

That means the tenure of Burke, a long-time force on the LA political scene, may be nearing an end.

It also means that the fate of Barry Wallerstein, the executive officer appointed in 1997 and one of the most powerful bureaucrats in California is uncertain as the new majority takes control.

Dennis Yates, a San Bernardino Republican, is the board’s vice-chair.

The fate of SCAQMD will remain unclear until Robinson takes his seat on the board in January. Though he says he is more focused on business interests than Pulido was, he says he won’t make policy decisions until he takes the office.

“I don’t want to reinvent the wheel or anything...I don’t have any changes walking in from day one,” Robinson said. “You always can have certain indications of how things are running when you’re on the outside looking in, but once you’re on the inside seeing how things are actually occurring you’re going to have a different perspective.”

Meanwhile, in the chatter surrounding the shakeup, there were whispers of schemes to counter Republican SCAQMD control through the Democrats’ legislative majority. Bauman said he believes “this battle has only just begun” for SCAQMD.

“There was a story in the local blogs that the Legislature wants to change makeup of the board now so they get control, which would certainly be absolute power corrupts absolutely,” Brulte said. “If that’s what they want to do take state control of a local regional body, they clearly have the ability to do that.”

It wouldn’t be the first time the Democrats have used legislative authority to change the board’s rules: In 2007 a state Senate bill added the board’s 13th member and effectively extended Burke’s tenure as chairman by removing term limits.

For Madrid, these tensions over SCAQMD leadership are a question of local autonomy for the historically conservative areas of Orange County and San Bernardino. Robinson pointed out that of the region's 34 mayors, 26 are Republicans, a statistic that makes Republicans believe Republican control of the board is a matter of effective local representation.

Democrats and environmentalists disagree.

"We fully compete in Orange County," Bauman said. "The Orange County of 2015 is not the Orange County of 2000."

While Republicans think there will be a backlash for Democrats if they strong-arm this local agency from the state level, Bauman said that Republicans will face a backlash if they try to erode environmental regulations.

While Democrats and Republicans play the board as a pawn in a statewide game of chess, environmentalists are frustrated by what they see as pro-business policies no matter what side they come from. On Friday, the board voted for nitrogen oxide emission limits that environmentalists say isn't strong enough. Magavern said the vote to ignore the staff proposal and side with the oil industry was not split along party lines. But he fears that the constant maneuvering will change that.

"It's outrageous that a seat on the air district board is being used as a political football," Magavern said.

"It has not been a partisan board in the past, and we hope it won't become a partisan board," he added.

[LA Times Editorial, Thursday, Dec. 10, 2015:](#)

Backsliding on clean air

Last week, while Gov. Jerry Brown, Los Angeles Mayor Eric Garcetti and a host of California leaders held court at a United Nations climate summit in Paris, touting the state's progress toward cutting greenhouse gases, a group of Southern California officials decided to make it easier for oil refineries, power plants and other big industrial operations to keep spewing smoggy emissions.

The governing board of the South Coast Air Quality Management District on Friday rejected a staff recommendation that would have forced major polluters to cut more emissions of smog-generating chemicals sooner. Instead, the increasingly polluter-accommodating board voted for a weaker industry-backed plan. Board members sided with oil industry lobbyists, even as the staff made clear that the region could be sued for failing to protect public health. This kind of backsliding on clean air goals is unacceptable.

Last week's vote was aimed at reforming the region's 22-year-old RECLAIM program, one of the nation's first cap-and-trade efforts. It was designed to be a market-based solution that would give businesses flexibility in meeting emission-reduction targets. RECLAIM set a limit on smog-forming nitrogen oxides at each site, then allowed facilities that cut more than required to sell emissions credits to those that didn't meet their limits.

But critics complained that there were too many cheap credits on the market that companies could buy instead of cutting pollution from their facilities. Indeed, AQMD staff said some oil refineries have been able to increase their emissions by buying credits from a closed cement plant. Nitrogen oxide levels have not fallen in the last seven years, and the region has missed smog-cutting deadlines set by the U.S. Environmental Protection Agency. Staff had sought to lower the 56 plants' nitrogen-oxide emissions to 12.5 tons per day by 2023, or half the current limit. The board, however, voted to lower the limit more gradually, just to 14.5 tons per day.

Board members who voted for the weaker plan said it still delivered big pollution reductions but was easier and cheaper by at least \$1 billion for the industry. L.A. Councilman Joe Buscaino, who is Garcetti's appointee to the AQMD and who seconded the industry-backed proposal, called it a "compromise." But the RECLAIM program is already a compromise; if the AQMD had relied on conventional, rigid mandates to reduce pollution, most refineries and other polluters probably would already have installed up-to-date equipment to cut emissions. And while two tons per day may not sound like much, the change will force the region to seek deeper cuts from other sources that will be harder to achieve.

The AQMD has long been considered a national leader in innovative and aggressive regulation. It had to be just to meet federal air quality standards. But while Southern California has significantly cut air pollution, this remains the smoggiest region in the nation. Residents here, particularly in the Inland Empire, still suffer from unhealthy air that can permanently damage children's lungs and puts adults at greater risk of heart attacks and strokes. Yet there is concern that a new Republican majority on the board, with members eager to lift regulatory burdens on business, will slow the region's clean air gains. The board must focus on protecting public health, not industry profits.

California officials also take pride in the state's aggressive leadership on global climate change. But environmental leadership begins at home. Garcetti, Brown, incoming Assembly Speaker Anthony Rendon and Senate Pro Tem Kevin de Leon — who all can appoint AQMD board members — have a responsibility to ensure local air quality regulations are equally aggressive.