



NEWS RELEASE

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EPA Sued for Third Time for Failing to Address Fairbanks' Dirty Air

Fairbanks residents file lawsuit to enforce government's duty to address the worst spikes of fine particulate matter pollution in the country, after EPA misses yet another deadline

(Fairbanks, AK) Today, Fairbanks residents filed a lawsuit against the U.S. Environmental Protection Agency (EPA) for missing a third deadline in three years for addressing Fairbanks' air pollution problem. The groups seek court enforcement of EPA's obligations under the Clean Air Act to require the Fairbanks North Star Borough to address its pollution controls because it has failed to meet basic clean air standards.

The Fairbanks North Star Borough has the worst spikes in fine particulate matter air pollution in the nation – with levels spiking far in excess of the next most-polluted area and over three and a half times the recommended limit for healthy air. The air pollution problems have worsened since 2009, when state and municipal officials were first advised that soot and smoke levels in Fairbanks were unhealthy and dangerous.

The type of fine particulate matter pollution prevalent in Fairbanks – 2.5 micrometers or less in diameter – has been found to cause a wide range of serious health problems, including asthma attacks, chronic respiratory disease, reduction in lung function, hospitalizations and emergency room visits for cardiopulmonary diseases, cancer, and even premature death. Fine particulate matter air pollution is of particular danger to children, reducing lung development, causing asthma, and impairing the immune system. The elderly and those with chronic disease also face heightened risks.

Sources of PM-2.5 in Fairbanks include outdoor burning; wood- and coal-burning heating devices; automobiles and other vehicles; and industrial facilities like coal-fired power plants.

The Clean Air Act requires areas like Fairbanks that fail to meet clean air standards to bring themselves into compliance within six years of being deemed non-compliant. Fairbanks has missed this deadline – in fact, it doesn't even have an approved plan to bring itself into compliance – and the law requires EPA now to designate the Borough as a “serious non-attainment area,” triggering stricter pollution control requirements to finally meet clean air standards. EPA has missed its deadline to re-designate the area, and the groups' suit seeks to enforce this latest in a string of missed deadlines.

The groups have already been forced to sue EPA twice in the past two years. In April 2014, the groups sued EPA for failing to move the state planning process for cleaning Fairbank's air forward. This helped prompt the State of Alaska to submit an overdue plan to address air pollution to EPA at the end of January 2015.

In June of this year, the groups sued EPA for its failure to approve or disapprove the State's plan by the statutory deadline. The groups are now seeking to compel the agency to perform its duty under the Clean Air Act to determine that the Fairbanks North Star Borough has failed to reach air quality standards and to reclassify the Borough as seriously out of compliance and thus subject to stricter pollution controls.

Citizens for Clean Air, Alaska Community Action on Toxics, and the Sierra Club filed a complaint initiating the lawsuit in the federal district court for the Western District of Washington, where the EPA's regional office is based. The groups are represented by the Alaska office of the non-profit environmental law firm Earthjustice.

The following are statements from the groups:

Dr. Owen Hanley, pulmonologist, Fairbanks, Alaska: “There are few areas in medicine where the cause of illness is so well established, and its prevention so effective, as in the case of air pollution. It is inexcusable that the vulnerable must repeatedly petition their government for safe air. Without immediate action by the responsible State and Federal agencies, the people of Fairbanks will continue to have winters of hazardous air pollution.”

Patrice Lee, Citizens for Clean Air: “It would be no surprise if Fairbanks is designated an area with ‘serious’ non-attainment of air-quality standards. The air-quality problem has been evident in Fairbanks North Star Borough for over 50 years; we’ve been out of

compliance with Clean Air Act standards for more than nine years. People are getting sick, even dying, as a result of our polluted air, now the worst in the nation. Meanwhile, our leaders have not enforced the law. It is long past time to obey the law and clean up our air. Our lives and economy depend on it – breathing is not optional.”

Pamela Miller, Executive Director, Alaska Community Action on Toxics: “All we are asking is that the agency follow the law and meet its obligations under the Clean Air Act. People in Fairbanks have a right to breathe clean air. This is a matter of extreme public-health urgency and we are sick and tired of waiting after deadlines for the bureaucrats to do their job.”

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Citizens for Clean Air is a coalition of local community members and citizens groups in Fairbanks, Alaska who are committed to cleaning up the air while keeping everyone warm in the winter.

Alaska Community Action on Toxics is a non-profit environmental health research and advocacy organization whose mission is to assure justice by advocating for environmental and community health. We believe that everyone has a right to clean air, clean water and toxic-free food. For more information, visit <http://www.akaction.org>.

The Sierra Club is America’s largest and most influential grassroots environmental organization, with more than 2.1 million members and supporters nationwide including Fairbanks, Alaska. The Sierra Club works to protect the things Alaskans value such as salmon and the great outdoors, and to safeguard the health of our communities, protect wildlife, and preserve our remaining wild places through grassroots activism, public education, lobbying, and litigation. For more information, visit <http://www.sierraclub.org>.

Earthjustice, the nation’s premier nonprofit environmental law organization, wields the power of law and the strength of partnership to protect people’s health, to preserve magnificent places and wildlife, to advance clean energy, and to combat climate change. For more information, visit <http://www.earthjustice.org>.