Clean Air Victory, Legal Issues Remain

After a long battle against what would have been a major source of toxic air pollution for residents of New Hanover and surrounding counties, public health scored a major win this spring with Titan America’s announcement to shutter its plans to build a cement plant in Castle Hayne near Wilmington.

This decision is a huge win for all partner organizations and residents who fought for years to ensure clean air and a healthy North Carolina coastline. Dr. Bob Parr, advisory board member of Medical Advocates for Healthy Air and Wilmington resident, is a leading voice in this effort. Clean Air Carolina (CAC) celebrates with Dr. Parr and all medical and health professionals who worked tirelessly to tell Titan America public health comes first.

While Titan’s announcement is a major victory for clean air, a key legal issue remains. A Wake County Superior Court denied the right of environmental health groups to seek a judicial review of the proposed facility’s air quality permit because, according to the permit, emissions would not exceed federal fine particle pollution standards.

CAC filed a brief stating that federal standards weren’t designed to protect public health. The EPA expressly concluded that fine particulate matter poses health risks at levels below federal standards, and that environmental health organizations play a crucial role in permitting proceedings. The outcome of this case has significant implications for the ability of CAC and partner groups to challenge air quality permits. Stay tuned for the outcome this summer.

Air Made Visible with Andrea Polli’s PARTICLE FALLS Exhibit

In an effort to make the “invisible visible”, Clean Air Carolina has presented Andrea Polli’s dynamic environmental art display, PARTICLE FALLS, in Charlotte March 4 – April 23. The animated light projection of real-time air quality data is projected on the west side of the UNC Charlotte Center City building at 320 E. 9th Street.

Polli’s installation uses a nephelometer, which measures particulate matter pollution at street level. This data is then translated into orange and yellow balls of light, which are superimposed on a blue “waterfall” of light that shines on the side of the building.

Co-sponsored by UNC Charlotte’s College of Art + Architecture and the Arts & Science Council, and presented in partnership with the UNC Charlotte’s “KEEPING WATCH on AIR” initiative, the eight week event raises public awareness of the presence and impact of particle pollution in North Carolina communities. PARTICLE FALLS has been exhibited in several cities across the US, and most recently in Paris during the United Nations Climate Conference. Learn more at: www.ParticleFallsCLT.org.

Air Made Visible with Andrea Polli’s PARTICLE FALLS Exhibit

Artist Andrea Polli speaks to crowd at the opening celebration of PARTICLE FALLS.

Polli photo credit, Nancy Pierce; Particle Falls photo credit, Projective Eye Gallery, CoA+A, UNCC
FHWA Drops Its Defense of $900M Garden Parkway Toll

The federal government abandoned its long-running defense of the controversial Garden Parkway, a proposed toll highway project in Gaston County west of Charlotte.

The Federal Highway Administration (FHWA) filed a motion to dismiss its appeal of an earlier ruling in which a federal district court found that the environmental review of the toll highway had been performed illegally. The NC Department of Transportation (NCDOT) is now the only party left defending the $900 million project.

FHWA’s move in February comes more than three years after the Southern Environmental Law Center filed a challenge to the Garden Parkway toll road in federal court on behalf of Clean Air Carolina and the Catawba Riverkeeper. When the groups first brought the case, NCDOT was poised to begin construction of the $900 million toll highway. The groups alerted permitting agencies that NCDOT’s analysis of the highway was fundamentally flawed and ensured that construction did not commence until legal issues had been resolved.

As the legal fight dragged on, the groups worked outside of the courtroom with state legislators to ensure that the toll highway project was not given preferential funding over higher priority projects. Legislation that passed in 2013 stripped the road of its earmarked funding and required it to be vetted through a new scoring process. Not surprisingly, the project received an abysmal score and in 2015 was removed from the state’s ten year transportation plan. Disregarding this, NCDOT and FHWA continued to defend the toll highway in court.

Ultimately, Clean Air Carolina and partner groups were successful in our challenge. Judge James Dever of the United States District Court of North Carolina ruled that the transportation agencies had relied on unsupported assumptions in their review of the toll highway. The transportation agencies asked Judge Dever to reconsider his opinion but were again rebuffed by the court. The agencies then filed appeals in the United States Court of Appeal for the Fourth Circuit.

Today, NCDOT stands alone in its fight for the Garden Parkway toll road, but unfortunately continues to actively advocate for the project at North Carolina state taxpayer’s expense.

Preparation for the 2016 NC BREATHE Conference is underway as this issue goes to press. Focusing on the health, environmental and economic impacts of air pollution and policy solutions, this year’s conference features presentations from Antonella Zanobetti of Harvard University, Chris Timmins and William Schlesinger of Duke University, and Jason West from UNC Chapel Hill. N.C. Attorney General Roy Cooper will address the luncheon. Videos and presentations from both the 2015 and 2016 conferences, as well as an opportunity to sign up for information about the 2017 conference, are available on the conference website at: www.ncbreatheconference.org.

Each year, Clean Air Carolina presents Airkeeper Awards to North Carolinians leading efforts for clean air. See our insert for a list of 2016 Airkeeper Award recipients.

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MAHA Advisory Board Member Named Health Director of the Year

Medical Advocates for Healthy Air is pleased to announce that advisory board member Layton Long, health director for Chatham County, has been recognized as Health Director of the Year by the North Carolina Association of Local Health Directors.

Recognized for his “leadership and commitment to the health and well-being of the residents of Chatham County,” Layton has worked on tobacco control and the formation of the Chatham County Health Alliance. Previously, Layton served as the State Environmental Health Director in the NC Department of Health and Human Services and as Health Director for Davidson County.

Layton has been an important contributor to Medical Advocates for Healthy Air, connecting the group with environmental health leaders across the state, and generating support at the Public Health Association annual meeting for our petition to Governor McCrory to implement the Clean Power Plan. We already knew he is a great health director and it’s nice to know his colleagues recognize that as well.

How Clean Is Our Air? Investigating With Citizen Science

Clean Air Carolina is working to better understand the air we breathe with a new citizen science program, the Clean Air Zones Monitoring Project. Much like the way a Fitbit works to gather information about our physical activity, the program gathers data about the air quality surrounding our everyday personal experiences in real time. An example of how this technology can be harnessed to make the invisible visible, please see the particle about PARTICLE FALLS on page one.

We are using personal hand-held AirBeam monitors that are outfitted with light scattering technology to measure fine particles, also known as PM 2.5. These particles are small enough to enter the bloodstream. The monitors are enabled with Blue Tooth, Wi-Fi, real-time data management and mapping capabilities. The monitors indicate the air quality level using the Environmental Protection Agency’s (EPA) Air Quality Color Guide.

During a recent visit by the Women’s Impact Fund, we experimented with the monitors outside our office off Tyvola Road in Charlotte. Our visitors were surprised to see the PM indicator spike from safe green levels in our office to hazardous yellow and orange levels when we walked outdoors. Looking at maps of the area and observing the wind direction and noting an odor, we deduced the pollution was coming from an oil refinery down the street.

EPA is encouraging citizen science projects like this to understand air quality at the neighborhood level. This data also helps us understand disparities in exposure to air pollution.

The Clean Air Zones Monitoring Project is an expansion of our Clear the Air for Kids! program. We are seeking funding to take this new program into schools and neighborhoods this fall in order to promote air awareness and advocacy, and to contribute to STEM learning.
That NC’s low-income households could save an average of $1700 per year were the state to implement the Clean Power Plan’s energy efficiency provisions was a fact of great interest at the Minority Health Conference, hosted by UNC Chapel Hill’s Gillings School of Public Health. In addition to making homes more comfortable during extreme heat or cold, this savings can help a low-income household afford healthy food or pay for education.

Medical Advocates for Healthy Air and Clean Air Carolina have joined together with Moms Clean Air Force and Mothers & Others for Clean Air in the Healthy Air Alliance of North Carolina. This Alliance formalizes our partnership working to elevate the health voice in discussions of air policy, particularly in the area of clean, renewable energy. Alliance webinars educate viewers about the health impacts of air pollution and climate change and walk viewers through the process of advocating through media and with policymakers. Look for Alliance webinars on the Clean Air Institute page of the MAHA website, and follow us at #HAANC and #HealthyAirNC.

By the 1990s, profiting from tobacco became too much of a contradiction for many universities and medical institutions, and a movement to divest from tobacco companies was born. Now, climate activists are turning to divestment as a tool for focusing attention on the contradiction of profiting from the fossil fuels that create carbon pollution. The NC Medical Journal published a letter by MAHA advisory board member Dr. Jeff Walden and MAHA manager Laura Wenzel urging medical institutions to consider divesting from fossil fuels.

MAHA delivered its Healthy Air presentation to Cone Health’s Pediatric Grand Rounds in February and will deliver the CME/CEU-accredited presentation at Charlotte AHEC on May 9 and again in the fall. Please see the MAHA website medicaladvocatesforhealthyair.org to register.