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News Release

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FOR IMMEDIATE RELEASE

Court of Appeals Upholds Clark County's Cleaner Burning Gasoline Standards

(Las Vegas, Nev. – July 12, 2000) – In a history-making decision this week, the United States 9th Circuit Court of Appeals has affirmed Clark County's right to require cleaner fuel standards, more stringent than those of the federal government. Exxon Mobil Corp. had challenged the original ruling of the Environmental Protection Agency (EPA), arguing that states shouldn't be allowed to set minimum oxygenation levels higher than the federal standard. "We're quite pleased with the court's decision," said County Commissioner Mary Kincaid, a member of the Clark County Health District's (CCHD) Board of Health. "It confirms that we made the right choices for the future health of our valley's citizens."

The CCHD began its oxygenated fuel program back in 1988, but increased its minimum oxygen content requirement to 3.5 percent in September 1997. The regulation is designed to lower carbon monoxide emissions, a pollutant that exceeds federal standards in Clark County. The Clean Air Act requires states that are out of compliance with the carbon monoxide standard to set a minimum oxygen level of 2.7 percent.

In 1998, the proposed higher standard was submitted to EPA for approval as a revision to the State Implementation Plan. In 1999, the EPA approved Clark County's rule, explaining that the

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Clean Air Act was creating a threshold by setting the minimum oxygen level of 2.7 percent, while specifically allowing the states to choose a higher minimum oxygen content if desired.

In upholding EPA's ruling, the court's opinion, written by Circuit Judge Betty Fletcher, agreed that the intent of the Clean Air Act was to set a minimum standard and should not impede on a state's right to enact regulations that would help to attain National Ambient Air Quality Standards (NAAQS).

"This is a real victory for Clark County," states Michael Naylor, director of CCHD's Air Quality Division. "The decision validates our local efforts to improve air quality. The success of our initiative is demonstrated in the fact that 1999 marked the first year our valley did not experience any exceedances for carbon monoxide."

Naylor went on to explain that reaching the higher oxygenate level of 3.5 percent requires that the gasoline be treated with ethanol rather than methyl butyl ether (MTBE).

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