

**STATEMENT OF DR. JOSEPH K. LYOU, EXECUTIVE DIRECTOR,
CALIFORNIA ENVIRONMENTAL RIGHTS ALLIANCE**

SEPTEMBER 30, 2004

I am very glad to be here in support of Attorney General Bill Lockyer's decision to oppose Proposition 64. As the Executive Director of the California Environmental Rights Alliance, an organization that fights to achieve environmental health and justice in California, I might be expected to be here in my capacity as a professional advocate. That is not the case. I am here because of my personal experience as a victim of unfair and unlawful business practices.

In the 1990s, I lived across the street from the Chevron refinery in El Segundo. My apartment was about as close as you could get to the Chevron marine terminal, where huge tankers dock to load and unload petroleum products. I often smelled foul odors that I attributed to the refinery and its marine terminal operations. I know now, but didn't know when I moved there, that Chevron's failure to install a vapor recovery system to capture emissions from their marine terminal resulted in my exposure to benzene and other toxic chemicals.

Government regulators required other refineries to install vapor recover systems, which function like the covers on the pump nozzles we all use at gas stations. At the time, Chevron's competitors – Arco, Texaco, Mobil, and others – had all made multi-million dollar investments in this technology to capture toxic emissions and prevent adverse public health impacts upon their neighbors. These vapor recovery systems capture more than 95% of the air pollution emissions from the loading of gasoline and other petroleum products onto tankers.

In 1997, I joined the environmental group Communities for a Better Environment as a plaintiff in a lawsuit to force Chevron to either install a vapor recovery system at its marine terminal or move its tanker loading operations to a location that had such a system. I am not a lawyer. Before becoming a plaintiff in this lawsuit, I had never heard of the Unfair Competition Law. I remember being impressed that California had such an important and powerful law that allowed people like me to seek protection from polluters who participate in unlawful, unfair, or fraudulent business acts.

The U.S. Environmental Protection Agency eventually joined our lawsuit, alleging violations of the Clean Air Act. We settled in July 2000 and EPA settled in August 2000. In the consent decrees, Chevron agreed to pay \$7 million, which at that time represented the largest Clean Air Act settlement ever paid by a single facility. As a result of our lawsuit, Chevron agreed to stop loading petroleum products at its marine terminal until and unless they installed a vapor recovery system. They also agreed to invest \$500,000 in the installation of leak-proof valves and double-sealed pumps at their El Segundo refinery.

California's Unfair Competition Law helped protect me from exposure to benzene and other toxic chemicals. I strongly oppose Proposition 64. We must stop any such effort to undermine our right to protect the environment and prevent unfair business practices. Attorney General Lockyer, thank you for opposing Proposition 64, and thank you for coming to the defense of people who, like me, must rely on the Unfair Competition Law to protect themselves and their families.

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Note: The California Environmental Rights Alliance is dedicated to the achievement of environmental justice and improvement of community health in California. CERA serves the needs of California's communities of color, low-income residents, and other underrepresented populations who live, work, learn, and play in places with the worst pollution problems and fewest environmental assets. Please see our web site at www.EnviroRights.org for more information about the California Environmental Rights Alliance, a project of Community Partners. CERA Executive Director Dr. Joseph Lyou can be reached at (310) 536-8237 (office), (310) 493-8111 (mobile), or jlyou@EnviroRights.org.