

Commentary; Ruling Hits the State Like a Truck; [HOME EDITION]

Jody Freeman and Kal Raustiala. *Los Angeles Times*. Los Angeles, Calif.: Jun 16, 2004. pg. B.11

Author(s): Jody Freeman and Kal Raustiala
Section: *California Metro; Part B; Editorial Pages Desk*
Publication title: *Los Angeles Times*. Los Angeles, Calif.: Jun 16, 2004. pg. B.11
Source type: Newspaper
ISSN/ISBN: 04583035
ProQuest document ID: 651462791
Text Word Count: 623
Document URL: <http://proquest.umi.com/pqdweb?did=651462791&sid=1&Fmt=3&clientId=1564&RQT=309&VName=PQD>

Abstract (Document Summary)

The U.S. Supreme Court's ruling last week allowing Mexican trucks into the United States has inflamed environmental groups. The diesel exhaust from these trucks is a major public health threat, and many of them will have difficulty meeting U.S. safety requirements.

The North American Free Trade Agreement, for instance, which requires that the U.S. allow the Mexican trucks to operate here, may on balance be good for the U.S., but it is not good for California's air quality. The same is true of homeland security requirements that, though necessary, impose huge costs on states like California, with major ports, borders and cities to keep safe. It's also true of national drug policies, which have stemmed trafficking in Florida, only to shift it to California.

Which brings us back to the Mexican trucks. There are no federal dollars targeted to help California address the public health effects from 34,000 Mexican trucks rolling into the U.S. Mexican trucks do not have to meet stricter U.S. emissions standards. Their excess emissions will lead to more respiratory disease, especially in children, and more cancer deaths. California will be forced to cut emissions from other sources to meet federal air-quality standards, hurting the state's economy.

Full Text (623 words)

(Copyright (c) 2004 Los Angeles Times)

The U.S. Supreme Court's ruling last week allowing Mexican trucks into the United States has inflamed environmental groups. The diesel exhaust from these trucks is a major public health threat, and many of them will have difficulty meeting U.S. safety requirements.

But the case is not notable simply because the court once again ruled against environmental interests. The case is also significant as the most recent and vivid example of national policies -- on trade, homeland security, immigration and drug policy -- that burden California disproportionately even as they benefit the nation as a whole.

The North American Free Trade Agreement, for instance, which requires that the U.S. allow the Mexican trucks to operate here, may on balance be good for the U.S., but it is not good for California's air quality. The same is true of homeland security requirements that, though necessary, impose huge costs on states like California, with major ports, borders and cities to keep safe. It's also true of national drug policies, which have stemmed trafficking in Florida, only to shift it to California.

Despite these unequal burdens, California often receives fewer per capita federal dollars than less-burdened states. California's Sen. Dianne Feinstein noted, for example, that the state, with its "target-rich" environment, receives only \$1.33 per capita for homeland security, but Wyoming, with no high-profile targets, gets \$9.78 per capita.

National policy on drug trafficking also produces concentrated local effects. Federal targeting of cocaine smuggling in Florida in the 1980s pushed traffickers into routes in Mexico. This directed more drugs through California, a situation that taxes local law enforcement.

So too with immigration, which benefits the economy and society as a whole. Border states like California bear a disproportionate burden of the associated costs. For example, although Washington supplies some support for undocumented immigrants' emergency medical care, this falls \$500 million short of California's needs. Even the No Child Left Behind law unequally burdens Southern California. Many immigrant students have weak English skills. Yet Washington supplies very little money to offset the costs of educating these needy students.

Which brings us back to the Mexican trucks. There are no federal dollars targeted to help California address the public health effects from 34,000 Mexican trucks rolling into the U.S. Mexican trucks do not have to meet stricter U.S. emissions standards. Their excess emissions will lead to more respiratory disease, especially in children, and more cancer deaths. California will be forced to cut emissions from other sources to meet federal air-quality standards, hurting the state's economy.

The culprit here is not the Supreme Court. The law that environmentalists sought to enforce would only have required the federal government to conduct an environmental study, which the administration had already begun. A victory for the environmentalists would have delayed but not prevented the trucks from rolling in. The real fault lies with the executive branch and Congress for failing to provide sufficient financial and technical assistance to states that bear more than their fair share of the pain for national policies.

In this election year, California's unfair burdens are unlikely to get much attention because the state is not in play. But Gov. Arnold Schwarzenegger should press his friends in Washington for help.

Congress knows how to assist overburdened localities. For example, it funds retraining through a program that mitigates free trade's effect on workers whose jobs move overseas. Similarly, Washington could reduce diesel emissions from federal facilities in California. This principle of mitigation should apply more generally.

The truck decision will make it harder for California to meet air pollution standards, and public health will suffer. But that is just the tip of the iceberg.

Credit: Jody Freeman teaches environmental law and Kal Raustiala teaches international law at UCLA Law School.

Main Navigation

Search modes: [Basic Search](#) [Advanced Search](#) [Topic Guide](#) [Publication Search](#) [Change Databases](#)
[Results](#) [Marked Items](#) (0 documents)

Help: [Accessibility Help](#)

Library links

[Switch to ProQuest's graphical interface](#)

Copyright © 2006 ProQuest Information and Learning Company. All rights reserved. [Terms and Conditions](#)

[skip navigation](#)