

Tesla under investigation over Bay Area factory toxic emissions, and faces lawsuit over alleged health harms

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Bay Area air quality officials have launched an investigation into Tesla, charging the electric automaker with letting massive amounts of harmful

toxins escape into the air from its Fremont car factory. In a double blow, an environmental group has filed a new lawsuit against the company over such pollution releases.

Since 2019, Tesla, which made \$17.7 billion in profit last year according to regulatory filings, has allowed 112 illegal toxic releases, each containing as much as 750 pounds of harmful contaminants, the Bay Area Air Quality Management District said in a news release early this month.

Even low levels of ozone created when the emitted chemicals meet sunlight can harm health, especially for children, older people and those with asthma, the district said. Other released contaminants can cause cancer and, even at low levels, neurological damage and reproductive and developmental damage, according to the regulatory agency, which pointed to Tesla's paint-spraying booths and paint-baking ovens as sources of the pollution.

Tesla did not respond to requests for comment on the district's investigation and allegations or claims in the lawsuit.

District officials announced May 2 that they were seeking an order to shut down the Fremont plant's two car-painting departments if Tesla would not agree to hire outside experts to help stop the emissions.

The district said this week that it had previously probed Tesla's pollution from the factory and found it resulted from repeated problems in the painting departments' containment systems and production lines.

"Operational changes were made by Tesla, but ultimately, they were not enough," said district spokeswoman Kristina Chu, adding that the agency may sue Tesla over the emissions.

Despite "extensive discussion" between district officials and the company, Tesla has not stemmed the emissions, the district said in its request for an order from its hearing board, which rules on regulatory-compliance issues.

Meanwhile, the car maker led by notoriously regulation-hostile CEO Elon Musk is facing a new lawsuit by a local [environmental group](#) claiming Tesla's "extensive and ongoing" pollutant releases are exposing residents and workers in the area to harmful chemicals, including arsenic.

"It feels to us like profits are more important than actually being a good neighbor and supporting [human health](#)," said Tanya Boyce, executive director of the Environmental Democracy Project, a nonprofit corporation that filed the lawsuit last week in San Francisco U.S. District Court. Boyce noted that children attend Bringhurst Elementary school within a mile of the Tesla plant.

Her group's lawsuit, which cites "a long history of noncompliance with environmental laws" at the factory, alleged Tesla broke federal air quality rules more than 160 times between January 2021 and January 2024.

Records from Tesla submitted with the lawsuit list more than 90 violations between January 2022 and June 2023 of the company's permit from the air quality district. Tesla attributed the causes nearly every time to "unforeseen" breakdowns and malfunctions, according to the records.

The air quality district in its news release described Tesla's emissions as "foreseeable."

The Environmental Democracy Project targets pollution affecting communities of color. The City of Fremont describes itself as "one of

the most ethnically and culturally diverse cities in the Bay Area," with 63% of residents speaking a language other than English at home. U.S. Census data show the city's population is 62% Asian, 21% White, 12% Latino and 3% Black.

In a March letter to Musk, the Environmental Democracy Project said it was planning to sue Tesla in federal court over its alleged violations of the federal Clean Air Act because the air quality district had not done so already, "leaving it to citizens like EDP to bring their own enforcement action."

The nonprofit is seeking a court order barring Tesla from violating air quality regulations, and fines of up to \$121,000 per day for each alleged violation of the Clean Air Act.

The Fremont factory, where Tesla makes its models 3, X, Y and S, has long been a target for regulatory and legal action.

In February, eight Bay Area counties sued Tesla, claiming it illegally dumped [hazardous waste](#) produced in its Fremont plant and its auto service centers around the region. District attorneys in Alameda, Contra Costa, Marin, San Francisco, San Mateo, Santa Clara, Solano and Sonoma counties along with 17 other California DAs allege in San Joaquin County Superior Court that the company broke a host of laws on labeling, transportation and disposal of toxic materials.

In a February 2022 settlement with the U.S. Environmental Protection Agency, Tesla agreed to pay a \$275,000 fine for breaking the Clean Air Act at the Fremont plant over a three-year period.

Tesla in 2021 was fined \$750,000 in a settlement with the air district for committing 33 air quality violations since 2015. In 2019, the company agreed to pay a \$31,000 penalty over hazardous waste violations at the

Fremont factory in another settlement with the U.S. EPA.

Boyce believes the "very small" penalties are just "the cost of doing business" for Tesla.

Musk has frequently defied and disparaged regulations and regulators and tweeted last year, "Like Gulliver, tied down by thousands of little strings, we lose our freedom one regulation at a time."

In 2018, Musk agreed to pay a \$20 million fine to settle a U.S. Securities and Exchange Commission charge that he misled investors with a tweet about taking Tesla private—then he took to Twitter to mock the SEC. At the start of the COVID pandemic, Tesla kept the Fremont plant running for nearly a week in violation of a public health order, with Musk tweeting that an "ignorant" Alameda County health officer was violating "our Constitutional freedoms."

Provided by The Bay Area Environmental Research Institute

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