

Dairy pollution rule passes; lawyer calls it an 'empty gesture'

By Mark Grossi

The Fresno Bee, Friday, June 16, 2006

The San Joaquin Valley's air district Thursday passed the most sweeping dairy air pollution rule in the country to clean up smog-making gas from 2.6 million cows.

Environmentalists say the rule relies on business practices that dairies already commonly use. Thus, it won't cut smog, they said, hinting that a lawsuit might follow.

"This is an empty gesture in dealing with the largest source" of one smog-making gas in the Valley, said lawyer Paul Cort of Earthjustice Legal Defense in San Francisco.

But the San Joaquin Valley Air Pollution Control District said the rule would eliminate 21 tons of volatile organic compounds daily, which amounts to a quarter of the smog-making gases coming from dairies.

The latest estimates place Valley cows ahead of cars in producing this kind of gas, which is a key building block of corrosive ozone or smog. The Valley is the nation's top-producing dairy region.

The smog-making gas comes from the animals, their waste and their feed. The new rule provides a menu of control options for dairy owners, such as changing the cows' diet, covering manure piles and cleaning up waste more often.

Of the 6,000 dairies from Stockton to Bakersfield, 430 would be affected by the rule. Aside from reducing smog-making gases, the rule also would cut 100 tons of ammonia out of the air daily.

Some beef feedlots will be included, as well as some chicken, turkey and swine operations, but dairies will feel the biggest impact.

"I cannot think of any rule in any category that would give us that kind of reduction," said district executive director Seyed Sadredin.

Air pollution from cows, pigs, hogs, chickens and other animals is the latest hotbed of scientific research and regulation around the country.

Officials said the South Coast Air Quality Management District and the Sacramento Metropolitan Air Management District are using the Valley's rule as a model for their own.

But the measure attracted 56 speakers at Thursday's meeting, more than half of whom opposed it and asked for a delay so the air district could strengthen it. The district is required by a 2003 state law to have the rule in place this summer.

The industry will spend about \$26 million a year on the new controls, air district officials estimated.

Dairy industry groups generally supported the rule, saying it was based on the latest science. The industry joined environmentalists, academics and district scientists in evaluating the latest research on dairy emissions, which had not been updated in decades.

"This is a historic rule," said Richard Cotta, vice president of California Dairy Inc., a cooperative with about 700 members. "Our industry has done its part and will continue to do its part."

Brent Newell, lawyer for the Center on Race, Poverty and the Environment, said the rule lets dairies off the hook.

"The latest studies that just came out show a significant amount of emissions from barns and feed, and they need special attention that they are not getting in this rule," he said.

Other critics showed up in T-shirts with the words "got asthma?" Juanita Garcia came from the Shafter-Wasco area of Kern County and told air board members she already lives near seven large dairies.

"In the evening, you can see the pollution and you know there are a lot of people with asthma and breathing problems," she said. "You need to protect us."

Dairy pollution cleanup rules get sour review

BY IAN HAMILTON AND SARAH RUBY, Californian staff writers
Bakersfield Californian, Friday, June 16, 2006

Air pollution regulators have shied away from forcing dairies to install expensive and possibly ineffective technologies, such as lagoon covers and indoor pastures.

Instead, the San Joaquin Valley Air Pollution Control District is allowing dairymen to choose 19 pollution-cutting measures from a menu of 69.

Environmentalists hate Rule 4570, calling it a gift to industry. The air district's governing board passed it unanimously Thursday

"I haven't seen a district rule that suffers so badly, that gives so much away," said Brent Newell, staff attorney with the Center on Race, Poverty and the Environment.

The rule applies to all Large Confined Animal Facilities, which include 430 dairies in the San Joaquin Valley, each with more than 1,000 milking cows in addition to a smaller number of beef, cattle, swine and poultry facilities. Cow LCAFs are the largest source of volatile organic compound pollution in California, even more than cars, said George Heinen, supervisor for rule development at the district.

The board heard comments from 56 people over three hours at Thursday's meeting. Many critics wore black shirts with "got asthma?" printed across them. Their appeals ranged from legal to personal and logical to emotional. Some complained that family members had asthma or a respiratory disease and blamed pollution and dairies for the ailments, while others said the menu just requires what is already in practice at most dairies.

"The rule adopted today takes existing practices which contributed to the pollution we face today and makes them law, without requiring dairies to enact best practices that would get us to an actual reduction in emissions," said Sen. Dean Florez, D-Shafter, in a news release. Passed in 2003, Florez's Senate Bill 700 removed agriculture's exception from being permitted or regulated by the air pollution control district.

Supporters, district staff and board members said the rule is based on the best scientific information available. Richard Cotta, chairman of dairy CARES, an organization advocating environmentally and economically feasible policy for dairies, echoed the comments of many supporters.

"The rule will require a lot of work. It reduces emissions and has a solid basis in science," he said. "By adding up the overall effect of the little items, the benefits are greatly multiplied."

The menu includes items like "clean(ing) animal waste from corrals at least four times per year with at least 60 days between cleaning," and "cover(ing) dry animal waste piles outside the pens with a weatherproof covering from October through May." Heinen estimated the rule will reduce the emissions by about 7,600 tons a year, or 28 percent of 27,000 tons. "We would anticipate some operations will go beyond what we're requiring to reduce emissions further," Heinen said.

Newell submitted a 14-page criticism of the rule, saying most dairies won't have to change a thing to comply with it. Only 233 of the 430 dairies aren't in compliance with the rule. Heinen said most of the reductions will come from these facilities once they adopt the additional controls needed to be in compliance. Newell does not think the reduction percentages are accurate and said the board is playing a shell game with the numbers.

"It's the position of our experts the reductions for dairies alone are totally unsubstantiated," he said. "It's just the district coming up with a number out of thin air."

Dairy farms ordered to cut back on air pollution

Stockton Record, Friday, Jun 16, 2006

STOCKTON - San Joaquin Valley dairy farmers must find cleaner ways to do business under a first-of-its-kind rule passed Thursday by the San Joaquin Valley Air Pollution Control District.

The rule requires farmers to reduce the release of volatile organic compounds. In the Valley, such compounds generally come from decaying animal manure, which combines with nitrogen oxides from

farm tractors and domestic vehicles to make the Valley one of the dirtiest and most unhealthy air basins in the country.

The air pollution control district's rule marks the first time Valley dairy farmers have faced clean-air rules. The rule stems from a 2003 state law that requires dairy farmers to reduce emissions and takes effect later this year.

The rule allows farmers to choose from a menu of clean-air practices, ranging from flushing manure with water to changing what their cows eat. It's designed to eliminate about 18 tons of the offending compounds per day, according to the air district.

The new rule also applies to pig farms but is mostly meant to curb air pollution created by the Valley's 1.5 million-head dairy industry. About 230 dairy farms in the Valley are affected.

Dairy emissions alone are a significant source of air pollution. But when they're mixed with nitrogen oxides released by the internal combustion engines of cars, farm tractors and boats, they create a low-hanging ozone layer that diminishes human lung capacity and causes childhood asthma, according to the U.S. Environmental Protection Agency.

Some environmentalists argued the rule doesn't go far enough.

For example, it doesn't target ammonia emissions, another major source of Valley air pollution that may be an even bigger problem than organic compounds.

When mixed with vehicle exhaust, ammonia helps produce tiny pollutant particles that lodge inside human lungs, triggering serious illness and even premature death, according to health studies.

The air district did not focus on ammonia because it views it as a separate air pollutant that does not affect the ozone.

Measure to reduce smog from cows OK'd

Dairy Industry generally supports rules, but critics say they don't do enough

By JOHN HOLLAND - BEE STAFF WRITER

Modesto Bee, Friday, Jun 16, 2006

A regional board on Thursday approved rules aimed at cutting some of the air pollution from large dairy farms.

The rules, generally supported by the dairy industry, passed on a unanimous vote of the San Joaquin Valley Air Pollution Control District board.

Opponents, many of them in T-shirts with "got asthma?" on the front, said the rules would do little to help people with this condition.

The rules deal with volatile organic compounds, which drift into the air from manure, feed piles and other dairy sources. The compounds mix with other pollutants and sunlight to form smog.

"While we still have much to learn about emissions and ways to control them, this rule is based on the best science to date," said Richard Cotta, senior vice president at California Dairies Inc., a processor with plants in Turlock and elsewhere.

Dairy leaders had expressed concern about the rules as they were developed, but they said the final version is acceptable because it allows farmers to choose from a range of improvements.

"We think it's a fair rule, the key word being 'flexible,'" said Andy Zylstra, a Turlock-area dairy farmer and president of the California Dairy Campaign. "There are a lot of options for the dairymen to use."

Most people spoke at the district headquarters in Fresno, while some took part via video links to Modesto and Bakersfield.

Critics acknowledged the value of the dairy industry -- the top farming sector in the valley and statewide -- but said ailments caused by smog have an economic impact, too.

"It's sad to see a child who gets asthma attacks when he is only 2 years old and has had it since he was 1 year old," said Lupe Martinez, organizing director for the Center on Race, Poverty and the Environment.

The group, based in Delano and San Francisco, sent two staff attorneys and five legal interns to the Fresno podium. About 20 other people, mostly Spanish speakers from Kern and Tulare counties, said residents' health is threatened by the spread of large dairies in the valley.

Paul Cort, an Oakland-based attorney with Earthjustice, said state law requires the best available measures to cut pollution. The dairy rules would allow farmers to use less effective measures, including some things they already are doing, he said.

"This is an empty gesture, dealing with the largest source of VOC emissions in the valley," Cort said.

The rules are the latest step in carrying out a 2003 state law aimed at air pollution from agriculture. They deal with dust, diesel engines, pesticides and other matters as well as the compounds at issue Thursday.

District officials said the latest rules also will bring a major reduction in ammonia, which is not a volatile organic compound but does contribute to pollution made up of tiny particles.

Dairy leaders said the rules would increase the cost of producing milk but are based on a sound understanding of how the farms work.

Paul Martin, director of environmental services for the Modesto-based Western United Dairywomen, said its members "recognize the need and will get the job done."

At a Glance

WHAT: The rules approved Thursday target volatile organic compounds, a component of smog. Officials estimate that the rules will eliminate 28 percent of these substances at affected dairies and 5 percent of the total from all sources in the San Joaquin Valley.

WHO: The rules apply to dairy farms that have 1,000 or more milking cows and were built before 2004. Those built since already have tight standards. About 70 percent of the valley's dairy cows are covered by the new rules.

WHEN: Affected farmers will have until Dec. 15 to apply for permits, which will list the measures they plan to use to reduce emissions. They must carry out the measures within a year of receiving permits, to be issued by the San Joaquin Valley Air Pollution Control District.

HOW: Farmers can craft a set of improvements from a list of more than 70 options. They include installing pollutant-trapping devices in cattle enclosures, keeping feed covered, promptly tilling manure into fields and controlling moisture in the waste to prevent reactions that add to pollution.

WHY: The valley's air pollution has been tied to asthma, heart disease and other ailments that can shorten lives and reduce productivity.

Replace that mower

Modesto Bee, Friday, Jun 16, 2006

The San Joaquin Valley Air Pollution Control District is offering people a chance to save money and the environment this weekend when it brings its Clean Green Yard Machines promotion to Merced. Through the program, valley residents who trade in gasoline-powered lawn mowers will be able to buy cordless electric mowers for \$150 -- a \$229 savings. According to the air district, one gas mower can emit as much pollution as 40 late-model cars. In the summer, emissions contribute to the valley's severe smog problem. The trade-in is on a first-come basis -- 1,200 electric mowers are available districtwide. Saturday's event will begin at 9 a.m. at Merced College, Lot C, at the corner of Yosemite Avenue and M Street. The final trade-in will be June 24 in Stockton at San Joaquin Delta College, 5151 Pacific Ave., Parking Lot H2. The program was not held in Modesto this year. For more information, go to www.valleyair.org or call 557-6400.

Talent

Modesto Bee, Friday, June 16, 2006

SEEKING SUBMISSIONS FOR RED DWARF PLAYWRIGHTS STAGED READING SERIES Through Aug. 7

8 p.m. Mansion House restaurant, 455 W. Canal St., Merced. Free. 769-8868.
www.starlightcafetheatre.org.

SEEKING ART SHOESUBMISSIONS Through Aug. 22

Modesto Art Museum seeks art shoes for Great American Shoe In. See Web site for complete guidelines.
236-1333. www.modestoartmuseum.org/artshoes.htm

[SEEKING STUDENT ARTISTS Through Sept. 30](#)

[The San Joaquin Valley Air Pollution Control District is looking for student artwork for its 2007 Clean Air Kids Calendar. 557-6400.](#)

TOWNSEND OPERA PLAYERS SEEKING SINGERS June 29-July 30

7:30 p.m. Thursdays. Little Opera Hall, 611 H St., Modesto. 523-6426.

Artists decry 'Life as it should be' slogan

BY STEVEN MAYER, Californian staff writer
Bakersfield Californian, Friday, June 16, 2006

The new slogan is out there to be seen and internalized -- "Bakersfield: Life as it should be" -- plastered on signs and city buses.

Russ Felix, 32, demonstrates along with a small group of artists Thursday afternoon in front of the Liberty Bell on Truxtun Avenue to satirize the city of Bakersfield's new slogan -- "Bakersfield: Life as it should be."

But one group of local artists is essentially saying, "C'mon, people! You've got to be kidding! Life as it should be?"

About a dozen local artists, musicians and supporters satirized the city's slogan at a demonstration Thursday afternoon in front of the Superior Court building in downtown Bakersfield.

They wore costumes and pushed brooms and vacuum cleaners as they pointed out the obvious irony of the slogan, that it flies in the face of some pretty powerful evidence, [including Bakerfield's "worst air in the nation" status](#), sludge imports from Los Angeles and a huge poverty problem.

But the costumed artists were careful not to come off as humorless activists.

"Yes, we are having fun, and poking fun at the slogan," organizer A.S. Ashley said in an e-mail interview. "Let it be known that we here in Bakersfield are not stupid, or Pollyannas! Our civil servants are supposed to be doing something about the issues we all are grappling with ... things are getting worse, not better."

Ashley was also up-front about the dual purpose of the protest. They were also out there, he said, to call attention to a dynamic arts community that exists under the radar for most area residents, and to promote a "Bakersfield: Life as it should be" open house being held this Saturday afternoon and again June 24 at The Empty Space.

"We don't paint pretty flowers and houses," said artist Russ Felix, who will act as emcee at the two group art shows. "It's the responsibility of artists to show reality."

As Adam Cospers walked in a circle with the others, he carried a sign that read, "Protect 'Life as it Should Be.' More cows! Fewer artists."

Ashley grinned as he called the creator of the slogan "a bona fide genius."

"I just hope they didn't spend a lot of money on that thing."

[Sacramento Bee, Editorial, Friday, June 16, 2006:](#)

Pia Lopez: Urgency -- and optimism -- on global warming

By Pia Lopez -- Bee Columnist

Looking at Al Gore's photos of Mount Kilimanjaro in 1970 and what was left of its once-great glaciers in 2005 is a shock.

I climbed the 19,335-foot east African volcano in 1985. Now I realize I may have seen the last remnants of glaciers on the mountain.

Ernest Hemingway described them in the "Snows of Kilimanjaro" as "wide as all the world, great, high, and unbelievably white in the sun." But these 12,000-year-old glaciers are mostly gone now and could disappear within 10 years. Scientists say that the world's mountain glaciers are sensitive indicators of climate change. The fact that nearly all of them are melting should alarm us.

That is just one of the vignettes in Gore's "An Inconvenient Truth," a film of few words but many startling images. Gore shows, rather than tells, the devastating effect of global warming on the ice caps of Greenland, Antarctica and the Arctic and on land masses -- more evaporation, and thus more intense storms, over the oceans; more moisture sucked out of land, disrupting agriculture and increasing desertification; rising sea levels, burying coastlines.

Gore has taken up a project on global warming as ambitious as Rachel Carson's 1962 project on agricultural chemicals, "Silent Spring." His aim, like hers, is to close the gap between scientific research and popular knowledge. If people understand the problem, they can demand action from reluctant leaders.

The parallels with 1962 are uncanny. Scientists since World War II were concerned about the wholesale, long-lasting effects of certain pesticides and herbicides. But no action was taken. Carson, a marine biologist, decided to assemble what scientists knew and present it in a way the public would understand. Predictably, she was attacked by the chemical industry but that caused a backlash and won support for legislation.

Today, the scientific evidence of global warming is irrefutable. But just as in the 1960s, some industries have an interest in casting doubt and continuing old ways of doing business.

One group already has launched a national campaign of attack ads -- which have run in Sacramento -- focusing on the "alleged global warming crisis" and rejecting calls to reduce fossil fuel use and carbon dioxide emissions.

They purposely confuse global warming with air pollution. The fact is, we've made significant improvements in reducing pollution since the 1970 Clean Air Act. The issue now is rising atmospheric levels of carbon dioxide and rising global temperatures.

Gore's graphics show that over the last 650,000 years, whenever carbon dioxide levels have been high, global temperatures also have been high. But in the last century, human carbon emissions are raising carbon dioxide levels far above anything found in natural cycles.

Yet Gore's message is not one of doom and gloom. In the end, the film is upbeat, a call to harness America's "can-do" spirit and talent for technological innovation, as Americans have done in the past. Gore believes Americans should be taking the lead in fixing the problem, what he calls a "moral issue," because the United States is "way, way above everyone else" in carbon emissions per person and total carbon emissions.

Gore shows that we already have everything we need to bring carbon emissions below 1970s levels. He cites the work of two Princeton University professors who suggest six existing, affordable actions:

- Create more efficient heating and cooling systems, lighting, appliances and electronic equipment.
- Design buildings and businesses to use far less energy than they currently do.
- Manufacture cars and trucks that run on less gas and put more hybrid and fuel-cell cars on the roads.
- Design cities and towns to have better mass transit systems.
- Increase use of renewable energy technologies that already exist, such as wind and biofuels.
- Capture and store excess carbon from power plants and industrial activities.

Those who say we can't do this are like people on a 4,000-calorie, high saturated-fat diet saying they can't change because they will starve to death. In fact, they can change a whole lot, and be better off, without any decline in their standard of living.

Gore observes, "We have everything we need to begin solving the climate crisis -- save, perhaps, political will. But in America, political will is a renewable resource."

Yet where are the political leaders, in Congress and in the White House, who will take action as Americans did in the 1960s?