

Lawsuit over diesel fumes on school buses

Leaky passenger cabins said to expose kids to exhaust

Bob Egelko, Chronicle Staff Writer
Wednesday, May 3, 2006

The bus company that carries 10,000 San Francisco children to and from school each day was accused by environmental advocates Tuesday of exposing the youths to diesel exhaust in leaky passenger cabins without warning them or their parents that the fumes could cause cancer.

In a suit filed in San Francisco Superior Court, the Environmental Law Foundation and Our Children's Earth Foundation accused Laidlaw Transit Inc. of violating Proposition 65, the 1986 initiative requiring warnings for public exposure to chemicals that can cause cancer or birth defects.

Diesel exhaust, a mixture of gases and particles, was listed as a carcinogen by the state in 1990. The suit said state studies have found that diesel exhaust accounts for 70 percent of the cancer risk that the average Californian faces from breathing pollutants, and can also contribute to asthma and other respiratory problems, particularly among children and the elderly.

Some of the highest levels of exposure are in school buses, the plaintiffs said.

"Through cracks in the chassis, exhaust finds its way into the cabin," said Alise Capel, research director for the Environmental Law Foundation. "These buses get a lot of use and aren't as strongly constructed as major transit buses."

Statewide, the plaintiffs said, diesel-powered school buses carry 1 million students, and as of 2003, about half the buses were more than 15 years old. Laidlaw, based in Illinois, is the nation's largest school bus contractor and has the sole contract for San Francisco.

Neither the company nor its lawyer returned phone calls seeking comment on the suit.

San Francisco started modernizing its school bus fleet in 2003 and recently required Laidlaw to replace 50 of its 200 buses with newer models that filter out particles from diesel exhausts, Capel said. But she said those improvements aren't enough to avoid exposure levels that require warnings under Prop. 65.

"Diesel is a dirty fuel," Capel said. "It will never combust completely or cleanly."

The suit seeks a court order requiring Laidlaw to warn students and their parents of the exposure to a cancer-causing substance. It also asks for fines, payable to the state, of as much as \$2,500 per day for each person exposed to diesel exhaust without the warnings.

But Capel said the long-range goal is to convert school bus fleets from diesel to clean-burning compressed natural gas, used by school districts in 17 states but not in California. The plaintiffs see the San Francisco suit as a test case that they can use elsewhere in the state if they succeed here.

San Francisco school board member Eric Mar endorsed the suit. "Our students and their parents at least have a right to know that they are being exposed to chemicals that the state has identified as carcinogens," he said in a statement.

School bus operator sued in California over diesel fumes

David Kravets, AP Legal Affairs Writer

In the Modesto Bee, Tuesday, May 2, 2006

SAN FRANCISCO (AP) - Two environmental groups sued the nation's most popular school bus operator Tuesday to demand its buses in California display warnings that diesel fumes can cause cancer.

The Environmental Law Foundation and Our Children's Earth Foundation want a judge to force Laidlaw Transit Inc., of Naperville, Ill., to put written warnings on buses about the dangers of cancer-causing pollutants the buses emit. The groups said the diesel fumes expose children to chemicals known to cause neurological, respiratory and cardiovascular disease.

The groups charge that, under California's Proposition 65 - the Safe Drinking Water and Toxic Enforcement Act of 1986 - the buses must list the dangers of diesel fuel fumes, which California classifies as a cancer-causing agent.

Neither Laidlaw's attorney, nor its spokeswoman, immediately returned calls for comment on the complaint filed in San Francisco County Superior Court.

The environmental groups said the lawsuit's real goal was to eventually get rid of diesel-running school buses. If the buses have warning signs, parents might demand alternatives, said Alise Cappel, the Environmental Law Foundation's research director.

"This is a very difficult battle," Cappel said. "People will get the information they need so parents can effectuate change."

About one million of six million California school children ride the bus. It was not immediately known how many take Laidlaw buses.

The case is Environmental Law Foundation v. Laidlaw Transit Inc., 06451832.

SUV mileage knocked

California, 9 other states sue federal government

By David R. Baker, staff writer

S.F. Chronicle, Wednesday, May 3, 2006

California officials launched their latest skirmish with the Bush administration over environmental rules Tuesday, suing the federal government over SUV gas-mileage standards the state considers too lax.

The suit, led by California and joined by nine other states, argues that the federal government didn't fully consider potential damage to the environment when it drafted new fuel efficiency standards for sport utility vehicles and light trucks. The plaintiffs say that loose standards don't do enough to combat global warming.

Under the administration's standards issued in March, those vehicles -- the biggest gas guzzlers in American garages -- must have a fleetwide average of 24 miles per gallon by 2011. Trucks and SUVs made this year must average 21.6 mpg. The rules don't affect passenger cars.

"We would hope the court would order them back to the drawing board," said California Attorney General Bill Lockyer. "Frankly, we're not sure that there are any genuine savings with the standards they've announced."

The defendant in the case is the National Highway Traffic Safety Administration, the federal agency that issued the new rules.

It describes the regulations as an attempt to balance reduction of oil use with protection of jobs. American automakers suffering big financial losses say that tightening mileage standards too much would give an unfair advantage to foreign competitors with smaller, more fuel-efficient cars.

"Keep in mind that we need to be very careful that we don't do something that will have unintended consequences," said Rae Tyson, spokesman for the traffic safety administration.

"The process of developing a light truck fuel-economy standard for 2008 through 2011 was a very thorough and rigorous process, and we think it will be upheld in court."

Other parties joining in the suit are Connecticut, Maine, Massachusetts, New Jersey, New Mexico, New York, Oregon, Rhode Island and Vermont, as well as the District of Columbia and New York City.

California and the Bush administration have repeatedly clashed over environmental policies, with the state pushing for tougher regulations and the federal government attempting to rein California in.

The state, for example, passed a law requiring automakers to lower the amount of carbon dioxide and other greenhouse gases their cars emit. When it published the new mileage standards, the federal government argued that states don't have that authority, a position likely to help automakers as they try to overturn the California law in court.

Facing staunch opposition from carmakers and auto industry labor unions, politicians for years have avoided imposing dramatically tougher fuel-efficiency requirements. But with gasoline prices setting fresh records, several members of Congress have started pushing for tougher standards as a way to cut America's dependence on foreign oil.

The Bush administration last week added its voice, calling for new standards for passenger cars. The first public hearings on the proposal are scheduled for today.

Backers view fuel-economy standards as a sure-fire way to reduce the amount of oil consumed in the United States. A 2001 study by the National Academy of Sciences estimated that standards imposed after the energy crises of the 1970s cut domestic oil use by 2.8 million barrels per day.

This spring's new rules for SUVs struck many environmentalists as a missed opportunity.

"The fundamental problem is they simply don't save as much oil as they could," said David Doniger, staff attorney for the Natural Resources Defense Council, which has challenged the new standards in court. "They fall far short of what's technically feasible and economically feasible."

Opponents, however, say fuel standards can jeopardize U.S. jobs if set too high. They also argue that higher requirements can lead to more deaths on the highway, since automakers typically lighten their cars to increase mileage.

The 2001 National Academy of Sciences report, for example, said that fuel standards may have contributed to 1,300 to 2,600 traffic fatalities in one year alone -- a finding that provoked heated debate.

Automakers Tuesday balked at raising fuel standards higher than this spring's new requirements.

"To meet a higher number than the one (the federal agency) set, based on sound science, would force automakers to strip vehicles of features consumers demand, such as passenger room, cargo space, towing capacity and other attributes," said Eron Shosteck, director of communications for the Alliance of Automobile Manufacturers.

Lockyer Plans Suit on Fuel Economy Rules

Attorney general alleges that new U.S. standards for trucks, SUVs violate environmental laws.

By Marc Lifsher, staff writer

L.A. Times, Tuesday, May 2, 2006

SACRAMENTO — Atty. Gen. Bill Lockyer plans to sue the Bush administration today, alleging that new federal fuel economy standards for light trucks and sport utility vehicles violate federal environmental laws.

The lawsuit — to be filed with the U.S. 9th Circuit Court of Appeals by California, nine other states, the District of Columbia and the city of New York — alleges that the National Highway Traffic Safety Administration has failed to address the effect of the standards on air quality and greenhouse gas emissions.

"The Bush administration once again has missed an opportunity to promote new technology, fuel economy and conservation by issuing fuel economy goals that are status quo," Lockyer said in a statement released by his office Monday.

Robert Johnson, a spokesman for the U.S. Department of Transportation, called the lawsuit "predictable" and stressed that "we have every confidence our rule will be upheld when it is reviewed by the courts."

According to the Department of Transportation, the new federal standards, released in March, represent the first overhaul of the so-called CAFE (corporate average fuel economy) program for pickup trucks, SUVs and minivans since 1979.

Transportation Secretary Norman Y. Mineta estimated that the rules, which would raise light-truck targets to 24 mpg from 21.6 mpg, would save 250 million gallons of gasoline a year when fully implemented. The standards also would close a loophole that exempted large SUVs, weighing from 8,500 pounds to 10,000 pounds, from fuel economy requirements.

Lockyer's latest legal complaint follows a lawsuit filed by him and the other attorneys general last week alleging that the U.S. Environmental Protection Agency adopted weak pollution standards for new power plants.

L.A. ports to grow amid challenges in 2006: study

Reuters

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LOS ANGELES (Reuters) - The California ports of Los Angeles and Long Beach will continue to boom in 2006, with the number of containers passing through the busiest combined U.S. seaport expected to increase 10 percent, according to a report due to be issued on Wednesday.

But the Los Angeles County Economic Development Corp. found that the international trade community in Southern California faces infrastructure constraints and environmental challenges, a copy of the report provided ahead of its release showed.

The Los Angeles/Long Beach port complex is the key U.S. trading gateway with Asia and handles some 24,000 containers each day. The study found that a 10 percent rise in container traffic could mean that 15.6 million loaded and unloaded TEUs, or twenty-foot-equivalent units, would be handled in 2006.

The value of two-way trade handled by the ports in the greater Los Angeles area, including Ventura, and the area's airports is expected to increase 11 percent to \$326.1 billion, according to the study.

But congestion -- which crippled the ports in 2004 due in part to labor shortages at the Los Angeles and Long Beach ports -- is not expected to be a problem this year, the study found.

Issues of pollution from diesel power, traffic and noise, however, continue to dog the ports and adjacent rail lines, as local communities become more vocal about air and water quality. The California Air Resources Board has estimated that the ports will contribute 20 percent of all air pollution in the Los Angeles basin by 2025.

"There is a growing perception that further physical growth at the two local ports may be stymied by environmental issues," the report said. Planned expansion of container terminals at the ports has already been stalled by such concerns.

Other challenges involve security issues. Background checks of port workers, a system recently implemented by the U.S. Department of Homeland Security, may result in a shortage of much-needed trucking labor, as some illegal drivers may not be able to provide needed documentation, according to the study.

Grievances by the nonunion port truck drivers, 90 percent of whom stayed away from work on May 1 in support of immigration reform, include inadequate pay and night shifts. The study warned that similar walk-outs could occur in the future.

The combined port of Los Angeles and Long Beach ranks as the fifth largest in the world, behind Singapore, Hong Kong, Shanghai and Shenzhen. In 2005, the ports handled 9.26 million loaded TEUs, compared to New York and New Jersey, which combined handled 3.39 million loaded TEUs.

Nine states sue Bush over fuel efficiency

Reuters

Published in the Washington Post

Wednesday, May 3, 2006

NEW YORK (Reuters) - Nine states have sued the administration of President George W. Bush for lenient automotive fuel economy standards that they say worsen an energy crunch and contribute to air pollution and climate change.

The lawsuit says that the U.S. National Highway Traffic Safety Administration has failed to meet federal laws requiring government to determine the impact of regulation on fuel conservation and the environment.

"At a time when consumers are struggling to pay surging gas prices and the challenge of global climate change has become even more clear, it is unconscionable that the Bush Administration is not requiring greater mileage efficiency for light trucks," said New York Attorney General Eliot Spitzer in a press release.

In March, the Bush administration approved a 1.9 mile-per-gallon increase in the standards for sport utility vehicles, minivans and pickups -- all in the light truck class that includes big gas guzzlers -- to 24.1 mpg between 2008 and 2011. It also rewrote the rules for calculating how far light trucks must go on a gallon of gasoline.

But the lawsuit, joined by the attorneys general of California, Connecticut, Maine, Massachusetts, New Mexico, Oregon, Rhode Island, and Vermont, says the move included language that could "create incentives to build larger, less fuel-efficient models" and attempts to pre-empt a California law requiring a reduction of greenhouse gas tailpipe emissions.

Bush said last week he is also seeking authority from Congress to allow him to boost fuel-efficiency standards for passenger cars. Bush proposed no specific figure for increasing mileage standards for cars for the first time in 16 years, but officials said they wanted broad changes.

Environmentalists have long urged a substantial increase in fuel-economy standards, which they view as one of the most effective means of reducing the U.S. appetite for foreign oil.

The attorney general of the District of Columbia and the corporate counsel for New York City have also joined.

[Letter to the Bakersfield Californian, Wednesday, May 3, 2006:](#)

Cost of bad air

It is high time that the dollar costs of air pollution in the valley be publicized. It doesn't make the personal costs any easier to take, but at least those of us affected feel we have lots of company, though it may be unhappy and unwilling company.

My husband and I, both in our late 70s, have developed asthma within the last few years after many years of living in Bakersfield. It is nowhere near as serious for us as it is for the many kids who develop it. They have their physical lives affected by it for so many years and are bewildered when an attack hits them and they get carted off to the ER. And it's certainly hard on their parents.

Their absence from school is a very personal cost, but every absence costs the school in lost state money. That fact is not mentioned in the listings of financial costs in the Central Valley.

The only local control any of us has is with the San Joaquin Valley Air Pollution Control District, which has the power to regulate smog-producing emissions.

One of these involves restrictions on fireplace and field burning which so many people object to, not realizing how it affects the asthmatic. The California Air Resources Board has the power to regulate some vehicles, but most of that power lies with the Feds -- the EPA.

We need to put a lot of effort into urging that there be more rather than fewer restrictions on car and truck emissions.

Laura Dennison, Bakersfield

[Letter to the Visalia Times-Delta, Wednesday, May 3, 2006:](#)

City of Visalia should ban all drive-throughs

The naysayers who deny global warming have found a home on the Visalia Planning Commission.

This wonderful Valley has one of the worst pollution records in the United States. Asthma is at an all-time high, and warnings have become a daily occurrence. In the Tahoe basin, restrictions on fireplaces have been strict.

Here in the Valley, we "ask" individuals to burn only on days when pollution is not a concern. So one can conclude, on clean days, we encourage individuals to pollute. Makes sense.

Then we see Starbucks here in Visalia being given approval for a another drive-through arrangement. I can only assume that the Visalia Planning Commission is not aware of the nexus between vehicles and air quality.

We now need to be asking the City Council where it stands on this issue. Why are we allowing drive-through arrangements to continue, much less exist?

Two-thirds of U.S. adults and 9 million children are either overweight or obese, and respiratory problems abound. However, with this kind of planning, we continue to encourage individuals to run their vehicles and avoid the exercise that most of us desperately need. If we are to see any solutions to growth and air quality, we need the City Council to address this issue. It may be like a finger in the dike, but this City Council needs to take that step and stop all drive-through proposals.

Bill Osak, Visalia

[Letter to the Modesto Bee, Wednesday, May 3, 2006:](#)

Bus system needs improvement

Recently, The Bee advocated the use of our community's mass transit system to help with the gas crisis and cut pollution. Wouldn't that be great? But it won't happen without some serious changes.

I have lived in the area my entire life. Recently I had some car trouble that made it necessary for me to take the bus to and from work. I work in Riverbank and live in Ceres. I start work at 7 a.m. and end at 3:30 p.m. Getting home was relatively easy, if I could get to work in the first place. The first StaRT bus doesn't even get to the transit center until 7:24a.m. and wouldn't get me to Riverbank until almost 8. Luckily, my employers let me start at 9, but then I could not get home, as I arrived at the transit center after the last Ceres-bound MAX bus had left.

My proposal: Extend operations by an hour at the beginning and end of the day — from 5 a.m. to 8 p.m. — to allow people to get to and from work. Have more than one or two buses per route, staggering times. Pick up trash in the bus when it's stopped at the transit center, and clean the bus inside and out at the end of each day.

If public transportation was easier, more convenient and more comfortable, more people would be inclined to ride.

Stephanie Wharton, Ceres