

A new volley in toxic battle

Educators circulate a study that rejects asbestos findings.

By Chris Bowman -- Bee Staff Writer

Sacramento Bee, Wednesday, Jan. 4, 2006

El Dorado Hills education officials have launched an aggressive campaign to publicize a new mining industry study that discredits the federal government's findings of naturally occurring asbestos at school and community playgrounds.

A group of five led by the county superintendent of schools brought the industry report to the attention of California representatives last month in a schools-funded trip to Capitol Hill.

The schools contingent also is circulating the report to California lawmakers and regulators and plans to present the findings publicly later this winter.

Commissioned by the National Stone, Sand & Gravel Association, the report said none of the soil particles the U.S. Environmental Protection Agency identified in testing is asbestos.

Rather, the microscopic evaluation concluded that the particles are nonhazardous fragments of the same minerals known to host asbestos in the rapidly growing Sierra foothills. These fragments are distinctly different than the needle-shaped fibers that define asbestos and can cause lung disease decades after they are inhaled, the report said.

EPA officials called the report by asbestos-testing firm RJ Lee Group a rehash of unsupported statements the consultant made on behalf of the industry in several lawsuits around the country. Most recently, RJ Lee unsuccessfully asserted the "fragment" argument on behalf of W.R. Grace Co., a defendant in litigation concerning asbestos contamination that has injured or killed hundreds of residents and former miners in Libby, Mont.

Vicki Barber, the El Dorado schools superintendent, said she and other top school officials do not have the expertise to judge the report's conclusions but believe the findings merit serious consideration given the millions of dollars area schools are spending on asbestos dust controls, especially during construction.

Altogether, three El Dorado County school districts and the county Office of Education spent more than \$6,500 in airfare and lodging on the Dec. 12-15 Washington trip for the five: Barber; Peter Dwelley, a local geologist; Carol Bly, superintendent of Rescue Union School District; Teresa Wenig, superintendent of Buckeye Union School District; and Bill Wright, an attorney representing the school districts, according to Barber. The El Dorado Union High School District also contributed funding.

"Being stewards of the public's money, it seemed that we had to do everything possible with Washington officials to ensure that good science is being practiced," said Barber, who has questioned the federal testing procedures for more than a year.

To that end, Barber said she organized the Washington trip to personally circulate the RJ Lee report to top EPA officials and to members of Congress.

The schools officials wanted to inform the decision-makers of the EPA critique before the environmental agency and the federal Agency for Toxic Substances and Disease Registry released a health-risk evaluation of the playgrounds test data.

RJ Lee evaluated laboratory results from the EPA's soil and air samples collected in October 2004 to study potential asbestos hazards in El Dorado Hills.

The results are based on readings from personal air monitors worn by EPA technicians as they mimicked children's activities - baseball, basketball, hopscotch - at the park and three nearby schools: Silva Valley Elementary, Jackson Elementary and Rolling Hills Middle School.

The test showed that the activities significantly elevated an individual's exposure to a particularly toxic kind of asbestos called amphibole, namely tremolite and actinolite, the EPA said.

The EPA split its soil samples with school officials, who at the suggestion of Dwelley, the local geologist, had the material independently analyzed, Barber said.

Dwelley asked the mining association for a recommendation, and the lobby said it would pay for the testing itself, using the RJ Lee laboratory in Monroeville, Pa., said Bill Ford, senior vice president of the mining group.

RJ Lee found that 63 percent of the particles the EPA labeled "asbestos" contained too much aluminum to form the tell-tale fibers of asbestos.

The remaining 37 percent of the EPA-identified "asbestos" structures were outside the range of particle dimensions specified in the regulatory definition of "asbestos," the report said. EPA officials said the agency applied nationally recognized asbestos-testing standards used to assess health risks.

"From a mineralogical standpoint, there may be a distinction (between fragments and fibers), but in terms of health outcomes, there is no meaningful distinction," said Jere Johnson, the EPA official who led the El Dorado Hills investigation.

In addition to the trip expenses, Barber said her office paid RJ Lee \$2,000 to have three nationally recognized, university-based experts in asbestos identification review the its findings. "We wanted to make sure ... that it wouldn't be seen by the public as industry-driven study whose results would be questioned," Barber said.

The three experts have been tapped by the mining association or other industry groups in similar disputes. The three backed the report.

EPA officials said they "will thoroughly review" the RJ Lee report with the help of the U.S. Geological Survey.

Locals predict what they think the new year has in store for us

Bakersfield Californian, Wednesday, Jan. 4, 2006

"Maria Shriver-Schwarzenegger will continue to grow in popularity and she will have to decide whether to run against her husband in 2006."

-- ROY ASHBURN, 51, *California state senator*,

"Cucumber martinis."

-- JEFF SERDA, 29, *bartender at Sandrini's in downtown Bakersfield*

"My hair will keep growing."

-- BLAYZZ SELNICK, 12, *student who shaved off her hair in sympathy for a friend who lost her hair because of disease*

"Democrats will win a majority in the House of Representatives in 2006 and close the gap in the U.S. Senate."

-- GENE TACKETT, 62, *business/political consultant*

"As far as Iraq goes, I think it will be the year of big talk of reducing troop numbers but will not result in the reduction of any troops. Personally, I am looking forward to spending time in a few countries other than Iraq."

-- MAX BECHERER, 30, *freelance photographer shooting the war in Iraq*

"I predict that schools in the greater Bakersfield area will continue to grow next year at a pace faster than the rest of the state. Regardless of what goes on in Sacramento, education will continue here in Kern County. And it will probably be a safe bet the Rolling Stones will tour again."

-- LARRY REIDER, 62, *Kern County superintendent of schools*

"USC 55, Texas 25. USC's defense, when they mean business, they're tough. And we know about their offense."

-- RALPH FRUGUGLIETTI, 50, *owner of Frugatti's restaurant (and a former USC track and field letterman)*

"Because Mother Nature has caused such havoc in our society in the last year, we will see families and friends coming closer together, becoming more interdependent."

-- WENDY WAYNE, 57, *children's advocate.*

"Chad Vegas will continue to grow as a political force and all-around good guy. Republicans will come to terms with what a great governor Tom McClintock would have made -- at least they'd have known what he believes. (Bakersfield City Councilman) Mike Maggard will be a (county) supervisor, (Bakersfield) Mayor (Harvey) Hall will keep his beard year-round and, most tragically, 'Arrested Development' will be canceled, leaving me no reason to believe in anything good."

-- INGA BARKS, 38, *radio talk show host*

"We'll have a good economy and there'll be great opportunities for businesses and entrepreneurs."

-- BILL JEFFRIES, 52, *a business developer with the Kern Economic Development Corporation*

"I predict Bakersfield will never be the same. We've all been changed by how we reacted to the hurricane relief."

-- CAPT. DAVID EBEL, 53, *Kern County coordinator for The Salvation Army*

"Millions of people will be diagnosed with cancer. Millions of people will realize they had more strength than they ever knew they had."

-- RUDY HERNANDEZ, 30, *CSUB graduate student, cancer survivor and founder of October as Testicular Cancer Awareness Month*

"[Another year of cleaner air.](#) Sizable funding for high-speed rail. A top-level county official will resign. [Kern schools will get newer, cleaner school buses.](#) Mega Millions will mean more money for schools."

-- DEAN FLOREZ, 43, *California state senator*

She believes housing prices will drop next year but that it'll still be a good year for real estate. "I think it'll help the first-time buyers."

-- BETTY BYROM, 64, *owner of People Realty*

"I'm hoping for world peace and cheaper gas prices."

-- JOSE SAAVEDRA, 46, *facility worker for the city of Bakersfield*

"The Bible says that there will be an end to this system. But nobody knows when. It could be tomorrow. It could be next year. We are very close to Armageddon."

-- PATSY STUGARD, 73, *retired Bakersfield resident and a Jehovah's Witness*

"I predict that CSUB will be back on target for record enrollment in fall 2006."

-- MIKE STEPANOVICH, 58, *Cal State Bakersfield public affairs director*

"A rise in the number of homes for sale will help balance Bakersfield's real estate market, leveling off prices."

-- DARRELL SPARKS, 47, *broker for Sparks Realty*

"The Lakers are going to make the playoffs. I'm a big-time fan; I don't care what anyone says."

-- JESSE QUINTANILLA, 36, *Educational Talent Search program coordinator*

"I will be married by the end of the year."

-- DAVE REZAC, 29, *a server at Sandrini's in downtown Bakersfield*

"Fresno State will win any bowl game they are in."

-- NICOLE PARRA, 35, *California assemblywoman*

"Someone in Kern County will be injured with a broadsword. A bunch of people bought them at the Highlander days last summer."

-- STEPHANIE TAVARES, 24, *Californian reporter*

[Stockton Record, Letter to the Editor, Wednesday, Jan 4, 2006](#)

A quality rule for cleaner air

I'm impressed with the thoroughness of the San Joaquin Valley air pollution board staff study that led to the indirect-source rule passed by a unanimous vote on Dec. 15.

It's a very innovative approach to the air-pollution problem in the Central Valley.

Sound scientific data was used to develop a computer model for rewarding or penalizing developers depending on the estimated impacts of their development on air quality.

During the public comment period on Dec. 15, several representatives from alternative-energy companies said the rule would lead to more and more partnerships between them and developers in the planning and design of new housing developments.

The indirect-source rule is a small but important step in cleaning up the bad air that's causing so many health problems in the Central Valley.

Dave Wagner, Stockton

[Letter to the Fresno Bee, Wednesday, Jan. 4, 2006](#)

Consider the neighbors

I have read with interest recent letters in defense of fireplaces and wood-burning stoves. I, too, love the heat, beauty and comfort that an open fire can bring.

Unfortunately, I can no longer enjoy the luxury of such indulgence because of bronchial and lung surgery a number of years ago, and I have developed asthma, as have a great many Valley residents, for which I always carry a medicinal inhalation aerosol. On burn days it's essential for me when I am outside.

Certainly there are many people with even more symptoms than I have indicated. So, please consider us, your neighbors, when you build your fire.

Bill Stouffer, Dinuba