

## Heated debate on fireplace ban

By SUSAN HERENDEEN, MODESTO BEE STAFF WRITER, May 6, 2003

Michael Halleck, a homeowner from Manteca, heats his home with a wood-burning stove from November through April and likes it that way.

But Charles Sant'Agata of Fresno, executive director of the American Lung Association of Central California, wants to douse the embers and spare the air.

The two men were among a handful of people who spoke out Monday night about a plan to ban the use of fireplaces and wood-burning stoves when valley air pollution reaches unhealthy levels. The meeting was in Fresno; local residents participated via teleconference from the San Joaquin Valley Air Pollution Control District office in Modesto.

Halleck said his wood stove keeps his home warmer than gas or electricity.

"It's just not the same heat," he said.

Sant'Agata said tiny particulates in the air -- caused by smoke from wood fires and other pollutants -- can impair lung function, worsen bronchitis and trigger asthma and heart attacks.

"When you can't breathe, nothing else matters," he said.

The San Joaquin Valley Air Pollution Control District is expected to vote on the proposed ban in July.

If the air district adopts the proposed rules, people would not be able to use a fireplace or a wood-burning stove on days when the air board notifies the public that pollution has reached unhealthy levels.

That rule would be in effect from November through February. People who live in a place where natural gas service is not available, have a wood-stove or fireplace as their only source of heat or live 3,000 feet above sea level would be exempt.

The air district also is considering new restrictions that would limit the installation of fireplaces and wood burning stoves in places where there are more than two dwelling units per acre. Homes on 2-acre lots could have only one fireplace or wood-burning stove.

Also, retailers could only sell wood-burning stoves that meet Environmental Protection Agency standards and they would have to help spread the word about the no-burn rules.

In the last three years, Modesto exceeded federal air pollution standards on 11 winter days, said Tom Jordan, a senior planner with the air district. Fresno had 41 bad air days, Bakersfield had 20 bad air days and Stockton had three bad air days.

Local lawmakers are trying to beat a sanctions clock that will kick in this fall if they do nothing.

If the air district does not have a new pollution control plan in place by Sept. 11, new factories or businesses would face stiffer air pollution regulations.

If no plan is adopted by March 11, 2004, there will be a moratorium on federal highway funding and the EPA will adopt new standards for the valley.

The public has two more chances to discuss the plan with officials from the San Joaquin Valley Air Pollution Control District.

Officials will be in Bakersfield at 1:30 p.m. today. Local residents can participate in an audio conference at the Modesto office, 4230 Kiernan Ave., Suite 130. Officials will be in Modesto for a workshop at 2 p.m. Wednesday.

## Wood-burning rule fires debate between industry, health advocates

By Barbara Anderson, The Fresno Bee, May 6, 2003

A plan to clean up air by limiting home wood burning in the San Joaquin Valley drew fire Monday night from members of the manufactured log and hearth industries, but had support from asthmatics and health advocates.

Industry representatives object to a draft rule banning the use of any wood-burning device, even on days when particle pollution is not extremely unhealthy. The rule would discourage people from using newer, cleaner wood-burning technologies, they said.

"Encouraging Valley residents to switch to cleaner-burning solid fuel technology is the practical way to deal with reducing emissions from fireplaces," said Christopher P. Caron, vice president of marketing for Duraflame.

The Hearth, Patio & Barbecue Association believes there is "no reason that EPA-certified stoves should not be exempt for a portion of a no-burn program," said John Crouch, director of public affairs of the national HPBA.

Industry representatives said they support an earlier version of a draft no-burn rule, which had a two-level system for limiting wood burning. On less-polluted nights, the ban would apply only to residents with wood-burning heaters not certified by the U.S. Environmental Protection Agency and to those with open fireplaces. On heavier-polluted nights, no burning would be allowed in any

wood-burning device, regardless of EPA certification.

But creating a ban on all wood-burning devices on polluted nights makes a no-burn rule easier to enforce, district staff said. The two-level ban system was considered too cumbersome to implement.

The revised rule, which could go into effect this winter, also is based on the impact on human health, said Tom Jordan, a district air quality planner.

Microscopic particles of ash, dust, smoke and soot-- known as particle pollution -- are known to harm health, including triggering asthma and bronchitis attacks. They also are linked to heart attacks and premature deaths.

Health concerns should outweigh complaints from industry groups, said north Fresno resident Grant Melocik, among about 40 people at a workshop at the San Joaquin Valley Air Pollution Control District office in Fresno.

"We've got to wake up that we've got to accept the rules and regulations," he said. Since moving from Ohio to Fresno five years ago, he, his wife and daughter have developed asthma. The stench from smoke on walks around Woodward Park on winter evenings is intolerable, he said. "At times, I've had to go get the car and pick [my wife] up and take her home."

Objections to a wood-burning ban aren't new. Ten years ago, the district came under attack for a no-burn proposal and settled on the current voluntary "Please don't light tonight" program.

But a voluntary program no longer meets EPA requirements for cleaning the Valley's air. The district must adopt a mandatory no-burn rule to reduce particle pollution or face federal sanctions.

Residential wood burning in the Valley contributes about 25 tons a day of particulates during winter months, according to the district. And wood smoke accounts for up to one-third of the particles in the air on the smokiest winter nights in urban areas.

The proposed prohibition would limit a burning ban to areas identified by the district based on weather and air-quality conditions. For example, residents in Fresno County could be told they could not burn on a night while those living in Merced County or Tulare County were allowed to burn wood.

The no-burn rule also would not allow wood-burning devices in new developments that have more than two houses per acre. Older, dirtier wood-burning stoves and inserts that are not EPA-certified would have to be disabled, upgraded or removed before a homeowner sells a house.

Exempt from the no-burn rule would be homes at 3,000 feet or higher in elevation, those without natural gas service, those using propane and those in which wood burning is the only source of heat.

District staffers hope to submit a no-burn rule to the air district board for action in July. Public comment on the plan will be taken at 1:30 p.m. today in Bakersfield and at 2 p.m. Wednesday in Modesto.

## S.J. fireplace-ban proposal heats up

By Audrey Cooper, Record Staff Writer, May 6, 2003

MODESTO -- A controversial proposal to outlaw use of wood-burning fireplaces and stoves on seriously polluted nights is extreme and wouldn't do much to control pollution, residents and business representatives said at a public hearing Monday night. The proposed limits on wood-burning fireplaces are an attempt by air regulators to gain control of the San Joaquin Valley's deadly wintertime air pollution. The region has never met health-based federal air-pollution standards.

In July the San Joaquin Valley Air Pollution Control District's governing board is expected to approve the new rules, which are required by the U.S. Environmental Protection Agency.

The proposed rules include:

- \* Mandatory no-burn nights when air pollution approaches federal limits. Residents would not be allowed to burn wood on these nights unless the wood is their only source of heat. Residents will have to check online or by phone to see if they can burn wood.
- \* Prohibitions on wood-burning devices in new developments with more than two homes per acre.
- \* Fireplace inserts that are not EPA-certified would have to be removed or replaced before a homeowner could sell the home. Certified devices are marked. Masonry fireplaces would not have to be replaced or removed upon the sale of a home.
- \* Natural-gas fireplaces are exempt from the proposed rules. However, businesses -- from hotels to Christmas-tree lots -- would have to follow the rules.

Air regulators say wood smoke is responsible for up to 30 percent of the particulate pollution in Valley cities.

Particulate pollution is comprised of tiny flecks of soot, vapor and dust in the air. The microscopic particles get lodged deep in human lungs and cause asthma attacks, lung diseases and premature deaths.

In addition, without tougher new anti-pollution rules the Valley could lose more than \$2 billion in federal road-building dollars.

Fireplaces can produce 59 grams of particles per hour, much of which settles inside the home or directly outside. By comparison, smoking a pack of cigarettes produces less than one gram of particles.

Manteca resident Mike Halleck said he burns wood in his fireplace insert nonstop during the winter. Now he expects to spend \$500 on a furnace bill instead of firewood.

"It's too bad because we really enjoy the fire. It's warm and cozy. When we run the central (heater) ... even when it's 74 (degrees), I'm cold," he said.

The rules have been criticized by homeowners, Realtors, fireplace-insert sellers and Stockton-based Duraflame, which makes firelogs.

Realtors don't want to enforce the parts of the rules regarding home sales. Businesses that sell fireplace inserts want to be left out of the no-burn nights because certified devices cause less pollution.

Duraflame spokesman Chris Caron said the air district has overstated the problem with wood smoke. He said wood smoke averages 5 percent of the daily pollution problem. Duraflame wants the air district to call for fewer no-burn nights and to encourage greater use for clean-burning firelogs.

Several residents and environmental groups spoke out in favor of the new rules. They cited rising childhood asthma rates and the estimated 1,300 deaths a year in the Valley linked to particulate pollution as reasons to support strong restrictions on wood burning.

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More hearings

The San Joaquin Valley Air Pollution Control District will conduct two more public hearings on the proposed fireplace rules this week: at 1:30 p.m. today and at 2 p.m. Wednesday at 4230 Kiernan Ave. in Modesto.

For more information, go to [www.valleyair.org](http://www.valleyair.org).

## Groups air objections over plans

Letter alleges animal industries close to 'back-room deal.'

By Mark Grossi, The Fresno Bee, May 6, 2003

The livestock and poultry industries are nearing a "back-room deal" with federal authorities to shield farms from air rules at the expense of health in rural communities, environmentalists alleged Monday.

A national coalition of activists -- including a San Joaquin Valley citizens group -- sent a protest letter to the U.S. Environmental Protection Agency on Monday, arguing the deal would gut Clean Air Act protection from animal operations.

"We are suffering from the effects of toxic emissions from local feedlots," said Kern County resident Tom Frantz, president of the Association of Irrigated Residents, which is listed among the protesting groups. "We object to federal policy devised in a secret, back-room deal."

An EPA official said talks are taking place on a national level with dairy, poultry and other animal industry representatives, but no deal has been struck. J.P. Suarez, assistant administrator for enforcement with EPA, said the negotiations are aimed at getting scientists onto farms to monitor and describe sources of pollution.

Suarez said the EPA is following the suggestion of the National Academies of Science, which released a December report saying more information is needed on pollution from dairies, chicken farms and other animal operations.

"This is not a simple problem," Suarez said. "Are they major sources [of pollution]? We don't know yet. We're gathering sound science. This is consistent with the [National Academies of Science] study."

But environmentalists said they have not been invited to the negotiations, and they said details from a confidential settlement proposal that they obtained make them believe the industry is setting up a loophole to air rules.

They released some details in the industries' proposal: The federal government would delay air rules for 30 months while dairy, poultry and other animal operations are studied. And the government might later classify pollution in a way that prevents enforcement of the Clean Air Act.

Two groups representing local air pollution control regulators were involved in discussions, but they pulled out of the talks last month. The groups, the State and Territorial Air Pollution Program Administrators and the Association of Air Pollution Control Officials, said they didn't agree with the direction of the talks.

The regulators' letter to the EPA on April 7 mentioned several of the same concerns environmentalists raised, particularly the one about how to classify the pollution.

The proposal would classify animal operations' pollution as "fugitive" -- or emissions that don't pass through a stack, chimney or a vent.

Fugitive emissions are not counted when determining if a source is a major contributor of pollution. If pollution from animal operations is considered fugitive emissions, many provisions of the Clean Air Act would not apply.

"Agricultural operations will be exempt while similar operations in other industry sectors will not be exempt," the letter said.

For example, the EPA does not classify landfills as fugitive.

The EPA would not comment on details in the negotiations because no agreement has been reached. But officials said the public would have a chance to comment on an agreement.

In the Valley, where the growing dairy industry has been under scrutiny for air pollution concerns, local industry officials said they are not directly involved in the national-level negotiations. But they said the industries are making a good-faith effort.

"Rather than sitting on their hands, industry groups instead offered to pay for the needed science, while letting government choose the scientists, study designs and study locations," said J.P. Cativiela, representing Community Alliance for Responsible Environmental Stewardship, a dairy advocacy group. "It is very clear no one has asked for a blank check."

Said Paul Martin, coordinator of environmental services for United Western Dairymen: "We want to base regulation and future investment in technology on science."

Environmentalists did not want to comment on what they might do if the EPA reached a settlement that they consider unfavorable. But they said people in the Valley, the second-worst air basin in the country, would suffer from regulation delay or exemptions.

"The EPA is selling out rural communities," said Brent Newell of the Center on Race, Poverty and the Environment, which has sued over several Valley dairies. "And they're not getting anything in return."

## Clearing the air

Fresno City Council needs serious discussions, not petty bickering.

Fresno Bee editorial (Published May 6, 2003)

A number of ideas for cleaning our filthy air are beginning to emerge from Fresno's City Council members, and that's good to see. What's not so good is that the ideas are getting tangled in the business-as-usual bickering at City Hall. That doesn't help.

Case in point: Council Member Henry T. Perea wants to give people who drive emission-free and very low-emission cars a break on parking downtown. It's an idea that merits serious discussion, and Perea deserves credit for advancing it.

What's less pleasing is that the council may vote on the idea today, before any of that serious discussion takes place. It is an unfortunate habit of the council's to spring these things on the public fully formed, and then offer little opportunity for public debate before rushing to a vote.

But that aside, Perea's notion should be examined. So, for that matter, should the proposal offered by Council Member Jerry Duncan, who wants to give the same sort of incentives to people who carpool for their trips downtown.

In the context of cleaning up the Valley's air, it's good to see both council members, and others, advancing ideas that may help. What's not so good is to see these ideas pitted one against the other simply because the council members in question don't like each other very much. All of us are responsible for the air's poor quality hereabouts. All of us must play a role in the cleanup. As always, elected leaders are in a particularly useful position -- but not if they spend their time posturing over their own ideas and trying to torpedo the notions of others.

Los Angeles, among other places, has had recent experience with the very sorts of things we're going to be trying in Fresno and the Valley. In fact, Perea's incentive plan is similar to one just proposed there. That's great. We should steal every idea that works, from anywhere and anyone. And let's not get bogged down in who gets the credit. If we can make serious inroads on our unhealthy air, there will be credit enough to go around, including enough to fuel any number of future political ambitions and campaigns.

## World Asthma Day

Link between disease, Valley air quality is clear and deadly.

(Published in the Fresno Bee, May 6, 2003, 5:35 AM)

May is Clean Air Month and today is World Asthma Day. The two are most certainly related. The American Lung Association's "State of the Air Report 2003," released last week, gave 28 California counties failing grades for ozone pollution.

Every single Valley county is on that list of failures. Kern and Tulare counties lead the pack -- if that's the right way to put it -- with 219 days and 216 days, respectively. Fresno County racked up 202 days. The scores are based on the number of days air quality fell below federal standards over a two-year period.

It's better in the foothills: Mariposa County had a mere 15.5 days below federal standards -- but still earned an "F." Nowhere in the state will you find worse numbers than those of the Valley counties.

Those numbers aren't likely to reassure the thousands in this region who suffer from asthma and other respiratory illnesses.

And it gets worse: Valley counties have been performing this poorly since the rankings began, in 2000. There has never been a year since then when a Valley county won a grade higher than "F."

Ground-level ozone is the principal ingredient of smog. It forms when exhaust from cars, trucks and other diesel- or gas-powered engines cooks in sunlight. A recent study by the University of Southern California suggests ozone may not just aggravate asthma (which researchers have known for some time) but trigger it as well.

In the USC study, children living in high-ozone communities who actively participated in sports were more likely to develop asthma than similarly active children in less polluted communities.

The San Joaquin Valley, one of the smoggiest regions in the country, has the highest rate of asthma. An alarming 16.4% of children in Fresno County have the disease. Pollens, dust and even animal fur and feathers can cause asthma, but human activities associated with increasing development and commerce have had an impact as well.

In general, colder summers bring cleaner air. So year-to-year changes in air quality that organizations such as the American Lung Association measure can sometimes be attributed to weather patterns.

But weather conditions aside, urban development, population growth, polluting agricultural practices and the increase in motor vehicle use in California's Valley and foothill communities have taken a major toll. Asthma, especially in children, is an increasingly serious part of that toll. Over the long run, California's air and the health of its citizens will depend on our ability to reduce the pollution caused by our own activities.