

Health officials suggest ways to reduce smog

Residents can help by changing driving habits

By Cindy Ryan, For the Times-Delta

Visalia Times-Delta, Thursday, Oct. 19, 2006

FRESNO — The forecast for the San Joaquin Valley's air quality isn't all doom and gloom, experts said Wednesday, but Valley residents need to do something now to help reverse decades of air pollution.

"Particulate matter is getting better in the Valley," said Jamie Holt, a spokeswoman for the San Joaquin Valley Air Pollution Control District. Holt, speaking at an air quality symposium, said the decrease in particulate matter pollution is due in large part to citizens cutting back on fireplace and wood stove use during the winter.

But residents can still do more to clean up their air.

Kathleen Grassi of the Fresno County Department of Community Health said smart growth and development strategies are essential to the Valley's future.

She advocated construction of buildings with compact and mixed-use designs, such as retail and residential combinations, and creation of pedestrian-friendly neighborhoods where schools, shopping and housing are all within walking distance.

"It will not solve our entire air quality problem, but it will be a start," Grassi said.

Many geographical and meteorological factors are natural barriers to clean air in the Valley: dry, dusty summers without rain; winds from the Bay Area that blow into the Valley but then stagnate; fog; and, to a certain extent, heat.

"The Valley serves as a bowl, trapping many airborne pollutants," said Kent Pinkerton a professor of pediatric medicine at the University of California, Davis. Pinkerton said ozone, along with organic compounds, is trapped in the stagnant air. It then "cooks" and reacts to itself.

Scott Nester of the Air Pollution Control District, said "It's a perfect natural laboratory for producing air pollution."

Visalia's average ozone level in 2005 was 0.093 parts per million — that's just barely above the acceptable ozone level of 0.084 parts per million over an eight-hour period as required by Environmental Protection Agency standards, Nester said.

John Balmes, a professor at both the University of California, San Francisco and the University of California, Berkeley, said that 50 percent of the U.S. population lives in areas where the ozone level is greater than the EPA standard. Even so, Balmes has recommended to the EPA that it consider even stricter standards.

Balmes suggests Valley residents can help clean up their air by eliminating "rush hour" with alternative work schedules and flexible working hours that would cut down on traffic congestion. Balmes also said eating a diet high in natural antioxidants can downplay the body's effects of air pollution.

"And they can make lifestyle choices that are easier on the air," Nester said. Nester said those choices include driving low-emission, fuel-efficient vehicles, choosing to live closer to work or school and carpooling.

Alex Sherriffs, a physician and associate clinical professor at the University of California, San Francisco, said such changes require "a real will."

"We have to be willing to sacrifice and change our routines that have become comfortable," he said.

The symposium was sponsored by the Fresno Madera Medical Society and the San Joaquin Valley Air Pollution Control District.

Exposure to traffic leads to risk of disease

Children's chance of asthma increases, study finds.

By Barbara Anderson
The Fresno Bee, Thursday, Oct. 19, 2006

People exposed to heavy traffic are at greater risk of dying from heart and lung disease, and children's lungs are especially affected by smog, doctors learned Wednesday at an air pollution symposium in Fresno.

A study of children with asthma in Fresno found that proximity to busy roads increased children's risk of having asthma, said Dr. John Balmes, a professor of medicine at the University of California at San Francisco and a professor of environmental health sciences at UC Berkeley.

The findings, which substantiate results from other studies, will be submitted to the American Thoracic Society in May, Balmes said. The Fresno study also showed "an association between living near heavily trafficked roadways -- especially with heavy-duty vehicles -- and lung function in our kids," he said.

Barbara Weller, manager of the Population Studies Section at the California Air Resources Board, told the meeting participants that living near a major roadway was associated with an increased risk of heart attacks.

But Weller said driving in heavy traffic every day also might be hazardous to the heart and lungs.

"Your commute may be one of the times where you get the greatest ozone exposure," she said.

Doctors in the San Joaquin Valley know when the air is bad, said Dr. Linda Fraley, a pediatrician and president of the Fresno-Madera Medical Society.

"When we have bad air days, we have more sick kids," Fraley said. "That's just a simple fact.

The meeting Wednesday, sponsored by the medical society, was a chance for doctors and the public to hear from experts about the health risks caused by air pollution, she said.

Clean air deadline called all but lost

Pollution district says 'incentive money' needed to make goal

By Mark Grossi - The Fresno Bee
In the Modesto Bee, Thursday, Oct. 19, 2006

The shroud of smog lifted in Stockton and Modesto last year — both cities attained the federal health standard, air officials say.

But the San Joaquin Valley Air Pollution Control District still faces a long fight to clear the air in the rest of the 25,000-square-mile valley by 2013. Stubborn pockets will include Arvin, downwind of Bakersfield, and Parlier, downwind of Fresno, officials said.

The 2013 deadline is all but unattainable, district leaders said, unless the valley gets \$7.5 billion in "incentive money" from government and other funding sources to help replace cars, trucks and other engines throughout the area.

A hefty 60 percent of the smog-related pollution in the valley must be removed, and vehicle engines create the majority of the problem. As people buy new cars and trucks and new smog rules take hold, the air will get cleaner, but not fast enough, district Planning Director Scott Nester said.

"Most of the valley's major cities should have clean air by 2019," Nester said. "But without incentives, it doesn't look like the valley will reach attainment on time."

Officials on Tuesday discussed funding and the clean-air victories in Modesto and Stockton at a workshop on a new plan to clean up ozone, the corrosive gas in smog. Officials asked the public to comment and to come up with ideas to reduce smog.

The district board must approve the plan in the spring to meet a federal deadline. Public comment on the plan is due by Nov. 7. A date has not been scheduled for another workshop.

Ozone triggers lung problems, such as asthma and bronchitis. The valley and the Los Angeles air basin rank as the smoggiest places in the country. Los Angeles had 86 violations of the smog standard this year; and the valley had 85.

Worries arose that the announcement about Stockton and Modesto might divide the valley's effort. The air district will need all cities to be involved in securing the incentive money, said David Lighthall of the Fresno-based Relational Culture Institute, a nonprofit group dedicated to developing grass-roots leaders and voluntary associations in low-income communities in the San Joaquin Valley.

Money sources could include state and federal governments, fees from businesses such as developers, or funds raised from extra fees on car registration. If the district can get the deadline pushed to 2021, the need for incentive money would drop by more than half because more vehicles and engines would have been replaced.

The district has not specified sources for the incentive money, preferring to focus on smog reduction ideas, officials said. But one farming industry representative said incentive money is essential because many growers can't afford to replace equipment.

"The incentive programs are the only way to get there," said Roger Isom of the California Cotton Ginners and Growers Association

Farm advocates concerned about ozone draft plan

By Seth Nidever, Sentinel Reporter
Hanford Sentinel, Wednesday, Oct. 18, 2006

FRESNO - A draft plan to cut San Joaquin Valley ozone pollution by 60 percent has farm advocates worried about its possible effects on the industry.

"It will impact all of our businesses," said Manuel Cunha, president of the Nisei Farmers League, a Fresno-based farm-lobbying group.

Cunha and other farm supporters were on hand Tuesday in Fresno at the San Joaquin Valley Air Pollution Control District's central offices. It was the first public opportunity to weigh in on the draft, which was released Oct. 2. It outlines ways to slash the nitrogen oxide and volatile organic compounds that go into ozone formation.

Kings County Farm Bureau representatives and members did not attend Tuesday's meeting. Ryan Bertao, executive director of the bureau, could not be reached this morning for comment.

Ozone is a colorless gas with negative health effects that chokes Valley air on hot summer days and exacerbates a host of respiratory problems. The reductions are required by the U.S. Environmental Protection Agency under the Clean Air Act.

Farmers will be affected because 78 percent of ozone comes from internal combustion engines. As the district struggles to cut emissions from that source, virtually every piece of moving equipment used in agriculture -- tractors, forklifts, trucks, trains, heavy equipment and harvesters -- will have to meet strong new emissions standards.

To get even close to the goal by 2014, the district estimates it will need \$7.5 billion to pay people to buy new equipment. Cunha said farmers will need help to replace old machines.

"You can't go out and buy a brand new truck. Somebody's going to have to come up with funds," he said.

Dairies are also under regulation because they emit volatile organic compounds. Currently, those with 1,000 cows or more face rules that cover feeding, food storage and manure management.

Smaller dairies could be included under the new ozone plan, according to Tony Barba, Kings County supervisor and appointed local member of the district's board of directors. But dairies themselves represent a relatively small percent of total ozone production compared to gas-powered engines. To get anywhere near their target, district officials will have to replace virtually every old motor vehicle with a new, ultra-efficient version.

Roger Isom, vice president of the California Cotton Ginners and Growers Association, said he wasn't yet certain how ag would be affected. But he said many farmers could not afford to replace old tractors on their own.

"If we do this through an incentive program, it's a win-win," he said.

Isom thanked the district for coming to the conclusion that incentive programs are "the only way to get (to the target)."

But he said the concept of banning ag activity on certain days "is not going to work."

Currently, district rules forbid the burning of ag waste on most days. The new plan holds out the possibility that certain ag activities like pumping water might be restricted during high-pollution periods.

Isom said the industry can live with the ag burn ban but can't tolerate further restrictions on time usage.

"You tell a farmer he can't irrigate between 7 in the morning and 5 in the afternoon, I mean, what are you going to do?" he said.

Public comment on the plan's first draft closes Nov. 7. A final plan is due to the EPA by June 2007.

What you need to know:

You can view the first draft of the ozone reduction plan online at www.valleyair.org/workshops/public_workshops_idx.htm.

To offer comments, send an e-mail to Jessica.Hafer@valleyair.org. The deadline is Nov. 7.

News from the San Joaquin Valley

S.F. Chronicle, Thursday, Oct. 19, 2006

STOCKTON, Calif. (AP) - The San Joaquin Valley has cleared enough from dust and soot from the air in the last three years to meet federal guidelines, according to the Environmental Protection Agency.

The valley, which has ranked as one of the dirtiest air basins in the country, hasn't violated particle pollution limits since 2003, complying with rules that require three years of clean air to meet the standard, the EPA said Tuesday.

Particulate matter is made up of tiny particles of dust, ash and soot less than the width of a human hair and can cause respiratory problems, heart attacks and lung cancer.

"This is a significant achievement in the Valley's ongoing effort to reduce air pollution," said Deborah Jordan, the Air Division director for the EPA's Pacific Southwest region.

The region still needs to reduce smog and other types of pollution, she said.

Environmentalists decried the announcement, saying it was too soon to clear a region still plagued with bad air.

"It's too soon to say there's no problem. This is going to allow them to shift their focus from a problem that still persists," said Sarah Jackson, researcher with Earthjustice. The organization may challenge the EPA in court, she said.

Much of the pollution comes from dusty rural areas not monitored by the EPA, Jackson said.

"It sounds kind of crazy, but if you think of the quantity of agriculture in the valley, you have a lot dirt being turned, a lot of dust being tracked onto the roads," she said. "There are still people out there breathing in dirt."

Pacific Ethanol buys part of firm

Fresno-based company purchases 42% stake in Colorado operation.

By Jeff St. John

The Fresno Bee, Thursday, Oct. 19, 2006

Fresno-based Pacific Ethanol has bought a 42% stake in Colorado ethanol company Front Range Energy LLC for about \$60million in cash and stock, the companies announced Wednesday.

The deal, coming on top of Pacific Ethanol's start of production this week at its first ethanol plant in Madera, will boost the company's production capacity to about 60 million gallons of ethanol per year, Chief Executive Neil Koehler said.

Front Range Energy owns an ethanol plant in Windsor, Colo., capable of making 47 million gallons per year of the corn-based fuel. Pacific Ethanol has managed the Windsor plant and marketed its corn-based ethanol since June.

This week, Pacific Ethanol started production at its \$65 million Madera plant, which can make up to 40 million gallons of ethanol a year.

The acquisition of a 42% minority interest in Front Range Energy "in effect adds approximately 20 million gallons to our annual operating production capacity," Koehler said.

"This represents a significant step in achieving our stated annual production capacity target of 220 million gallons by the middle of 2008 and 420 million gallons by the end of 2010," he said.

Both plants will turn corn into ethanol for sale in their respective regional markets, as well as a wet distillers grain for use as cattle feed, Koehler said. Ethanol is now used as a gasoline additive, and ethanol producers and General Motors are pushing for expanded use of 85% ethanol fuel, called E85, which flex-fuel vehicles can use.

Pacific Ethanol will pay Front Range Energy \$30 million in cash, as well as about 2.1 million shares of Pacific Ethanol common stock with an estimated value of about \$30 million based on the average of the stock's closing prices for the past 10 days, or about \$36 million based on a Tuesday closing price of \$17.28 per share, the company announced Wednesday.

Front Range Energy also received a warrant to purchase about 694,000 shares of common stock any time before Oct. 17, 2007, at an exercise price of \$14.41 per share, the company announced Wednesday.

Shares of Pacific Ethanol, traded under the symbol PEIX on the Nasdaq exchange, closed at \$16.85 Wednesday, down 43 cents from the previous day's close.

Pacific Ethanol will open its second plant in Boardman, Ore., early next year, and also plans to begin construction of three more plants at that time, Koehler said.

Commuter-friendly bosses flood Bay

Local Fortune 500 companies dominate EPA list of businesses with transit benefits

By Erik N. Nelson, STAFF WRITER

Tri-Valley Herald, Thursday, Oct. 19, 2006

The Bay Area is the place to work when it comes to benefits for public transit commuters, according to a list of commuter-friendly employers released Wednesday by the U.S. Environmental Protection Agency.

Seven of the top 11 Fortune 500 companies ranked by the agency are based in the Bay Area — three in Santa Clara, topped by No.1 Intel, with 94 percent of its work force eligible for a generous package of benefits aimed at getting commuters onto buses, trains and ferries and out of their cars.

Locally, the Bay Area's Best Workplaces for Commuters released a list of 179 employers that provide a range of benefits for employees who commute via transit.

"We're very proud of it. We try to offer our employees just about any options they can think of," said Bob Wynne, spokesman for Oracle, which has about 7,000 Bay Area employees working in its headquarters in Redwood Shores and its facility in Pleasanton.

Tied for third place with Mountain View-based Google, Oracle provides a menu of benefits that includes one-third subsidized transit vouchers under the Commuter Check program, van pools that range as far as Vallejo and a shuttle from BART and Caltrain stations. The local list, which is not ranked, is laden with local offices of major corporations and government agencies. But it also includes smaller firms such as

Engage PR in Alameda, which offers stipends for employees who travel farther than the average 45-mile roundtrip, as well as a 50-percent subsidy of public transit costs and even a yet-untapped \$100 or \$200 bonus for employees who purchase a new vehicle that cuts their fuel economy by 25 percent or 50 percent, respectively, Engage Vice President Jeannette Bitz said.

When the agency was formed in 2002, "we decided we need to be sensitive about the environment and the community around us," Bitz said, to say nothing of the need for its young talent to get a hand commuting from places such as Silicon Valley to Alameda.

Another firm on the list, Oakland-based Trust Administrators Inc., is also in the business of coordinating benefits for its employer clients, company President Royce Charney said.

The company has urged employers to move beyond vouchers for commuters to debit cards and even cash reimbursements for employees who turn in transit receipts and used fare cards, Charney said.

Providing such benefits — helped by government tax breaks and other subsidies — is becoming an economic imperative as well as an aid in limiting traffic congestion and air pollution, said Alan Pisarski, one of the nation's top commuting experts.

As Baby Boomers retire, employers will struggle to find and retain skilled employees, said Pisarski, author of the definitive statistical reference released Monday, "Commuting in America III."

"Commuters will be more able to work where they want and live where they want," Pisarski said. "It won't be: 'You have to be here at 8 o'clock in the morning, leave at 5, and if you can't deal with that, to hell with you.'"

Has Diesel Grown on the United States?

By Sholnn Freeman, Washington Post Staff Writer
Washington Post, Thursday, Oct. 19, 2006; D01

Steering the big E320 sedan, Mercedes-Benz engineer Rudolf W. Thom comes around a corner and gently presses down on the accelerator, revealing the faint yet familiar sound of a diesel engine.

"If you compare this diesel to the diesels of the past, can you hear this diesel?" he said. "Can you smell this diesel? It is not like the bad diesels of the past."

The E320 gets 35 miles per gallon, 30 percent better than the comparable gasoline version of the car. Because of favorable tax policies in Europe, diesels have taken off there in the past 15 years, accounting for 50 percent of the new models sold each year. In the United States, development of the market has lagged because of government concerns over what the fuel does to air quality; diesel vehicles make up just 3.2 percent of the market.

The dynamics began to shift this week. On Sunday, the Environmental Protection Agency began requiring refiners and fuel importers to reduce the sulfur content in diesel fuel by 97 percent. The low-sulfur fuel opens the door to a new generation of clean diesel cars, and automakers are moving to bring out more models in the U.S. market.

The change promises to significantly cut air pollution caused by diesel emissions. Regulators say high concentrations of sulfur in the old diesel fuel poison the engine systems that clean exhaust of harmful pollutants. The biggest concern is particulate matter, one of the byproducts of engine combustion, said Margo Oge, director of the EPA's office of transportation and air quality. The particles are a fraction of the size of a human hair. Public health advocates have described the particles as tiny spaceships that dive into the respiratory system when people inhale, damaging the lining of the lungs.

Particles from diesel emissions are classified by the government as a potential carcinogen and are linked to premature deaths, heart attacks to respiratory illness.

Mark MacLeod, director of special projects for Environmental Defense, an advocacy group, said the new EPA rules are expected to prevent about 8,000 premature deaths each year, 1.5 million lost work days and 360,000 asthma attacks.

Detroit automakers have pledged to expand diesel offerings, particularly in pickup trucks. J.D. Power and Associates projects that the diesel share of light-vehicle sales is expected to increase to more than 10 percent by the middle of the next decade from 3.2 percent in 2005. Japanese automakers are also stepping up development of diesel technology.

As U.S. consumers become more sensitive to higher gas prices, German automakers view diesels as their best weapon in the U.S. market to counter strong sales of gas-electric hybrids. They claim a long history of innovation in diesel technology. Mercedes sold large numbers of diesels in the United States in the 1980s. Volkswagen for years has sold diesel versions of its popular cars, including the Jetta and the Beetle.

In this country, automakers have shied away from diesels since the early 1980s. GM produced a diesel engine during that decade that was used throughout its lineup. But auto analysts say the engine had problems with piston rings and cylinder combustion. The cars were smoky, loud and slow. Some diesels wouldn't start in cold weather. Mercedes models of that era also are remembered as being slow and noisy, helping cause consumers to sour on diesel technology.

"Consequently, all the Big Three have been afraid to do diesel," said Casey Selecman, manager of North American powertrain forecasts at CSM Worldwide. "They believe the American public still sees diesels that way. Now they have this great competency in Europe. All the things that plagued the diesels in the early '80s are now gone."

At Mercedes, marketers have developed the name Bluetec for the company's diesel engines in the United States to try to cleanse them of persistent negative perceptions. The company said other German automakers may use the name to sell diesel technology.

"We have to make a mind-set change because the diesel name is damaged," Thom said.

10 million people paying price for pollution

Of world cities struggling with contaminants, Chernobyl ranks only ninth on stunning list

By Tracee Herbaugh, Associated Press

In the Washington Post, SF Chronicle and Tri-Valley Herald, Wednesday and Thursday, Oct. 18-19, 2006

NEW YORK — More than 10 million people are at risk for lung infection, cancer and shortened life expectancy because they live in the 10 worst-polluted cities in the world, according to a report issued Wednesday.

The report published by the Blacksmith Institute, an international environmental research group, lists 10 cities in eight countries where pollution poses health risks and fosters poverty.

"Living in a town with serious pollution is like living under a death sentence," the report said. "If the damage does not come from immediate poisoning, then cancers, lung infections, mental retardation, are likely outcomes."

These countries generally have few or inadequate pollution controls, and the problem is compounded by the local governments' "lack of knowledge" and the inability of citizens to enforce justice.

Three Russian cities are among the most polluted — Dzherzhinsk, Norilsk and Rudnaya Pristan. The other cities are Linfen, China; Haina, Dominican Republic; Ranipet, India; Mayлуу-Suu, Kyrgyzstan; La Oroya, Peru; Chernobyl, Ukraine; and Kabwe, Zambia.

According to the report the cities are reminders of an early industrial era, with most pollution stemming from relics such as unregulated lead and coal mines or unrefined nuclear weapons manufacturing plants.

In Chernobyl, the report estimates 5.5 million people are still threatened by radioactive material that continues to seep into groundwater and soil 20 years after the nuclear power plant exploded there.

Residents of Linfen, which is in the heart of China's coal-producing Shanxi province, suffer from bronchitis, pneumonia and lung cancer because of the poor air quality.

And according to the report, the 300,000 people in Dzhherzhinsk, a chemical weapons manufacturing site during the Cold War era, have a life expectancy about "half that of the richest nations," about 42 years for men, and about 47 for women.

Richard Fuller, director and founder of the Blacksmith Institute said the report was intended to shed light on the problem as well as the solutions.

"The good news is we have known technologies and proven strategies for eliminating a lot of this pollution," he said.

The report was compiled over seven years by a team of environmental and health experts, including faculty from Johns Hopkins University, Mount Sinai Medical Center and the City University of New York.

The top 10 list was compiled from more than 300 areas nominated by non-governmental agencies, local communities and international environmental authorities. The list of criteria included the size of the affected population, severity of the toxins involved and reliable evidence of health impacts.

Dave Hanrahan, Blacksmith Institute's chief of global operations, said some solutions to these problems could be as simple as reducing dust levels and removing contaminated soil.

"The most important thing is to achieve some practical progress in dealing with these polluted places," he said. "There is a lot of good work being done in understanding the problems and identifying possible approaches."

2006 VOTE

Initiative would put the squeeze on smokers

By James P. Sweeney, COPLEY NEWS SERVICE

Published in the San Diego Union-Tribune, Thursday, Oct. 19, 2006

SACRAMENTO - California's growing majority of nonsmokers has been easily persuaded in the past to raise taxes on tobacco products -- first by 25 cents a pack in 1988 and then by another 50 cents in 1998.

Proposition 86 would boost the tobacco tax again, but it may test the bounds of what voters are willing to do to smokers, a dwindling minority that has slipped to just 14 percent -- one in seven -- of the state's adults.

The initiative would raise the tax 300 percent, from 87 cents to \$3.47 a pack, the highest such tax in the nation and one that could push the price of cigarettes to nearly \$7 a pack. Supporters say the steep increase would pay lifesaving dividends for smokers who would have a strong incentive to quit and thousands of others who would receive improved health services.

"We would save . . . 300,000 lives" among teens who choose not to smoke and adults who quit, said Dr. Charlie Shaeffer, a Rancho Mirage cardiologist with the American Heart Association.

That doesn't include 750,000 children who would receive health insurance or those who depend on hospital emergency services, which would receive the largest share of \$2.1 billion projected annually from the measure.

Nonetheless, tobacco companies defending their biggest U.S. market say it's unjust to impose such a tax increase on a legal product used by a distinct minority.

"Smokers are being asked to pay billions of dollars for programs that benefit everybody," said Craig Fishel of R.J. Reynolds Tobacco Co. "Is that fair?"

"It's a voluntary tax," said Paul Knepprath of the American Lung Association. "We're hoping people are going to quit smoking."

Proposition 86 would increase the excise tax on a pack of cigarettes by \$2.60, and with the state's sales tax tacking on another 20 cents, that would add 14 cents to the price of each cigarette.

If the initiative passes, a pack-a-day smoker would pay nearly \$1,263 a year in tobacco taxes. A two-pack-a-day smoker would pay \$2,526 a year, more than some homeowners pay in property taxes. The

average annual residential property tax bill was \$2,580 in fiscal 2004-05, according to the state Board of Equalization.

But the initiative's backers say smoking costs California \$16 billion a year in direct and indirect health care costs, lost productivity and societal impacts.

Both sides have dumped nearly \$90 million into the campaign, with the nation's two largest cigarette makers setting the pace. Philip Morris USA has put up \$45.4 million, followed by R.J. Reynolds at \$24 million. Supporters of the initiative have raised \$14.8 million. The measure's primary sponsor, the California Hospital Association, has given \$10.7 million and the American Cancer Society \$2.5 million.

With the tobacco industry easily outspending proponents, support for Proposition 86 has slipped from 63 percent in July to 53 percent in late September, according to a pair of Field polls.

Proposition 86 is a compromise between hospitals and public health groups that wanted more money for their assorted programs and coverage for an estimated 10 percent of California's children without health insurance.

The hospitals and public health groups initially sponsored separate initiatives, each seeking a tax increase of \$1.50 a pack. The rival measures were abandoned after intense negotiations in which both groups trimmed their financial targets and agreed to pursue a single hike of \$2.60 a pack in Proposition 86.

At the time, backers said polling showed the public would support an even larger increase if they were persuaded it would prevent teens from smoking and help smokers quit.

The nonpartisan Legislative Analyst's Office estimates the initiative would drive down consumption by 30 percent. That's about 350 million packs of cigarettes a year, said David Vasche of the analyst's office.

The state Department of Health Services, which has taken no position on the initiative, projected a 26 percent decline in cigarette consumption. In addition to those who quit, that decline would include smokers who cut back and those who start buying cigarettes over the Internet, out of state or from illegal sources.

State health officials estimate the tax increase would push the adult smoking rate down to about 12 percent in the first year alone. The measure could have the greatest effect on middle and high school students, who might not start smoking because of the added expense.

Reversing a steady decline, California's youth smoking rates climbed more than two points this year to 15.4 percent for high school students -- higher than the adult smoking rate - and by more than a third to 6.1 percent for those in middle school.

In the negotiations that produced Proposition 86, the hospitals and public health groups agreed to a permanent revenue split. The money would be appropriated automatically, outside the Legislature's budget process, according to fixed percentages. As a constitutional amendment, it requires a two-thirds vote and, in some cases, a four-fifths majority of the Legislature to alter the funding allocation.

Based on projected annual revenue of \$2.1 billion, the Legislative Analyst's Office estimated the formula would deliver \$756 million to hospitals for emergency and trauma care; \$367 million to expand children's health coverage; \$91 million for nursing education programs; and lesser amounts for other purposes including cancer research, anti-smoking campaigns and efforts to control obesity, diabetes and asthma.

Emergency rooms are required by law to treat those who come through their doors, regardless of their ability to pay. The resulting financial pressures have contributed to more than 70 hospital closures in California over the past decade.

"Emergency rooms are on the front lines of treating patients with smoking-related illnesses," said Jan Emerson of the hospital association, the primary sponsor of the initiative. "The monies hospitals will receive from Proposition 86 will go specifically to shore up emergency departments across the state."

The revenue, however, will drop off as cigarette sales and the number of smokers dwindle. That has drawn a warning from critics, who say the measure will tie a declining revenue source to one of the fastest-growing segments of the state budget -- health care.

"Taken together, this could drive in the first year a funding gap of up to \$1.5 billion and that's going to grow larger and larger," said Donna Arduin, a former state finance director working for the opposition.

The initiative also provides an antitrust exemption that opponents say would allow hospitals to divide markets and fix prices for specialty and other services.

Such a tax increase would likely attract criminal activity, opponents warn.

"One hijacked truck can bring in \$2 million," said San Diego sheriff's Lt. Ron Cottingham, president of the 60,000-member Peace Officers Research Association of California.

[Visalia Times-Delta, Editorial, Thursday, Oct. 19, 2006:](#)

Prop. 90, a wolf in sheep's clothing

Proposition 90, which would restrict government from using eminent domain condemnation proceedings to acquire private property, sounds righteous.

Unfortunately, that is only the pretty tip of the iceberg to Proposition 90. The dangerous part is what lies beneath, which would severely restrict government decisions about land use, environmental regulation and public policy, and make any deal for property so expensive it would likely be prohibitive.

We recommend a vote against Proposition 90.

In the most publicized aspect of the proposition, Prop 90 would prevent government from taking property for any other reason but one deemed necessary for the public health and safety and could not condemn property for any private use, regardless. The measure was considered a response to the 2005 Kelo decision by the Supreme Court that allowed a Connecticut city to take private property by eminent domain so that private developers could build a fancy resort on the site.

Unfortunately, there is a lot more to Proposition 90 that would unnecessarily hamper government's ability to make decisions about land use, among other things.

First, a major provision of Proposition 90 is that it would radically change how government compensates a private property owner for land that is condemned. Currently, private property owners must be compensated by what is known as just compensation, which is usually interpreted to mean fair market value. Under Proposition 90, however, the property owner must be compensated according to the property's value at its highest and best use.

There is some question about how courts would interpret this, but they might mean that property owners could dictate their price to a government agency seeking to acquire their land, according to the property's potential for profit.

This would obviously make acquisition of property by government for any use more expensive. It would also have a chilling effect on any government action. The Legislative Analyst doesn't put a figure on it, but said that all kinds of government acquisition of property would become more expensive.

Proposition 90 has another provision that is really scary: It would require government to compensate private property owners any time they take an action —by regulation, rule, ordinance or statute —that would reduce the value of private property, as defined by the property owner. That would include, for instance, rules that would limit development on a homeowner's property; rules that require industries to change operations to limit pollution; or an ordinance to regulate apartment rents.

This would seriously hamper local government's ability to enforce environmental regulation. At best, it would make environmental protection very expensive.

Proposition 90 also pretty much takes the property owner's word for the potential value of a property improvement or development.

There might be abuses in the system of condemning property for public use (and that is a very big issue around here, with so much potential for expansion onto what is virtually all privately owned farmland), but this provision puts all the cards in the hands of the property owners. Most small private property owners

won't benefit that much. But large corporations and developers would just love to see this proposition adopted.

Opposing 90 are almost every environmental organization in the state, chambers of commerce, and all the big farm groups (Farm Bureau, Farmland Trust) and water groups. Locally, Sequoia Riverlands Trust is very much against 90 because it would seriously curtail its ability to acquire land for conservation or preservation, as is the Visalia Chamber of Commerce.

Proposition 90 comes across as protection for the small property owner and reform of an unjust system. It would actually create a system in which we all pay dearly.

Vote against Proposition 90.

[Orange County Register, Commentary, Thursday, Oct. 19, 2006:](#)

Safety

Inspection can stop chimney blazes

CINDY CARCAMO, Register Columnist

Q. I want to make sure my fireplace is safe to use for this winter. Any advice?

A. Though Southern Californians may use their fireplaces less often than others, weather and usage can add up, said Steve Lovsteen, owner of Oliver Twist Chimney Sweep, based in Huntington Beach.

"After using it over 10, 20, 40 years, it's time for an inspection," Lovsteen said.

Soot and creosote - a flammable product left behind by unburned wood - builds up and can cause a tremendous 2,000 degree fire that can spread through a structure, possibly destroying your home.

Lovsteen, who also inspects fire causes for some insurance companies, said he sees at least a dozen chimney-caused fires a year.

"It's so easily avoidable," he said.

A good way to know whether you're due for a cleaning is to get down on your hands and knees, armed with a flashlight and look up the fireplace. Poke the smoke chamber with a poker, Lovsteen said. If you have more than an inch and half of stuff that looks like coffee-grinds you are due for a cleaning.

Don't clean out the soot yourself. You could make a horrible mess so it's best to leave it to the professionals, he added.

It's best to hire a certified inspector, Lovsteen said, because he or she will know to look for cracks, loose bricks and other blaze triggers.

Chimney Safety Institute of America recommends homeowners schedule a fireplace checkup every year.

You can visit the agency's Web site: www.csia.org.

There, you can also find certified chimney sweepers and inspectors in your area.

[Visalia Times-Delta, Letter to the Editor, Thursday, Oct. 19, 2006:](#)

Measure R would improve public transit

There have been questions regarding what impact Measure R, the countywide transportation initiative on the November ballot, would have on transit. This initiative would provide additional funding for streets, roads as well as other forms of transportation such as public transit.

In addition to enhancing public transit in other communities in Tulare County, if Measure R passes, it will provide more than \$680,000 a year to enhance Visalia City Coach transit services.

More than 1.5 million people from Exeter, Farmersville, Goshen and Visalia will use the City Coach system this year. With increased service, we expect those numbers would increase, thereby [improving air quality](#), reducing traffic congestion, limiting the need for additional parking and providing more options for the disabled, students and others who choose to use transit.

For more information on Measure R and the expenditure plan, visit the Tulare County Association of Government's Web site at www.tularecog.org/.

MONTY COX
Transit Manager, City of Visalia

[Letter to the Fresno Bee, Tuesday, Oct. 17, 2006:](#)

'A reasonable balance'

I thank The Bee for supporting the Measure C proposal to be voted on Nov. 7. I also thank The Bee for opening its pages to those with opposing views.

As a member of the Steering Committee responsible for developing the measure, I believe we struck a reasonable balance between the wide variety of interests around the negotiating table.

This view is reinforced when I read the Stephen Sacks letter [Oct. 11] claiming there is virtually nothing in the proposal for public transportation and everything is geared to more highway building, and the position taken by the Clovis Chamber of Commerce that there is too much in the proposal for public transportation and virtually nothing for highway construction, particularly roads leading to Clovis.

In addition to offsetting each other as assessments of the Measure C proposal, both positions ignore the major funding for local road repair and transportation needs. This was an area stressed by the public in several surveys and put forth by local city representatives participating in the negotiating process.

Our goal was to help improve [air quality](#) and avoid further traffic congestion.

*Ed Eames, Ph.D., chair
Fresno Americans with Disabilities Act Advisory Council*