

## **SJ Valley air officials want fewer days of fireplace use**

The Associated Press

Contra Costa Times, S.F. Chronicle, Monday, March 17, 2008

FRESNO, Calif.—San Joaquin Valley air officials are seeking to triple the number of days residents in the most polluted counties are banned from burning wood in their fireplaces.

Officials say increasing the number of no-burn days will help bring the region in line with federal standards for fine particle pollution. The microscopic specks of soot and dust have been linked to asthma, heart disease and early death.

Some residents who use their fireplaces to warm their homes are opposing the plan, which would ban burning on 25 to 30 percent of the days—up from about 10 percent—from November to the end of February.

The district will take public comment on the stricter fireplace rule next month.

## **West Coast dockworkers, shipping lines start early contract talks**

By Ryan Nakashima, AP Business Writer

In the Merced Sun-Star, Contra Costa Times and other papers, Monday, March 17, 2008

LOS ANGELES—The West Coast dockworkers union sat down Monday with the association representing giant shipping companies for early contract talks aimed at avoiding a replay of a damaging 10-day lockout in 2002.

The initial meeting took place in San Francisco between the heads of the International Longshore and Warehouse Union, which has 14,800 registered members, and the Pacific Maritime Association, representing 72 shipping companies.

The talks cover a contract that expires July 1 and would apply to workers at 29 West Coast ports from San Diego to Bellingham, Wash.

Those ports handled 16 million cargo containers last year and accounted for an annual domestic impact of \$1.2 trillion, about 11 percent of the U.S. gross domestic product, the association said.

"Both sides recognize that the ports are really an economic engine for the U.S.," said Pacific Maritime Association spokesman Steve Getzug. "There's optimism in beginning the talks early that there can be an agreement reached without disruptions."

A port shutdown would be another blow to the already teetering national economy.

"One of the things about dock strikes or lockouts, as opposed to most other industries, is you get very dramatic economic effects very quickly," said Daniel Mitchell, professor of management and public policy at the University of California, Los Angeles.

"The leverage the union has been able to assert over the years hasn't gone away," he said.

Talks usually start 60 days before the expiration of the contract. But this year, the negotiations are starting more than 100 days out, Getzug said.

"Right now, we're going into the negotiation with the best of faith," said union spokesman John Showalter, adding relations between the groups have been cordial in the last year.

The association said it was seeking productivity increases from dockworkers through shift adjustments and technology upgrades. The union is seeking better safety standards, air pollution regulations and increased compensation.

A dispute over a six-year contract in 2002 prompted a 10-day lockout and shutdown of the ports, which led President Bush to intervene, forcing the ports to reopen and imposing an 80-day cooling-off period. The lockout caused \$15.6 billion in losses, the shipping association said.

The shipping association said the average full-time dockworker made \$136,000 in 2007, not including generous health care benefits. The union disputes that figure.

Only 10,000 of the 25,000 workers covered by the current contract worked full-time or more hours, the union said.

Some 7,400 full-time longshore workers averaged \$101,000 a year, while about 700 foremen averaged \$186,500, the union said. About 1,800 clerks averaged \$129,000 a year.

"The bulk of the industry works on part-time, lower-paid employees," union communications director Craig Merrilees said.

## **Oakland Port to take up diesel emissions**

By George Raine, staff writer  
S.F. Chronicle, Tuesday, March 18, 2008

Commissioners of the Port of Oakland will consider a set of goals today that are intended to reduce diesel emissions in West Oakland by 85 percent over the next 12 years.

The plan includes a road map for raising \$520 million over several years. Approximately \$350 million would come from per-container fees that would be assessed on ocean carriers along with matching government funds. The remaining \$170 million would come from bonds approved by California voters in November 2006.

Along with other pollution mitigation, the money would be used to replace or retrofit approximately 1,900 older polluting diesel trucks and to rebuild the Seventh Street rail crossings at the heart of the port.

The neighborhood has long had disproportionately high rates of asthma and other health problems among residents or workers associated with diesel particulate matter from port activities as well as from nonport harbor craft and nonport-related trucks and buses.

The possibility of container fees and a proposal to restructure the harbor trucking industry sets up a struggle with port customers and probably will mean litigation.

Late Monday, 54 companies, including Gap Inc., Levi Strauss. J.C. Penney and Target Corp., as well as trade associations, wrote Oakland Mayor Ronald Dellums saying the proposals violate state and federal law and impose an unfair burden on those moving goods by container.

Litigation almost certainly would put the brakes on a timetable for pollution mitigation the port staff members say they would like to start as soon as possible because of health risks.

Even more attention is expected to be raised about pollution in the neighborhood on Wednesday evening, when the California Air Resources Board releases a preliminary health risk assessment of West Oakland stemming from diesel particulate matter.

The report will be presented at a meeting from 6:30-8:30 p.m. at the West Oakland Senior Center, 1724 Adeline St., Oakland.

"We have identified the issue and we feel that time is of the essence," said Richard Sinkoff, acting director of the Port of Oakland's Environmental Planning Department. "It is of the essence, practically, because there is a round of funding that we have to go after, and we don't feel that is good public policy on the part of the port to delay any measures that would limit exposure" to diesel particulate matter, he said.

The Port of Oakland has for years been under pressure to control emissions and shares a burden with the ports in Los Angeles and Long Beach for being associated with the 1,200 premature deaths statewide per year that the California Air Resources Board attributed to movement of goods.

"We realize there are many sides to the issue," Sinkoff said. "The port staff is proposing this because we feel it is really solid public policy and that the port is ready to make this kind of commitment to improve public health."

Diane Bailey, a scientist with the Natural Resources Defense Council in San Francisco who is often at odds with the port, said she applauded the effort to contain truck pollution. "That is squarely a priority," she said. "It is a priority in terms of getting the system under control."

Bailey and other advocates support a proposal to make truck drivers working the port, who are independent contractors, employees of trucking companies. As such, they could be organized by the Brotherhood of Teamsters, long a labor goal.

Commissioners will not be taking up that matter today because port staff hasn't made a recommendation on the idea, which is going forward at the ports of Long Beach and Los Angeles.

They will, however, be hearing from opponents of container fees and other elements of the plan, including the proposed change in driver status, which critics say would raise costs, limit competition and hamper operating capacity, which have a limited impact on environmental quality.

The Pacific Merchant Shipping Association, which represents the ocean carriers and terminal operators that are tenants of the West Coast ports, urged commissioners in a letter Monday to be cautious about imposing container fees due to competition with other ports.

John McLaurin, the president of the trade association, said no matter what happens at the three major West Coast ports, litigation is likely over container fees being imposed by the Port of Long Beach and the Port of Los Angeles, and over a bill proposed by state Sen. Alan Lowenthal, D-Long Beach, that would raise container fees that would go into the state treasury. Gov. Arnold Schwarzenegger vetoed a similar bill by Lowenthal two years ago.

In a statement, Oakland Port Commission President Anthony Batarse said, "Reducing pollution is vital to the health of our neighbors and our region. Air pollution comes from many sources in the Bay Area and we want to express our commitment to doing our part to help reduce diesel pollution from port-related activities."

## **U.S. Steel, county reach emissions settlement**

The Associated Press

In the Contra Costa Times, Monday, March 17, 2008

PITTSBURGH—United States Steel Corp. has reached a deal with the Allegheny County Health Department to correct air pollution violations at two plants.

Under the deal, U.S. Steel will reduce emissions at the Clairton Coke Works and the Edgar Thompson Works in Braddock, the health department said in a statement.

The Pittsburgh-based steel maker has agreed to pay a penalty of \$301,800 for past violations. It has also agreed to pay penalties of between \$500 and \$2,000 per day should it miss deadlines for taking corrective actions.

At the Clairton plant, nine of the 12 coke batteries will undergo comprehensive repairs and maintenance.

Coke is a fuel used in steel production. It is made by baking coal in large ovens to remove impurities, a process known to cause air pollution.

In December, U.S. Steel proposed a \$1 billion plan to upgrade the Clairton facility, the country's largest coke-making facility. The new technology will reduce environmental emissions.

## Lawmakers probe EPA conflicts

By H. JOSEF HEBERT Associated Press Writer

In the Modesto Bee, Sacramento Bee, Monday, March 17, 2008

WASHINGTON -- A House committee opened an investigation Monday into potential conflicts of interest in scientific panels that advise the Environmental Protection Agency.

The House Energy and Commerce Committee cited the case of eight scientists who were consultants or members of EPA science advisory panels assessing the human health effects of toxic chemicals while getting research support from the chemical industry on the same chemicals they were examining.

In two cases, EPA advisers were employed by companies that made or worked with manufacturers of the chemicals being evaluated, the committee said.

Rep. John Dingell, D-Mich., the committee's chairman, said such conflicts appear to be in stark contrast to EPA's decision last summer to remove a public health scientist and expert in toxicology, from a panel examining the health impacts of a flame retardant because of critical comments she made about the chemical.

The American Chemistry Council, the industry trade group, had called for the removal of Deborah Rice, a toxicologist from Maine, as chairman of an independent EPA panel assessing the health risks from "deca", a flame retardant in electronic equipment, after she urged the Maine state legislature to ban the chemical.

"The routine use of chemical industry employees and representatives in EPA's scientific review process, together with EPA's dismissal of Dr. Rice raises serious questions with regard to EPA's conflict of interest rules and their application," said Dingell in a letter Monday to EPA Administrator Stephen Johnson.

Rice, an employee of Maine's Department of Health and Human Services, was never alleged to have any monetary interest associated with deca and her dismissal "seems to argue that scientific expertise ... is a basis for disqualification," the letter continued.

"We will be reviewing the letter and we will respond appropriately," said EPA spokesman Timothy Lyons.

The letter, also signed by Rep. Bart Stupak, D-Mich., chairman of the committee's investigations subcommittee, demanded documents related to Rice's ouster, as well as records related the appointment of scientists with chemical industry ties.

Rice's removal, as chairman of the deca chemical review board "does not seem sensible on its face" given the EPA's acceptance of scientists with ties to the chemical industry and even to companies who make the chemicals being reviewed, the congressmen wrote.

Among the appointments questioned:

- An employee of Exxon Mobil Corp., who served on an expert panel assessing the cancer-causing potential of ethylene oxide, a chemical also made by Exxon Mobil.
- A participant in a panel examining the risk to humans from a widely used octane enhancer in gasoline, who was employed by an engineering company working with makers of the chemical and major oil and chemical companies.
- A scientist who served on a panel examining the health impacts of ethylene oxide, a component in various industrial chemicals, who received research support from Dow Agro, one of the chemicals' manufacturers.

The House committee questioned a case where a consultant to an EPA review panel, promoted his research on a chemical while he also prepared the chemical industry's public comments on the cancer-causing potential of the same chemical. Also cited was a case where a scientist who, while a consultant to an EPA review panel, promoted his own industry-supported research arguing the chemical was not a carcinogen.

In light of Rice's removal, Dingell and Stupak asked the EPA about the appointment of a Harvard University epidemiologist to a recently convened panel reviewing the possible cancer risk from acrylamide, an industrial chemical used as a thickener but also found in some foods. They said that the epidemiologist on a number of occasions has said the exposure to acrylamide through food does not appear to pose a cancer risk.

The examples cited by the House committee were included in a report last month by the Environmental Working Group, a Washington-based advocacy group, that said its investigation found that among seven external EPA review panels, it found 17 reviewers with potential conflicts of interest.

## **Beijing's air poses potential risk for Olympians**

By Janice Lloyd, USA TODAY  
Tuesday, March 18, 2008

Air quality is a potential risk for endurance athletes who compete outside this summer at the Beijing Olympics, the top medical officer for the International Olympic Committee said Monday.

Arne Ljungqvist, stressing that most Olympians will not be affected and that air quality is better than he expected, based his findings on studies done by a Beijing group of scientists in August. The period mirrors the Olympics, during which time local organizers have announced plans to close industries and clear roads of traffic that make Beijing one of world's most polluted cities.

The IOC report follows news stories criticizing conditions that could force athletes to wear masks and a recent decision by the world's top marathoner to skip that event in Beijing. Ethiopia's Haile Gebrselassie, who suffers from asthma, defended his decision to Efe news agency Monday: "I was in the city in August. ...It's going to be the hardest marathon in history."

Gebrselassie's choice was private, said Ljungqvist. "I would not say his example should be a golden standard for others."

David Martin, who developed strategies for two marathoners who ended the USA's 20-year medal drought in Athens, remains hopeful: "The marathon was invented for the Games. China wants this to be a success."

Air quality will be monitored daily during the Games, according to Ljungqvist, and a B plan for events will be ready. He ruled out a need for face masks. The British Olympic Committee said last week its team will go maskless.

Darryl Seibel, spokesman for the United States Olympic Committee said Monday: "So long as it is within the rules, we would never prohibit an athlete from doing something that he or she thought was important for their health."

Other outdoor endurance events are cycling, triathlon and marathon swimming. Ljungqvist added that the air quality could jeopardize world-record performances.

[Fresno Bee editorial, Tuesday, March 18, 2008:](#)

### **Put a damper on wood fires**

**It's a necessary sacrifice toward goal of cleaner air in our Valley.**

Valley residents already have curbs on their ability to burn wood in their fireplaces, and things will get even tighter if the region's air district adopts stiffer rules. It's a shame in many ways, but clamping down on wood burning is a necessary step toward cleaner air in the Valley.

The problem is particulate matter, specifically the tiny specks known as PM-2.5. The soot and ash from wood-burning fireplaces and stoves are a major contributor to the problem.

And it's a very serious problem. The tiny particles can penetrate deep into human lungs, and cause lung disease, heart problems and premature death. Children and the elderly are especially vulnerable.

That's why the San Joaquin Valley Air Pollution Control District first wrote rules five years ago to limit wood burning on the worst winter days for air quality. The rules were the first in the state, but similar bans have since been adopted by other jurisdictions, including the Sacramento and South Coast air basins.

Now the air district wants to get even stricter. Under the current rules, wood burning is banned on those days when the the air-quality index, a forecast based on temperature, moisture, wind, pollution and other factors, is predicted to exceed 150. That amounts to about 10% of the days between November and February each year.

The new standard would ban burning in any county where actual air pollution is forecast at higher than healthy levels. That would have the effect of putting a ban into place on 25% to 30% of the days in the control period.

The Sacramento Air Quality Management District put such a rule in place late last year. A new rule here would have to follow extensive hearings, and probably wouldn't be in place before 2009.

Banning the use of wood-burning fireplaces on certain days was a major element in the Valley's success at meeting federal standards for PM-10, coarser particles than the microscopic PM-2.5. But the standards are tougher and tougher to meet, meaning we have to do more and more to clean the Valley's air.

A ban on wood burning is a hardship for some people, who have no other means of heating their homes. They have largely been excused from the rules to this point. A better solution is to find ways to heat those homes with cleaner sources of energy.

Many people burn wood for esthetic purposes, simply because a warm, cozy fire is such a delight on a cold winter's day. But allowing the air to be polluted by wood smoke, especially on days that are already bad, affects many more people. That's why the rules must be tightened.

Fireplaces are not the only source of particulate matter, to be sure. Dairies, cars and trucks, for instance, contribute their own debilitating share, when ammonia from dairies combines with nitrogen oxides from vehicle emissions. Efforts are under way to better control those sources, as well.

We have known all along that cleaning up the Valley's air wouldn't be easy. Nor is it a task that falls only on some of us. Everyone must contribute in multiple ways, and that means making changes in the way we live our lives. If giving up that cozy fire is one of them, so be it. It's really a small price to pay for longer, healthier lives.

[N.Y. Times editorial, Monday, March 17, 2008:](#)

### **Science at Risk**

Nobody was greatly surprised last week when Stephen Johnson, the administrator of the Environmental Protection Agency, proposed new limits on smog-forming pollutants that were weaker than those his scientists had recommended — and more to the liking of industry. In the Bush administration, contests between politics and science are usually resolved in favor of politics.

The big surprise was Mr. Johnson's proposal to rewrite the Clean Air Act to allow regulators to take costs into account when setting air quality standards. Since this would permanently devalue

the role of science while strengthening the hand of industry, the proposal has no chance of success in a Democratic Congress.

It was, though, a revelatory moment: one last cry of frustration from an administration that, despite great effort, and persistent lashings from Vice President Dick Cheney, has been largely unsuccessful in undoing three decades of environmental law.

Mr. Johnson's proposal would cut to the very heart of the Clean Air Act. As written in 1970, the act imposes one overriding obligation on the E.P.A. administrator: to establish air quality standards "requisite to protect the public health" with "an adequate margin of safety." Economic considerations — costs and benefits — can be taken into account in figuring out a reasonable timetable for achieving the standards. But only science can shape the standards themselves.

Congress wrote the law this way because it believed that air quality standards must be based on rigorous scientific study alone and that science would be the sure loser unless insulated from special interests. In 2001, in response to industry challenges, the Supreme Court unanimously reaffirmed the law's bedrock principles.

The law gives the administrator latitude in setting the standards, and no administrator is deaf to outside voices. In 1997, the E.P.A. administrator Carol Browner imposed tough standards for smog and soot that reflected the scientific consensus. In 2006, Mr. Johnson further tightened the soot standards and, last week, he tightened the ozone standards.

His improvements, however, were relatively modest, and in both cases he rejected stronger recommendations from his Clean Air Scientific Advisory Committee, a group of outside experts. And he could not have been unmindful of constant whining from antiregulatory hard-liners at the Office of Management and Budget.

Ozone has a direct impact on the rates of heart and respiratory disease. The present standard, expressed in terms of average concentrations at ground level, is 84 parts per billion; Mr. Johnson would lower that to 75, while the advisory panel recommended 60 to 70 parts per billion. The difference of a few points could prevent several thousand premature deaths.

Mr. Johnson hailed his standard as the "most health-protective" in the nation's history. Technically, he was right. But if his proposed changes in the Clean Air Act ever became reality he could well be the last administrator to be able to make that claim.