

Pollution report on schools concerns Berkeley

By Chip Johnson

S.F. Chronicle, Tuesday, December 16, 2008

In the environmentally conscious Bay Area, concerns about poor air quality - or a toxic emergency - are usually associated with the oil refineries just up the East Bay shoreline in the industrial cities of Richmond, Rodeo and Martinez.

So it came as a shock last week when USA Today published a report that included three Berkeley schools in the top 1 percent among the nation's most at-risk sites for exposure to toxic air emissions.

The national newspaper identified Black Pine Circle School, Via Center and Nihaus School among the worst 400 sites in an eight-month study that looked at more than 127,000 schools nationwide. Oddly enough, the Rosa Parks Elementary School, which sits next door to Black Pine, was listed in the nation's 6th percentile group.

While some dispute the newspaper's findings, the report has caused a stir.

Just about everybody knows there are special rules of conduct in every city - institutions, legends and things held close to the heart. Bay Area burgs are no different.

If you have a problem with gays, San Francisco is probably not the place to voice your displeasure. In Oakland, criticizing the mayor is fine, but don't bad-mouth the Raiders, never mind the disappointment and despair of another lost season.

And in the Nuclear Free City, if you talk about the city's environmental practices, you must be looking for a fight.

In addition to rankling a few official sources, the newspaper report rekindled a grudge more than 25 years old between the nation's No. 4 steel manufacturer and the nation's No. 1 environmentally conscious community.

Citizens in Berkeley have used this opportunity to talk about their "dirty little secret" and to single out Pacific Steel Castings, Inc., as the community's chief polluter. The company, which sits on Second Street, is a homegrown business that has operated in West Berkeley for more than 70 years.

Elisabeth Jewel, spokeswoman for Pacific Steel Castings, said the company took issue with the newspaper's findings and pointed out that with West Berkeley's proximity to one of nation's busiest freeways and other industrial plants in the area, it is irresponsible to blame one source.

The EPA report used as the basis for the article is not data used to report emissions at any level of government, said Lisa Fasano, a spokeswoman for the Bay Area Air Quality Management District. "It erroneously reported emissions data that are actually not quantified or verified by the EPA," Fasano said.

The district's air quality monitoring has identified parts of east and west Oakland, areas near the Port of Oakland and refinery operations in Richmond as areas most at-risk.

Jewel dismissed outright any findings reached through community testing efforts as amateurish.

"It's frustrating from our perspective because there is no basis in science whatsoever," she said.

But soon there will be more solid emissions data. Seven months ago the Bay Area Air Quality Management District installed monitoring equipment two blocks from the plant.

"They asked for it and they got it - not community members with test kits," Jewel said.

In Berkeley, environmental issues are the meat and potatoes of political life and no one knows that better than the city's mayor, Tom Bates. Bates is a sitting director on the board of the air quality district and led the charge to sue to save a grove of trees threatened by expansion on the UC Berkeley campus.

But there are residents and community groups in Berkeley and the East Bay who believe the newspaper report, which focused on areas in or near school sites, has merit and should be investigated further.

With a grant provided by the air quality district, Denny Larson, the executive director of Global Community Monitor, conducted tests near the plant last summer. He found that Berkeley has failed to hold the steel manufacturer to the community standard.

"It's the greenest city on earth, with a dirty little toxic secret," he said of the city's relationship with the plant. "Most people think they are being protected by the EPA, and when they send their kids to school they aren't worrying about air quality, and certainly not in places like Berkeley. It's both scary and laughable because the city has not applied its green energy principles when it comes to Pacific Steel Castings."

The newspaper article has already spurred some residents to act, and immediately strengthened the Healthy Air Coalition - a community group rekindled from the bones of several groups gathered to address plant operations over the years.

Neighborhood resident Robin Harley, who has one child and is pregnant, said the smell from the plant has always been a concern but she contacted the group because of worries about heavy metals being released.

Carrie Wilson, who lives four blocks from the plant, said she lives in the toxic footprint identified in the tests conducted by Larson's group last summer. Her 3-year-old daughter suffers from asthma and she said doctors believe it's been triggered by particulate matter in the air.

"I never thought I would leave Berkeley to go back to Bush's state for cleaner air," said the Texas native. "But I'm thinking about it."

Judge rules in favor of Pacific Steel Casting

By Kristin Bender - Oakland Tribune

In the Tri-Valley Herald, Tuesday, December 16, 2008

OAKLAND — After two years of losing lawsuits and being told by neighbors and the Bay Area Air Quality Management District to clean up its act, Pacific Steel Casting has won a court victory that will allow the 75-year-old West Berkeley company to avoid paying as much as \$30,000 to plaintiffs who sued the company in small-claims court.

Alameda County Judge Jacqueline Taber ruled that the company "did not create a nuisance for all plaintiffs who had filed small-claims lawsuits against the company," PSC spokeswoman Elisabeth Jewel said. The plaintiffs were ordered to pay the company roughly \$500 in court fees, she said.

"We've always known that if you take the time to look at the facts, then it's clear that Pacific Steel cannot be held accountable for the activities of an entire industrial neighborhood located next to a congested freeway," PSC President Joe Emmerichs said in a statement.

Emmerichs said for the family-owned company and its more than 600 union employees, the verdict "reinforces our belief that we cannot be recklessly blamed because we're an easy target."

Attorney Kathleen Aberegg filed a the consolidated small-claims suit in 2006 on behalf of 19 neighbors who claimed the smell of burning plastic in the air near the factory was causing headaches, nausea and tightness in their chests.

In November 2007, a judge ruled that nine of the plaintiffs would get between \$2,100 and \$5,100 each for the nuisance, loss of use and enjoyment of their properties, and mental distress. The judge later tossed out three cases, lead plaintiff Tom McGuire said.

PSC appealed and a new trial was held. Information from the small-claims court cases was not used, and both sides were represented by attorneys and allowed to present witnesses.

McGuire said he was disappointed in the ruling.

"I feel it was a great injustice," said McGuire, 53, who lived near the factory for seven months before moving to Kensington because of the smell. "I think it's a setback for the environmental community and the citizens of West Berkeley who have to live in the proximity of fumes."

PSC's victory comes just days after a report in USA Today, using data from the U.S. Environmental Protection Agency, listed three nearby schools as having some of the worst air in the country. Only 377 of the 127,800 schools that were studied were worse, the report said.

In an e-mail, Aberegg said efforts to pursue an appeal are in the works. Aberegg was not available for comment Monday, but Jewel said the plaintiffs cannot file an appeal. They can, however file a petition for discretionary review to settle an "important question of law or secure uniformity of the decision," she said.

"Neither exists here," Jewel said.

PSC has faced four lawsuits in the last two years.

In 2006, under a settlement with the Bay Area Air Quality Management District, which had sued, PSC installed a \$2 million carbon absorption unit to reduce odor and emissions. PSC also settled with Communities for a Better Environment in Oakland last year, promising to reduce its hazardous air pollutants by at least two tons annually.

PSC may not have seen the last of lawsuits. In the spring, a class-action suit was filed by Berkeley attorney Timothy Rumberger. It seeks an end to the alleged toxic air emissions the plant puts out and offers the company an alternative to fixing the alleged pollution — relocation.

Environmental groups, scientists cheer Obama appointments

With a Nobel physicist and a former EPA chief on board, some expect Obama's White House to break from what they see as the Bush administration's record of overlooking science in favor of politics.

By Jim Tankersley and Tom Hamburger
L.A. Times, Tuesday, December 16, 2008

Reporting from Washington -- With the nomination of Nobel Prize-winning physicist Steven Chu for Energy secretary, President-elect Barack Obama made sure no one missed the message in the resume.

"His appointment should send a signal to all that my administration will value science," Obama said during a Chicago news conference Monday. "We will make decisions based on facts, and we understand that the facts demand bold action."

Chu, director of the Lawrence Berkeley National Laboratory, headlines a quartet of appointments that includes former Environmental Protection Agency chief Carol Browner as a coordinator of energy and climate policy, former New Jersey environmental protection commissioner Lisa Jackson as EPA director, and Los Angeles Deputy Mayor Nancy Sutley to run the White House Council on Environmental Quality.

With this team, some environmentalists and former federal research scientists expect Obama's White House to break from what they view as the Bush administration's record of overlooking science in favor of politics.

"It's such an incredible contrast, compared to the years of darkness under the current administration, to see a scientist in such a position of authority and influence in the Cabinet," said Alan Nogee, who directs the Clean Energy Program for the Union of Concerned Scientists, which has accused the administration of silencing and overruling scientists in policy-making. "It's night and day."

Critics -- including Nogee's organization and former EPA Administrator Christie Todd Whitman -- have complained about the influence of industry lobbyists and ideologues on Bush administration decision-making.

Rep. Henry A. Waxman of Beverly Hills is among the Democrats who repeatedly have accused top Bush officials, including Vice President Dick Cheney and political advisor Karl Rove, with pressuring federal agencies to take positions that put them at odds with their own scientists on energy, global warming and stem cell research.

The critics say many high-ranking scientists have fled federal jobs or have been forced from advisory panels in an effort to tilt agency decision-making to be more favorable to corporate interests or, in at least one case, to help secure reelection of Republicans.

In 2001, Waxman issued a 40-page report accusing the administration of having "manipulated the scientific process and distorted or suppressed scientific findings." In 2004, 60 prominent scientists accused the administration of "misrepresenting and suppressing scientific knowledge for political purposes."

In 2006, the top climate scientist at NASA, James Hansen, said the Bush administration tried to gag him from speaking publicly after he gave an academic lecture calling for prompt reductions in greenhouse gases.

On Monday, the Interior Department's inspector general issued a report detailing how one administrator intervened in at least 13 decisions under the Endangered Species Act. The official's "zeal to advance her agenda has caused considerable harm to the integrity" of the Endangered Species Act program, the report said, "as well as potential harm to individual species. Her heavy-handedness has cast doubt on nearly every ESA decision issued during her tenure."

Jeremy Symons, former climate policy advisor at the EPA, was so shaken after representing the EPA on Cheney's Energy Task Force in 2001 that he left government to become a vice president at the National Wildlife Federation.

"There was no interest in considering the scientific evidence of the impact our energy policy would have on the environment," Symons said in an interview on Monday. "When science was brought up for discussion, it was dismissed as not important to developing the energy plan."

Obama stressed the importance of energy and climate policy to the nation's economy and security on Monday -- though he declined to say when he plans to grant a waiver for California to begin regulating greenhouse gas emissions.

Chu, who won his Nobel Prize for developing methods to trap atoms with lasers, has oriented the Berkeley lab to focus on renewable energy and climate change. On Monday he stressed the Energy Department's role in supporting scientists, public and private, and innovations that he said "can transform the entire landscape of energy demand and supply."

His appointment has won wide praise across industries and party lines. Current Energy Secretary Samuel Bodman said in a statement that Chu "understands the significance of our energy and environmental challenges, and more importantly, understands the technical solutions necessary to address them. . . . I hold him in the highest regard."

A leading energy lobbyist said he was "cautiously optimistic" about Chu and his fellow appointees. "I hope they do welcome science first," said Scott Segal of Bracewell and Giuliani in Washington. "But that means being clear about it when the technology isn't ready to solve climate issues. Good science cuts both ways. It also cuts against unrealistic policy proposals that could endanger the U.S. economy."

Environmental groups lauded the appointees for their commitment to alternative fuels and fighting global warming. They welcomed them as symbols of science ascendant.

"I'm quite sure we'll have policy disputes with the Obama administration," said Michael Hirshfield, chief scientist at Oceana, a nonprofit organization dedicated to ocean protection. "But we expect

that the facts of the case, whatever the issue is, will be out there more. We expect more transparency. We expect scientists to be able to speak more."

Reid Detchon, executive director of the nonpartisan Energy Future Coalition, which advocates for renewable energy, said he expected Chu to be the first in a succession of "first-rate scientists" to advise Obama and help restore what he calls eight years of damage to the "scientific apparatus" of the federal government.

"What political appointments can do," Detchon said, "political appointments can undo."

[Letters to the Fresno Bee, Tuesday, Dec. 16, 2008:](#)

'The higher cost'

Regarding Bill Niehoff's letter (Dec. 11): He wants to throw a log in the fireplace to take the edge off because it is cold and he does not want to pay Pacific Gas & Electric to heat his home.

His way (and others like him) of living in comfort causes me and many others, problems beyond just being comfortable.

I would rather pay PG&E than have the cost of hospitalization, doctors fees, medication and lost wages incurred for the treatment of respiratory problems caused by the pollution from many people burning wood in their fireplaces.

To keep my PG&E cost down, I set my thermostat low and wear a sweater, thick heavy socks to keep my feet warm and use a quilt or fleece throw while reading or watching TV.

When we have clean air days, let us keep it that way, and not burn wood unless there is no other method for heat.

Cal Crane, Madera

'Science fiction'

Howard Hurtt's letter (Dec. 9) on the unproven theory of anthropogenic global warming was a classic example of stunning hubris

To claim that the Earth has been in a cooling trend for the past 100 million years is a wild guess at best. Paleoclimatology, the nascent study that examines things like tree rings, ice cores and ocean sediments, can only give us limited information on what occurred in the past. We simply don't know for sure.

But that uncertainty doesn't stop Mr. Hurtt from recklessly claiming that the current modest warming is suddenly now our fault. His claim is based more in sensationalistic science fiction, not science.

We have a hard enough time reconstructing climates from the distant past. We are even worse at predicting the future. Relying on chronically inaccurate computer models to forecast multifaceted climate is like trusting in a surgeon who informed you that a storefront mannequin was an adequate reference to the complexities of the human body.

We haven't got much to go on outside the sheer speculation that we are changing the climate. And if the alarmists want to see who the deniers of that inconvenient fact are, they can go find the nearest mirror.

Kirby Smith, Madera

[Sacramento Bee Editorial, Tuesday, December 16, 2008](#)

Editorial: Wasting time on waste disposal

The city of Sacramento bungled badly when it struck an exclusive arrangement with U.S. Science and Technology to negotiate a deal on a waste-to-energy project. The city should stop wasting staff time and city resources trying to resurrect this flawed proposal and start the process anew.

Sacramento needs to find a better way to dispose of its garbage. Currently on most nights, some two dozen diesel-powered garbage trucks haul Sacramento municipal waste over the Sierra to the Lockwood landfill in the deserts of western Nevada, a 282-mile round trip. The nightly caravan pollutes the air, is expensive and is ultimately unsustainable.

Given that, the city is right to seek alternative disposal options. The technology Sacramento officials chose to explore exclusively, plasma arc gasification, is promising but unproven. It has no track record in this country. In fact, there are no plasma arc gasification plants of the specific type proposed for Sacramento operating anywhere in the world.

The Japanese facility that city officials visited earlier this year does not burn municipal waste exclusively in its plant, nor does it market the slag byproducts of the gasification process, key features of the proposed Sacramento facility.

The unproven technology is not the only problem with the Sacramento's waste-to-energy proposal.

USST, the company Sacramento selected to partner with in this venture, has no track record of accomplishment. Formed in 2006, the company includes a shifting cast of executives and partners, none of whom has a history of either developing or operating a plant of the type proposed for Sacramento.

The man who initially approached city officials with the waste-to-energy idea, William Ludwig, used to head the now-defunct Rice Growers Association. The association dissolved in 2000, leaving \$11 million in debt and a trail of lawsuits. Since then, as The Bee reported Monday, Ludwig has formed six unsuccessful start-up companies.

Partners with Ludwig in the proposed city waste deal include people who have pitched other big ideas to Sacramento officials, including an international trade center and a development plan for the downtown railyards. None of these schemes ever got off the ground. That alone should have raised alarm bells at City Hall. For some reason, it didn't.

Last February, the City Council adopted a resolution granting USST what city officials describe as "a 90-day exclusive right to negotiate principles of agreement for development of a 'waste-to-energy' project." That agreement was extended in May, then again in August.

City officials insist that they have made no firm commitments. Everything is tentative, they say, while nothing of value has been exchanged and the city is risking nothing.

Unfortunately, valuable time has been wasted. While city officials focus on the highly speculative plasma arc gasification scheme, they are ignoring other, more realistic options proposed by firms with credentials far more solid than USST's.

Finally, there's this: Even if a good waste-to-energy project were proposed, it would take a minimum of five years to get it permitted and built. Sacramento needs to find an alternative to hauling its garbage to Nevada well before then. That's where city officials need to concentrate their efforts.

Note: The following clip in Spanish discusses multiple reactions generated from the air pollution report on schools. For more information on this or other Spanish clips, contact Claudia Encinas at (559) 230-5851.

Genera múltiples reacciones reporte sobre contaminación en escuelas

Manuel Ocaño

Noticier Latino

Radio Bilingüe, December 16, 2008

Gobiernos de las ciudades de todo Estados Unidos han reaccionado con alarma por un reporte que publicó un diario de circulación nacional sobre el tipo de contaminación que encontró en el aire de miles de escuelas públicas a lo largo del país.

Segun el diario, USA Today pude haber más de diez mil escuelas públicas en zonas con el peor aire.

El referido diario analizó condensaciones tanto de ozono, como de dióxido de carbono, y de distintos ácidos, incluido el clorídrico.

El reporte dice sin embargo que el daño que esa contaminación en conjunto pudiera ocasionar en la salud de los niños queda todavía por precisarse.

[Note: The following clip in Spanish discusses California approves changes in older trucks and motors that pollute.](#)

Aprueba California cambios de motores y camiones viejos que contaminan

Manuel Ocaño

Noticier Latino

Radio Bilingüe, Monday, December 15, 2008

La Oficina de Recursos del Aire de California aprobó el fin de semana un reglamento que obliga a propietarios de camiones de carga comercial a cambiar motores o unidades viejas que contaminen por obsoletos y por consumir diesel.

En votación separa a la general, del pasado 11 de diciembre cuando la oficina aprobó la mayor reducción en contaminación del aire lograda hasta ahora, se estableció que los cambios de motores y camiones deben efectuarse a partir del año 2011.

La oficina consideró que tan sólo ese cambio contribuirá a prevenir unas tres mil muertes prematuras anuales en California, principalmente en la zona de Los Ángeles y en el valle de San Joaquín.

[Note: The following clip in Spanish discusses EPA presented its list of the most "wanted" individuals who committed crimes against the environment.](#)

La EPA presentó su lista de los "más buscados"

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Thursday, December 11, 2008

La Agencia Federal de Protección Ambiental tiene ahora en su página de Internet su propia lista de los "más buscados".

La lista incluye a 23 delincuentes que cometieron crímenes relacionados con faltas a la protección al medio ambiente, como haber vendido ilegalmente gas de refrigeración, un contaminante ambiental o por lucrar con el medio ambiente.

Algunos de los incluidos en la lista de "los más buscados" de la EPA abandonaron el país por la gravedad de sus delitos.

La EPA no ofrece recompensas por los buscados.