

State says birth-defect rate normal in Kettleman City; vows to continue investigation

Hanford Sentinel, Wednesday, Feb. 10, 2010

State health officials this morning reported preliminary findings holding that there was nothing unusual about the birth-defects rate in Kettleman City between 1987 and 2008. They vowed to continue investigating the concerns through various means, including interviews with the mothers and environmental sampling.

Meanwhile, unverified reports by the national media indicated that U.S. Sen. Dianne Feinstein today called for a moratorium on the expansion of the toxic waste facility near Kettleman City.

In a highly anticipated presentation to Kings County supervisors, officials from the state Department of Public Health acknowledged the presence of concentrated cases of suspected birth defects in Kettleman in 2008.

But they also said the initial review of medical records of children born with suspected birth defects found no patterns to suggest a common underlying cause for the health anomaly or a higher-than-expected rate in the community during the 22-year monitoring period.

The delegation of state health officials is expected to meet with concerned residents this evening in Kettleman City to present its findings and outline plans for an in-depth investigation to concerned residents this evening in Kettleman City.

State: No pattern in Kettleman birth defects

By Associated Press

In the S.F. Chronicle and other papers, Wed., Feb. 10, 2010

In a report panned by community activists, state experts said Tuesday they found no evidence of a common underlying cause for birth defects in Kettleman City.

Five babies were born with cleft lip or cleft palate over a 15-month period that ended in November 2008, and three have since died, according to community activists. Some residents believe exposure to pesticides or hazardous waste in a nearby landfill may be to blame.

But the California Department of Public Health found no pattern in the deformities that points to a common cause, and the birth-defect rate in Kettleman City since 1987 is not significantly higher than that for surrounding communities, according to the report.

Dr. Rick Kreutzer, chief of the department's division of environmental and occupational disease control, presented the results to the Kings County Board of Supervisors on Tuesday.

In small towns such as Kettleman City, "a grouping of birth defects can happen together by chance from time to time," he told the board.

The supervisors received the report and asked few questions.

Activists did not accept the results, however.

Bradley Angel, executive director of the San Francisco-based nonprofit group Greenaction for Environmental Justice and Health, blasted it as "a whitewash."

"There was not one mention of the dead babies" in the report, Angel told supervisors. Greenaction is one of the activist groups working with the Kettleman City community to raise awareness of the cluster of birth-defect cases.

The report failed to mention that exposure to pesticides or "living next to a toxic waste site" can cause birth defects, Angel said. Greenaction will consult with its own independent experts, Angel said in a statement.

Some Kettleman City residents blame a nearby hazardous-waste landfill for emitting pollutants that cause birth defects and have sued Kings County to stop an expansion of the 30-year-old landfill.

Waste Management Inc. denies that its landfill is the cause.

In another new development Tuesday, U.S. Sen. Dianne Feinstein, D-Calif., bluntly weighed in on the side of environmentalists. "There should be no expansion of the toxic dump site until we know with certainty whether it is a cause of these serious health issues," Feinstein said in a statement. Sen. Barbara Boxer, D-Calif., joined Feinstein's call for a delay.

Waste Management appeared taken aback by the politicians' recommendation. "This is the first we have heard of Senator Feinstein's suggestion," Bob Henry, senior district manager for Waste Management's Kettleman Hills landfill, said in a company statement. "We believe our facility is safe and we encourage an investigation into other possible causes of birth defects so that Kettleman City residents can get the answers they deserve."

The county approved the expansion, but federal and state operating permits still are required.

The Department of Public Health and the California Environmental Protection Agency still plan to conduct a deeper examination of potential environmental contaminants in Kettleman City, officials said Tuesday.

Families will be interviewed, air and water samples taken as needed, and pesticide use examined, said Dr. Joan Denton of the Cal-EPA's Office of Environmental Health Hazard Assessment told supervisors.

But, she warned, "I don't want to raise expectations that we'll be able to really conclusively answer the concerns."

Feinstein, Boxer call for delay on plans to expand Central Valley landfill The senators seek a moratorium on the facility's growth until investigations into birth defects in Kettleman City are completed.

By Louis Sahagun, staff writer
L.A. Times, Wed., Feb. 10, 2010

Reporting from Kettleman City, Calif. - California's two U.S. senators on Tuesday called for a moratorium on plans to expand the state's largest toxic waste landfill pending the completion of investigations into birth defects in the nearby farm workers' community of Kettleman City.

Both Democrats also pledged to secure an estimated \$4 million needed to upgrade the community's drinking water system, which contains elevated levels of arsenic, a naturally occurring element in California soils that also is used in pesticides, herbicides, insecticides and metal alloys.

"I have instructed my staff to go to Kettleman City and investigate this matter in order to ascertain what action might be taken immediately to clean up the polluted drinking water on which the people of Kettleman City currently rely," Sen. Dianne Feinstein said in a statement. "In addition, it is my view that there should be no expansion of the toxic dump site until we know with certainty whether it is a cause of this serious situation."

Feinstein, who heads the Senate subcommittee on Interior, Environment and related agencies, part of the Appropriations Committee, said she planned to present her concerns to Lisa Jackson, administrator of the U.S. Environmental Protection Agency, which has oversight over the 1,600-acre landfill.

The state Department of Toxic Substance Control would have jurisdiction over the expansion, while the federal EPA regulates disposal of PCBs.

Nahal Magharabi, a spokeswoman for EPA, said the agency "will not issue a permit to Chemical Waste Management unless we are confident that the facility does not present a health risk to the community." State toxic-substances officials did not have an immediate response.

Sen. Barbara Boxer, chairwoman of the Senate Environment and Public Works Committee, joined Feinstein in suggesting that the facility not be expanded "until we have more conclusive results on the potential health impacts on the local community."

She said she was also "fighting to secure funding through the Recovery Act to build a water treatment plant to make sure residents have safe drinking water to drink."

The announcements caught the facility's owners by surprise. A day earlier, a spokeswoman for Waste Management Inc. said it had no contingency plans in place to mothball the landfill, 3.2 miles southwest of Kettleman City. Last year, the site took in 400,000 tons of hazardous waste, including cancer-causing PCBs.

"This is the first we have heard Sen. Feinstein's suggestion," said Bob Henry, senior district manager for Waste Management, Kettleman Hills division. "We believe our facility is safe, and we encourage an investigation into other possible causes of the birth defects so that Kettleman City residents can get the answers they deserve."

The move came as state health officials on Tuesday unveiled preliminary findings about birth defects in the community and concluded that they were "not higher than expected" and comparable to rates in nearby communities. The agency said it could find no pattern suggesting a common cause for the cases.

Rick Kreutzer, chief of the state Department of Public Health's division of environmental occupational and disease control, told the Kings County Board of Supervisors that the birth defects over a 22-year period ending in 2008 could have occurred by chance alone, or from a variety of causes.

The state report excluded a fifth baby born with a defect, on grounds the mother, Maria Saucedo, had a legal address in the community of Avenal, about 18 miles away. But state officials said they would reconsider her case because Saucedo spent most of her time at her mother's residence, in Kettleman City.

Joan E. Denton, director of the state Office of Environmental Health Hazard Assessment, told county officials that "this is a very important issue" and that "all appropriate state departments are committed to investigating possible environmental issues in Kettleman City, and to do so in an expeditious manner."

Residents dismissed the report as a "whitewash" and questioned the sudden influx of health officials after years of unanswered complaints.

"This report is a disgrace," community activist Bradley Angel, executive director of the advocate group Greenaction, told the Board of Supervisors. "It would be a joke, except for one thing -- it's deadly serious," he said. Residents also remained concerned about whether it was safe to have children. They demanded further study into the cumulative impacts of decades-long exposure to pollutants, including smog and particulates, pesticides used in fields, arsenic in the water and the hazardous wastes processed at the landfill.

"And why did it take so long for an investigation?" asked Magdalena Romero, whose daughter, America, was born with defects and died when she was 4 1/2 months old. "All of a sudden, all these officials are in town promising to help. I think that is only because the governor told them to do it, or else."

Less than two weeks ago, Gov. Arnold Schwarzenegger directed all state boards and departments within the California Environmental Protection Agency to investigate the birth defects and possible causes. His call came shortly after a federal EPA official ordered a review of his agency's oversight of the facility.

Company officials maintain that the landfill is among the most heavily regulated and monitored facilities of its kind in the nation. But many residents point to safety violations at the facility.

In 1985, the EPA fined the company \$2.1 million for violations that included operating additional landfills and waste ponds without authorization.

During a recent tour of the facility, a reporter pointed out that a toxic waste pond was missing nearly all of the aluminum foil streamers that were installed over its surface to ward off waterfowl. A Waste Management crew replaced the streamers within 20 minutes.

In 2003, the waste dump was among 22 such facilities that California EPA officers determined emitted unusually high levels of radiation.

Two years later, the company was fined \$10,000 for violating federal PCB monitoring requirements. It was cited again in 2007 for failing to properly analyze incoming wastes, storm water runoff and leachate for PCBs, and for failing to properly calibrate analytical equipment.

MID examines surcharges

Fee to help pay for sudden price shifts, 'green' power costs

By John Holland

Modesto Bee, Wednesday, February 10, 2010

The idea of applying surcharges on electricity bills to cover specific costs in supplying power got its first detailed look from the Modesto Irrigation District board Tuesday.

The board considered adding, for example, a surcharge reflecting the cost of natural gas, the main fuel for power plants.

Another surcharge might cover the extra cost of solar and wind power compared with conventional sources.

"Green energy is a good thing, it's clean, but it comes at a higher cost," said Jimi Netniss, budget and rates administrator for the district.

The board has not yet scheduled a vote on the surcharges, which would be on top of a 7 percent increase in overall rates approved last month.

That was less than the 11 percent proposed by the MID staff, but the board agreed to consider surcharges to make up at least part of the difference.

The rate hike raised the average residential bill from about \$130 to \$139 a month.

A renewable energy surcharge would add an estimated \$1.35, Netniss said. This reflects a state mandate to get 33 percent of electricity from these sources by 2020; the MID is at 12 percent.

A surcharge averaging \$3 a month could cover the district's costs in meeting rules aimed at curbing climate change. Officials expect to spend upwards of \$10 million a year on efforts to reduce the carbon emissions believed to be responsible for global warming.

"The important thing is that somehow we need to communicate that there's a cost associated with that and that we can't do these things without paying for them," Director Tom Van Groningen said.

The staff did not have an estimate for the monthly surcharge tied to overall power supply costs. It could be substantial, however, because this is by far the biggest expense for the district, outpacing salaries and other costs.

This surcharge could rise if gas got expensive or if cheap hydroelectricity was in short supply. If power supply costs got especially low, customers could get a credit on their bills.

Dave Thomas, president of the Stanislaus Taxpayers Association, said surcharges could be hard on ratepayers because they would not know how much to budget for their monthly bills.

Several utilities in Northern California use surcharges, including a Turlock Irrigation District levy that changes with power supply costs.

Also Tuesday, the board heard an update on a gas- fueled power plant that MID and 13 partners have been planning in Lodi.

The district could have to pull out or reduce its 23.5 percent stake because the 7 percent rate increase left it short of the income that bond rating agencies like to see. The partners are close to issuing bonds for the 280-megawatt project.

MID General Manager Allen Short said that if the district pulls out, it could recoup its \$9.4 million investment in the plant from a utility that takes its place.

But he said the district would have to buy power from elsewhere to replace the inexpensive supply that would have come from Lodi.

The board will consider the issue Feb. 23.

'Columbo' fights gas emissions law

By Jim Sanders

In the Fresno Bee, Sacramento Bee, Wednesday, February 10, 2010

As mismatches go, "Columbo" vs. Gov. Arnold Schwarzenegger may not rank with David vs. Goliath, but California's environmental and energy policy would be dramatically altered if the little guy wins this fight.

"Columbo" is the nickname of freshman Assemblyman Dan Logue, R-Linda, who is battling to suspend a landmark greenhouse gas emissions law pushed by Democrats and touted as part of Schwarzenegger's environmental legacy.

Never count Logue out, no matter the odds, warns Assemblyman Mike Villines, a Clovis Republican who pinned the "Columbo" nickname on his zealous but mild-mannered colleague.

"Like 'Columbo,' he'll always get you by the end of the show," Villines said.

"He's a pit bull," added Assemblyman Danny Gilmore, R-Hanford.

Thwarted this year at passing legislation to suspend the greenhouse gas restrictions, adopted four years ago as Assembly Bill 32, Logue is pushing to take his case directly to voters through an initiative proposed for the November ballot.

"I think it's going to be a war like you never dreamed," Logue said.

Others dismiss Logue as shortsighted, narrow-minded and a puppet of business interests that largely bankrolled his election to the Legislature in 2008.

"He's bought, sold and paid for by the polluting industry," said Steve Maviglio, spokesman for Californians for Clean Energy and Jobs, a coalition of industry and environmental groups that supports AB 32.

Assemblyman Jared Huffman, D-San Rafael, said the effort to stop AB 32 is "completely wrongheaded and fundamentally founded on a bunch of misunderstandings, at best, and lies, at worst."

Logue is teaming up with People's Advocate, which led the recall drive against Gov. Gray Davis, and his campaign is backed by U.S. Rep. Tom McClintock, R-Elk Grove, numerous GOP legislators and the Howard Jarvis Taxpayers Association, among others.

But Logue has not yet started gathering signatures and his drive is gasping for money – lots of it. He says he has \$600,000 in commitments, but none has been collected, and \$1 million more is needed.

"We have a long way to go," Logue said, "and a lot of work to do."

Schwarzenegger, through representatives, is knocking Logue's campaign by making it clear to Capitol interests that AB 32 is important to him.

"The governor opposes this initiative, and people on his behalf have been making sure that groups around the state understand why," spokesman Aaron McLearn said.

The California Chamber of Commerce has taken no position, President Allan Zaremberg said.

Logue's target, AB 32, is designed to force the state to reduce greenhouse gas emissions, suspected of contributing to global warming, to 1990 levels by the year 2020.

In giving Logue his "Columbo" nickname, Villines noted many similarities with the disheveled 1970s television detective: Both are plodding, meticulous, inquisitive, tend to have a shirttail untucked – and never stop asking questions.

"I've never seen anybody be more methodical and get more done in such a short time," Villines said of his colleague.

Logue, a 59-year-old former Yuba County supervisor, is a big fan of Fox News Network, pausing occasionally to watch "American Idol." He's an admirer of World War II veterans and an oldies kind of guy – a Van Morrison and Jackson Browne fan, a "Saving Private Ryan" film buff, a reader of "1776."

Twitter? No way.

Most of all, Logue is a political junkie, someone who said he would rather run a campaign than suntan in Hawaii.

"He's quite consumed with politics," said his wife, Peggy Logue. "But, you know, I love the fact that he has a real passion and pursues that."

Logue, known around Marysville for things like attracting a Walmart and helping to build two WWII veterans memorials, knows there is no guarantee of a happily-ever-after ending to his AB 32 initiative.

"If I lose everything I own and everything I have over it, and win, it's worth it to me," said Logue, who estimates that he has donated more than 1,000 hours to the cause.

Logue's initiative would suspend AB 32 until California's unemployment rate, currently more than 12 percent, falls to 5.5 percent or less for four consecutive quarters.

In the past three decades, California has met that four-quarter standard only three times, said H.D. Palmer, state finance department spokesman.

Adam Mendelsohn, a Schwarzenegger adviser, said the initiative is deceptive because its high threshold for restoring AB 32, once suspended, would essentially kill the measure.

AB 32 would curb greenhouse gas emissions that supporters say is hiking global temperatures and threatening to exacerbate air quality problems, raise sea levels, impair water supplies, damage marine ecosystems and threaten public health.

The measure demands that California change in ways ranging from cracking down on gas-guzzling vehicles to capping industrial pollution, requiring more renewable energy, encouraging solar roofs, and increasing energy-efficiency standards on buildings.

Logue and other critics argue that AB 32 will raise consumer costs, harm businesses and jeopardize the economy, and that it makes no sense for California to shoulder massive costs and regulatory burdens not shared by other states.

Because AB 32's fiscal impact depends upon key future assumptions, both sides point to analyses that bolster their position.

Villines said that Logue's initiative simply creates a barrier to making extreme regulatory changes while the economy is fragile.

"I think that makes sense," he said.

"The old cliché now is jobs, jobs, jobs," said Jon Coupal of the Howard Jarvis Taxpayers Association. "The best thing we can do is remove some of the regulatory morass that confronts employers."

Rather than harm California's economy, supporters tout AB 32 as a way to revitalize employment by attracting billions in new investment for green jobs, pollution-control equipment and cutting-edge technology.

Bill Magavern, director of Sierra Club California, said Logue is "trying to take the state backward."

"We ought to be working toward transforming our economy in a way that saves our planet," said Senate President Pro Tem Darrell Steinberg, D-Sacramento.

Huffman said that energy independence, cleaner energy and smarter technologies are waves of the future.

"The country or state that gets out in front is going to win," Huffman said. "That can be California. It should be California."

Residue from cigarette smoke may pose health hazard, study says

By Anna Tong, Sacramento Bee

In the Fresno Bee, Wed., Feb. 10, 2010

The scent of cigarette smoke is stubborn, clinging to clothes, walls and hair. Now scientists are beginning to explore the health threats of "third-hand smoke," or the residue left behind after the smoke clears.

In a study published Monday, Lawrence Berkeley National Laboratory scientists showed how tobacco smoke lingering on surfaces chemically reacts with air, releasing potentially harmful substances.

Much has been made of the perils of secondhand smoke. The U.S. Surgeon General estimated in 2006 that it causes 50,000 deaths a year. But the idea of third-hand smoke is relatively new. The phrase was coined last year in the journal *Pediatrics*.

"Many people think that after the smoke is gone things are clean, but that is probably not the case," said Hugo Destaillats, the study's co-author.

Destaillats and his colleagues exposed cellulose, a material present in many household objects, to cigarette smoke and then nitrous acid, a molecule found in the air.

After several hours of exposure, they found the cellulose had 10 times the amount of tobacco-specific carcinogens than it did originally. The scientists also found high levels of a particle that is not present in freshly emitted tobacco smoke.

Destaillats said toxicologists will have to look into whether this new particle is harmful to humans.

Kent Pinkerton, an inhalation toxicologist at UC Davis Medical School, said it is, noting that cigarette smoke has 4,000 components, with toxic particles that end up on surfaces that can release them through simple touch.

Third-hand smoke is most harmful for children, he said.

"It's not only because of what children breathe in, but because the smoke deposits itself," he said. "Children are very oral and they put things in their mouths, so they would expose themselves to toxic particles by ingestion as well."

California's smoking rates are below the national average: 13.3 percent of adults smoke, compared to the national average of 21 percent.

California also has been at the forefront of secondhand smoke policies, outlawing, for example, smoking in a car with a child passenger. Monday, Gov. Arnold Schwarzenegger announced \$4.7 million in American Recovery and Reinvestment Act funds for health and fitness initiatives, including expanding programs to decrease tobacco use and second-hand smoke exposure.

Much needs to be done in other areas of tobacco control, said Paul Knepprath from the American Lung Association. He would like to see smoking banned in all apartment buildings, which could have third-hand smoke implications.

The Berkeley study was published in the Proceedings of the National Academy of Sciences, and was funded by the University of California Tobacco-Related Diseases Research Program.

Golden Gate Bridge may charge for carpools

By Michael Cabanatuan, staff writer
S.F. Chronicle, Wed., Feb. 10, 2010

All the other Bay Area bridges are doing it, so Golden Gate Bridge officials want to charge a toll for carpools to cross their span.

The Golden Gate Bridge, Highway and Transportation District will consider charging \$3 for three-person carpools that travel south across the bridge between 5 a.m. and 9 a.m. and 4 p.m. to 6 p.m. The toll represents a half-price discount and would be collected beginning July 1.

The district's Board of Directors will discuss the proposal Thursday at a Finance Committee meeting, then decide whether to proceed at Friday's board meeting. If they give the go-ahead, an open house would be held in April and May, followed by a May 28 meeting where the board will vote on the increase.

At the same time, the district will consider boosting tolls for trucks and other multiple-axle vehicles to \$5 per axle, with half of the increase coming in 2011 and the other half in 2012.

If all of that sounds familiar, it should. Last month, the Bay Area Toll Authority, a regional agency that oversees the region's seven state-owned toll bridges, approved a package of toll increases that included first-ever tolls for carpools along with steep hikes for truck tolls. It also included a \$1 increase - to \$5 - for all spans but the Bay Bridge, where tolls will be \$6 during commute hours, \$4 at other times, and \$5 on weekends.

However, the Golden Gate is not considering another toll increase for cars, pickup trucks and other two-axle vehicles, and it won't charge congestion-based tolls. Golden Gate raised its tolls for cars to \$6 for cash payers and \$5 for FasTrak users in 2008.

The new fees will help ease the \$132 million deficit the district faces over the next five years. Carpool tolls were already proposed in a list of 33 actions the district should take to balance its budget.

But with the state-owned bridges beginning to collect tolls from carpools in July, Golden Gate spokeswoman Marie Currie said the time was right.

"It seemed like we could lessen the confusion by aligning implementation with other Bay Area bridges," she said.

The carpool tolls are expected to generate about \$1.3 million a year. The higher truck tolls should raise \$600,000 in 2011 and \$1.2 million in subsequent years. Motorcycles and hybrid vehicles with either the yellow or white decals allowing them to use carpool lanes will also be subject to the toll.

All carpoolers will have to use FasTrak to get the discount, and will have to stop briefly, as they do now, at a staffed toll booth, so the toll collector can push a button assessing them the correct toll. Unlike most of the other Bay Area bridges, the Golden Gate does not have designated carpool-only toll lanes.

Carpoolers make up 2.3 percent of Golden Gate Bridge toll payers, about 1,682 cars on an average day. At the Bay Bridge, the nation's second-busiest toll span, 10.3 percent of the drivers use carpool lanes. During the morning commute, nearly half of the drivers pass through the carpool lanes, which offer a significant time savings in addition to the free toll.

But at the Golden Gate, said Currie, congestion all but vanished after FasTrak use was implemented in 2000, so the free ride is the biggest attraction for carpoolers, and the benefit to the district is reduced air pollution.

"While you are contributing to the environment," Currie said to carpoolers, "you are also using the bridge, so there should be a toll to offset the use."

Con Edison calls for more solar energy projects

The Associated Press

In the Merced Sun-Star, Wednesday, February 10, 2010

NEW YORK -- Con Edison, a unit of Consolidated Edison Inc., on Tuesday filed a proposal with the state of New York calling for more funds for solar energy projects in New York City.

In Con Edison's filing with the New York State Public Service Commission, it called for the development of 25 megawatts of solar energy resources in New York City by 2015. The company said this will offset about 16,000 tons of carbon dioxide emissions annually, the equivalent of taking 2,400 passenger vehicles off the road.

Con Edison suggested the state set aside \$24.8 million of its renewable energy funds for smaller solar projects for residential and commercial customers in New York City.

The company is also proposing that the state set aside \$4 million for a residential program for New York City and Westchester County customers to use solar energy for hot water.

"We believe that New York City, with its urban roofscape, has great potential as a center for solar power and we are confident that we can use our unique knowledge of our customers to make that a reality," said John Mucci, vice president of Engineering and Planning.

These programs would be in addition to an earlier proposal to spend \$125 million over five years throughout the Con Edison service area for larger installations.

Shares of Consolidated Edison rose 63 cents, or 1.5 percent, to \$43.44.