

## **Pollution puts 1.2 million in Valley at risk**

By Eiji Yamashita

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Two separate studies on air quality show many Valley residents are left behind in the quest for cleaner air and that the government fails to guard the region's most vulnerable population from polluters.

UC Davis researchers released a report last week saying more than 1.2 million people in the San Joaquin Valley — nearly one-third of residents — are at a high risk of premature death and disease because of bad air, dirty water and poverty. Kettleman City was among the Latino communities highlighted in the study as the areas most at risk.

Almost simultaneously, a coalition of health and environmental groups released its own report indicating that fine particulate, also known as soot, may be causing tens of thousands of premature deaths each year in the country.

Both studies conclude that the government is not doing enough to protect people from pollution. They come at a time when residents near Avenal and Kettleman City continue to report cases of asthma, cancer, miscarriages and infant deaths as well as birth defects while they express concerns about diesel emissions from Interstate 5 and pollution from the toxic-waste facility nearby.

Jonathan London, the main author of the UC Davis study "Land of Risk, Land of Opportunity," called on all levels of government to use the study as a tool to prioritize solutions.

"Our conclusion is that immediate and comprehensive action is needed by local, regional and state policymakers to protect the health and well-being of the region's most vulnerable residents," London said in a statement.

According to the three-year study of cumulative health risks in the Valley, one in three people here are at "extreme risk," while one in two faces elevated risk.

Keith Winkler, director of the Kings County Department of Health, said the research underscores the notion that environmental and social vulnerability often go hand in hand in this region.

"We've long known about the issues with contaminated water in smaller communities, pesticide exposure and poverty. In that sense, it's not new information," Winkler said. "But what's innovative about this study is that they correlated the environmental exposures with high social vulnerability and came up with a map with zones that are heavily impacted."

Winkler said the study also reinforces the work Valley counties are already doing as partners to find solutions for the public health problems endemic to the region.

Meanwhile, the American Lung Association, Environmental Defense Fund and National Parks Conservation Association represented by Earthjustice of San Francisco also issued a report last week called "Sick of Soot," which analyzed the health and economic benefits of stricter air-particulate standards.

The report said strengthening the standard to its recommended level — 11 micrograms per cubic meter a year and 25 a day — could prevent 37,000 premature deaths, 2,350 heart attacks and 23,290 visits to emergency rooms each year while saving the economy \$281 billions annually. The current limit is set at 15 micrograms per cubic meter a year and 35 a day.

The coalition sued last week, asking the federal court to compel the agency to revise its air-quality standards. The coalition wants a deadline to be set for the EPA to respond to a 2009 court ruling that found that the agency's 2006 standards fail to protect public health.

Earthjustice, which provides legal representation to the coalition, has also recently sued to challenge the federal air-pollution permit issued for the Avenal Power Plant by the EPA.

The EPA in May said it would not require the project to comply with the newest rules because the agency took too long to process the permit application. The permit was challenged, but in August,

a panel of three administrative judges on the EPA's environmental appeals board allowed the weaker permit to remain. The recent lawsuit seeks to overturn the ruling.

## **Valley faces serious health risks**

By Rebecca Plevin

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MATHENY TRACT -- Irene Paredes moved to this unincorporated Tulare County community about 10 years ago, with visions of living a peaceful life in the quiet country. But last Thursday, Paredes admitted that dream has not been realized.

"First of all, it is very insecure at night," Paredes said of the community of about 300 homes, which is located just minutes from the City of Tulare. Packs of stray dogs run along the streets, which lack sidewalks, storm drains, street lights, or adequate police presence, she said. Then, there are the environmental conditions that jeopardize the health of Paredes, her three children, and her predominantly lower-income, Latino community of about 1,200 people: The drinking water is contaminated with arsenic, and residents rely on septic tanks, even though a large, stinky City of Tulare sewage treatment plant is located nearby.

On top of living in one of the nation's most polluted air basins, pesticides are sprayed heavily on the cotton fields across the street from Paredes' home. Two of her children suffer from asthma.

"You buy a house, but you never really investigate the conditions of the community," said Paredes, one of the leaders of a local group striving to improve the health, safety and viability of the community. "If things don't improve here, we are going to have to move."

The multiple health and environmental burdens facing the residents of Matheny Tract are dire -- but a new report from the Center for Regional Change at the University of California, Davis, demonstrates that in the San Joaquín Valley, such conditions are hardly unique.

In fact, according to the report, 'Land of Risk/Land of Opportunity,' nearly one-third of the Valley's approximately four million residents experience both serious environmental risks -- including breathing polluted air, relying on contaminated water, and living near industrial facilities, like hazardous waste landfills or rendering plants -- and are especially vulnerable to these health hazards, due to poverty, low levels of formal education, and low English literacy rates.

While the region's poverty and polluted air and water have been in the spotlight, this report is the first to identify the specific communities that are both at the highest environmental risk and are most socially vulnerable, lead author Jonathan London said in conference call with reporters last week.

"What has not been done before now has been a fined-grain analysis of where the communities are that are most at risk," he said. The report, he said, makes it easier to "understand which communities have the least resources to be able to confront, and ideally prevent, environmental hazards."

As part of a three-year study, researchers analyzed every census block in the eight-county region and assigned each one a numerical score for environmental hazards, based on the most recent data reported to the U.S. Environmental Protection Agency, and another score for its social vulnerability, based on recent U.S. Census data.

They designated the areas with the highest scores for both environmental hazards and social vulnerability -- including Matheny Tract, Monterey Park in Stanislaus County, and Earlimart in Tulare County -- as 'Cumulative Environmental Vulnerability Action Zones.' This label was chosen

to highlight the urgent need in these communities for economic investments, community support, and prioritized enforcement and regulation of existing facilities, London said.

Low-income people and Latinos -- as well as African Americans and Southeast Asians -- are more likely than whites to live in these most vulnerable areas, which are concentrated in both urban and rural areas.

"This is not just a report that is highlighting problems of the Valley," he said. "This is a report that is highlighting a call to action to address these issues, and the action that is being called for is on the part of public agencies."

The study authors recommend that when policymakers and agencies make permitting decisions and take enforcement actions, they consider the cumulative health impacts on the most affected, most vulnerable communities.

In Matheny Tract, that should mean ensuring that residents do not live surrounded by industrial facilities, said Phoebe Seaton, an attorney for California Rural Legal Assistance, Inc., which assists the community.

Currently, Matheny Tract -- which has not been annexed by the City of Tulare -- is bordered by land that the city has zoned for industrial uses. Future decisions impacting the community should consider residents' health and social vulnerability, she said.

"How is putting these industrial facilities next to a residential community actually going to impact community health?" she said.

That shift would please Reinelda Palma, who has lived in the area for about eight years, and is fed up with the community's contaminated water and unsafe streets, where water stands for days, due to the lack of storm drains.

Last Thursday evening, Palma jokingly proposed that the name of the community be changed from Matheny Tract to La Ciudad Perdida -- The Forgotten City.

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### **Doubts about climate change drive attack on state air board**

Climate change skepticism by one congressman among California's 53 ordinarily wouldn't matter much. But coming from Darrell Issa, chairman of the House Committee on Oversight and Government Reform, it's now leading to one of the most significant attacks ever on California's top smog-fighting agency -- the state Air Resources Board.

Issa, representing a conservative north San Diego County district, does not dispute that the globe has warmed. It's the pace of warming he questions, doubting that action is urgent. He also questions how much warming is man-made and whether the actions of one country alone can make much difference.

It doesn't matter that his questions ignore scores of countries that have cut emissions of the greenhouse gas carbon dioxide by thousands of tons since the Kyoto protocol was signed in 1997. China and India have not taken significant action and that's enough to make Issa wonder publicly whether any American actions can help, especially if they might negatively affect the economy.

It also doesn't matter much that his skepticism questions individual moves by millions of Americans to cut their carbon footprints. For Issa's committee has legal authority to investigate anything and subpoena anyone short of the president and his immediate aides.

That includes Mary Nichols, chief of the Air Resources Board, which has had some recent problems but still has made the world's most important contributions to clean air, clean cars and clean industry. Issa fired off a 13-page letter to Nichols the other day demanding answers to questions that sometimes take on a have-you-stopped-beating-your-wife tone.

It's all about the role Nichols and the Air Resources Board played in spurring national fuel economy standards for cars and light trucks for the upcoming model years 2017-2025. Underlying is the fact the 1971 federal Clean Air Act, originally signed by Republican President Richard Nixon, gives the Air Resources Board authority to enact regulations tougher than any federal standards.

With that in mind, automakers earlier this year agreed to fuel economy standards that Issa says will cost them more than \$50 billion to fulfill, costs he says will be passed on to car buyers. Never mind that the National Highway Traffic Safety Administration says fuel economies under those rules will save consumers at least \$311 billion more than the added cost of the more efficient cars.

The regulations, Issa claims, will also drive millions of jobs overseas. Issa's rhetoric closely resembles what carmakers claim every time California adopts a new clean air tactic, from the original smog control devices of the 1960s to catalytic converters in the 1980s and the 1990s low-emission rules that led to hybrids and electric cars.

Issa uses a technicality to question the Air Resources Board's role. He notes that while the board and the federal Environmental Protection Agency can regulate tailpipe emissions, only the federal Department of Transportation can set fuel economy standards. But gas mileage goes up as carbon emissions go down. So by regulating emissions, the Air Resources Board and its federal cohort have actually regulated gas mileage, Issa says. Never mind that the transportation secretary has participated in every fuel efficiency announcement.

The congressman cites testimony from the head of the edmunds.com car sales and review website, who told Issa's committee this fall that automakers "felt they had a gun to their head" from the Air Resources Board when they agreed to the new federal emission standards. Of course, the Clean Air Act specifically gave California the authority the automakers feared.

Among Issa's questions to Nichols:

Do you believe that a closed and secretive process is the best approach for regulating (the automobile industry)?

Under what express statutory authority is California setting fuel economy standards, a task delegated to (Transportation)?

Do you believe that when Congress enacted the Clean Air Act, (it) intended California regulators to establish fuel economy standards for the national fleet?

Issa is correct that no one can mandate serious cuts to emissions without also increasing gas mileage. Here's a question for him: Does he really think the authors of the Clean Air Act and its several revisions and renewals didn't know that and intend the Air Resources Board's actions to have that effect?

Issa's committee has the power to expose wrongdoing of all kinds and maybe he thinks that's what he's doing here. But his actions could also set him up as a foe of America's efforts to become energy self-sufficient. Does he really want that as a legacy? The upshot is that no matter

what transpires at Issa's eventual hearings, it will not have any immediate effect on the fuel efficiency rules. Yes, the House could vote to reverse them, but no such bill would pass the Democratic-controlled Senate, and even if it did, President Obama would veto it instantly.

But what if Republicans win control of both houses of Congress next year and also take the White House? That's when Issa's actions could start to matter.