

## **Compromise set on Valley air bill Votes lined up to end agriculture's exemption from air operating permits.**

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Bee Capitol Bureau

The Fresno Bee

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SACRAMENTO -- Weeks of relentless debate over a major clean-air bill resulted Tuesday in weary compromise, nudging a slim majority of Assembly members to pledge support, the author said.

Some urban Democrats who criticized the bill to end the agriculture industry's historic exemption from air operating permits said they will vote for Senate Bill 700 today because last-minute amendments quelled their concerns.

It was unsettling relief for Sen. Dean Florez, D-Shafter, who wrote the bill to clean the central San Joaquin Valley's grimy air. SB 700 is the linchpin of his eight-bill, clean-air package.

"We put together enough in this bill to get the requisite votes to squeak out of the Assembly tomorrow," Florez said Tuesday. "That's about all we will get. Both sides feel very strongly."

Though not entirely happy, agriculture officials said the changes make the bill more palatable.

"I think it's a workable bill," said Gary Conover, director of government relations for Western United Dairywomen. "It sets a foundation as to how you enter the regulating and permitting process."

Florez said changes to his bill will make adjusting to the process easier for farmers, who have called it too restrictive and costly.

The senator said he "cut around the edges" of SB 700 but maintained its original clean-air punch.

"This is not the minimum," Florez said. "This is still a measure that cleans the air and doesn't just settle a lawsuit."

The U.S. Environmental Protection Agency -- forced by an environmental lawsuit settlement -- told California last year to repeal the exemption or face statewide sanctions.

The sanctions, including the eventual suspension of billions of dollars in highway funds and increased fees for some businesses, will begin in November unless the loophole is repealed.

SB 700 is the only bill in the Legislature to end the exemption. If it passes the Assembly floor today, it goes back to the Senate for concurrence, then to Gov. Davis, who has not indicated whether he would sign it.

"We've kicked open a door that has been bolted, barred and locked for 60 years," said Kevin Hall, a Sierra Club member from Fresno. "This is a very big step in the right direction."

The final round of changes:

Clarify the circumstances under which air districts would track pollution precursors such as ammonia.

Require consideration of cost for agriculture engine technology and on the part of air districts when dealing with control measures.

Extend the permit deadline for confined animal facilities, such as dairies, to allow completion of scientific studies.

Assembly Members Joe Canciamilla, D-Pittsburg, and John Dutra, D-Fremont, said the bill now makes adequate concessions for agriculture. The negotiation, they said, produced a bill they will support.

"We got it worked out," Canciamilla said. "It was a lot of work and a lot of time and a lot of energy. I think we were able to come up with a good bill."

Said Dutra: "I will probably speak in favor of it when it hits the [Assembly] floor."

Canciamilla, Dutra and other moderate Democrats didn't vote last week on a Florez bill to end open-field agriculture burning, thus tethering it to the Assembly floor. This enraged Florez, who accused them of playing to the pockets of farm lobbyists.

Since then, Florez has tweaked SB 705, which would phase out burning of field crops by June 1, 2005, and all other farm waste, such as orchard removals, by 2010. Florez inserted a clause to push back the deadline for farmers who meet certain criteria.

Canciamilla said Tuesday other legislation, including SB 700, makes SB 705 unnecessary. "There's more than enough regulation already to take care of agricultural burning," he said.

The Assembly likely will vote Thursday on SB 705 and its counterpart, SB 704, which would provide incentives for biomass facilities to take more agricultural waste.

A vote on SB 707, which would set buffer zones between dairies and cities by blocking new dairy construction within three miles of urbanized areas, could round out the week.

The deadline for each house to pass bills to the governor's desk is Friday.

[Fresno Bee editorial, Sept. 10, 2003:](#)

## **Smokestack subsidiary EPA serving polluters, not public.**

*(Published Wednesday, September 10, 2003, 5:36 AM)*

John Pemberton is a key lieutenant for the Bush administration inside the Environmental Protection Agency as it relaxes pollution standards for one of its allies, the energy companies with outdated, high-emission power plants.

Scratch that. Pemberton was a key lieutenant. Within days of the EPA's rewriting of the rules, Pemberton left to take a top job with the Southern Co., one of the big polluters that had lobbied hard for the changes. For Team Bush, it was another Mission Accomplished.

The revolving door between this administration and the polluting interests did not end there. Pemberton worked for the EPA's air pollution arm. Edward Krenick, another top EPA official who worked on congressional relations for the agency, left to work for another of wing of the polluting lobby, a law firm that represents the "Electric Reliability Coordinating Council."

That's a nice-sounding name for the element of the utility industry that prefers to pollute rather than to install cutting-edge, low-emission technology when power plants are upgraded.

This administration and the fossil-fuel-forever crowd aren't just political allies. Under Bush, the EPA has become a wholly owned subsidiary of the nation's largest polluters. That's bad enough. It adds insult to injury that the agency serves as a training ground for future employees of big polluters.

[TriValley Herald editorial, Sept. 9, 2003 \(from the Los Angeles Times\):](#)

## **Crop of clean air needed**

The San Joaquin Valley, the food basket of the nation, has some of the dirtiest air in the nation, sullied by a combination of dust, farm chemical residues and farm vehicle pollution. The incidence of asthma in the farm city of Fresno is triple the national rate. Air quality experts estimate that 26% of the valley's pollution comes from agricultural operations. But farming has been exempt from state and federal clean-air rules for decades.

Now, with health studies and some federal muscle to back him, a state lawmaker is gutsily taking on the state's agricultural giants.

The state Senate has already passed SB 700 by Sen. Dean Florez (D-Shafter), and the bill is scheduled for a final vote in the Assembly on Monday. The measure would put California in compliance with an Environmental Protection Agency order that states repeal farm exemptions to air quality regulations or face sanctions, such as the cutoff of federal highway construction funds. However, supporters of Florez's bill worry that a few Assembly Democrats who fear the farm lobby will simply not vote, allowing the measure to fail. This cowardly tactic has become popular in recent years, helping to damage the public perception of lawmakers.

The bill applies to all California agriculture, but there is special emphasis on the San Joaquin Valley because the problem is so acute there. The Florez measure died once in an Assembly committee but was revived after Assemblywoman Sarah Reyes (D-Fresno) helped negotiate compromises to answer farmers' objections that the measure was too broad.

The latest version requires pollution controls on big farm machinery and diesel pumps. The state would also require farms to obtain pollution permits beginning in 2005 to operate large confined animal facilities such as massive dairy barns and adjacent runoff ponds. New research on animal waste could by then help inform regulations. Local air districts would still have the authority to exempt small farms.

Five companion bills by Florez, including one that would ban open-field burning, have also passed the Senate and deserve to be sent to the governor before the Legislature adjourns Sept. 12. The valley's air is the nation's second most polluted, after that of the L.A. Basin. Although pollution has been declining in Los Angeles, it has been getting worse in farmlands. Florez and Reyes are backing a modest compromise that is a start at letting valley children breathe easier.

### **9.11.01: Two years later**

Ground zero air quality was 'brutal' for months

UC Davis scientist concurs that EPA reports misled the public

Jane Kay, San Francisco Chronicle Environment Writer , September 10, 2003

A UC Davis scientist who led the air monitoring of the smoldering ruins of the World Trade Center said dangerous levels of pollutants were swirling about the site at the same time the U.S. Environmental Protection Agency assured the public that the air was safe to breathe.

Thomas Cahill, a professor emeritus of physics and atmospheric science, headed the scientific team that studied the aerosols from the fuming site in lower Manhattan during the weeks right after Sept. 11, 2001.

In an interview Tuesday, Cahill called the conditions for people working at ground zero without respirators "brutal" and said conditions were only slightly better for those working or living in adjacent buildings.

"The site was hot for months. The metals burned into fine particles. They rose in a plume and moved over people's heads on most days. There were at least eight days when the plume was pushed down into the city. Then people tasted it, smelled it and saw it. But people who worked in the pile were getting it every day. The workers are the ones that I worry about most," Cahill told The Chronicle.

Cahill's data found that the pollution included very fine metals, which interfere with lung chemistry; sulfuric acid, which attacks lung cells; carcinogenic organic matter; and very fine insoluble particles such as glass, which travel through the lungs and into the bloodstream and heart.

He is expected to present his latest findings at a national meeting of the American Chemical Society in New York today.

Cahill's comments echo a report issued in August by the EPA inspector general, an internal watchdog on the agency. The inspector general concluded that under White House influence, the

EPA issued misleading assurances that there was no health risk from air pollution after the attack.

A week after the attack, the EPA announced that the air near ground zero was safe to breathe, but the agency did not have enough information to make such a guarantee, the inspector general's report said.

"Christie Whitman was too premature to say it was safe," Cahill said Tuesday. "I think the EPA should have known. The EPA had its own reports saying it could be dangerous. Why didn't the EPA bring in their own people from all over the country? They could have. Never thought of it. They did later. But not in the time that mattered."

### **WHITE HOUSE PRESSURE**

The White House "convinced EPA to add reassuring statements and delete cautionary ones" by having the National Security Council control EPA communications, the inspector general's report found.

Marianne Horinko, EPA acting administrator, has defended her agency's post-Sept. 11 statements about air quality, saying the agency put out "the best information we had, based on just the best data that we had available at the time."

The EPA's public messages stand at the center of the confirmation of Utah Gov. Mike Leavitt to replace former EPA administrator Whitman, who resigned in May.

Sen. Hillary Rodham Clinton, D-N.Y., pledged last week to block his appointment unless the White House takes responsibility for telling the EPA to disseminate misleading reassurances.

Cahill heads the DELTA Group, which stands for Detection and Evaluation of Long-range Transport of Aerosols, an association of scientists at several universities and national laboratories. The U.S. Energy Department asked the group to monitor air quality in New York. The group has studied global transport of aerosols from the Gulf War oil fires in Kuwait in 1991, volcanoes, dust storms and worldwide factory emissions in China.

### **HEALTH CONCERNS**

In the two years since the attack, thousands of New Yorkers have contacted the World Trade Center health registry, reporting cases of persistent coughs, wheezing, shortness of breath and sinus inflammation.

A year ago, the New York Fire Department reported that up to 500 employees may have to retire early as a result of respiratory disability or chronic breathing problems caused by their exposure to dense clouds of dust, smoke and fumes at the site.

Cahill's first report in 2002, based on 8,000 air samples collected a mile from the complex, found high levels of very fine airborne particles that could increase risk of lung damage and heart attacks.

The new data confirm four classes of pollutants at levels higher than what Cahill's group found in Kuwait or China, Cahill said. Tons of concrete, glass, furniture, carpets, insulation, computers and paper were reduced to debris piles that burned for three months.

In that hot pile, some of the elements combined with organic matter and abundant chlorine from papers and plastics and then escaped to the surface as metal-rich gases. They burned or chemically decomposed into very fine particles capable of penetrating deeply into human lungs, Cahill said.

[San Francisco Chronicle editorial, September 7, 2003:](#)

## **Clearing the air**

IT SEEMS the Bush administration is determined to establish America's most environmentally hostile presidency ever.

How else to explain the White House's zeal for oil drilling in Alaska's Arctic National Wildlife Reserve and other protected regions, rejecting the Kyoto Protocol on global warming, dismissing Clinton administration initiatives on drinking water or balking on a pledge to regulate carbon dioxide pollution?

And now, the White House has undercut the Clean Air Act, abolishing safeguards that have protected air quality for 25 years. On Dec. 31, 2002, Bush gutted the act by repealing "new source review" which required refineries, power plants and other industries to install modern pollution controls to offset major increases in emissions.

It's the most damaging rollback of the act in its 30-year history. It could allow 1,288 industries in California alone to increase the contaminants they already spew into air by thousands of tons. And it's medically devastating, according to health experts who predict dramatic increases in lost work and school days, and respiratory diseases and deaths.

"The administration's changes essentially allow old, dirty facilities to continue emitting excessive levels of pollution -- forever," said a letter from the American Lung Association, Sierra Club and others in support of SB288, a state clean air act.

SB288, by Sen. Byron Sher, D-Palo Alto, would keep the new source review intact. So, it's puzzling and regrettable that the Coalition for California Jobs -- a Chamber of Commerce creation -- calls it a "job-killer" that will hurt business, as if quality of life were not a major reason why people want to work and live in this state.

But SB288 imposes no new restrictions. It's just a fail-safe against a federal act that could make California air unbearable.

The Assembly is expected to vote this week on the Senate-passed SB288. You can find the name and contact information for your Assembly member by typing in your ZIP code at [www.leginfo.ca.gov/yourleg.html](http://www.leginfo.ca.gov/yourleg.html) <<http://www.leginfo.ca.gov/yourleg.html>>.

[Visalia Times Delta Letters to the Editor, September 10, 2003:](#)

### **Air quality: A question for Flores**

I found the reason that state Sen. Dean Flores, D-Shafter, gave for supporting the bill to grant undocumented immigrants a driver's license interesting. As reported in your Sept. 4 edition, Sen. Flores says the bill is good because it gives immigrants a chance to drive their cars to work instead of taking vans. I would have thought that a politician who appears to see himself as the savior of Valley air quality would favor more use of vans and less use of individual cars.

LEE R. BELAU, Porterville

## **COUNTY ROUNDUP**

The Bakersfield Californian

Monday September 08, 2003, 10:30:17 PM

**EAST KERN:** Air district accepting grant applications for projects

The Kern County Air Pollution Control District is accepting grant applications for projects that will reduce pollution in eastern Kern County, the part of the county within the district's jurisdiction. The district receives about \$350,000 every year from the Department of Motor Vehicles, its share of the \$4 per vehicle air impact fee paid by motorists who register their vehicles in east Kern. This money is disbursed in the form of grants for projects that will cut air pollution caused by motor vehicle emissions.

In the district's newsletter, air pollution control officer Tom Paxson urged applicants to be creative in their project proposals. Applications are accepted from individuals to municipal or county agencies.

Projects can be anything from replacing old gas-powered vehicles with alternative-fuel vehicles, paving dirt roads, or creating video-conferencing systems for meetings to reduce the number of vehicles on the road.

Past winning projects include grants to create small fleets of electric vehicles in Tehachapi and California City, the replacement of an old diesel-powered school bus with one that uses compressed natural gas in the Tehachapi Unified School District, and many paving projects. Applications, available by calling 862-5250, will be accepted until 5 p.m. Friday, Jan. 2. Winning projects will likely be announced in March.

The San Joaquin Valley Air Pollution Control District oversees air quality in the western portion of the county.

[The Bakersfield Californian Letter to the Editor, September 10, 2003:](#)

### **Pollution laws needed**

After nearly a decade of working with Project Clean Air and people who are committed to the idea that air pollution is a serious threat to the health of us who live in this great Central Valley, I concluded that simply asking people to voluntarily reduce their use of polluting processes and machines is not enough.

It just doesn't happen! We need to have laws with teeth in them for enforcement of the things which will work. Since we cannot control vehicle emissions adequately because it is the responsibility of the state and federal governments not our own San Joaquin Valley Air Pollution Control District we need to do everything else possible and as soon as possible.

I am so pleased that our Sen. Dean Florez has proposed a set of bills that would measurably reduce our air pollution. Everyone of us, including our hard working farmers, need to contribute to air improvement if we are to succeed. Success is not only avoiding federal penalties, success means we'll all be healthier.

After our very smoggy days most of the summer I developed an asthmatic reaction which, while not serious at this point, could become so. Since I'm in the "elderly" part of the population, I hate to think what we're doing to even more vulnerable children and their health now and as they grow up.

I desperately hope the Legislature will pass these clean air bills.

LAURA DENNISON, Bakersfield