

TOO YOUNG TO DIE PART TWO: TOXIC LEGACY

By Reynolds Holding and Erin McCormick, Chronicle Staff Writers

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Babies born in neighborhoods afflicted by pollution -- from smog to pesticides -- are more likely to die before their first birthday.

That warm April midnight, Leslie Guttierrez lay in silence at Kern County Medical Center, hugging her newborn twins. She had named them Marie and Mariah, but she called them her two little angels, because they were no longer of this world.

Guttierrez was young and healthy. She did not smoke or drink or take drugs. She had received the care of a doctor and nurse since early in her pregnancy. She was Hispanic, an ethnic group with a very low rate of infant mortality. No one had a clue why Guttierrez's infants died.

"It was," she said, "almost like something was in the air that took my babies."

Or in the water or the ground.

Guttierrez lives in rural Kern County, by several measures one of the most polluted counties in the nation. Dense smog, agricultural waste and unknown doses of dangerous chemicals create an environment that ranks third worst among U.S. metropolitan areas for ozone and daily particle pollution, according to the American Lung Association.

Kern County also contains four of the 10 California ZIP codes with the highest rates of infant death from 1992 through 2001, according to a Chronicle analysis. Guttierrez's hometown of Shafter, ZIP code 93263, ranked No. 2.

Although dirty air and water cannot explain any one death, new research suggests that the risk of infant mortality -- death before the age of 1 -- is dramatically higher for women who live amid heavy pollution. Studies published in the past few years link pesticides, carbon monoxide and tiny airborne particles with birth defects, prematurity, low birth weight and respiratory ailments that can lead to an infant's demise.

"It means," said UC Berkeley Professor Kenneth Chay, co-author of a 2003 study on air pollution and infant death, "that there are a huge set of health benefits from cleaner air that have been ignored."

Almost two decades since the United States began a campaign against infant mortality, the cost of ignoring those benefits is beginning to emerge.

Public health officials tried to reduce the infant death rate by stressing better medical care rather than a cleaner environment or healthier urban neighborhoods. Today, the overall rate is down, from 10.6 deaths per 1,000 births in 1986 to 7 in 2002. But under the World Health Organization's 2002 rankings, the latest available, the United States was 36th among 196 countries. Although national figures show that Hispanic babies typically have even better survival rates than whites, infants in the rural Kern County ZIP codes that include Shafter, Lamont and McFarland are an exception. Over the 10-year period examined by The Chronicle, the Hispanic infant-mortality rate was twice as high for those Central Valley ZIP codes as it was for California.

"It's shocking that it's that high," said Dr. Elena Fuentes-Afflick, a UCSF professor who has studied infant mortality rates among Hispanic women.

Kern health officials say they run countywide programs to prevent infant deaths, but they were unaware of the high death rates among Hispanics in the county's rural ZIP codes until notified by The Chronicle. While researchers have connected pollution and infant mortality elsewhere, no one has studied these ZIP codes.

"This problem wasn't known before," Chay said. "It raises real questions about what the causes are. As a public policy matter, trying to find some answers may be important, not just to these towns, but to other areas as well."

Effects of air pollution

The first suggestions of a link between pollution and newborn deaths came from London, where the number of infant deaths doubled during a weeklong weather inversion that trapped noxious smog in December 1952.

It was not until the 1990s, though, that researchers developed scientific evidence that bad air could kill babies. In 1995 and 1997, two studies from China found close associations between air pollution and premature and low-weight births. A 1999 study of the Czech Republic connected high levels of air particles with infant deaths from respiratory problems. The same year, a study from Mexico City showed the number of infant deaths rising several days after sharp increases in air particles, ozone and nitrogen dioxide.

In the United States, substantially lower levels of pollution obscured the connection between air quality and infant death. Still, such a link "made a lot of sense," said Dr. Beate Ritz, professor of epidemiology at UCLA School of Public Health, "because we already knew that air pollution increased adult mortality, especially among the elderly and people with cardiovascular problems."

Ritz and other researchers have established that polluted air increases infant mortality in the United States as well as abroad. But the potential dangers from other sources of pollution -- contaminated wells, toxic dumps, dairy farms -- remain a mystery.

From the cab of his Chevy pickup, Tom Frantz, a high school teacher, environmental activist and son of a Kern County almond farmer, points out one pollution problem after another.

Driving down a county road lined with cotton fields and almond orchards, Frantz gestures to the crescent of barren mountains surrounding Kern to the east, south and west. The rounded peaks are barely visible through the smog.

"We're in a bowl here, there are mountains all around us, so the air pollution all gets trapped," he said. "Smog all the way from Sacramento blows down and just stays here."

With trapped vehicle emissions and agricultural pollutants ranging from dust to pesticides, Kern and the rest of the San Joaquin Valley threaten to overtake Los Angeles as the smog capital of the nation, Frantz explained.

The smell of manure fills the air as Frantz drives his truck along a sprawling dairy farm where thousands of Holstein cows huddle in huge, muddy enclosures. Along one side is a small mountain of feed covered in plastic held down with old tires. The gases from cattle urine and manure produced by these farms mix with the air to worsen the smog problems, Frantz said. Until this year, dairies were not subject to clean air regulations.

"The pollution from these dairies is worst in the winter," he said, "because tons of ammonia evaporate into the air and mix with fog to become dangerous particles of ammonium nitrate" that can lodge in people's lungs.

Frantz points out the cotton, grape and almond fields that dot the area. Here, the pesticides change with the seasons. In April, farmers spray herbicides to clear their fields for planting. In May, hormones are applied to make the grapevines bloom. In June, agricultural crews use a chemical fungicide to prevent fruit from rotting. In August, they add sulfur to get rid of mildew.

Though many Kern residents share Frantz's concerns, a substantial portion of them believe agriculture gets a bad rap.

Loron Hodge, 65-year-old executive director of the Kern County Farm Bureau, remembers growing up in Tulare County and helping his father in the alfalfa fields.

"I never had any adverse reactions," he said. "Now, why would I have such a good life? I don't think you can explain it. There are people who adapt to this valley and people who do not."

Hodge said he finds it "difficult to grasp" that infant deaths would be connected to agriculture. "My opinion is that we are seeing more pollution in the valley because we have more people coming, bringing their automobiles," he said. "The frustration we (farmers) have is that we get this broad

brushstroke that says agriculture is doing bad things, when all we want to do is provide food and fiber to the people we serve."

A family tragedy

Off the truck-choked lanes of Route 99, down the Elmo Highway through hazy acres of cotton and grapes, left at the tire shop, Carlos Hernandez lives with his wife, Manuela, and their daughter, Mireya.

They live in McFarland, "cancer town," site of a childhood-cancer cluster from 1975 through 1995 and, now, the ZIP code with the eighth-highest infant mortality rate in California.

State investigators found no environmental cause for the cancers, but the infant deaths are harder to dismiss. They approach a rate seen in Tonga, Fiji and other developing nations. Hernandez makes light of the pollution around him -- "I figure, whatever you're going to die of" -- but cannot account for what happened to his son.

Carlos Jr. arrived in March 2003. He was a bruiser, at three weeks "so big and long that I couldn't lay him on my arm no more," said Hernandez, short but strong himself.

Everyone loved Carlos Jr. He was his grandfather's "Little Buddy" and his father's dream fulfilled.

One day after Father's Day last year, at his grandfather's home nearby, Carlos Jr., 3 months old, began to fall asleep as aunts and uncles and sisters passed him from lap to lap. Hernandez carried him to the bedroom.

"I kept going back, three or four times," to check him, Hernandez recalls. The last time, "my brother went in and my brother said he didn't see him there. I went in and said he's right there."

There, but no longer breathing.

"I just dropped to the ground. I didn't know what to do, so I took him to the hospital, but ..."
Hernandez's hand goes to his brow and jars the bill of his 49ers cap. He begins to sob. Manuela Hernandez sits next to him, lips quivering, her words locked inside because she cannot speak English.

The doctors at the hospital could not offer any answers. They told them it was just something that happens.

But researchers are finding that it sometimes happens because the air contains too much microscopic dust, called particulate matter 10 microns wide or less, or PM10.

In 1997, federal environmental experts published a study showing that air rich in particles increased the death rate from sudden infant death syndrome -- 26 percent for babies of Carlos Jr.'s age and birth weight. The amount of particles in the areas studied ranged from 11.9 to 68.8 micrograms per cubic meter. The findings squared with research on infants in Taiwan, Korea and the Czech Republic and with studies linking adult mortality to high particle levels.

Measurements are unavailable for particles in McFarland, but nearby Bakersfield ranks No. 3 nationally in particle pollution, just behind Visalia (Tulare County) and Los Angeles, according to the American Lung Association. According to the California Air Resources Board, the average amount of particles in Bakersfield over the past three years was about 60 micrograms per cubic meter.

Whatever took his son does not much matter to Hernandez now. He still grieves hard, visiting the grave once a week in Delano (Kern County) and keeping Carlos Jr.'s room just the way it was.

He draws strength from his family and, most of all, from 6-year-old Mireya.

On a particularly difficult night, they sat together remembering.

"She said, 'Don't cry, Daddy. My little brother is with God, and he's already a little star, watching over us. We can sit at night and look at the sky and see him,' " Hernandez said.

'Something's wrong'

Thirty miles southwest of McFarland in Kern County is Buttonwillow, population 1,266. Its skies routinely fill with the dust of tilled earth and air-dropped pesticides, but its environmental notoriety stems from the deaths 12 years ago of two babies born without brains within eight months of each other. The occurrence of two cases in one year creates a rate 25 times higher than expected for Kern County, according to the California Birth Defects Monitoring Program.

Mary Helen Mendez and other residents suspected the nearby hazardous waste dump. They tried to force the dump's closure by marching through town, but their efforts failed after investigators found nothing to explain the deaths.

Still, with her son and husband sickened by asthma and other ailments, she knew something was wrong with this place. In 2001, they moved northeast across Interstate 5 to Shafter, and it was there that her problems grew worse.

Mendez, 29, was pregnant. She said she was happy at first, living in a one-bedroom apartment and working at a computer in a pistachio warehouse. She quit when the season ended during her fifth month of pregnancy.

"I was healthy," she recalls, "but it was confusing because I was so big."

Much to her surprise, Mendez was pregnant with twins.

On the evening of Oct. 2, she began to feel queasy. By 9 p.m., she was in pain. Her husband hustled her to the hospital, and at midnight she delivered two boys.

"All the scariness and sadness and pain," she said, "went away."

But both sons, Jesus and Jorge, were three months early and weighed less than 2 pounds. They had to stay behind when Mendez left the hospital on Oct. 3.

"That night, I got a phone call from the hospital," she said, furiously wiping her sudden tears, "telling us to come down."

When she arrived, the doctors "were explaining a bunch of medical terms, and I looked into his (Jesus') bed and he wasn't there," Mendez said. "I told my husband, 'Something's wrong, he's not in the incubator,' and he said, 'Yes he is,' and I said, 'No, it's covered,' and that's when they told me my son was dead."

In 2000, three years after the federal study connecting SIDS with air particles, UCLA Professor Ritz and three colleagues published research showing that a pregnant woman's exposure to high doses of particulate matter, as well as carbon monoxide, could cause premature birth. In 2002, they published a second study linking ozone and carbon monoxide with heart defects in newborns.

The researchers studied babies born from 1987 to 1993 in Los Angeles, Orange, Riverside and San Bernardino counties, and Ritz cautions that it is unclear whether the effects were caused by the substances themselves or by undetected toxins that accompany those substances in the air.

In 2001, Shafter exceeded national ozone standards for 30 days, longer than most communities measured in neighboring Los Angeles County. Ozone is not measured in Buttonwillow, and carbon monoxide and air particles are not measured in either Buttonwillow or Shafter.

But the ozone and daily levels of air particulate pollution in the Bakersfield metropolitan area are ranked third worst in the nation in a 2004 study by the American Lung Association.

No one knows whether pollution contributed to Jesus' death, but Ritz's research suggests a connection between bad air and his brother Jorge's problems.

Several days after his birth, Jorge was rushed to UCLA for an operation to close a hole in his heart. Later, he spent three weeks at a Fresno hospital with lung problems that developed into pneumonia. It would be the first of three bouts with the virus.

Now 2, Jorge has chronic lung disease and frequent ear infections. He is deaf in his left ear and very rarely talks.

"Jorge, he just studies people. That's how Jorge is," Mendez said as she chased her little boy pedaling through the parking lot of the apartment complex. "He went through a lot, and at the moment, I don't want any more babies."

Poisoned wells

Tom Frantz swings his truck back toward Shafter and pulls into a dirt road running between a cluster of plywood shacks, each about the size of a one-car garage. Children play by the alley, and laundry hangs above bare patches of soil. The area, known as Myrick's Corner, started as a migrant worker camp during the 1930s "Okie exodus" described in John Steinbeck's "The Grapes of Wrath."

The one-room houses have been rebuilt on the foundations of the old tent cities, Frantz said. Now they are occupied exclusively by Hispanic migrant workers.

"People rent these for something like \$400 a month. Sometimes there are as many as 15 to a house," he said.

Until the mid-1990s, Myrick's Corner and a similar immigrant community on the southwest edge of town, Smith's Corner, got all their water from shallow wells polluted by agricultural chemicals.

City officials sent letters to residents warning them not to drink the water because it was contaminated with nitrates. A component of fertilizer, nitrates cause "blue baby syndrome," a potentially fatal condition that limits the body's ability to distribute oxygen.

Residents successfully lobbied to get their homes connected to the cleaner water system that serves Shafter proper. Still, they fear their health has been damaged by the polluted water and the pesticides sprayed in nearby cotton fields and almond orchards.

"Whenever they spray, we can smell it. We try to run inside, but it causes headaches," said Sonya Garza, a Smith's Corner resident whose teenage brother suffers from leukemia and whose 44-year-old mother suffers from cirrhosis of the liver, though she has never used alcohol or drugs.

"We don't know what these chemicals do to us," she said.

Stench of chemicals

Leslie Gutierrez grew up just north of Shafter, in Wasco, in a labor camp beside the dog-food plant and the four ribbed silos storing charcoal.

"It would stink," said Gutierrez, 18. "There was a lot of pollution that would make us sick all the time."

When Gutierrez turned 12, her father, a garlic picker, moved the family to a subsidized house he had built near the center of Shafter. It took awhile for Gutierrez to warm to her new neighborhood, but then she met Alonzo.

He was five years her senior, dark and sweet and still two years away from the farm accident that would take his right hand. They dated a year before Gutierrez found out that she was pregnant in November 2001.

She was only 16, and the news did not sit well with her father. He "wouldn't talk to me for like three weeks," she said. "He was just crying."

But when an ultrasound revealed that Gutierrez was having twins, a grandson and a granddaughter, her father hugged her "and said he would always be there to help me."

Gutierrez received lots of help, from her relatives and her doctor and a nurse who visited her home. But all the help in town could not prevent the pains that, in her fourth month, gripped her back. She took to her bed for a few weeks, and the pains went away, only to return about one month later.

The doctor said the pains were normal, but they got worse. And in the dead of night, while she and Alonzo were staying at her sister's house, she felt she could suffer no longer.

"I went into the bathroom," Gutierrez said, "and I hit my knees because my mom had told me to do that for the pain. Then I felt the baby's head, and all of a sudden the little girl came out. I picked her up, and she was alive, and we called an ambulance. Then I passed out."

Since Gutierrez lost her twins two years ago, the evidence linking pollution and infant death has grown stronger. In April 2003, UC Berkeley Professor Chay and his colleague published their study of substantial air pollution reductions that resulted from a decline in manufacturing during the recession of 1981 and 1982. They found that the decreased pollution may have prevented as many as 2,500 infant deaths nationally.

In October, UCLA Professor Janet Currie and a colleague published research showing that air particles, carbon monoxide and, to a lesser extent, nitrogen dioxide from vehicle exhaust contributed to infant mortality throughout California in the 1990s. But the researchers also estimated that an additional 1,366 infants survived because the air actually grew cleaner over that decade.

Gutierrez and Alonzo were married three weeks after their twins died. They buried the twins in the Shafter Cemetery, in a quiet grove with other infants.

They visited the cemetery on a recent afternoon, during the funeral of their friends' 2-year-old, who had been hit by a car.

They turned from their twins' grave and walked toward the tent that sheltered the small white casket of their friends' son. Alonzo joined the gathered crowd, but Gutierrez, 10 weeks pregnant, stood at a distance.

"I can just imagine," she whispered, "how that mom feels."

Incident at Weedpatch

No one saw the plume of noxious gas that drifted over the apartments and shacks of the Lamont farming community known as Weedpatch on the evening of Oct. 4, 2003. But its effect on residents was immediate.

Children playing on the grass around their apartments ran inside with their eyes burning. Babies vomited. Parents, with tearing eyes and burning throats, scrambled to shut windows as a pungent, sweet chemical odor, similar to that of flypaper, exploded into their nostrils.

"I called 911 and said, 'What's happening to us? What's going on?' " said Flora Bautista, a mother of five, who was in her apartment in Weedpatch that evening. Within minutes, she said, her elementary-school-age children were vomiting, eyes stinging, so violently ill that they were rolling on the ground in pain.

After hundreds of people were evacuated from the community, residents learned what had happened.

A pesticide application company, hired by the owner of a nearby onion farm, had injected a highly concentrated fumigant into the soil in an attempt to sterilize it. The chemical, which leaked into the air and drifted into the homes of Weedpatch, was a 100 percent solution of chloropicrin, the active ingredient in tear gas.

Gabriela Cornejo, 19, was visiting her mother in Weedpatch that evening. She was one of more than 130 people who complained about being sickened by the fumes.

"Suddenly, I couldn't breathe right," she said. "I started feeling dizzy. I'm like, 'What's happening to me?' "

Two days before the pesticide drift incident, Cornejo realized she might be pregnant with her second child. Two days after, still feeling a little sick from the exposure, she went to the doctor to confirm the pregnancy and asked how the chemical might affect her baby. The medical staff couldn't answer her question.

Four months later, "out of nowhere," she said she suddenly started to bleed. She called her doctor, who told her to go to the hospital immediately.

Her baby didn't survive long enough to be considered a live birth. It was miscarried in its fourth month of gestation.

Cornejo, a lifelong resident of the Lamont area, said she'd never been exposed to agricultural chemicals before this. She is one of more than a hundred victims of the Oct. 4 drift who have joined a lawsuit against the pesticide spraying company and the farm owner. Western Farm Service, the pesticide company, agreed to pay \$60,000 to settle state and county allegations that it violated pesticide-handling rules.

Dale Dorfmeier, an attorney representing Western Farm, said that, "to the best of our present knowledge," all precautions and legal permits required to apply the pesticide safely "were followed on this job." He said the drift was caused "by changed atmospheric conditions" rather than by the company's actions.

After the company was told about the drift, he said, its employees "did all they could" to solve the problem.

In Kern County, pesticide drifts happen with some regularity. There were 120 reported pesticide drifts -- resulting in 418 reports of illness -- in the 10 years between 1992 and 2001, according to the California Department of Pesticide Regulation. In these cases, chemicals from an agricultural site drifted off to sicken people in adjacent areas. There were another 353 reports of pesticide exposure incidents in which 417 workers complained of being sickened by pesticides at their work site.

Yet almost nothing is known about the long-term health effects of most pesticides on adults, much less how they affect pregnant women and babies.

Materials-handling advisories describe chloropicrin as "highly toxic" and a "powerful irritant," which can attack the liver, heart, kidneys, lungs and stomach, and can cause death in high enough doses. Studies have shown that exposure to it increases mortality in rats, but there are few studies on its long-term effect on humans.

In March, in one of the few studies that have looked at how pesticides affect unborn children, Columbia University researchers found that pregnant women in New York exposed to high levels of two pesticides had significantly smaller babies than their neighbors.

After the pesticides were restricted, baby size increased in the neighborhood. Both pesticides -- chlorpyrifos and diazinon -- are often used on fields in Kern County.

Cornejo's attorney, Jeff Ponting of the nonprofit group California Rural Legal Assistance, said he cannot know for certain what caused Cornejo's miscarriage.

"But to be exposed to something like this, and to become violently ill as a result of that exposure, seems likely to have a negative effect on a pregnancy," he said.

Cornejo said the incident has left her fearful.

"Where we live, it's all farmland," Cornejo said. "Now, this makes me wonder, 'What if this happens again?'"

'Kind of scared'

Early this year, Carlos and Manuela Hernandez thought they might get a second son.

Manuela was pregnant, and for two months she endured the nausea that she assumed was part of the experience. In her ninth week, though, her doctor measured her girth and concluded that the fetus had not grown.

Two weeks later, Manuela went with her husband to get measured again.

When they returned from the doctor's office, it was clear that the news was not good. Manuela was silent. Carlos Hernandez took a seat on the couch and started toying furiously with a small Cat in the Hat doll.

The fetus had stopped growing, he said. The doctor called that afternoon to tell them that it had to be removed.

"We got to try again," Hernandez said, "at least so my daughter can stop thinking about her little brother."

In late February, Mary Helen Mendez, who had lost her son Jesus, found out that she was also pregnant. She was unsure how another child might fit with a household already strained financially and emotionally.

"I'm kind of scared," she said.

And on April 24, Leslie Guttierrez gave birth to 7-pound 2-ounce, flush-with-health Clarissa.

Guttierrez marveled at how easy the delivery was. A little back pain around midnight, a nudge to Alonzo that it was time, a drive to the hospital and, within about an hour, a new baby girl.

"It was," Guttierrez said, "the happiest day of my life."

THE SERIES

SUNDAY: High-stress neighborhoods can doom infants.

TODAY: Pollution linked to infant deaths.

TUESDAY: Going door-to-door to save young lives.

WEDNESDAY: Flawed health care system costs babies' lives.

THURSDAY: A hospital where miracles occur daily.

This series is available online at SFGate.com. To obtain infant death statistics for neighborhoods by ZIP code and track the infant death rate by county over the past decade, go to sfgate.com/infantmortality/.

TOO YOUNG TO DIE

California has one of the lowest rates of infant mortality in the nation, but from San Francisco to Los Angeles there are pockets where babies are at twice the risk of dying before their first birthday.

By Erin McCormick and Reynolds Holding, Chronicle Staff Writers

S.F. Chronicle, Sunday, October 3, 2004

Babies born in the United States are twice as likely to die as those of Sweden, Iceland, Japan, Spain or even the Czech Republic. And, within this country, some babies -- depending on their race and where they live -- start out with heavy odds against them.

Almost 20 years after the United States set a goal of reducing infant mortality, the rate of deaths among children in their first year of life is still high.

Advances in medicine and technology have lowered the overall infant mortality rate, from 10.6 deaths per thousand births in 1986 to 7 in 2002, according to the Centers for Disease Control and Prevention, but failed to raise the statistical survival chances of infants in the United States beyond those of babies in many of the world's developing nations. The latest infant mortality rankings from the World Health Organization show the United States 36th among 196 nations.

A Chronicle study of infant deaths in California found that in concentrating national efforts on medicine and technology, health care leaders have ignored evidence that pollution and the stress of inner-city life may be a threat to many newborn babies.

It also found that some of the medical marvels that can aid the survival of the smallest and sickest babies -- infants born as many as 16 weeks early, weighing as little as 1 pound 2 ounces -- fail to reach more than 1,000 of the infants who die in California each year -- because of a breakdown in the state's health care delivery system.

The Chronicle used state birth and death data to find the California communities where infants stand the greatest chance of dying in the first year of life.

Using a database that included information on each birth and death in California, The Chronicle identified those ZIP codes where the infant mortality rates -- the number of infant deaths per 1,000 births -- were the greatest over a 10-year period.

In many cases, the disparities were startling.

San Francisco's Bayview-Hunters Point and several East Bay ZIP codes, including Richmond's "Iron Triangle" and a north Oakland neighborhood that surrounds the MacArthur BART Station, had strikingly high rates of infant death.

The worst infant mortality rate in California was ZIP code 90008, covering the Crenshaw neighborhood of South Central Los Angeles. Babies died there from 1992 through 2001 at a rate of 13.8 for every 1,000 live births. The state average was 6.1. Of the 66 babies who died, 56 were African American, an all-too predictable statistic.

"You show me a poor, black neighborhood and I'll show you a place with a high infant mortality rate," said Dr. Jeffrey Gould, a Stanford pediatrician who studies infant mortality.

In the Central Valley, the hot spots for infant mortality were the Kern County cities of Lamont and McFarland, and other rural areas populated mostly by Hispanics, an ethnic group with a generally low rate of infant death.

Although the United States pursued a campaign to reduce infant mortality for almost two decades, it failed to keep pace with the rest of the industrialized world. Last year, for the first time in decades, the national infant-mortality rate increased -- an uptick that experts attribute to a rise in premature births.

Black infants around the nation are still twice as likely as whites to die, a statistic that applies across every level of education, income or social class.

Hispanic infants, on the other hand, survive at a higher rate than whites, despite their generally lower socioeconomic status. Hispanics who immigrate to the United States have better infant-mortality rates than those who are born here.

The Chronicle found ZIP codes in heavily agricultural Kern County with Hispanic rates much higher than expected. Experts cannot explain the higher rates, though new research is finding links between infant death and pesticides, air particles, smog and other types of pollution.

The search for answers continues. Whatever the cause, the death of an infant "is always a tragedy," Boston University medical school Professor Paul Wise writes in a recent article on infant mortality. "But the death of an infant from preventable causes is always unjust."

BAY AREA

94124: San Francisco, SAN FRANCISCO COUNTY 11.8

94609: Oakland, ALAMEDA COUNTY 11.3

94801: Richmond, CONTRA COSTA COUNTY 10.9

94703: Berkeley, ALAMEDA COUNTY 10.8

94710: Berkeley, ALAMEDA COUNTY 10.3

State Average: 6.1.

SACRAMENTO VALLEY

ZIP code/ Infant mortality

city/county rate

95202: Stockton, SAN JOAQUIN COUNTY 13.1

95814: Sacramento, SACRAMENTO COUNTY 10.6

95605: West Sacramento, YOLO COUNTY 10.4

95815: Sacramento, SACRAMENTO COUNTY 10.1

95961: Olivehurst, YUBA COUNTY 10.0

State Average: 6.1.

CENTRAL VALLEY

ZIP code/ Infant mortality

city/county rate

93263: Shafter, KERN COUNTY 13.4

93301: Bakersfield, KERN COUNTY 12.8

93706: Fresno, FRESNO COUNTY 12.4

93250: McFarland, KERN COUNTY 12.1

93241: Lamont, KERN COUNTY 11.7

93721: Fresno, FRESNO COUNTY 11.6

93268: Taft, KERN COUNTY 10.9

93725: Fresno, FRESNO COUNTY 10.8

93307: Bakersfield, KERN COUNTY 10.1

93304: Bakersfield, KERN COUNTY 10.0

State Average: 6.1.

SOUTHERN CALIFORNIA

ZIP code/ Infant mortality

city/county rate

90008: Los Angeles, LOS ANGELES COUNTY 13.8

(Note: Highest rate in California)

92404: San Bernardino, SAN BERNARDINO COUNTY 12.7

92408: San Bernardino, SAN BERNARDINO COUNTY 12.3

93543: Littlerock, LOS ANGELES COUNTY 11.4

90746: Carson, LOS ANGELES COUNTY 11.3

90047: Los Angeles, LOS ANGELES COUNTY 10.8

92284: Yucca Valley, SAN BERNARDINO COUNTY 10.6

92313: Grand Terrace, SAN BERNARDINO COUNTY 10.4

92324: Colton, SAN BERNARDINO COUNTY 10.4

92410: San Bernardino, SAN BERNARDINO COUNTY 10.3

90222: Compton, LOS ANGELES COUNTY 10.1

90062: Los Angeles, LOS ANGELES COUNTY 10.0

93555: Ridgecrest, KERN COUNTY 10.0

Cooler California feels the better air quality

By Michael Bustillo, Los Angeles Times

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California's air quality took a substantial turn for the better in 2004, after three years of steadily worsening smog had sparked fears that the state was losing its decades-long war against air pollution.

The explanation for the improvement, air-quality experts say, boils down to simple meteorology: It has not been as hot this year in California.

The good news on bad air days demonstrates that the state's notoriously hazy skies are not only a product of pollution, but of weather conditions that often make California a perfect hothouse for smog.

"Every year, the fleet of cars gets a little cleaner, and we see improvements in the pollutants that form smog," said Jerry Martin, a spokesman for the California Air Resources Board. "The big unknown is the weather. You don't get really high levels of ozone until pollution has spent several days cooking in the sun."

Last year, Los Angeles, Orange, Riverside and San Bernardino counties surpassed a key federal health standard for ozone, the main ingredient in smog, on 64 days by the end of September -- nearly one-fourth of the time. So far this year, the region has exceeded the standard on 27 days.

Similarly, California's San Joaquin Valley, which has begun to challenge the Los Angeles region as the state's smog capital, has violated the ozone standard on nine days, compared with 36 at the same time a year ago.

By contrast, Houston, which has vied with regions in California for the title of the nation's smoggiest place, experienced a slight increase in exceptionally bad air days this year.

Houston exceeded federal health standards for ozone over a one-hour period on 31 days so far this year, making it the smog capital -- at least by that test. But the San Joaquin Valley fared far worse than Houston, according to another federal measure of ozone over an eight-hour period, leaving room for debate.

Breathing air with high levels of ozone can cause shortness of breath, nausea and headaches. Repeated exposure has been linked to serious health problems including asthma and heart disease.

Cars are the largest source of smog-forming emissions in California, followed by household chemicals from cleaning supplies and paints. Diesel engines powering trains, ships, buses and construction equipment also are a major contributor and remain loosely regulated compared with other causes of pollution.

The federal health standard for ozone over a one-hour period is .12 ppm.

Scientists have long known that high temperatures help cook the chemical stew of pollutants that forms smog. Milder weather makes the stew boil more slowly, resulting in lower ozone levels. Air-quality experts say that the spring cloud layer in Southern California seemed to last longer this year, lowering temperatures.

Ad targets stance on clean-air law

Lung association upset at use of its name in latest commercial salvo between candidates' camps

By ERIC STERN - BEE CAPITOL BUREAU

Modesto Bee, Sunday, Oct. 3, 2004

State Sen. Mike Machado, D-Linden, has bestowed a made-up "Black Lung Award" to Republican opponent Gary Podesto for criticizing a new clean air law.

It was the latest jab exchanged through television commercials between the candidates in the 5th Senate District, which takes in parts of San Joaquin, Sacramento and Solano counties, and all of Yolo County.

The new ad features Dr. Frank Stagers, former president of the California Medical Association, offering a "public health message about air pollution."

Stagers said one in seven children in the Central Valley suffers from asthma, but Podesto has "sided with his campaign contributors and against the American Lung Association of California" by criticizing Senate Bill 700.

The Legislature passed SB 700 last year, requiring permits for diesel-powered irrigation pumps and other farm engines that long had been exempt from clean air rules.

Machado, a farmer, supported the bill. The California Farm Bureau opposed it and last month came out in support of Podesto, Stockton's mayor and a former grocer.

"There should have been a lot more science and work done before that was passed the way it was," Podesto said at a Farm Bureau news conference when asked about SB 700. "We're losing family farms due to regulations."

Podesto's campaign called the ad "disappointing."

"They're blaming Gary Podesto for asthma in the Central Valley. What's next?" asked Podesto spokesman Brian Seitchik, who noted that Podesto drives a Honda hybrid vehicle.

But the ad's harshest critic was the American Lung Association of California.

Association Vice President Paul Knepprath sent Machado a letter Friday demanding that he stop using the group's name in the "inappropriate" ad.

Even though the lung association "strongly supported Senate Bill 700 because of its important air quality and public health benefits," the nonprofit group is not allowed to take part in election activities and did not authorize use of its name, Knepprath said.

Machado responded in a letter that his support of SB 700 was based on "the hard work" of the lung association, but he said he would add a disclaimer to the ad that the lung association does not endorse candidates for public office.

The ad follows another Machado commercial that dubs Podesto the "King of Sprawl" for supporting development that encroaches on farmland. Podesto has been attacking Machado in ads for campaign finance violations and using "dirty money" to pay for his re-election effort.

Stockton mayor is sure that his pro-business, anti-crime stance will soon tame Sacramento

By ERIC STERN - BEE CAPITOL BUREAU

Modesto Bee, Sunday, Oct. 3, 2004

Gary Podesto calls it his "Chamber of Commerce commercial," the upbeat TV spot with the Stockton mayor walking through his town, showing off the revitalization efforts.

Businesses are moving in, crime's dropping and the downtown has a new shine to it.

Podesto, who sold a successful chain of Food4Less grocery stores before running for mayor in 1996, now wants to take his business acumen to the Legislature.

He's running against Sen. Mike Machado, D-Linden, in the most competitive and expensive state Senate race this year. The district includes San Joaquin, Sacramento, Solano and Yolo counties.

"What the state needs right now is to improve its business climate and business environment," Podesto said.

Podesto is clinging tightly to the popularity of Gov. Schwarzenegger and the reform agenda. Schwarzenegger has endorsed Podesto and was the main attraction at a May fund-raiser for Podesto that brought in \$560,000.

Podesto says he can do a better job than Machado in helping the governor get a handle on spending - and do it without raising taxes.

He said it's time for a change in the 5th Senate District.

One of Machado's early backers

Podesto was an early supporter of Machado, who was first elected to the Legislature in 1994, even giving money to fight a GOP-led recall in 1995.

"I actually donated money to Mike Machado and gave money against the recall," Podesto said. "I didn't think my party should have recalled someone that early, that quickly."

But he adds, "Mike was more moderate than he is now."

Podesto said Machado has drifted to an "anti-business" stance with other Democrats who control the Legislature.

He points to efforts Machado supported to require small businesses to provide health insurance to workers and a package of bills that placed new, potentially costly, [air-pollution rules on farmers](#).

Podesto said such regulations are driving businesses out of the state and farmers to sell their land, and the trend needs to be reversed.

"You just multiply your problems" when businesses leave, he said. "It's a constant diminishing return."

Wants to lure business back

He proposes more tax incentives to bring businesses back to California and help them expand.

If he can change the image of Stockton, he can do it in Sacramento, he said.

He said he ran for mayor out of concern with Stockton's reputation as city that couldn't lure businesses because of uncontrollable crime and a dysfunctional city council.

In seven years as mayor - he ran unopposed for a second term in 2000 - crime has dropped, there has been a net job increase, the city is building an arena and ballpark on the waterfront and the city has restored two landmarks, the Hotel Stockton and the historic Fox Theater.

Podesto pushed for reductions in utility and real-estate transfer taxes, and CEO Magazine listed Stockton as one of the most business-friendly cities in California. Stockton was recognized as an "All America City" in 1999 and 2004.

"The city has confidence in itself," Podesto said. "People actually have hope."

Opponent criticizes sprawl

Part of Stockton's success is the city's growth, which has drawn sharp criticism from Machado. He has dubbed Podesto the "King of Sprawl."

"What I'm getting beat up for is planned growth, which is not sprawl," Podesto said. "You can't stop it, you can improve it."

Podesto said he's raised developer fees by nearly 50 percent to make sure builders pay their "fair share" for road and other infrastructure improvements.

Podesto said he's had to make tough calls as mayor and won't shy from controversy in the Legislature. He criticizes Machado for skipping out on several key votes this year.

But Podesto said he's ready to get to work.

"I dig in, and I don't put my finger in the air," he said.

Republicans put the pressure on Machado as candidate seeks re-election to 5th District seat

By ERIC STERN - BEE CAPITOL BUREAU

Modesto Bee, Sunday, Oct. 3, 2004

Republicans have rarely given Mike Machado an easy time.

When Machado, a Democrat, first ran for the Legislature in 1992, he lost after the absentee ballots were counted.

He won an Assembly seat two years later, but Republicans launched a recall immediately. He beat it, served two more terms, then eked out a win for the state Senate in 2000.

Now he's running for re-election in the 5th Senate District, which includes San Joaquin, Sacramento, Solano and Yolo counties. And Republicans are throwing everything they have at him to take over the seat.

So why don't they like him? For Machado, it starts at home, in Linden, where his family has been farming since 1906.

"Because I'm a farmer, some people would rather see me more typecast than I am," said Machado, who received degrees in economics at Stanford University and the University of California at Davis.

His campaign signs call him an "Independent Democrat." And his voting record and relationship with the California Farm Bureau, the state's largest and most influential agricultural organization, has soured since Machado ran a county Farm Bureau chapter in the 1980s.

Group endorses opponent

In a symbolic blow, the group endorsed Republican Gary Podesto, the mayor of Stockton, in the race.

Bill Pauli, the state Farm Bureau president, said Machado has forgotten where he came from, that he lost touch with his farming roots and sees issues from a "global" instead of a local perspective.

It's a label Machado - who has gone from Chile to China to learn about farming, water and trade issues - doesn't mind.

"Being global, if that's what I'm going to be tagged with, is being able to see two perspectives and try to create an understanding so we can work together on solving a problem," he said.

When it comes to issues such as air-pollution rules for farmers and pesticide spraying, Machado said he has been able to broker workable solutions with more liberal and urban Democrats who often propose more-restrictive measures.

Sometimes that hasn't gone over well with farm groups, but Machado said there's nothing he would legislate that he can't live with himself. He's eliminated field burning - instead he mulches straw and orchard prunings - and has incorporated minimum tilling practices that reduce diesel-fuel use.

"When we are faced with the type of encroachment in the rural areas ... agriculture has to be adaptive with their neighbors," Machado said. "With that adaptation, you get the respect to keep it versus wanting to do away with it."

Machado also prides himself on carving out a niche on water-rights issues, and he serves as chairman of the Senate Agriculture and Water Resources Committee.

"I've got 10 years of experience with this," he said. "I've got knowledge of water from the Klamath River to the Colorado River."

Machado has been heavily involved with the California Federal Bay-Delta Program, and he spearheaded two statewide bond measures that have led to billions of dollars for water and conservation projects.

Says farming foundation helped

Machado also points to other accomplishments on welfare reform, predatory lending laws and the Stockton campus of California State University, Stanislaus.

He said his experiences managing a farm have made him a successful legislator, helping him gain a better understanding of everything from trucking regulations to workers compensation costs.

"If you take a look at the Legislature, there's very few people who have private-sector experience that they can bring with them," he said. "I wanted to bring real experiences to the laws that were being passed, bring that perspective to it."

Gov. Gets Down to Business

Signing or killing bills, Schwarzenegger usually gave economic concerns more weight than social ones. But he was no doctrinaire Republican.

By Jordan Rau, Times Staff Writer

L.A. Times, Sat., Oct. 3, 2004

SACRAMENTO — As he rebuffed legislation with an intensity rarely seen in California's Capitol, Gov. Arnold Schwarzenegger's commitment to boost business generally overruled his desire to help the environment and consumers this year.

He vetoed an increase in the minimum wage, he blocked consumer protections for used-car buyers, and he refused to impose new air pollution standards on the ports of Los Angeles and Long Beach. He killed all the top 10 "job killer" bills on the California Chamber of Commerce's list.

Even so, Schwarzenegger wasn't close to predictable, sometimes moving far from other Sacramento Republicans.

He created a land conservancy to protect the Sierra Nevada and banned .50-caliber guns. He agreed to let released felons receive food stamps. He legalized the sale of over-the-counter syringes — something Gov. Gray Davis, his Democratic predecessor, had refused to do.

"I was prepared to see a more sustained and consistent veto message that was more traditionally Republican than what we saw," said Don Perata, the Oakland Democrat who is the incoming Senate president pro tem.

In vetoing a near-record 25% of the bills passed by the Legislature, the governor began to show how he was balancing the various promises he made in last year's recall election. He pledged to be "the people's governor," battling special interests. He also vowed to improve the state's economy.

But when economic and social concerns clashed in dozens of less-heralded pieces of legislation, Schwarzenegger's empathy for business worries usually came out on top.

Schwarzenegger opposed creating a state "green business" certification program for companies that operated in an environmentally friendly manner. He refused to provide state assistance to clean up emissions from metal-plating companies, and vetoed a plan to clamp down on air pollution at the ports of Los Angeles and Long Beach. He quashed an effort to shift the focus of California's management of forests away from timber production and toward recreation and public enjoyment.

"There are any number of bills that the governor signed that are good environmental bills, but to my knowledge there are almost no major bills that were opposed by the Chamber of Commerce that were signed by the governor," said Michael Schmitz, executive director of the California League for Environmental Enforcement, a statewide coalition based in Oakland.

In the conflict between consumers and companies, the governor usually sided with business.

"What the governor did over the last year was very reflective of where California is," said Richard Costigan, Schwarzenegger's legislative advisor. He said the governor backed "reasonable legislation that really focused on turning around the economy."

Schwarzenegger had campaigned on the theme of boosting California's economic climate by easing mandates on businesses, so it was not much of a surprise that he vetoed bills that would have increased the minimum wage or made it harder for Wal-Mart and other companies to build so-called superstores.

But beyond those high-profile measures, the smallest new obligations on business invariably ended up demolished by Schwarzenegger vetoes.

He declined to force the agricultural industry to offer direct deposit to its employees. He refused to require that hotel room attendants get longer rest breaks, saying that "California does not need more labor laws, just tougher enforcement of its existing laws, especially in industries with high numbers of vulnerable workers and a history of labor law violations."

Schwarzenegger showed zero tolerance for regulation of businesses even where the threat of job losses was not apparent.

He vetoed a privacy bill that would have required businesses to inform workers if management planned to monitor their e-mail or other Internet use. He rejected an effort to stop unscrupulous car dealers from deceiving customers to sell them loans more expensive than they could get elsewhere.

He refused to block hospitals from charging uninsured patients more than they charge those with health coverage. He said no to requiring that insurers cover maternity care, though he acknowledged the "difficult policy choice" between ensuring that pregnant women have appropriate healthcare and keeping insurance costs down.

Though a self-styled revolutionary ready to "blow up" the way state government works, he turned timid when Democrats suggested creating websites to direct Californians to Canadian pharmacies where they could buy cheaper drugs. The sites, Schwarzenegger said, could make the state vulnerable to lawsuits or federal sanctions.

"He had projected a moderate image, and we were expecting some moderation on prescription drugs and protecting the uninsured," said Anthony Wright, executive director of Health Access California, a Sacramento-based advocacy group. "We certainly expected that there were going to be differences ideologically, but I am surprised that he didn't even sign any of the major bills for health consumers. He went down the line in favor of industry and against patients."

There were exceptions, but they were rare. Schwarzenegger abandoned his own pro-business philosophy by requiring insurers to cover asthma treatment and making those who spray pesticides liable for the medical bills of anyone who was exposed.

It remains to be seen if California's electorate will find these actions to their liking. A recent poll by the Public Policy Institute of California found that 54% of Californians believe government regulation of business is necessary to protect the public — an increase of eight percentage points from 2000.

With issues on which corporate California expressed no position, Schwarzenegger showed himself to be flexible, unpredictable and willing to parse topics on their merits. It was in these areas that his liberal side appeared most frequently.

The governor required health insurers to provide domestic partners of employees with the same benefits they offer spouses — an action lauded by gay rights groups and one to which the insurance lobby did not object.

"What he looked at were rational arguments that were put up for opposition, rather than looking purely at the philosophical point of view," said Robert Ricker, a lobbyist who represents the Coalition to Stop Gun Violence, a national gun control group based in Washington, D.C. "He's a person you can approach and argue to and present evidence to, and you have an even shot at making your point."

Despite decrying "silly bills," the governor agreed to outlaw the force-feeding of ducks in the making of pate and banned the declawing of wild and exotic cats such as jaguars. Animal rights activists were ecstatic.

Schwarzenegger didn't mind a little silliness of his own. He prefaced his refusal to allow ferrets to be kept as pets by saying, "I love ferrets. I co-starred with a ferret in 'Kindergarten Cop.' "

While rejecting the idea of allowing schools to provide classes in personal finances, he flippantly announced that he "would welcome future legislation that requires all members of the state Legislature to complete a course in financial management and responsibility" — adding that "I believe the Legislature should begin teaching kids by example."

Schwarzenegger was not always consistent. He routinely rejected proposals to reorganize government agencies, saying he preferred to first evaluate the proposals of his own California Performance Review, which urges consolidating the state's sprawling agencies and commissions. Yet even though his advisors raised those same objections over a measure to create a new Ocean Protection Council to guard coastal waters and ecosystems, Schwarzenegger signed it.

By and large, Republican lawmakers did quite well this year. Schwarzenegger signed 92% of the bills the minority-party GOP was able to get through the Legislature. Only 68% of Democratic legislation was signed. Overall, he rejected a greater proportion of all bills than any of the previous five California governors vetoed in their first year.

The decisions Schwarzenegger made on dozens of bills have intensified complaints that it is he who is beholden to special interest money. Pharmaceutical companies, the Chamber of Commerce and car dealers have all been among his most generous sponsors, and the governor gave them what they wanted on nearly all of their major concerns.

The Foundation for Taxpayer and Consumer Rights, a Santa Monica advocacy group, calculated that Schwarzenegger took more money from drug companies over the last year than any elected American official except President Bush.

Some of the vetoes may have caused hurt feelings that could make next year's negotiations more difficult.

Schwarzenegger slighted Assembly Speaker Fabian Nuñez (D-Los Angeles) by rebuffing five of seven of the measures the speaker sponsored, including the hotel-attendants bill and another allowing utilities to build power plants. The governor's spokesman, Rob Stutzman, said Nuñez was at fault because he "carried so much water for special interests."

Noting that many of his bills had bipartisan backing in the Legislature, the speaker said the vetoes were "an expression that there's some pettiness going on in the governor's office."

Nuñez said Schwarzenegger's actions showed that the governor was acting like the same kind of politician he rebuked during his campaign.

"One of the things he said time and time again was that he was going to put an end to the way special interests work. What did he say? 'Money goes in, favors go out.' So what has changed?"

Times staff writer Nancy Vogel contributed to this report.

Lung group asks Machado to pull ad

By Audrey Cooper

The Stockton Record, Sat. Oct. 3, 2004

The American Lung Association of California is asking state Sen. Michael Machado to pull a new television ad that mentions the group's name and attacks Machado's challenger for opposing a clean-air bill.

Machado campaign officials said late Friday that the ad would stay on the air. The campaign promised to add a disclaimer to the ad to clarify that the lung association cannot endorse candidates for office.

The television ad hit airways Friday and features Dr. Frank Staggars, the former president of the California Medical Association. In the ad, Staggars says Republican Gary Podesto "has sided with his campaign contributors and against the American Lung Association of California" by opposing a major clean-air bill passed last year by the state Legislature. Machado, D-Linden, voted for the bill.

The ad ends with an announcer declaring Podesto, the current mayor of Stockton, winner of the fictional "black lung award." Podesto's campaign officials say the ad is unfair because it depicts Podesto as an opponent of clean air.

In a letter to Machado, a lung association representative states that his group is unable to participate in election-related activities and can't endorse candidates. Dragging the lung association into the 5th Senate District campaign is not appropriate, said Paul Kneprath, the association's vice president of government relations.

"While we strongly supported Senate Bill 700 because of its important air quality and public health benefits, it is nonetheless inappropriate to suggest that your opponent is opposing the American Lung Association of California. It would also be inappropriate for ANY candidate, including Mr. Podesta, to use our name in ... campaign materials," Kneprath's letter reads.

In his letter, Kneprath asks that the television ad be changed so that the association's name is not mentioned.

"Failure to do so will only further the false impression that the American Lung Association of California is involved in this election race, which it is not," he wrote.

The bill, SB700, removed an exemption in state law that allowed large farms to ignore clean-air rules that other industries must obey. Officials from the U.S. Environmental Protection Agency had warned that the state would lose billions in federal road-building dollars if the Legislature didn't remove the exemption.

The lung association supported the legislation. The California Farm Bureau Federation, which has endorsed Podesta, opposed the bill. During a news conference with farm bureau officials last month, Podesta said that more studies were needed to justify the law.

Machado wrote back to Kneprath on Friday afternoon, promising to add a disclaimer about the association's inability to legally endorse candidates. However, Machado defends the ad and argues that Podesta has launched campaign attacks based on Machado's support for the clean-air bill.

Farmers would pay for illnesses

Farmers worried by costs of bill covering pesticide applications

By Juliana Barbasa, The Associated Press

In the Modesto Bee, Sat., Oct. 2, 2004

FRESNO - Farmworkers in the agricultural heart of the nation are celebrating the governor's approval of a bill to help victims of pesticide drifts pay for emergency care, but farmers worry the law will increase their insurance rates and squeeze a beleaguered industry.

The measure will hold careless pesticide applicators responsible for the cost of emergency care for those who become sick from exposure to chemicals that drift off the fields. It also makes sure that local agencies that respond to cases of pesticide drift have emergency response plans.

Proponents of the bill say this is a safety net for farmworkers and others who live in rural areas, who are getting sick from chemicals sprayed near their homes or schools and are also stuck with expensive doctors' bills they often can't afford.

The measure is also a step toward changing farmers' attitudes that exposure to pesticides is just "a risk that you take when you work in ag, or live near agriculture," said the bill's sponsor, Sen. Dean Florez.

"They will be held liable," said Florez, D-Shafter.

But growers in the Central Valley, home of some of the nation's most productive farming counties, worry about the impact the measure could have on their insurance costs. Increasing fuel prices, the price of workers compensation insurance, which covers on-the-job accidents, and foreign competition have the industry in a bind, many of them say.

"It's another cost to my industry, and I don't know how we're going to cover it," said Manuel Cunha, who farms 40 acres of oranges in Fresno County and heads the Nisei Farmers' League.

The growers are also afraid the system will be open to fraud.

"It's going to require some really close monitoring by the governor's office and the department of pesticide regulation, and some amendments might be required down the road" to prevent that, Cunha said.

Misuse of pesticides, which are often sprayed and can easily be blown off course by a change of wind, happens frequently in the Central Valley.

In the last four years, pesticide applications drifted into several farming towns and into neighboring fields. Hundreds of local residents, including children, were exposed to the toxic chemicals, some of which can be fatal or lead to serious long-term illnesses if absorbed in large enough doses.

In May, workers in a peach orchard near Bakersfield were overcome by a pesticide cloud that drifted from a neighboring field. Of the 19 workers who became sick, complaining of blurred vision, vomiting and in some cases losing consciousness, two were pregnant women.

The company responsible for applying a chemical that drifted into the town of Arvin in 2002, hurting 250 residents, was also behind two instances in which toxic fumes drifted from an onion field into a rural residential area and an elementary school, leaving 136 people sick in October 2003.

Bill gives recourse for workers

Western Farm Service, the company behind the drift incidents, was ordered to pay fines in 2004 - something immigrant advocates lauded, since it seldom happens. But they also pointed out that paying \$10,000 to the Kern County agricultural commissioner to cover investigation costs and \$50,000 to the California Department of Pesticide Regulation did nothing to help the victims and did little to change the company.

This bill gives people who are exposed to pesticides some recourse where they had none, but it still falls short of the ideal kind of protection that advocates would like to see for residents of rural areas, said Martha Guzman, legislative advocate for the California Rural Legal Foundation.

Many of its protections were stripped off during negotiations, like coverage for people exposed to pesticide drift while at work, or the requirement that crews responding to these emergencies should get special training, she said.

Also stripped away, Guzman said, was the initial requirement that each county post its record of pesticide applications online so emergency personnel can consult it quickly.

Valley's air less smoggy

By Audrey Cooper

The Stockton Record, Friday, Oct. 1, 2004

Thursday marked the end of the Spare the Air season, when air regulators call on businesses and residents to limit pollution-causing activities during times of poor air quality. In San Joaquin County, only three Spare the Air alerts were called this summer, down from 15 in 2003.

Kern County had the most alerts this year, with a total of 27. The year before, Kern County experienced 41 alerts. During such alerts, residents are asked to limit certain activities, such as using gasoline-powered mowers or running several errands by car. Carpooling and telecommuting are encouraged to cut down on traffic-produced pollution.

The relatively cooler weather undoubtedly had an effect on the summer's minimal pollution, officials with the San Joaquin Valley Air Pollution Control District said. Smog is formed when certain emissions mix in the air and get cooked by sunlight.

The majority of the Valley's smog comes from vehicles. Over the past decade, the air district has imposed more than 500 clean-air rules that are credited with cutting emissions from certain stationary sources -- such as factories and power plants -- by more than 50 percent. The air

district does not have direct power over tailpipe emissions, which makes it difficult for local officials to gain control over the Valley's smog problems.

Air district spokesman Anthony Presto said residents deserve a lot of credit for the clean summer skies.

"I think people in the Valley are starting to realize that their activities have a direct effect on air pollution, and they want to keep that pollution low so their children won't suffer shorter life spans," he said.

While smog is primarily a summer problem, wood-smoke pollution is a cause of concern for air regulators in the winter. The air district plans to continue a program asking residents to hold off on using wood-burning fireplaces and stoves on bad-air days. The program is due to restart in November.

Smog has been shown to aggravate asthma and other lung diseases. It also can cause children to develop smaller lungs. Besides health impacts, smog also can reduce crop productivity and even hurt the ecosystem.

For more information on how to help fight air pollution, go to www.valleyair.org.

Study: Bad air blown in

By Mark Grossi, The Fresno Bee

In the Modesto Bee, Friday, Oct. 1, 2004

BAKERSFIELD - Atmospheric scientist Tom Cahill may have stirred an old argument about how badly San Francisco's wind-blown pollution fouls the Central Valley's air.

Cahill, a retired professor from the University of California at Davis, said he used a sophisticated computer program to backtrack plumes of bad air from Fresno. The program led him to the Carquinez Straits, where ocean breezes flow from the Bay Area to the valley.

High-altitude wind carries refinery and power-plant smog from the Bay Area to the Sierra during the day, he said, and downslope wind brings it to the Central Valley at night.

"My theory is that this is an unknown source putting ozone precursors into Fresno's air on some summer mornings."

The idea, delivered Wednesday to a packed house at an air symposium in Bakersfield, turned attention to a once widely debated view that the Bay Area causes much of the valley's smog problem.

The argument between politicians from the two areas has died down in the past few years, largely because state and local air pollution officials say it's not a huge issue. In addition, San Francisco recently has started new controls on pollution from refineries and power plants.

"Bay Area transport is a pollution source for us, but most of our problem is right here in the valley," said Dave Jones, an official with the San Joaquin Valley Air Pollution Control District, which hosted the symposium.

The gathering brought together business and civic leaders, pollution experts, community activists and health officials. Many of them told the audience that science and government need new approaches and innovation in the valley's continuing fight for healthy air.

Cahill preached the same idea. He is the researcher who provided eye-opening findings on fine-particle pollution that threatened rescue workers at the World Trade Center site after the Sept. 11, 2001, attacks. He also studied air problems at Mono Lake, Owens Lake and Lake Tahoe.

Cahill pointed to the 1990s research that estimated about 10percent of valley ozone or smog comes from the Bay Area.

That research focused on smog measured by ground monitors, he said, not on plumes thousands of feet in the air.

He said the high-elevation pollution - ranging from 2,000 to 6,000 feet up - should be thoroughly investigated.

He said he thinks it could be the missing link in explaining why the valley's stubborn smog problems have not diminished as quickly as they have in the Los Angeles area.

In terms of the eight-hour or daylong smog measurement, the valley has more health violations than anyplace in the country. The valley has reduced pollution by many tons per day since 1990, but ozone concentrations have changed very little over many years.

"Something else is happening here that isn't happening in Los Angeles and San Francisco," Cahill said.

Schwarzenegger lives up to moderate Republican billing

TOM CHORNEAU, Associated Press Writer

In the S.F. Chronicle, Saturday, October 2, 2004
(SACRAMENTO, Calif. (AP) -- Gov. Arnold Schwarzenegger promised voters he would govern from the middle, and he did just that in his first end-of-session round of bill signings.

The action hero-turned-governor leaned left on social issues and right on business and budget matters.

"What we saw is what we're getting," said Ken Khachigian, a veteran GOP strategist who once worked for former President Reagan. "This is who he told us he was."

California's Democratic-majority legislature sent Schwarzenegger 1,265 bills this year -- many of which were intended to force the popular governor to choose sides.

He finished dealing with bills Thursday, signing 954 and rejecting only 311, far fewer than Republican leaders had hoped.

Still, most believe Schwarzenegger kept his promise to govern as a moderate Republican.

Schwarzenegger consistently backed the state's business interests, using his veto power to kill dozens of bills that he and his corporate supporters considered to be bad for the economy.

He rejected a proposed dollar-an-hour boost in the minimum wage, turned back several bills aimed at curtailing the flow of high-tech jobs overseas and protected health insurers from new coverage mandates.

On other issues, however, Schwarzenegger earned applause from the left, as he signed bills increasing environmental regulations, easing restrictions on clean needle sales to drug users and providing money for child care.

He split his opinion on some issues so finely, some decisions did not appeal fully to either side.

Schwarzenegger signed a bill banning the sale of dangerous dietary supplements to minors. But he vetoed a measure requiring students to pledge not to use those dangerous substances.

In one of his most controversial moves, Schwarzenegger vetoed bills that would have required the state to establish a Web site that consumers could have used to buy lower-cost prescriptions through Canadian pharmacies.

He also signed legislation raising fees to support air pollution programs that attack diesel emissions. But Schwarzenegger rejected new emission controls on the ports of Los Angeles and Long Beach, two of the region's biggest sources of diesel pollution.

The group most troubled by his actions has been the conservatives who were the main forces behind last year's recall of former Democratic Gov. Gray Davis. Some are now reconsidering their support of Schwarzenegger.

"Obviously he's still a lot better than Davis," said Mike Spence, president of the California Republican Assembly, one of the state's leading conservative groups. "But for our members, Schwarzenegger has been a mixed bag."

While Spence said his group knew what they were getting in Schwarzenegger, other conservatives say they were misled. Members of the Campaign for California Families said Schwarzenegger told them he would stick to economic issues if they helped elect him, rather than support issues like gay rights and needle use.

Moderate Republicans, however, are cheering.

"It's so pleasant to have someone making choices based on what he thinks is best for the state," said Bob Larkin, former chairman of the moderate California Congress of Republicans

Environment-related legislation signed and vetoed by Gov. Arnold Schwarzenegger

The Associated Press

In the Fresno Bee, Sat., Oct. 2, 2004

Bills signed by Schwarzenegger:

AIR POLLUTION:

- Big rig operators will be required to provide evidence that the engine meets federal air quality standards. AB1009, by Assemblywoman Fran Pavley, D-Agoura Hills.

CONSERVATION EASEMENTS:

- The public will have access to more information about major land sales for conservation easements. AB1701, by Assemblyman John Laird, D-Santa Cruz. **CRUISE SHIPS:**

- Cruise ships will be barred from burning trash within three miles of California's coastline. AB471, by Assemblyman Joe Simitian, D-Palo Alto.

- Cruise ships will be barred from discharging sewage within three miles of shore. AB2093, by Assemblyman George Nakano, D-Torrance.

- Cruise ships will be banned from releasing sewage into ocean waters off California shores. The ban will also have to be approved by federal authorities before it can take effect. AB2672, by Assemblyman Joe Simitian, D-Palo Alto.

DELTA:

- The state Department of Water Resources, working with the U.S. Department of Interior, will have to draft a plan to meet water quality standards in the Sacramento-San Joaquin Delta before any more water could be exported from the delta. SB1155, by Sen. Mike Machado, D-Linden.

ENVIRONMENTAL PLATES:

- The yearly renewal fee for personalized license plates will increase from \$25 to \$30 and that money will be used for ocean protection, including controlling pollutants and protecting wildlife and water quality. AB2514, by the Assembly Natural Resources Committee.

FORESTS:

- Cutting and removing of trees to reduce the threat of wildfire will be exempt from timber harvesting plan requirements if various requirements are met. AB2420, by Assemblyman Doug LaMalfa, R-Biggs.

HYBRID CARS:

- Hybrid vehicles can use freeway diamond lanes, regardless of the number of occupants. AB2628, by Assemblywoman Fran Pavley, D-Agoura Hills.

LAND PURCHASES:

- The 13-member Sierra Nevada Conservancy will be formed to acquire and manage lands for various public purposes. AB2600, by Assemblyman Tim Leslie, R-Tahoe City.

OIL SPILLS:

- A person responsible for the discharge, or threatened discharge, of oil in marine waters will be required to immediately report the discharge to state officials. AB1408, by Assemblywoman Lois Wolk, D-Davis.

OLD CARS AND SMOG CHECKS:

- All cars built after 1976 will have to pass a smog check and the "30-year rolling exemption" that applies to the Smog Check and Smog Check II programs is repealed. AB2683, by Assemblywoman Sally Lieber, D-Santa Clara.

PACIFIC OCEAN:

- The state will create a Cabinet-level Ocean Protection Council to coordinate state policy for protecting the Pacific Ocean. SB1319, by Sen. John Burton, D-San Francisco.

- Fishing boats will have to give up bottom trawling in designated areas off the California coast. SB1459, by Sen. Dede Alpert, D-San Diego.

PESTICIDES:

- Those who spray pesticides will be liable for the medical care for those harmed when the pesticides drift from agricultural areas to a "nonoccupational setting." SB391, by Sen. Dean Florez, D-Shafter.

PLASTIC BAGS:

- Plastic bags will have to meet standards set by the American Society for Testing and Materials to carry the label compostable, degradable or biodegradable. SB1749, by Sen. Betty Karnette, D-Long Beach.

SAN FRANCISCO BAY:

- The San Francisco Bay Area Conservation and Development Commission will gain more authority. SB1568, by Sen. Byron Sher, D-Stanford.

Bills vetoed by Schwarzenegger:

AIR POLLUTION:

- Regional air quality officials would have established a baseline measurement of Southern California smog in 2005 and prohibited growth at the ports of Long Beach and Los Angeles if it pushed smog beyond that level. AB2042, by Assemblyman Alan Lowenthal, D-Long Beach.

DELTA:

- The state Coastal Conservancy would have been able to administer a Sacramento-San Joaquin Conservancy program to restore, enhance and protect agricultural, economic, natural, cultural, recreational, public access and urban waterfront resources. SB86, by Sen. Mike Machado, D-Linden.

FORESTS:

- The focus of forest management would have shifted from maximum sustainable timber production to maintenance, restoration, education, recreation, public enjoyment and study as well as timber production if certain conditions were met. SB1648, by Sen. Wesley Chesbro, D-Arcata.

ENERGY CONSERVATION:

- Tougher energy efficiency standards would have been required for new state buildings. SB1851, by Sen. Debra Bowen, D-Marina del Rey.

- The state would have been required to develop a plan to make its buildings models of the efficient use of energy, water and building materials. AB2311, by Assemblywoman Hannah-Beth Jackson, D-Santa Barbara.

ENVIRONMENT:

- Cities and counties would have been required to set up voluntary programs to certify businesses that operate in environmentally friendly ways. SB1703, by Sen. Richard Alarcon, D-Van Nuys.

ENVIRONMENT:

- Cities and the state would have been required to launch 30 pilot projects during the next six years to test new processes of cleaning up blighted industrial areas for urban development. SB559, by Sen. Deborah Ortiz, D-Sacramento

Cleanup of marsh set to start next week

By Kelly St. John, Chronicle Staff Writer

S.F. Chronicle, Saturday, October 2, 2004

Work crews will begin cleanup next week of a chemical-laced marsh near the Richmond shoreline near a site where a developer wants to build a high-rise housing complex on a toxic waste pile.

Worries about safety halted the project a month ago, but state officials have given the green light to the \$5 million cleanup near Point Isabel. Crews are expected to begin hauling 25,000 cubic yards of polluted soil from 22 acres of wetlands by next Friday.

The Regional Water Quality Control Board -- which is overseeing the cleanup -- halted the effort Aug. 30 after the state Department of Toxic Substances Control raised questions, including whether the developer had the proper permits and how the public would be protected if contaminated dust was stirred up.

On Thursday, the water board issued a letter allowing the developers to clean up the marsh as long as new safeguards are in place, such as the use of more air monitoring stations to test dust for toxic chemicals and a requirement that trucks carrying contaminated dirt be covered so that particles can't blow away.

Regulators will also monitor air quality based on standards for women and children -- who are more sensitive to pollution -- than on standards for healthy adult male workers, as had been proposed before.

"The single most important thing here is that our neighbors are safe and sound," said Russell Pitto, president of Simeon, a Marin developer that is partnering with Cherokee Investment Partners to develop the property. "The marsh remediation has been put together with the utmost care by the agencies."

The marsh cleanup was required under a water board order issued in 2001 to the previous owner of the land, Zeneca Inc.

But state Assemblywoman Loni Hancock, D-Berkeley, said the water board had not gone far enough to make sure that human health was protected.

Hancock said the water board had dismissed concerns raised by the toxic substances department and given its approval without a proper public hearing. Hancock said she would ask the Assembly Committee on Environmental Safety and Toxic Materials to hold a hearing about the site this month.

"This should stop and not go forward," Hancock said.

In July, Contra Costa County public health officer Dr. Wendel Brunner asked the state's Environmental Protection Agency to transfer oversight of the project to the toxic substances department because it has more experience with complicated toxic sites.

Brunner said this week he was pleased that the water board's staff had promised to be on site overseeing much of the work.

But he has reservations about whether harmful pollutants will be stirred up next spring, when the developer neutralizes the 25,000 cubic yards of polluted soil with vast amounts of limestone.

"It is moving in the right direction, but it still has a way to go," Brunner said.

The wetlands -- which are habitat for the endangered clapper rail -- will be turned over to the East Bay Regional Park District once the restoration is complete in about a year. Pitto also wants to build 1,330 dwellings on a nearby parcel of land, but that project is in preliminary planning stages.

The marsh and adjacent land have a toxic history. A chemical factory stood there for a century, producing sulfuric acid, fertilizers, herbicides and pesticides. Today, the marsh is scarred with red-orange ponds reflecting the color of iron pyrite cinders dumped there over the decades.

In 2002, Zeneca Corp. spent \$20 million to clean up land adjacent to the marsh, bringing it up to industrial standards before selling it to Pitto. Critics said the water board had not safely monitored Zeneca during that cleanup.

Air activists withdraw bid to block dairy settlement

Valley group plans to take fight to federal court.

By Matt Leedy

The Fresno Bee, Friday, Oct. 1, 2004

After a defeat in Fresno County Superior Court on Thursday, a Valley activist group vowed to fight again against dairy leaders and local air district officials who have agreed on how to implement a new clean-air law.

The Association of Irrigated Residents withdrew its attempt to block a lawsuit settlement between dairies and the San Joaquin Valley Air Pollution Control District.

A lawyer for AIR said the activist group will take its fight to federal court.

AIR representatives were angered when they were excluded from lawsuit negotiations between the air district and dairy leaders.

Those negotiations led to an agreement reached last week, when the air district said it would wait until scientific emission studies are finished before requiring dairy owners to make substantial -- and costly -- changes to curb pollution. The district still can require dairies to have permits under the new law. Dairy leaders, in turn, agreed to drop their lawsuit against the air district. In their suit, dairy owners -- including Western United Dairymen and Western Milk Producers -- had argued that they shouldn't be forced to obtain permits until after the studies are complete.

An advisory board also will be formed as part of the agreement to keep track of emissions studies and determine the best way to control pollution.

AIR, however, doesn't believe the settlement goes far enough. The group argues that air district officials also should force new and expanding dairies to use the best possible control measures to reduce pollution.

AIR initially tried to block the settlement. As that plan began to unravel, the group's lawyer, Brent Newell, withdrew his request Thursday and asked Fresno County Judge Wayne Ellison to change the settlement by forcing dairies to use the pollution-control measures.

But Ellison said he could not modify and enforce a new agreement.

AIR was not a plaintiff or defendant in the dairies' lawsuit, Ellison pointed out, so the group didn't have to be included in negotiations to settle the suit.

After Ellison made his ruling, Newell said AIR representatives would file lawsuits in federal court if new or expanded dairies were created without permits and the best pollution-reducing technology.

Meanwhile, dairy leaders dropped their lawsuit against the air district and the two groups moved ahead with plans they say will protect jobs and lead to better air quality in one of the dirtiest air basins in the country.

The settlement "forges a cooperative working relationship that will improve air quality in the Valley," said David Cranston, a lawyer representing the dairy leaders.

The actions of air district officials and dairy leaders are receiving statewide attention.

Environmental groups and dairies are watching how the Valley -- California's anchor to its \$4 billion dairy industry -- responds to Senate Bill 700. The new law repealed agriculture's decades-old exemption from air-operating permits.

Dairy owners filed their lawsuit in May after air district officials made plans to require permit applications from about 350 large dairies and farms by July 1.

The dairy groups complained that district officials would be basing the permitting decision on emission information compiled in the 1930s.

New studies, under way in Fresno and Davis, are expected to be finished next year.

The two groups will now focus on the emission studies and formation of the new advisory group.

Driving helps fuel Valley's pollution woes

Speakers at Bakersfield air quality symposium discuss hurdles, efforts.

By Mark Grossi

The Fresno Bee, Friday, Oct. 1, 2004

BAKERSFIELD -- California's love affair with driving and local government's lack of control over vehicle pollution are keeping the San Joaquin Valley in a brown haze, pollution experts say.

Local air officials are responsible for the cleanup, but they don't have authority over cars, trucks, trains, planes, heavy diesel equipment and fuels. Yet these sources make more than half of the pollution.

That's why people need to attack the problem differently, says Norm Covell, retired air pollution control officer for the Sacramento Air Quality Management District. Covell, speaking at an air quality symposium in Bakersfield, said Thursday that people must voluntarily create fixes that aren't part of regulations.

"In Sacramento, shuttle services were provided around business parks, so people didn't have to start their cars," said Covell, an air pollution regulator for more than 30 years. "We came up with common-sense approaches to cut down on use of vehicles."

Covell and two other panelists promoted voluntary approaches at the symposium, hosted by the San Joaquin Valley Air Pollution Control District. Businesses, environmentalists, local government officials, health advocates and community representatives must come together, he said. The other two panelists were Joseph Drew of the Tejon Ranch Co. and lawyer Hal Bolen II, both of whom are members of new voluntary pollution reduction efforts in the Valley.

Covell said the voluntary groups are essential as Californians drive more and more miles. In the Valley, motorists drive about 90 million miles daily. By 2010, daily mileage is expected to climb to 107 million.

Sacramento's Clean Air Partnership has been helping change people's habits for 18 years, he said.

After the group formed, developers began looking for ways to encourage pollution reduction, such as locating closer to mass transit. Some now give away electric lawn mowers with each new home.

"Government by itself will not get it done," he said. "You need a coalition of many interests."

Bolen agreed, calling for a shift in the way residents think. He said Operation Clean Air, formed in 2003 in the Valley, is working on two wide-ranging issues: poor air quality and the struggling economy.

"We see that the two are tied together," he said. "We don't think we can afford one more pound of pollution, and we can't afford to lose one more job."

Bolen said he would like to see more federal dollars to help the Valley with air cleanup innovation as well as job creation. Like Covell, he said public education is a high priority.

Drew, who is a member of another broad-based group, Valley Clean Air Now, said public education is one major goal of his organization, which provides money for clean-air projects. The group buys advertising in local newspapers to congratulate clean-air businesses, such as Fresno's OK Produce, which has a large solar power production system.

"Our organization is agile and responsive," he said. "Somebody comes up with a great idea, and we can act on it."

Asthma rates high in Valley, says study of Assembly districts

The Fresno Bee, Friday, Oct. 1, 2004

Children and adults in the central San Joaquin Valley have some of the highest asthma rates in the state, according to a study looking at the disease by legislative district.

Researchers at the UCLA Center for Health Policy Research found people living in legislative districts that include Fresno, Madera, Tulare, Solano and Yolo counties reported the most asthma symptoms.

It also showed legislative districts with high numbers of nonelderly adults with asthma symptoms in 2002 were primarily located in the central, northern, and interior regions of the state.

According to the report, 16% of children had asthma who were living in Assembly District 29, which includes parts of Fresno, Madera and Tulare counties. This was the highest rate among the 80 Assembly districts.

Adults in District 29 shared the highest asthma rate -- 13% -- with people living in Solano, Yolo, Los Angeles and San Bernardino counties. Statewide, the rate for adults was 9%. The new policy brief looked at asthma rates for more than 3 million California children, adults, and elderly who suffered from the condition in 2002.

Lead author Carolyn A. Mendez-Luck said it's difficult to pinpoint the cause of the high asthma rates in the Valley.

But since the interior portion of the state has high rates for the entire population, "this is an overall problem that needs to be addressed in the Central Valley area," she said.

The authors provided several recommendations, including making sure asthma management programs are available to people in the Central Valley.

And Mendez-Luck suggested Valley residents work toward reducing pollutants in the environment that are asthma triggers.

Judge OKs air district, dairy deal

Bakersfield Californian, Friday, October 1, 2004

A Fresno judge OK'd a settlement Thursday between dairy groups and valley air regulators despite objections from a Shafter environmental group. The agreement allows regulators to enforce new air pollution laws as a wealth of information from emissions studies rolls in over the next year or two, according to air and dairy industry officials.

But a lawyer for the Association of Irrigated Residents, a Shafter-based citizens group that has filed numerous environmental lawsuits against dairy projects, said opposition to the settlement did not end with the judge's decision.

"This is not the end of this issue," said attorney Brent Newell. "The industry has not obtained a new exemption" from clean air laws.

The residents association, while not a party in the suit, intervened on behalf of air regulators.

Two industry groups, Western United Dairywomen and the Alliance of Western Milk Producers, sued the San Joaquin Valley Air Pollution Control District earlier this year after new state air pollution laws took effect.

Michael Marsh, who heads Western United Dairywomen, said he was pleased with Thursday's decision by Fresno County Superior Court Judge Wayne Ellison.

"The big objection we've had all along with regard to what we were seeing from the air district ... was that the recommendations being developed were not science-based," Marsh said.

Dairy groups have balked at proposals that would have required them to install millions of dollars worth of emissions-cutting equipment that might not work.

The air district's pollution estimates are based on research from the 1930s.

But new studies, including two major projects at UC Davis and Fresno State, are expected to provide more accurate numbers over the next couple of years.

As part of the settlement, the air district is setting up an advisory group with about 10 members, said district lawyer Phil Jay.

The panel will have three dairy industry representatives, two or three scientists and four air regulators and environmental representatives, Jay said.

The group will track results from various studies and fold new information into the district's evolving rules, he said.

Before the district's final regulations are in place, new dairy projects will be reviewed on a case-by-case basis.

The lawsuit was triggered by new state air laws that took effect this year. State Senate Bill 700, authored by Shafter Democrat Dean Florez, ended a decades-old exemption from air regulations for large farming operations, including dairies.

Kern County faces an influx of dairy-related projects.

Some two-dozen facilities that could bring more than 214,000 cows here are on the books. Already, the county is home to an estimated 290,000 milk cows at 55 dairies.

Valley's summer air improves Number of Spare the Air days down this season

By Rick Elkins, Staff writer

Tulare Advance-Register, Friday, October 1, 2004

No matter what you credit -- higher gas prices, favorable weather conditions or better compliance by individuals and businesses -- the air quality in Tulare County was better this summer than it has been in years.

Thursday was the end of the Spare the Air season. Between June 8 and Sept. 30, just 15 Spare the Air days were declared in the county. There were 39 last summer and an average of 35 to 40 for years before that. It's the lowest number of Spare the Air days since the program began in 1996. Surrounding counties also reported better air quality. Spare the Air days are declared when the ozone level is projected to reach an unhealthy level. Ozone is a colorless, odorless chemical that reacts with heat and sunlight and is considered one of the leading causes of respiratory problems, according to the San Joaquin Valley Air Pollution Control District.

"We are hoping this trend continues for several years," said Dr. A.M. Aminian of the Allergy Institute in Visalia. "It's going to take several years of better air quality to undo what's been done over the many years of air pollution."

Aminian said because respiratory problems, such as asthma, are developed over many years, one year of improved air quality would not significantly reduce the problems people have.

"We're still seeing people who come in with a lot of asthma problems -- eyes itching, cough," he said. He did say, however, that they didn't see the surge in patients that normally occurs during August.

Josette Merced Bello, spokeswoman for the American Lung Association in Fresno, said her organization had not heard of any reduction in patient and emergency room visits for respiratory problems this summer. She said while ozone levels were down, the pollen count

was up for much of the summer and pollen can be as big a trigger for asthma as smog.

In Tulare County, 10.5 percent of children younger than 18 suffer from asthma and 8.8 percent of adults, according to the California Health Interview Survey. Statewide, the rate is 9.6 percent for children and 8.5 percent for adults.

Many factors

Janelle Schneider, education representative for the Valley air district, said many factors contributed to the cleaner air, including favorable weather and the lack of major wildfires in the area, but officials said they believe that efforts to reduce smog through regulations and public education are paying off.

"There were days this season we expected to see certain levels of ozone and it never materialized," Schneider said. "So, we really do feel we are seeing the results of several things."

One of those could be higher gas prices that had people driving less, although that has not been documented.

"I don't have any hard data on that, but I think maybe that was a significant factor," she said. Vehicle emissions are the leading cause of smog in the Valley.

Another factor is the re-duction in pollution created by industries in the Valley. That is the result of 500 industry rules imposed in the past few years.

She said there was a 50 percent reduction in stationary-source pollution since the air district came into existence since the early 1990s.

Clouds and breezes early in the summer helped air quality early, but Schneider said conditions were ripe for bad air in much of July and August, but it did not materialize.

"We will try to determine what is working over the next few months. It's kind of peaked everyone's attention," she said.

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By Rick Elkins, Staff writer

Visalia Times-Delta, Friday, October 1, 2004

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Encouraged

Aminian said if the cleaner air this summer is a sign of things to come, then "we'll have one less trigger for allergy or asthma problems. Hopefully, this year will encourage all of us to try to work to have cleaner air, or better air quality. We all have to do our share."

Merced Bello said if the public gets involved and follows up with action, then that will be the key to solving pollution.

"It is critical to adhere to burn rules this winter. It is still important to spare the air with your car in the winter," she stressed.

Schneider said the wood-burning curtailment program begins Nov. 1 and runs through Feb. 28, 2005. That is when the air district lets people know if burning wood, including in fireplaces, is prohibited and that's based on the air-quality forecast. The same pollution readings are used, but in the winter it is particulate matter -- things such as smoke and soot -- that is most troublesome.

She said Spare the Air is a voluntary program, but the wood-burning rules are mandatory and violators can be fined.

There is voluntary curtailment at a smog reading of between 101 and 150 -- unhealthy for sensitive groups -- but mandatory if the reading is above that.

"The logic is if you stop burning at that level you won't get to the higher level. We think that is why we didn't have as many curtailment days last winter," she said. There were only a couple of no-burn days in Tulare County last winter, when officials had expected between eight and 10.

Flags tell parents about air

By Rick Elkins, Staff Writer

Tulare Advance-Register, Friday, October 1, 2004

Every day schools in Tulare and Visalia are putting up flags so parents and children can look at the flags' colors and tell what the air quality is that day.

It's a pilot program sponsored by the Tulare County Asthma Coalition.

"We use a different colored flag. Green is healthy, red is unhealthy for everyone," said Bobbie Edwards, project assistant with the coalition.

She said the goal is for people in the community to be able to coordinate their activities based on air quality. The trial program began this year, and Edwards said her organization hopes to expand it to other schools.

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She said the goal is for teachers and other people in the community to be able to coordinate their activities based on air quality.

The trial program began this year, and Edwards said her organization hopes to expand it to other schools in the county.

Tulare City Schools Superintendent John Beck said fliers were sent to parents of children with asthma telling them of the flags and what the different colors mean. Teachers have also been told of the flags and the meanings of the colors.

"We're just doing everything we can to help people understand what the quality of air is here," Beck said. "We have more and more kids with asthma all the time."

Edwards said the flags can also be used by residents to recognize when air quality is poor.

"Everybody in the community needs to do their part to make air quality as good as it can be," Edwards said. "It's something we all need to do. It's not just one thing that causes asthma."

Plugged in to air pollution

Funding for new plug-in stations aimed at reducing emissions from trucks idling on I-5.

By Darleene Barrientos, The Burbank Leader
In the L.A. Times, Sat., Oct. 2, 2004

LOS ANGELES — After spending some time studying the air quality around Horace Mann Elementary School in Glendale, Jerome Rizalado, 10, hopes that the adults around him will develop the same convictions he has about pollution.

After learning about deforestation and the shrinking of animal habitats, Jerome has adopted a new philosophy.

"Now I pick up trash. Before, when I was in a hurry, I sometimes threw it on the floor, but now I pick it up," Jerome declared Thursday. "I want to conserve. I want to be a good man — or, a good boy."

Jerome was one of dozens of Mann Elementary School fourth- and fifth-grade students present when Supervisor Michael D. Antonovich, along with representatives from the U.S. Environmental Protection Agency and the South Coast Air Quality Management District, announced the launch

of a new project aimed at reducing pollution along the Golden State (5) Freeway emitted by idling big-rig trucks.

The project is an "innovative" idea aimed at reducing diesel emissions by installing plug-in stations along the highway so truck drivers can turn off their engines and still keep the air conditioning running while they rest, Antonovich said. The plug-in stations provide electric power to the trucks so the air conditioning units can function while the truck engine is off.

"More than 45,000 children in Glendale are affected by pollution," he said.

Lynda Burlison, Glendale's district head nurse, was also on hand to give more specific details on how the city's children are affected by the air quality.

"Over 12% of our students have chronic health conditions. Half of those children have asthma or allergies. That's 3,000 students," Burlison said. "There is nothing more humbling than watching a young person struggle to breathe. It's critical that more programs like this receive more funding."

To begin the project, the AQMD was awarded \$100,000 by the EPA, a check that was presented Thursday. The AQMD will match the grant, which will pay for 20 spaces for the plug-in power devices in Los Angeles County.

In the county, about 750 tons of nitrogen oxides and 11 tons of particulate matter pollutes the air annually as trucks idle along freeways, according to EPA reports. The project is expected to reduce pollution by 105 tons of nitrogen oxides and 2.7 tons of particulate matter during a 10-year period, reports said.

Fresno Bee editorial, Monday, Oct. 4, 2004:

Asthma in the Valley

More research is needed into a disease that runs rampant here.

More evidence has arrived that we have a terrible problem with asthma in the Valley -- not that we needed any more. A new study out of UCLA just confirms what we've know for some time: Asthma rates hereabouts are among the worst in the state and nation.

The UCLA Center for Health Policy Research broke down the newest figures by legislative district in California. Among the worst offenders on the list are Fresno, Madera and Tulare counties.

Assembly District 29, which includes parts of all three counties, topped the list. Some 16% of children in the district have asthma -- the worst among 80 districts -- and 13% of adults, which matched the numbers for Solano, Yolo, Los Angeles and San Bernardino counties. By comparison, the statewide rate for adults is 9%.

A number of factors can cause asthma, or trigger its attacks, including smog or ozone, and particulate matter -- tiny bits of soot, dust and chemicals from diesel engine exhaust. Herbicides, pesticides -- even cockroaches in the homes of children under the age of 1 -- have been blamed for causing asthma in kids. Mothers who smoke while they're pregnant may also cause the disease in the children.

Reducing air pollution is one way we might have a dramatic effect on the incidence of asthma. But there is much more work to do. We need a great deal more research into the causes of asthma, and new ways to treat it, or even cure it. That means a role for the state's universities and private research institutions, and funding for their work. It has become a cliché to sigh over the need for more money for many purposes in this time of fiscal meltdown. But it's incumbent on our leaders to find ways to get at this problem.

And it should be a bipartisan effort. Asthma is no respecter of party lines, and elected officials of all persuasions, at all levels, must be ready to tell us what they mean to do about the problem.

S.F. Chronicle editorial, Monday, Oct. 4, 2004:

A governor defines himself

CALIFORNIANS NOW have 1,265 ways to evaluate the governor they elected a year ago this week.

In one sense, Gov. Arnold Schwarzenegger is exactly what he promised to be in the recall campaign. He is the best friend business interests could hope to have in the governor's office. He vetoed all 10 bills the California Chamber of Commerce identified as "job killers." They included proposals to increase the minimum wage, reduce air pollution at ports, expand consumer rights on used-car purchases and several measures to discourage offshoring.

The notion that Schwarzenegger would be pro-business -- even at the expense of compelling consumer concerns -- should not be a surprise to anyone who was paying attention during the recall campaign.

Where his actions were at odds with his rhetoric, however, were on his promises to change the ways of Sacramento. For all his criticisms of his predecessor's acceptance of special-interest money, Schwarzenegger has not turned off the spigot. He received a reported \$337,000 from pharmaceutical companies before vetoing industry-opposed legislation to bring cheaper Canadian prescription drugs into California. He pleased car dealers -- among his biggest supporters -- by axing a measure that would have required more disclosure and lower rates on dealer-arranged loans.

For all his talk about open government, Schwarzenegger (as Gov. Gray Davis before him) vetoed a bill that would have given journalists broader access into reporting on prisons.

Say this for Schwarzenegger: He keeps an open mind. He once mocked a bill that would prohibit the force-feeding of ducks and geese for foie gras, but he signed it when it reached his desk. He also signed into law a ban on the de-clawing of animals used in entertainment.

He burnished his environmental credentials by signing legislation to create a Sierra Nevada Conservancy, allow hybrid vehicles in carpool lanes, extend tailpipe controls to older vehicles, tighten pollution limits on cruise ships and limit bottom-trawling fishing.

He surprised and delighted some Democrats by signing measures to allow ex-drug offenders to regain eligibility for food stamps, guarantee young women equal opportunities in community sports programs and allow the sale of prescription needles.

Schwarzenegger's actions on 1,265 bills showed he is neither an ideologue nor rigidly partisan. He is not easy to typecast. But if he wants to call himself a populist he must stop accepting contributions from special interests with a direct stake in his actions.

Fresno Bee editorial, Sunday, Oct. 3, 2004:

Cleaning up diesels

New federal program will help ease a major source of pollution.

The diesel locomotives that roar up and down the Valley may soon be running a little cleaner, thanks to \$75,000 in grant money from the federal government, matched by contributions from the railroads themselves.

It's all part of a larger program aimed at cleaning up older diesel engines in use on the West Coast. The U.S. Environmental Protection Agency announced last week some \$6 million worth of voluntary projects in California, Oregon and Washington. The agency hopes to spend \$100 million over the next five years on the work.

In the Valley, the Burlington Northern and Santa Fe Railway and the Union Pacific will each kick in \$45,000 for their share of the locomotive engine retrofits.

Elsewhere, improvements will be made to diesel engines that power trucks, cargo ships, farm equipment and earth-moving and other construction equipment.

In the initial phase, however, none of the money will go to fix farm equipment, one of the urgent needs here in the Valley. That's a source of some small concern in the agricultural industry. The problem is serious. Tiny particles in diesel exhaust have been linked to increased rates of cancer, asthma and other respiratory ailments.

Nor will this fix everything at once. For that, some \$2 billion to \$3 billion would be needed over the next decade in California alone. The state is already committed to spending \$140 million on the problems.

But it will help, and for that we're grateful.

LASTGASP

"We can't go on living this way.

And we won't."

Cleaning up diesel engines is an important step in fighting disease caused by air pollution.

[Fresno Bee editorial, Friday, Oct. 1, 2004:](#)

Breath of fresher air

Valley smog decreased this summer -- but the air isn't clean yet.

It was wonderful to learn this week that here in the Valley we've had the lightest smog we've faced during any summer for many years. The good news was the same up and down the state.

The experts aren't able to explain exactly why we did so much better this summer. The weather was milder than usual, which means there was less heat to brew ozone and other chemicals in the atmosphere into smog. But similarly mild summers in the past haven't seen such a drop in the number of recorded bad air days.

Smog reached the most dangerous levels in the Valley and Los Angeles -- the nation's worst air basins -- only about one-third as often as in past summers. Along the coast many areas didn't record a single day with those dangerously high levels of smog.

But the good news has to be viewed in context. Already we hear the rumblings -- well-intentioned or otherwise -- that it's time to declare victory in the fight for cleaner air and all head home for the parade. Not so fast.

The bad air got better hereabouts this summer. That's great, and we need to find out why, so we can keep doing whatever it is we've done to cause that shift -- if in fact we caused it at all. But the fact that "bad" air got "better" -- however gratifying that is -- does not mean that our "bad" air is now "good." We still have a very long way to go before we're able to make that boast.

What's more, the good news is limited to smog. It doesn't extend to particulate matter, the tiny bits of soot, dust and chemicals from diesel engines and other sources that can do tremendous damage to living tissue -- especially human lungs. Josette Merced Bello, president of the American Lung Association of Central California, noted that the good news did not include "a significant decrease in asthma-related emergency room [and] doctor visits."

So let's be happy with the news, and even congratulate ourselves -- but keep the champagne corked, at least for now.

[Letter to the Fresno Bee, Sat., Oct. 2, 2004:](#)

Cleaner air

The Sept. 26 front-page article on the San Joaquin Valley's air quality said "residents in the Valley and Southern California are breathing the cleanest air in three decades."

You had lots of statistics to back up that claim. I believe it. I lived in Fresno 30 years ago and the positive air quality difference has been very noticeable to me and my wife for years.

However, an obvious question comes to my mind that, surprisingly, wasn't raised in the article. How does this good clean air news square with The Bee's ongoing crusade against the Valley's terrible air quality?

Allan Wilson

Fresno

[Letter to the Modesto Bee, Sat., Oct. 2, 2004:](#)

Stop dust from agriculture

Stanislaus County's Right-to-Farm Notice came with my county tax bill. It states the Stanislaus County recognizes and supports the right to farm agricultural lands in a manner consistent with accepted customs and standards.

Does this mean farmers can stir up dust sweeping their almonds and walnuts using a fairly new technique on thousands of acres of land? We are all breathing these dust and pesticide particles.

If you bought property that needed

100 yards of driveway to build a new house, you would be required to have a water truck to keep the dust down. Why are farmers exempt? They can hire more workers without health insurance to harvest the crop so that we, or the farmers' children, do not have to breathe more dust.

Mark Higgins

Waterford