

U.S. Registers Drop in Levels of Fine-Particle Pollution Southern California is a bright spot in the war on soot, the EPA says, but rates are still unhealthy.

LA Times, December 15, 2004

By Marla Cone

Concentrations of one of the most ubiquitous and dangerous air pollutants have declined throughout most of the nation in recent years, particularly in Southern California and the Southeast, according to a report released Tuesday by the U.S. Environmental Protection Agency.

Nationally, fine-particle pollution in 2003 dropped 10% from 1999 and reached the lowest recorded levels since nationwide monitoring began five years ago. In Southern California, Washington, D.C., and Chicago, where monitoring has occurred since around 1980, the levels were the lowest in more than two decades, the EPA report says.

However, an estimated 100 million Americans still live in areas that exceed federal health standards for fine-particle pollution. In the Los Angeles region, particularly in Riverside, the San Bernardino area and the San Gabriel and San Fernando valleys, levels of the pollutant remain among the worst in the nation.

In the report, the EPA called fine-particle pollution the country's "most pressing air quality problem."

Fine particles are microscopic pieces of soot spewed by a variety of sources, mostly carbon in diesel exhaust, sulfates from power plants, and nitrogen-based gases from cars. EPA officials said the drop in particle levels was due largely to decreased emissions from vehicles and industries, not from favorable weather conditions.

Scientists around the world have repeatedly shown that on days when amounts of fine particles rise, deaths from heart attacks, strokes, asthma and other respiratory diseases rise too. Medical experts suspect that they penetrate deep into the lungs, causing inflammation and disrupting neurological signals to the heart.

Environmental groups on Tuesday welcomed the report's findings but said that the Bush administration was hindering more progress by failing to impose long-delayed regulations on power plants, particularly in the Midwest and Northeast.

"Releasing the report at the same time they are delaying action on power plant standards is like telling a patient their cancer is beginning to shrink and then turning around and diluting their chemotherapy," said Dr. John Balbus, head of the health program at Environmental Defense, an environmental group. "To protect the millions at risk ... EPA must cut harmful pollution from power plant smokestacks."

The EPA said it would adopt a power plant regulation in March, although it wouldn't be implemented for at least five years.

The agency also is expected to soon designate areas that are violating a new health standard for the pollutant and order them to take steps to reduce emissions. As many as 244 counties in 21 states, including most of California's urban areas, are expected to be included.

The pollution levels declined 20% in the Southeast, 16% in Southern California and 9% in the industrialized area of the Midwest between 1999 and 2003, the report says. The Northeast is the only area with no decline. Levels there increased 1%.

One of the biggest declines over the last two decades has been in the Los Angeles region, where

concentrations dropped about 40% between 1979 and 2003, the report says. Car and truck exhaust is the major source of fine particles in Southern California, and various state and regional antismog controls have led to the decline.

Still, the South Coast Air Quality Management District, which regulates pollution in Los Angeles, Orange, Riverside and San Bernardino counties, says that the problem is so severe that even if all measures in its air-quality plan are implemented, the region will still exceed the federal health standard for fine particles by 80% in 2010.

The EPA credited much of the improvement in the Southeast and Midwest to its acid rain regulation, which tightened controls on power plants in 2000. Emissions also have been reduced from diesel engines, including trucks, locomotives and off-road equipment such as tractors and bulldozers.

Allen Schaeffer, executive director of the Diesel Technology Forum, which represents engine and fuel manufacturers, said fine particles from diesel trucks had declined by two-thirds since 1990. By 2007, diesel trucks "will produce near-zero emissions thanks to clean fuels and advanced engine technologies," he said. The report "provides further evidence that our nation's air quality continues to take giant leaps forward," he said.

The EPA estimates that nationally, levels of the pollutant have improved more than 30% over the last 25 years and will drop another 10% to 20% in 10 years as new regulations for engines and power plants take effect.

Fog: The Central Valley's very own air filter Study shows fog helps to clean chemicals from polluted air

Tri-Valley Herald

December 15, 2004

By Ian Hoffman, Staff Writer

The same early morning fog that bedevils Central Valley commuters could well be saving the valley from worse air pollution.

Fog expert Jeff Collett's detailed study of San Joaquin Valley fog shows the more persistent ones — lasting two to 18 hours — scrub hundreds, possibly thousands of chemicals from the valley's air, which nonetheless is rated among the worst in the nation.

Inside the fog, Collett finds ammonia, nitrous oxides, sulfates, formaldehyde, acetate and other carbon compounds — all products of wood and fossil-fuel burning. But there's more: cholesterol from people cooking meats and caffeine from coffee makers.

"You see, for example, pesticides in the fogs," said Collett, a Colorado State University environmental scientist who presented his latest findings Monday evening at the American Geophysical Union annual meeting in San Francisco. "So the fogs are removing those things. But if you're out in the fogs, you're also exposed to them."

In December and January, the valley's fogs also happen to be one of the country's most consistent and therefore most studied, drawing scientists since the 1980s. That's when Collett first came to the valley as a graduate student.

Armed with increasingly sophisticated equipment, Collett has been peering inside the tiny droplets to understand their interaction with pollution. Airborne particles of chemicals or aerosols actually help the fog form, a process called nucleation. Sometimes, as with organic carbon, the fog dissolves the particle; sometimes it creates a new chemical.

Often it forms countless droplets half the diameter of a human hair that in turn fall to the ground.

Longer-lasting fog can cleanse as much as a quarter of the pollution particles in the valley's air, Collett estimates, with the greatest fog-cleaning efficiency given to nitrogen-based compounds, such as ammonia.

The valley's air is rich in ammonia pollutants because of livestock operations and the spreading of fertilizers.

"The fog comes and instead of a half-micron particle, you have a 30-micron particle and it falls out," he said.

A typical winter fog of 10 to 12 hours can pull 10 to 15 micrograms of pollution out of every cubic meter of air, he said. That may not sound like much, but it's about 10 times the speed of "dry" deposition at which pollution sifts from the air to the ground.

"So the fogs have the potential to remove a lot of material," Collett said.

White House to push for revisions in air quality laws

Juliet Eilperin, Washington Post

Published in the S.F. Chronicle, Wednesday, December 15, 2004

Washington -- The White House plans to push Congress to retool the nation's air quality laws early next year, according to administration and industry officials.

The move has alarmed environmentalists, who fear that President Bush's "Clear Skies" proposal - which has not moved in Congress since he announced it in 2002 -- would undercut existing federal standards more than the administration's pending plan to revise pollution controls through regulation.

Over the weekend, administration officials told Environmental Protection Agency (EPA) Administrator Mike Leavitt to delay issuing the Clean Air Interstate Rule, a proposal to reduce emissions of nitrogen oxide and sulfur dioxide in 28 states that either fail to meet national air quality standards or produce pollution that ends up in other states. Leavitt had promised to issue the rules this month, with the goal of cutting nitrogen oxide and sulfur dioxide pollution by 70 percent sometime after 2015.

Now, Bush hopes to focus his attention on Congress, which has been deadlocked for years on the question of air quality. Bolstered by a larger Senate GOP majority, the administration is hoping it can pass legislation to establish a nationwide cap-and-trade system that would allow companies to buy and sell pollution credits.

James Connaughton, who chairs the White House Council on Environmental Quality, said passing Clear Skies represented one of Bush's "top clean-air, clean-energy priorities for next year." Although the EPA will continue to work on new air quality rules, Connaughton said, the administration would prefer legislation because "it applies nationwide and will have greater overall reductions and benefits."

But several environmental advocates said the administration was undermining public health by delaying the interstate rule and pressing for legislation that they said would make it easier for companies to continue polluting. Clear Skies would represent the most sweeping changes in the Clean Air Act since 1990.

"The Clean Air Act is now under a great threat from Congress, and delaying the interstate rule will fuel the fire that Senate Environment and Public Works Committee Chairman James Inhofe is trying to light under Congress to go after the law," said Clean Air Watch President Frank O'Donnell, referring to the Oklahoma Republican.

In contrast to the "interstate" rule, which mainly affects states east of the Mississippi River and sets tighter controls on the two pollutants, the Clear Skies bill makes more sweeping changes to air quality enforcement and regulates mercury as well.

The bill, which Inhofe hopes to put to a committee vote in February, would postpone deadlines for meeting public health standards on smog and fine-particle soot from 2009 to 2015 and would

exempt affected smokestacks from "new source review" requirements that require plants to install stricter pollution controls when they upgrade their equipment.

Report: Amount of fine-particle pollution drops significantly

Associated Press

Published in the S.F. Chronicle and the Bakersfield Californian, Wednesday, December 15, 2004

LOS ANGELES (AP) -- Concentrations of one of the most dangerous air pollutants have declined in most of the country in the last five years, especially in Southern California and the Southeast, according to a report released by the U.S. Environmental Protection Agency.

The amount of fine-particle pollution in 2003 dropped 10 percent from 1999, and reached the lowest recorded levels since monitoring began nationwide in that year.

Southern California, Washington, D.C., and Chicago, which have been monitored since around 1980, had the lowest levels in more than two decades, said the EPA report, which was released Tuesday.

Despite the improvement, roughly 100 million Americans continue to live in areas that exceed federal health standards for fine-particle pollution. The nation's worst levels of the pollutant are in the Los Angeles area, particularly in Riverside, the San Bernardino area and the San Gabriel and San Fernando valleys.

The EPA's report said fine-particle pollution is the country's "most pressing air quality problem."

Fine particles are microscopic pieces of soot that come from several sources, mostly carbon in diesel exhaust, sulfates from power plants, and nitrogen-based gases from cars. The drop in particle levels was attributable mostly to decreased emissions from vehicles and industries, not favorable weather, the report said.

Scientists worldwide have found that deaths from heart attacks, strokes, asthma and other respiratory diseases rise on days with high amounts of fine particles in the air.

Environmentalists said the drop was good news, but said the Bush administration was blocking further progress by not imposing long-delayed regulations on power plants, particularly in the Midwest and Northeast.

"Releasing the report at the same time they are delaying action on power plant standards is like telling a patient their cancer is beginning to shrink and then turning around and diluting their chemotherapy," said Dr. John Balbus, head of the health program at the group Environmental Defense. "To protect the millions at risk EPA must cut harmful pollution from power plant smokestacks."

The EPA said it plans new power plant regulations in March, but they won't be implemented for at least five years. The agency also is expected to order areas that violate standards for the pollutant to act to reduce emissions.

Up to 244 counties in 21 states, including most of California's urban areas, are likely to be included.

Between 1999 and 2003, pollution levels declined by 20 percent in the Southeast, 16 percent in Southern California, and 9 percent in the industrialized area of the Midwest, the report said. Levels increased by 1 percent in the Northeast, the only region that had no decline.

Scientists warn of effects from warming

Report says a long-term, 3.5-degree rise in Earth's temperature would have broad ecological and human consequences.

By Kevin Gray, The Associated Press

Published in the Orange County Register

Wednesday, December 15, 2004

BUENOS AIRES, ARGENTINA – Scientists warned Tuesday that a long-term increase in global temperature of 3.5 degrees could threaten Latin American water supplies, reduce food yields in Asia and result in a rise in extreme weather conditions in the Caribbean.

The warnings came in a report by a group of European scientists on the sidelines of an annual U.N. conference on climate change.

Carlo Jaeger, a scientist at Potsdam Institute for Climate Impact Research in Germany, said if the long-term temperature increase was 3.5 degrees above what it was a century ago, it could collapse the Amazon rain forest ecosystem and hasten the melting of the Greenland ice cap, raising sea levels worldwide.

American scientists reported last April that global temperatures rose an average of 1 degree in the past century.

But a long-term 3.5-degree increase would constitute "dangerous interference with the climate system," Jaeger said. "This can lead to sea-level rise of several meters and involve a whole range of major risks to human well-being and environmental integrity."

The planet's temperature is a guideline by environmentalists and government officials seeking to control the amount of greenhouse-gas emissions blamed for global warming.

The report was released as representatives from almost 200 nations refined details of the Kyoto Protocol, a global-warming treaty, to be implemented in February.

The treaty commits major industrialized nations to curb gases from factories, cars and coal-burning power plants, blamed for trapping heat in the atmosphere, by 2012.

The United States has rejected the plan, with President George W. Bush in 2001 saying it would damage the economy.

In Peru, where almost 70 percent of power comes from hydroelectric plants, water supply for the Peruvian capital could be threatened if warming continues, Jaeger said.

Other vulnerable areas include China, where an increase in global temperatures could affect rice yields, and in the Caribbean, a region already hit by an increase in extreme weather, Jaeger said. China is the world's second-largest emitter of greenhouse gases, with the United States ranking first.

Also Tuesday, government and private groups said they are rushing a new generation of more sophisticated satellites into space to monitor greenhouse-gas emissions and track changing sea levels, thinning polar ice and rising temperatures on the planet.

The European Space Agency, together with the European Union, is taking part in an Earth-monitoring program that is tracking everything from polluting forest fires in Borneo to changes in farmland in Europe and the thinning of polar ice caps.

Westlake Farms

Judge Rules In Favor Of Kings Compost Project

Valley Voice Newspaper, December 15, 2004

Kettleman City - Kings County Superior Court Judge Louis Bissig ruled in favor of Westlake Farms plan to operate a biosolids composting plant on land they own near Kettleman City. The case was decided November 10 on a suit brought by the Center for Race, Poverty and the Environment and others challenging adequacy of an environmental study the county approved back in April.

The facility will consist of some 1000 acres that will accept Class B biosolids from LA County that includes biosolids from waste water treatment plants, ag and urban greenwaste.

Westlake plans to sell 14,500 acres to the County Sanitation District of Los Angeles and they will actually operate the composting facility leasing back the land to Westlake that will use the

material as fertilizer and soil amendment. Some of that material will be sold as well. The material would be approved only for non-food crops.

Judge Bissig found the impacts on air quality were adequately analyzed in the EIR noting that the composting facility will help provide an alternative to the burning of ag waste in the valley set to be outlawed by 2010 here.

Regarding the mitigation of particulate matter from the project the judge said the county agreed that the impacts might be significant but that it should be approved due to economic and social benefits the project brings.

The project promises to hire 130 employees - most of them full time.

The judge also found the county acted properly in not recirculating the EIR, adequately assessed the project's cumulative impacts and project alternatives.

Finally the judge addressed the issue of restoration of the Tulare Lake wetlands sought by some of the opponents.

The judge suggested that the "project does not disturb any riparian land, rivers, streams, water courses or wetlands." But land west of the project is being considered for future restoration. He sums up by saying the petitioners have failed to establish that the project is not consistent with the county general plan.

Kings County Supervisor Tony Oliveira told the Voice that "both the county and Westlake spent the time to design and engineer this project that will put people back to work" at Westlake Farms. Westlake owner Ceil Howe said he felt relieved at the judge's decision but noted that "the opponents have at least 45 to 60 days to appeal" if they wish. Howe says in the meantime they are applying for several more permits they need to get operational - a process that will take a few more months anyway.

If there is an appeal the matter could take a lot longer of course. Howe says he would "visit with our partner" on the project to see if they might want to move forward anyway shouldering some risk in case of the success of an appeal.

He says he hopes that "the Sanitation District could be making compost within a year."

Howe says one benefit for the valley will be that the new facility will need tons of green waste and wood chips to mix with LA biosolids to allow it to bulk up and aerate inside the big building and outdoors where the compost will be stored. "This will provide a place farmers can bring their wood chips instead of burning their orchards in the open field," says Howe.

Kings Supervisor Tony Oliveira - who has been critical of other land spreading projects involving sludge - says he believes "Farm Bureau and farmers out there will support this" in part because the days of ag burning are numbered. Oliveira says he sees this project as a sign "that Westlake Farms will go back into business" - from the past few years when long time employees were laid off and much of the land laid fallow.

The enclosed composting facility would process up to half a million wet tons of biosludge mixed with 400,000 tons of green waste. The sewer sludge would be trucked in from the County Sanitation District of Los Angeles County made of 78 cities in LA County.

"We will lessen the emissions that can escape in the atmosphere as it is mixed inside the building with filters," says Howe noting that a visit to a similar facility in Pennsylvania that the smell was "virtually nonexistent to a farm boy."

Howe says Westlake Farms is farming a small portion of what they have historically tilled exiting the cotton business in 2002. "We use to have 20,000 acres of cotton and now we have none. We used to farm 45,000 acres of wheat and now we have about 10,000 acres."
"Now I see how they say California is not business friendly when we have spent so much time and money for nothing. It has been a frustrating experience."

Ag News (excerpts)

Valley Voice Newspaper, December 15, 2004

US farmers are getting a reprieve on the ban on methyl bromide for 2005 used widely in California strawberries to fight nematodes. The US asked for "critical use" of the material based on the grounds there is no alternative. The international body gave the US growers a one year exemption this past week. The fumigant is implicated in the thinning of the ozone layer and is also suspected as a carcinogen.

Documenting dust control will be the focus of workshops for central valley farmers that start this week in Modesto and Los Banos. By the end of the year, many farmers will be required to file conservation plans, showing what they do to prevent dust in their fields, equipment yards and roads. The workshops will help farmers complete those plans. Sponsors say farmers already use a variety of techniques to control dust.

What's New

Valley Voice Newspaper, December 15, 2004

Speaking of wind machines, the citrus industry is lobbying the air district to approve the continued use of some 12,000 wind machines in the citrus belt up and down the Sierra foothills. "Just one night of running the wind machine to protect our crops costs the industry \$2.25 million," says California Citrus Mutual's Joel Nelsen. The machines that run on propane, diesel or electricity are thought to be a contributor to poor valley air. But without them "we wouldn't have a crop" suggests Nelsen. May be a chance to use clean burning biodiesel.

[The following commentary also ran in the hard copy of the Modesto Bee on December 14, 2003, but wasn't posted on the Bee's website:](#)

[Bakersfield Californian, Commentary, Wednesday, Dec. 14, 2004](#)

Vehicle surcharge fee will help clean our air

By BARBARA PATRICK, Bakersfield

For less than the cost of a gallon of gasoline, motorists from Bakersfield to Stockton can help to clean up our air if the San Joaquin Valley Air Pollution Control District votes for a \$2 surcharge on registration fees in the valley by the Department of Motor Vehicles.

If passed on Dec. 16, the estimated \$4.8 million per year in increased fees would be used to draw down \$7 million to \$10 million in state funds earmarked for the San Joaquin Valley. This presents an opportunity to participate positively in leveraging state dollars to clean our air. Without passage, this money will be dispersed to other areas of California.

It is especially significant that Gov. Arnold Schwarzenegger made room within an extremely tight state budget to create permanent funding for the Carl Moyer Emission Reduction Program. That makes \$86 million available statewide to fund projects that significantly reduce emissions.

The incentive dollars will help to fund replacement of old engines and vehicles with newer ones certified to more stringent standards. This would include replacing polluting school buses and heavy duty diesel engines. Other eligible projects include locomotives, forklifts, ag pumps, programs to reduce idling at truck stops and the reinstatement of scrappage programs.

Moyer program funds, along with state, federal and district funds, have been used since the district's inception to fund the reduction of 36,500 tons of pollution here in the valley.

Agricultural, business and environmental groups have stepped forward to support the district's adoption of the surcharge. Such groups include Operation Clean Air, The Fresno Business Council, The Building Industry Association, Southern California Gas Company, The American Lung Association of Central California and the Fresno Metro Ministry, along with many other organizations.

Moreover, the Air District's own citizen's advisory committee -- representing valley cities, industries and environmental groups -- recently voted unanimously to support the fee increase.

The governing boards of the South Coast, Bay Area and Sacramento Air Quality Management Districts have already approved the surcharge that would begin on April 1, 2005. It is time for our valley air board to act.

Thus far, Kern County has already replaced 586 engines through the Heavy-Duty Engine Program, which includes Moyer funding. The city of Bakersfield has replaced 11 refuse trucks with natural gas trucks. The Kern County Superintendent of Schools replaced 27 school buses with natural gas buses. Dozens of farms have replaced ag pumps, re-powered such off-road vehicles as harvesters, tractors and other diesel equipment.

Other businesses have re-powered on-road trucks by replacing old diesel engines with new, cleaner operating diesel engines.

Air pollution is identified as a top concern for valley residents and, with so much more to be done, I support the surcharge increase because:

- The emissions reductions are necessary, measurable and quantifiable.
- Projects will be funded based on stringent project funding criteria.
- The other major air districts have already acted to increase the surcharge.

Valley residents will have the opportunity to participate in making a positive change in our valley's air quality.

Kern County Supervisor Barbara Patrick is the valley representative on the California Air Resources Board. Community Voices is an expanded commentary that may contain up to 500 words. The Californian reserves the right to reprint commentaries in all formats, including on its Web page.

Obey fireplace law

[Bakersfield Californian, Letter to the Editor, Wednesday, Dec. 14, 2004](#)

I was shocked and dismayed to read the letter from Mary K. Shell. To compare our democratic system of laws and regulations to that of a communist country is typical right-wing hyperbole.

How many years does she (and her husband) have in public service? Does she think that every law or regulation that she supported had no opposition? Did those who opposed those laws have a right to ignore them because they disagreed with them?

Every member of society has the right -- indeed, the responsibility -- to turn in law breakers. Her attitude is a symptom of the insidious breakdown in this country that rationalizes cheating on tests, stealing office supplies, lying on tax documents, defaming political opponents, etc. It is wrong only if you get caught.

All of us have the right to breathe clean air. That means some of us will have to make sacrifices for the good of the whole. Just how many law breakers does it take to undue all the work to make our air cleaner?

-- DUANE GOFF JR., Tehachapi

[Bakersfield Californian, Editorial, Wednesday, Dec. 15, 2004](#)

Stop shredding privacy Someone needs to light the fires of civil liberties at the air pollution control district.

"The right of the people to be secure in their persons, houses, papers and effects against unreasonable searches and seizures, shall not be violated ... but upon ... oath or affirmation."
-- United States Constitution, Fourth Amendment

On this, the 213th birthday of the Fourth Amendment, it is not the smell of fireplace smoke that is odious about the San Joaquin Valley Unified Air Pollution Control District's enforcement of no-burn days.

Use of heat detectors to invade homeowners' privacy without prior court permission and to fine them justifies critics calling it unconstitutional.

District inspectors cruise neighborhoods in Kern County aiming thermal imagers to take the temperature of chimneys to show that there is -- or recently was -- a fire on days when fireplace use is banned. Fines between \$50 and \$1,000 can be imposed.

No "oath or affirmation" -- what today is a search warrant -- obtained on the basis of probable cause.

U.S. Supreme Court and state court of appeals rulings support Kern County Public Defender Mark Arnold, who said of the district's practice, "The law is very clear: The use of a thermo-imaging device to search into the interior of someone's house is illegal without a search warrant."

The key legal point comes from U.S. Supreme Court Justice Antonin Scalia. In *Kyllo v. United States* the court ruled in 2001 that police could not, without a warrant, use a thermal detector to sense high heat coming from a house that might imply drug operations.

His majority ruling made the point that although the detector reacted to the temperature of the home's *exterior*, it revealed activities *inside* the home. One of the most conservative jurists on the federal bench handed civil libertarians a victory when he wrote, "In the home ... *all* details are intimate details because the entire area is held safe from prying government eyes."

A California appeals court ruled similarly in *People v. Deutsch* in 1996.

The same with a chimney -- its external temperature is spying on family activities going on *inside* the home. Thus, a fine based solely on such evidence obtained without court permission is wrong. The heat evidence can be used to seek a warrant from judge showing reason to believe there probably is wrongdoing and *then* to conduct a search and make an accusation.

This does not mean the district cannot enforce no-burn days. If inspectors see smoke, they can ask residents to cease and desist. If they smell it or sense the heat at night repeatedly, they can ask a court for permission to search a home if there is a further incident and then enter having shown probable cause of potential illegal activity. If a fire is present, they can act.

All court rulings on thermal imagers are based on the ancient adage that "a man's home is his castle" and that a person has an expectation of privacy to be intruded upon only with a court's permission or in a dire emergency.

As the Supreme Court's reporter of decisions noted in the *Kyllo* case, "Reversing that approach would leave the homeowner at the mercy of advancing technology -- including imaging technology that could discern all human activity in the home."

A miniscule improvement in winter air quality is not worth shredding one of our American's most cherished rights.