

Air district faces threat of lawsuit from environmentalists

Groups want agency to carry out EPA requirement to set stricter dust controls

By Sarah Ruby, staff writer
Bakersfield Californian, Tuesday, Jan. 25, 2005

It could be back to court for the San Joaquin Valley Air Pollution Control District and environmentalists, who say the agency failed to set new regulations aimed at cutting dust and toxic soot pollution in the Central Valley.

Environmentalists contend that the air district is violating the federal Clean Air Act by not setting stricter dust controls required by the U.S. Environmental Protection Agency.

"The air district needs to do its job," said Kevin Hall with Fresno's chapter of the Sierra Club. "They need to do it on time -- our air pollution crisis is not improving."

Inhaled dust particles can cause "serious health problems and (increase) likelihood of death from other causes," according to the air district's Web site.

The Sierra Club, along with Earthjustice, the Latino Issues Forum and the Medical Alliance for Healthy Air, sent a 60-day notice of intent to sue the district if it doesn't accelerate its schedule of regulations.

In 2003, the air district adopted a dust management plan to reduce particulate pollution in the valley by 85.5 tons per year. In the plan, the district pledged to make nine new rules over residential space heaters, commercial dryers, small boilers, steam generators, industrial water heaters, farms' internal combustion engines, cotton gins, farming practices and residential and commercial development.

The district set a series of deadlines for these rules, most of which expired in 2004.

The district has implemented two of the nine regulations. Environmentalists criticize one of those, saying the district's new plan to reduce dust on farms won't affect dust levels because it allows farmers to comply with the new regulations without changing their farming practices.

The air district's attorney says it still has time to meet several of the deadlines that environmentalists have already counted as missed.

He acknowledged that the district is behind on some of the rules, but said it has been working on them in earnest.

"We try to do the big ones first and kind of go down the list," said Phil Jay, attorney for the district. "It's a public process. We haven't abandoned it. They make it sound as if we're shirking our duties."

Indeed, Hall and other potential plaintiffs said the air district bows to the oil, agriculture and building industry by delaying and watering down regulations.

Jay denied this, saying that developer-friendly state laws -- not builders' lobbyists -- have delayed a rule that would charge them a fee for the dust pollution their homes and shopping centers create.

The air district and environmental groups are familiar legal adversaries. These groups sued the EPA in 2002 for not forcing the district to comply with the Clean Air Act, and have been working with the government to reach an air quality compromise ever since.

Report warns global warming approaching irreversible point

By Ed Johnson, Associated Press

In the Modesto Bee, Tues. Jan. 25, 2005

LONDON - Global warming is approaching the point of no return, after which widespread drought, crop failure and rising sea levels will be irreversible, an international climate change task force warned Monday.

It called on the Group of 8 leading industrial nations to cut carbon emissions, double their research spending on technology and work with India and China to build on the Kyoto Protocol for cutting emissions of carbon dioxide and other "greenhouse gases" blamed for global warming.

The independent report was made by the Institute for Public Policy Research in Britain, the Center for American Progress in the United States and the Australia Institute.

"An ecological time bomb is ticking away," said Stephen Byers, who was co-chairman of the task force with U.S. Sen. Olympia Snowe, R-Maine. "World leaders need to recognize that climate change is the single most important long-term issue that the planet faces."

Byers is a close confidant of British Prime Minister Tony Blair, and the report was timed to coincide with Blair's commitment to advance international climate change policy during Britain's presidency of the G-8 this year.

Byers said it is vital that Blair secure U.S. cooperation in tackling climate change. President Bush has rejected the Kyoto accord, arguing that the carbon emission cuts it demands would damage the U.S. economy and that it leaves out emerging polluters like China and India.

"What we have got to do then is get the Americans as part of the G-8 to engage in international concerted effort to tackle global warming," said Byers. "If they refuse to do that then other countries will be reluctant to take any steps."

According to the report, urgent action is needed to stop the global average temperature rising by 2 degrees Celsius (3.6 degrees Fahrenheit) above the level of 1750 - the approximate start of the Industrial Revolution when mankind first started significantly adding carbon dioxide to the atmosphere.

Beyond such a rise, "the risks to human societies and ecosystems grow significantly," the report said, adding that there would be a danger of "abrupt, accelerated, or runaway climate change." It warned of "climatic tipping points" such as the Greenland and West Antarctic ice sheets melting and the Gulf Stream shutting down.

No accurate temperature readings were available for 1750, the report said, but since 1860 the global average temperature has risen by 0.8 percent to 15 degrees Celsius (59 degrees Fahrenheit).

The report said a 2-degree Celsius rise in the average temperature could be avoided by keeping the concentration of carbon dioxide in the atmosphere below 400 parts per million. Current concentrations of 379 parts per million "are likely to rise above 400 parts per million in coming decades and could rise far higher under a business-as-usual scenario," it said.

The task force urged G-8 countries to agree to generate a quarter of their electricity from renewable sources by 2025 and shift agricultural subsidies from food crops to biofuels.

The task force of senior politicians, scientists and business figures was formed last March. Its chief scientific adviser was Dr. Rajendra K. Pachauri, chairman of the United Nations' Intergovernmental Panel on Climate Change.

[Letter to the Modesto Bee, Tuesday, Jan. 25, 2005](#)

California tarnished with progress

As we overrun ourselves with our own, plus people of all kinds, we let our wise counselors rip up our trees of fruit, nuts and other things we could grow ourselves. The contractors who build our homes don't give us any room for self-containment. They need to cram us all together, for they can make more money that way. That seems to be all that it is about, money. And how sad it is no one realizes it.

We go to the overpriced supermarkets and buy food we could have grown in our back yards. They have gassed or injected it with chemicals to ripen it or keep it from rotting on the way to the store.

They don't want us to use our fireplaces for the pollution. Has anyone noticed that traffic? And they call this progress. Progress is to move forward, to get better. Is eating from boxes progress? And the weatherman says, "Don't stay outside too long. Today is a bad air day in the Golden State."

Penny Adams, Hughson