

Cows cited as No. 1 source of a smog-producing gas

By Mark Grossi

[Fresno Bee, Tuesday, June 28, 2005](#)

Dairy cows Monday again passed cars as the biggest source of one smog-making gas in the San Joaquin Valley.

The local air district Monday estimated that each dairy cow emits 20.6 pounds of so-called volatile organic compounds per year, an increase of more than 60% over the estimate previously used.

Dairies had ranked No. 1 until last month when the state dropped them to seventh, explaining the estimated number of cows making the emissions was too high. Now with an estimate showing more gases coming from each cow's waste, dairies again moved ahead of all other sources.

One dairy industry official called the announcement disappointing, adding that a lawsuit probably would follow if the local district adopts the estimate.

"More than two-thirds of this number is based on a guess," said Michael Boccadoro of the advocacy group Dairy Cares. "It's a disservice to the public because it means we'll be spending money chasing pollution that doesn't exist." The development was the latest in several years of controversy as public officials have tried to regulate air quality for the growing dairy industry under permit programs that hadn't applied to dairies before. The permits were required for large dairies in a 2003 law, Senate Bill 700.

The new estimate announced Monday is a result of a lawsuit the dairy industry filed last year against the San Joaquin Valley Air Pollution Control District, which was attempting to begin the permit program. Industry officials objected, saying the pollution estimates were based on 1930s science and badly in need of modern research.

The lawsuit was settled in September with both sides agreeing to an advisory group that would recommend a new estimate to the air district.

Health advocates believe the 20.6 pounds might be too low but praised the district's announcement anyway. They said the Valley, one of the dirtiest air basins in the country, is experiencing a health crisis and large sources of pollution need to be regulated.

"We're headed in the right direction," said Fresno respiratory therapist Kevin Hamilton, who participates in an advisory group that made proposals to the district. "Given the information to date, it's probably as close as you're going to get."

A public hearing is scheduled July 11 on the announcement from the air district. Under a lawsuit agreement, the air district must announce a final estimate on Aug. 1.

The number will be used to determine how many dairies need to obtain the same kind of air permits as oil refineries as large sources of pollution. State officials last week said they expected about 430 would need the permits, which require stringent measures to reduce pollution.

The local district's 1-inch-thick report on the new emission estimate cites 25 references, based on 15 studies, said Rick McVaigh, director of compliance.

"We did a complete evaluation, point by point," said McVaigh. "We don't think we have all the emissions yet from all the processes at dairies. We will continue to study it."

Dairy emissions have been intensely studied over the past two years, but they are a complex research problem, scientists said. The gases come from cows, waste lagoons, storage ponds and other processes.

Based on 1938 research, officials used 12.8 pounds of gases per cow as a way of determining how much pollution came from the Valley's 1.3 million dairy cows. New research began more than two years ago.

An advisory group, formed after the dairy industry and the district settled a lawsuit last year, discussed the results of the research over five months and recommended three estimates, ranging from 5.6 to almost 35 pounds.

The group had representatives from the dairy industry, health advocacy groups, environmentalists, academics and the district.

Dairy cows branded top smog hogs

Valley air board says dairies worse than cars, but critics furious at what they call bad science

By SARAH RUBY, Californian staff writer

[Bakersfield Californian, Tuesday, June 28, 2005](#)

Dairies cause more smog than cars, according to the San Joaquin Valley air district.

Recent science shows milk cows produce at least 60 percent more smog-forming chemicals than previous estimates, which were based on aging studies, valley air officials say.

And that's "likely to be an underestimate," said Rick McVaigh, director of permit services for the air district, which released a draft pollution-per-cow estimate Monday.

Dairy industry representatives are outraged that the district would rely on incomplete and irrelevant science, they say.

"It's unbelievable what they've come up with," said Michael Boccadoro, spokesman for a dairy lobbying group known as Community Alliance for Responsible Environmental Stewardship. "It's a joke."

That the air district hasn't calculated exactly how many tons of pollution dairies produce didn't stop it from announcing that milk cows are once again the valley's largest source of smog-forming gases.

State regulators had moved milk cows from first to sixth place last month -- behind trucks, cars, oil and gas production, pesticides and consumer products -- when it recalculated 1930s data.

But stakeholders now have a new generation of data to haggle over. Some admire the district's chutzpah, and others criticize its estimate as inflated by foreign studies completed under circumstances far different from those at California dairies.

"It's critical they get the number right (or we'll be) chasing emissions that don't exist," said Boccadoro. "(The district) has managed to mess it up."

Last week the state air board declared emissions data from dairies incomplete, prompting it to regulate dairies by size rather than total emissions. That was prudent, he said, this was not.

But others say the district is right to be protective, and to look outside California for answers if it must.

"I think (the district's number) reflects additional research of the literature," said Bakersfield resident Bill Descary, who sat on a panel advising the district on dairy emissions. "We don't want dairies to invest in equipment that's not needed, (but) if it is needed, it's critical."

That panel, which included dairy people and environmentalists, couldn't agree on the science. The district's announcement broke their tie.

Last week's state air board action dealt with existing dairies, establishing which ones will have to upgrade their facilities to cut pollution.

The district's latest announcement mostly affects new dairies, which will likely have to change the way they handle manure and possibly cover lagoons, among other precautions, district officials say.

Proposed air rules target new development

By Dana Nichols - Record Staff Writer

[Stockton Record, Tuesday, June 28, 2005](#)

San Joaquin Valley air pollution cops are crafting new rules that would levy heavy fees on new homes, stores and other buildings for the air pollution they cause by attracting truck and car traffic.

Cars burn cleaner than they did decades ago, but so many more cars cruise the roads here now that San Joaquin County residents still choke on bad air. The San Joaquin Valley Air Pollution Control District rules now being considered aim to cut the stink that comes with growth. The pollution officials are also hoping the new rules will push developers to build more compact, pedestrian-friendly projects.

Environmentalists praise the proposal, even though some say it doesn't go far enough. Builders are vowing to fight it.

"My initial impression is that the air resources board is attempting to build a giant bureaucracy for the purpose of expanding their authority and control without any substantial benefits to air quality," said John Beckman, a spokesman for the Building Industry Association of the Delta who also serves as Lodi's mayor.

"If they were to take all this money and use it to build a high-speed transportation system to move people and goods up and down the Valley, that might actually make a difference," Beckman said. "But they have no intent of doing that."

The rule aims to reduce both smog and particle pollution two ways.

First, it credits developers with reducing pollution if their designs reduce car trips. That could mean a more compact development, putting shops within an easy walk of homes or offering an electric shuttle service to nearby malls.

Providing bicycle paths, free-use Internet work terminals or even grocery home delivery could also reduce pollution.

Second, to offset any pollution not eliminated with design or innovative features, developers will pay fees to the air district. The district would use that money for a variety of efforts to reduce pollution elsewhere, by paving dusty roads or replacing old diesel engines with cleaner-burning models.

Kathryn Phillips, who manages a clean air campaign for Environmental Defense, said that in addition to reducing pollution, the new rule would make life better for Valley residents.

"We think there is an opportunity to use this to encourage more affordable housing closer to workplaces," Phillips said. "We think it will provide alternative travel choices and get people out of having to sit in traffic."

But Phillips also said she doesn't think the plan goes far enough, since it seeks to eliminate only a portion of the pollution that comes with new development, rather than all of it.

"Our goal is to be able to see the Sierra year-round and not just on those rare clear days in the spring," Phillips said.

The San Joaquin Valley violates state and federal standards both for smog and for pollution caused by the tiny particles in exhaust, dust and smoke.

As development sprawls across the Valley, the number of miles driven by cars and trucks is rising fast than population growth, according to district research.

Air district rules have already cut the pollution from factory smokestacks, and federal and state rules have made cars cleaner. Still, 69 percent of the nitrogen oxides -- a precursor to smog -- in the Valley comes from cars and trucks, and that number will rise as the population swells in the coming decade.

The air district on Thursday will hold a public meeting at its offices in Modesto, Fresno and Bakersfield to hear comments on the proposed rules.

Dairy to pay for creating mosquito lair

By SARAH RUBY, Californian staff writer
[Bakersfield Californian, Tuesday, June 28, 2005](#)

A local dairy will pay \$127,300 to end a lawsuit accusing it of profiting from pollution.

Goyenette Dairy is paying up for having created a 16-acre pool of mosquito-infested wastewater at neighboring Buttonwillow Ecological Reserve last summer.

"We have stepped up to remedy the situation, and the business is moving on," said dairy owner Albert Goyenette in a news release.

The District Attorney's office sued the dairy earlier this year, saying its disregard for environmental laws gave it an unfair business advantage over competitors.

"We're very satisfied (with the settlement)," said Deputy District Attorney Michael Yraceburn. "The next dairy over knows ... there is a level playing field for all businesses."

A farmer working on Goyenette's land built a culvert to drain water -- complete with manure as fertilizer -- from the fields to the nature preserve, said Goyenette's attorney David Cooper.

The result was mosquito heaven and a costly investigation, for which Goyenette is paying \$17,300 to the state water board, the local mosquito control district, the state Department of Fish & Game and the District Attorney's office.

Goyenette was fined \$60,000 for the illegal routing and he will also chip in \$50,000 to Kern's West Nile virus programs. Half will go to the health department's educational program and the other half will be used to fight next year's mosquitoes.

"(The money is) certainly going to help," said Rob Quiring, manager of the Kern Mosquito & Vector Control District.

Heavy rains and the resulting mosquitoes sent the district \$150,000 over its insecticide budget for this fiscal year, which ends Thursday. In years past, the district used about 350 to 450 gallons of insecticide by Memorial Day. This year, the district used 3,800 gallons by then.

"We'll use (the money) wherever we can," he said.

Dispute's settled, but Padre plan still in flux

By JAMES BURGER, Californian staff writer
[Bakersfield Californian, Tuesday, June 28, 2005](#)

The Padre Hotel has been frozen in mid-rebirth for a year as lawyers battled over the legacy of its past -- a potentially toxic load of asbestos in the walls.

But the end of that battle hasn't freed the building from limbo.

On Monday, lawyers announced a \$460,000 settlement deal that will end the dispute and resolve charges that the 77-year-old building's owners tore asbestos out of the Padre and discarded it illegally in a county dump.

But the missed year -- with owners unwilling to continue work on the Padre under threat of a lawsuit -- has taken its toll.

Paul Holling, of Pacifica Enterprises, said his company no longer knows what to do with the Padre.

"A lot of things have happened in a year," said Holling. "We're probably going to set up some meetings with the city to discuss strategy."

Those meetings should take place within the next few weeks, he said. Past ideas have included lofts, apartments, commercial space and various mixes of those uses.

Before the lawsuit, Pacifica had said it would turn the Padre into a boutique hotel that would be the finest night's stay in Bakersfield.

But now those plans are off the table while Pacifica re-evaluates what to do with one of Bakersfield's most unique and quirky properties.

Pacifica, a San Diego-area development company, bought the Padre for \$1 million in April 2002 from the widow of Bakersfield legend Milton "Spartacus" Miller.

Miller owned the Padre for 45 years.

He was known for his pitched battles with the city of Bakersfield and his habit of draping mammoth anti-city signs across the facade of his hotel.

Pacifica took on the renovation of the downtown icon and initiated an exterior facelift and dramatic demolition and rewiring projects inside.

But work progressed in fits and starts as the company debated whether the Padre should stay a hotel or be converted into urban condos and apartments with commercial space on the ground floor.

Then the lawsuit hit.

The San Joaquin Valley Air Pollution Control District sited Pacifica twice for disturbing asbestos -- a fiber that, when airborne, can enter the lungs and may cause cancer.

Lawyers for the Kern County District Attorney's office filed a civil lawsuit against Pacifica stating the company knowingly disturbed the asbestos and disposed of it improperly.

Pacifica lawyer David Cooper said Monday that the company tested for asbestos before starting work and didn't find any.

"The problem was that all the walls didn't have asbestos," Cooper said. But, "some of the walls, virtually randomly, had a thin coating which contained asbestos."

Pacifica maintains that the asbestos release was minor and the health risk nonexistent.

You can have technical violations of regulations without significant health risk, Copper said.

"That's what their experts said," said Michael Yraceburn, a deputy district attorney. "We had some disagreements with them. They wouldn't be paying the money if they were right."

But Yraceburn said the company has agreed to pay for its impacts -- \$150,000 in penalties, \$86,000 in costs for the suit and \$224,000 credit for the money the company had already spent to investigate and address public health concerns.

The air district will continue to monitor any work on the Padre, he said.

The big question is what that work will look like and when it will start. Right now, Holling said, Pacifica just doesn't know.

Study cites asbestos impact

UCD research is seen as start to understanding rocks' cancer risk

By Carrie Peyton Dahlberg -- Bee Staff Writer

[Sacramento Bee, Tuesday, June 28, 2005](#)

People who live near the kind of rocks that can contain asbestos are more likely than other Californians to contract a rare cancer, according to a study being published in the nation's leading respiratory medical journal.

The study by University of California, Davis, and Harvard University researchers has been eagerly awaited by federal officials trying to understand possible links between the rocks beneath our feet and asbestos-related diseases.

It could be "a huge part of the puzzle," said Dan Meer, one of several EPA officials who had heard the study's results described at public meetings.

Still, they and others characterized the work as only a start toward a better understanding of the possible dangers of weathering, digging or other dust-releasing activity in asbestos belts.

In studies like this, "interpretation is always a little bit delicate," said Michel Camus, a University of Montreal associate professor whose past work has suggested U.S. risk models may overstate some asbestos dangers.

While the new study is both "eye-opening" and "disturbing," he said, it's still likely that the environment is responsible for only a very small proportion of mesothelioma cases in North America.

The study could hold special interest for foothills communities, including El Dorado Hills, where elevated levels of asbestos fibers have been measured in the air around joggers, bicyclists and others pursuing

dust-raising activities. It's still unclear whether people are breathing in enough of those fibers to become ill, and if so, how much of an upsurge that might create in an already uncommon cancer.

Workplace exposure to asbestos can cause a sometimes fatal disease, asbestosis, along with lung cancer and mesothelioma, the swiftly lethal tumor of cells lining the chest and other cavities.

Experts estimate that mesothelioma strikes just one or two people in a million every year in the United States.

Even so, it's often a focal point in tracing asbestos' effects because, unlike lung cancer, it doesn't have a number of other widely established causes, and, unlike asbestosis, very large exposures aren't needed to trigger disease.

Mesothelioma was the disease tracked in the new, peer-reviewed study awaiting publication in the American Journal of Respiratory and Critical Care Medicine and quietly posted online by the journal late last week.

The research team concluded that the risk of getting mesothelioma appeared to decline by 6.3 percent for every 10 kilometers farther away someone lived from possible asbestos veins.

"It seems unlikely to be due to chance," said Laurel Beckett, an expert in biostatistics at the UC Davis School of Medicine and one of the study's co-authors.

The apparent geographic component of the disease is "much weaker" than its well-known occupational causes, Beckett added, making it clear that more work is needed to probe just what's behind the numbers.

The study stressed that for the purposes of this analysis, researchers made a number of assumptions that have potential flaws. For example, they used the last job held to estimate roughly how great someone's workplace exposure to asbestos might have been, but they didn't have full work records.

They used each person's address at the time of diagnosis to determine possible proximity to asbestos, but they didn't have records for how long the person might have lived there or where else he or she had lived.

And since there is no map showing where all the asbestos in California lies, researchers used state maps of "ultramafic" rock, where veins of asbestos often form. It too is an imperfect indicator; large swaths of ultramafic rock are likely to be asbestos-free, and the fibrous mineral also can be found in other rocks.

Researchers drew their conclusions from reviewing nearly 3,000 cases of mesothelioma that that were reported to the state's cancer registry as being diagnosed between 1988 and 1997.

For comparison, they looked at the same number of pancreatic cancer cases drawn from the registry, matched for age and gender and diagnosis date. The pancreatic cancers were not more common closer to ultramafic rock, but the mesotheliomas were.

Interestingly, the distance needed to make a difference was relatively small. "Ten (kilometers) is about 6.2 miles," said Beckett. "That says that if you were standing on top of an asbestos rock and started running, your risk would drop as soon as you ran the first 10K race."

The medical journal's online posting put study authors in an awkward position, because some had been advised that talking to reporters before the print publication, expected in September, could result in the article's being yanked, said Claudia Morain, spokeswoman for the UC Davis cancer center.

The warning hadn't reached Beckett but did forestall comment from senior author Dr. Marc Schenker, chairman of the medical school's department of public health sciences.

The bind left some key issues unclear, including underlying estimates of how likely mesothelioma was found to be overall in different locations.

Those familiar with the issues stress that knowledge about environmental causes of disease builds up slowly, study by study, as each new finding brings investigators a little closer to the truth.

Dr. John Balmes, head of the Northern California Center for Occupational and Environmental Health, called the new paper "important enough to get into the best pulmonary journal," but added, "I don't think it's a landmark."

Balmes, a specialist in lung and environmental diseases who teaches at both UC Berkeley and UC San Francisco's medical school, said that on their own, studies like this one don't prove anything. Instead, they raise important questions that call for more work. This study will make "an incremental contribution" to figuring how out safe - or unsafe - it is to live near asbestos-bearing rock.

That assessment was shared by the federal Environmental Protection Agency. Today, the only federal standards for asbestos were designed to limit workplace exposure, said Lisa Fasano, a spokeswoman for the EPA's San Francisco office.

"There was never a standard developed for people living near naturally occurring asbestos," she said. "We need to continue to collect more information like this so we can finally make a determination on possible risks to residents."

Schenker has said his study was inspired by a 1998 investigation by The Bee that raised health questions about asbestos dust from dirt roads and construction sites in the foothills.