

Environmental, citizen groups plan to sue owners over dairy Association of Irrigated Residents says planning for pollution potential needed

By SARAH RUBY, Californian staff writer
Bakersfield Californian, Wednesday, Sept. 21, 2005

A local dairy is being constructed illegally, according to environmentalists who took a legal step toward suing the operation.

The new C&R Vanderham Dairy is about halfway done and completely legal, said David Albers, a local attorney representing the dairy.

On Tuesday, the Shafter citizens' group Association of Irrigated Residents as well as the Center on Race, Poverty and the Environment filed a "60-day Notice of Intent to Sue under the Clean Air Act," a mandated precursor to a lawsuit.

The San Joaquin Valley Air Pollution Control District is investigating whether the C&R Vanderham Dairy is big enough to trigger air quality rules, and whether it should be grandfathered into pollution rules that changed Aug. 1.

The dairy has a county permit to house 1,954 milk cows, according to Albers, but the facility under construction will house 635 milk cows.

These environmental groups say the dairy must plan for its pollution potential under the county permit.

"We want (the dairy) to follow the law," said Tom Frantz, president of the Association of Irrigated Residents. "(The dairy) is choosing to totally ignore the law right now."

But there's a big difference between the number of cows the county will allow and the number the facility will actually house, Albers said. The air district regulates what's actually being built, said Rick McVaigh, director of compliance with the valley air district.

"We didn't think this would be an issue (because) normally new dairies going in have been larger dairies," said McVaigh.

The air district is investigating this case, he said.

"We're too small to even count," Albers said. "(The environmentalists) are all thumping their chests and going to battle. There's no battle to have."

The dairy is violating the Clean Air Act, environmentalists say, and they intend to seek fines of as much as \$27,500 per day per violation against owners Corrie and Rick Vanderham.

They have been in violation since July 29, according to the notice.

The offense, they say, is the dairy's failure to secure an "authority to build" permit. The exact terms of these permits have not yet been set, but they will require new and remodeled facilities to mitigate air pollution and pay fees for pollution they aren't able to cut.

These activists filed suit on similar grounds against a 10,000-cow dairy owned by Fred Schakel in Tulare County. The air district subsequently issued notices of violation against Schakel and several other dairies being built or expanded.

Bad air, bad health show stronger ties A pair of studies provide Valley more reasons to ease pollution

By Barbara Anderson
The Fresno Bee, Wednesday, September 21, 2005

Two air pollution studies made public Tuesday give the San Joaquin Valley more reason to clean up its air.

Polluted air - the type that hangs over the Valley in fall and winter - may be causing three times the number of premature deaths than were previously estimated. And children who live next to traffic-heavy freeways - such as Freeway 41 running through the center of Fresno - appear more likely to suffer from asthma, according to reports by professors at the University of Southern California.

"The picture that's evolving now is one that suggests air pollution is a much bigger and more significant threat to public health than we previously thought," said Michael Jerrett, an associate professor of preventive medicine at USC's Keck School of Medicine.

Jerrett and researchers took pollution readings from sites in the Los Angeles area and looked at the relationship between fine particles, called PM 2.5 because they are less than 2.5 micrometers in diameter, and the health of residents.

The researchers looked at ozone, the main ingredient of smog, but found no significant tie between ozone levels and early deaths.

The USC researchers found deaths increased by up to 17% for each increase of 10 micrograms per cubic meter of PM 2.5 particles. And deaths from heart disease rose by as much as 39%. More lung cancer deaths also occurred.

The link between premature death and fine particulates is not new. The particle darts have been blamed for about 1,100 early deaths annually in the Valley.

But the latest study - which zeroed in on particulate levels in individual neighborhoods - showed the connection between air pollution and early death to be three times as large as that reported in past studies of cities in the United States, Jerrett said.

Fresno cardiologist John G. Telles said myriad studies indicate particulate pollution affects the heart: admission rates to hospitals for heart attacks increase and implanted heart defibrillators are more apt to go off on bad air days. The documentation is there, he said. "It means we've got to do something about it."

The San Joaquin Valley can become hazy with soot in late fall and winter, and fog presses the pollutants close to the ground, where they can be easily inhaled.

In another pollution study released Tuesday, USC Keck School of Medicine researchers found that the closer children live to busy freeways, the more likely they are to have asthma.

Children living about a quarter of a mile away from a freeway had an 89% higher risk of asthma than those living a mile away from the dense traffic.

"Even kids in a low-pollution community can have increased risk of asthma if they live in close proximity to those roadways," said the study's lead author, James Gauderman, a USC associate professor of preventive medicine.

Researchers measured the distance 208 children lived to freeways in 10 Southern California cities, and estimated traffic-related pollution levels by analyzing weather conditions and vehicle counts. They also measured levels of nitrogen dioxide outside the homes of the children. Cars and trucks emit nitrogen dioxide from tailpipes.

Gauderman said he can't say if nitrogen dioxide is to blame for the increased risk for asthma. The pollutant could be a marker for other pollutants thrown into the air from cars and trucks traveling freeways.

Gauderman's study "puts us on our toes again to be concerned about air quality," said Virginia Rondero Hernandez, associate director of research and evaluation at California State University, Fresno's Central California Children's Institute. Hernandez was lead investigator of a 2004 report, "Struggling to Breathe: The Epidemic of Asthma Among Children and Adolescents in the San Joaquin Valley."

Got gas? Cows could fuel vehicles

Study touts turning dairy manure into biomethane that also could generate electricity.

By Dennis Pollock / The Fresno Bee

Fresno Bee, Tuesday, Sept. 20, 2005

The Valley's huge dairy industry could become a source for truly natural gas - made from the manure of the more than 1 million cows who call it home. That is the gist of a study released Monday by a collaboration of energy, dairy and environmental groups.

The study says gas from dairy manure, known as biomethane, could be used to power motor vehicles and generate electricity.

"This is no 'cow-pie-in-the-sky' solution," said Allen Dusault, biofuels project manager for Sustainable Conservation in San Francisco.

Sweden has 20 plants producing biomethane and runs 2,300 buses on it, Dusault said.

California is home to more than 1.7 million dairy cows, the study said, with a feasible potential for producing about 140 billion cubic-feet of methane a year, equivalent to more than 100 million gallons of gasoline. A 2001 report from the federal Energy Information Administration said drivers in California consume 40.5 million gallons of gas daily.

The technologies for converting dairy manure to biomethane are used at several landfills across the United States, including one in Los Angeles County, Dusault said.

At least a dozen California dairies, including Joseph Gallo Farms in Atwater, have methane digesters. Gallo Farms uses the digesters to generate electricity to process cheese at its megadairy.

Digesters have been used to generate electricity for decades around the world. A more recent development is use of the biomethane to power vehicles.

Dusault explained that "upgrading plants" must be added to process the "raw biogas" from a digester.

The plants remove carbon dioxide, hydrogen sulfide and other trace gases and retain methane.

"Biomethane from Dairy Waste: A Sourcebook for the Production and Use of Renewable Natural Gas in California" is the title for the study. It resulted from a collaboration among experts from a wide range of specialties, including advanced transportation technologies, alternative fuels, dairy operations and environmental impacts.

Study Links Freeways to Asthma Risk

USC research adds to evidence that air pollution can cause respiratory problems.

By Deborah Schoch, Times Staff Writer

LA Times, September 21, 2005

The closer that children live to Southern California freeways, the greater their risk of being diagnosed with asthma, USC researchers have found in a study that bolsters growing evidence that air pollution can cause asthma.

Children who lived a quarter mile from a freeway, for example, had an 89% higher risk of asthma than children living about a mile from a freeway, according to the new research.

Even in areas such as Santa Maria, with generally good air quality, the researchers found that the risk of asthma increased for children who lived near freeways.

Separately, a different team of University of Southern California researchers has concluded that the chronic health effects of smog among adults are two to three times greater than earlier research showed. The team pinpointed a link between the tiny particles contained in air pollution and increased deaths from heart disease.

Articles on the two studies, conducted in Southern California, appear in the November issue of the journal *Epidemiology*.

USC released the findings Tuesday.

The freeway article is part of an ongoing landmark study of how air pollution affects children's respiratory health. That study, which began in 1993, produced findings last fall that showed smog can permanently stunt lung growth in children and lead to lifelong health problems.

Dr. Elisa Nicholas, project director for the Long Beach Alliance for Children with Asthma, called the freeway study significant. "There's increasing evidence demonstrating a link between air pollution and the development of asthma," Nicholas said Tuesday. "The more evidence we have, the more political will there will be to clean up emissions from the freeways."

Earlier studies have demonstrated a relationship between children's asthma and traffic exposure, but results have not been consistent as to whether air pollution causes asthma, according to the article by a team of seven researchers at the USC Keck School of Medicine.

Nor has research been conducted in Southern California, said lead author James Gauderman, a USC associate professor of preventive medicine.

So researchers tracked 208 children living in 10 cities in the region, including 31 children, or 15%, with asthma.

They installed air samplers outside the children's homes to measure nitrogen dioxide for two-week periods in the summer and fall of 2000. Nitrogen dioxide is produced by pollutants from cars and trucks.

Researchers measured the distance between each home and freeways, and counted how many vehicles traveled within 164 yards of the homes.

They found that children with higher levels of nitrogen dioxide near their homes were more likely to have asthma. For each increase of 5.7 parts per billion of the pollutant, the risk of asthma increased by 83%, the study states.

The researchers have not determined that nitrogen dioxide is causing asthma, but it is found with other pollutants - including particulate matter that has been tied to other diseases.

Researchers also found that air pollution from freeways influenced nitrogen dioxide levels more strongly than pollution from smaller roads. Gauderman said that the current findings do not allow researchers to determine at what distance from a freeway children can avoid an increased asthma risk.

He emphasized that the study does not show that every child living near a freeway gets asthma. "We have to realize that even for a kid to live very close to a freeway, odds are that they're not going to get asthma. There's only a fraction of kids that get asthma," he said Tuesday.

Gauderman also said the study does not provide the type of information that researchers can use to advise individual parents.

"The message is probably more general, in terms of thinking about not planning tracts or schools close to a major freeway," he said. The findings might also be useful for government regulators studying the impacts of air pollution.

"From a regulatory standpoint, it might suggest that we need to look not only at background air quality but also the more local exposures that one might have by living next to a major roadway," Gauderman said.

The study involved children living in the cities of Alpine, Atascadero, Lake Elsinore, Lancaster, Long Beach, Mira Loma, Riverside, San Dimas, Santa Maria and Upland.

Nominee for DWP Panel Forgoes Seat

William Burke, one of the mayor's picks, acts after conflict-of-interest concerns arise.

By Patrick McGreevy, Times Staff Writer

LA Times, September 21, 2005

William Burke, a mayoral nominee to the Los Angeles Department of Water and Power Board, has withdrawn after state and city attorneys raised concerns that he had a potential conflict of interest.

Burke, president of L.A. Marathon Inc., serves on the California Coastal Commission and the South Coast Air Quality Management District board, which has fined the DWP in the past for air pollution violations and issues permits to the city agency.

"As you know, I serve on a number of boards, which has caused the city attorney some concern," Burke wrote to Mayor Antonio Villaraigosa, calling the nomination an honor. "I think it would be in the best interest of the city for me not to challenge his position."

A spokesman for the mayor said the state attorney general's office said members of the air quality board who took appointments on other, related government agencies could trigger a state law on "incompatibility of offices."

The law prohibits an official from serving on two government panels when there is a conflict of interest because one regulates the other or depends on funding from the other.

The media raised the issue when Villaraigosa announced Burke's appointment last month, but the mayor said at that time that his attorneys thought there was no conflict of interest.

Jonathan Diamond, a spokesman for City Atty. Rocky Delgadillo, said there had been communications between his office and the mayor's, but he declined to discuss whether there was a legal opinion, citing attorney-client privilege.

Burke is the husband of county Supervisor Yvonne Brathwaite Burke, a major political ally of Villaraigosa.

In a letter to Burke, the mayor accepted his decision to withdraw from the appointment.

"The legal issue raised about your contemporaneous service on the South Coast Air Quality Management District board is a difficult one, and I fully understand your decision not to take the chance that the offices would be held incompatible," Villaraigosa said.

EU Proposes Air Pollution Clean Up Plans

By Constant Brand, Associated Press Writer

San Francisco Chronicle, Wednesday, September 21, 2005

BRUSSELS, Belgium (AP) -- The European Union head office proposed scaled-back plans Wednesday to reduce air pollution, which it claims kills 370,000 EU citizens every year.

The restrictions on everything from car emissions to pesticides will cost industry and governments 7.1 billion euros (\$8.6 billion) a year to implement, 41 percent less than a package presented in June. The new rules must be approved by national governments in the 25-nation bloc to take effect.

EU Environment Commissioner Stavros Dimas said the plans to cut air pollution in the region by 2020, "will enable Europe to have one of the most advanced air policies to secure better and cleaner air for European citizens, decreasing the various risks connected with air pollution."

The new strategy aims to reduce the use of all major pollutants, focusing on the airborne particles emitted directly into the air that experts say are the most dangerous to human health and which are found in diesel car exhausts, ground level ozone and the everyday smog hanging over most of Europe's biggest cities.

The plans include introducing new standards on car emissions, setting a cap on concentrations of smog and cutting red tape in existing EU environmental legislation.

The Commission said human health damage from air pollution is estimated to cost the European economy between 427 billion euros and 790 billion euros (\$519 billion and \$960 billion) a year.

"If we did not act we would have to pay much more in the future," Dimas said. "So actually by acting now we shall decrease the cost of the health systems of the member states, and also we will also protect our forests, and our fresh waters and all the ecosystems from further destruction."

The EU head office said it estimates its environmental package will deliver savings of around 42 billion euros (\$51 billion) per year "through fewer premature deaths, less sickness, fewer hospital admissions (and) improved labor productivity."

The World Health Organization has said the region can save up to 161 billion euros (\$196 billion) a year in health costs by reducing air-pollution deaths.