

## **Will study settle leaf blowers' dust?**

### **Driving, construction pollute much more, researchers conclude**

By MARK GROSSI - THE FRESNO BEE

In the Modesto Bee, Friday, Feb. 24, 2006

Folks who use a leaf blower find themselves followed by a dust cloud. And complaints about air quality.

The dust has long been a nuisance to neighbors and activists who say air authorities should do something about it. With zero science to argue over, there hasn't been much of a discussion -- until now.

The first dust study ever done on leaf blowers portrays them as an insignificant polluter in the San Joaquin Valley, one of the nation's dirtiest air basins.

The \$68,000 study released last month says there's so little dust stirred up by leaf blowers that authorities don't need to regulate it. The results are not surprising, said the main researcher, Dennis Fitz of the University of California at Riverside.

"Leaf blowers run for only a few minutes a week per house," he said. "People are interested because it is very noticeable. The cloud of dust looks bad. But in the big scheme of things, it's not significant."

By comparison, 100 times more dust is caused just by daily driving on paved valley roads. Construction sends up 20 times more dust than leaf blowers.

That doesn't mean leaf blowers are suddenly in the clear. They make noise, and more than 20 California cities, such as Berkeley and Beverly Hills, have outlawed them because of it.

Eighty other cities in the state have ordinances restricting either the time of use or the noise level, or both. And that's not the only bad rap.

Gasoline-powered leaf blowers are a source of smog-making gases. State officials regulate the gasoline-powered engines and encourage people to buy electric-powered leaf blowers.

By contrast, the argument over dust created by leaf blowers has been vague. The San Joaquin Valley Air Pollution Control District had estimated a wide range of pollution -- from less than 1 ton to 12 tons of dust per day -- from leaf blowers.

After listening to complaints for years, the district board committed the money for a study. And Fitz went to work inside a tent.

He and his associates gathered dust, leaves and other debris from several valley counties. They spread the debris on the ground inside a tarp-covered area where they installed pollution-sensing equipment.

Then they blew, raked and swept on the concrete, coming up with the amount of dust stirred up by each action. They repeated their experiment on grass and asphalt.

One interesting result: Sweeping with a broom on concrete can create as much dust as a leaf blower.

"The broom used on concrete can really launch dust into the air," Fitz said. "But it's not nearly as bad as a leaf blower on asphalt, because leaf blowers get into every nook and cranny of asphalt."

### **New guidelines forthcoming**

Leaf blowers also get the dust into the air faster, said Scott Nester, planning director for the air district. They are far more efficient than brooms at creating the dust plume, he said.

"It would take a long time for a broom to get as much dust into the air as a leaf blower," Nester said.

The air district still would investigate complaints about leaf blowers and dust if several people complained about the same incident.

The air district plans to make a list of leaf-blower guidelines for the public. One guideline would suggest people avoid using leaf blowers around children to protect their health.

Researchers have connected dust and particle pollution with lung and heart problems. Dust is considered particulate matter, which experts say is emerging as a bigger air pollution health risk than ozone or smog.

While dust created by leaf blowers is not a big contributor to pollution for the 25,000-square-mile air basin, it is a concern for anyone near the plume. Fresno cardiologist John Telles said people need to be careful when using leaf blowers.

"You get around a house, school or an office where a leaf blower is being used," he said, "and you can get a pretty good whiff of dust."

## **Agencies run afoul of air regulations**

### **Rules were needed to reduce pollutants in farm pesticides**

The Associated Press

In the Modesto Bee, Friday, Feb. 24, 2006

SACRAMENTO - California violated the Clean Air Act when it decided nine years ago that no regulations were necessary to cut smog-forming compounds in farm and commercial pesticides, a federal judge has ruled.

U.S. District Judge Lawrence Karlton's decision means that lawyers for environmental groups and the state will meet to discuss possible remedies for the pollution. Lawyers for both groups have been ordered to file briefs in 20 days.

"The bottom line is that the state should have had regulations in place to have a 20 percent reduction of these emissions in five basins by this year," said plaintiffs' attorney Brent Newell of the Center on Race, Poverty & the Environment.

Karlton said the California Department of Pesticide Regulation, the Air Resources Board and the California Environmental Protection Agency violated the Clean Air Act in 1997 when they decided new rules weren't needed to reduce pollutants from pesticides.

The agencies were required by the U.S. Environmental Protection Agency in 1994 to adopt regulations that would cut the emissions from 1990 levels by 20 percent in five California air basins, including the San Joaquin Valley, Sacramento and Ventura.

Those are among the most polluted air basins in the country. Last year, Los Angeles had the worst smog in the nation, exceeding EPA standards on 84 days. The San Joaquin Valley, which in recent years had been the nation's biggest violator of eight-hour smog standards, exceeded it on 72 days in 2005. The region surpassed the mark on 109 days in 2004 and 134 days in 2003.

Instead of tightening regulations, the agencies asked pesticide producers to reformulate products to reduce the ozonedepleting emissions, according to the ruling.

"In the absence of a state commitment to promulgate regulations based upon meaningful data, rather than an option to pass regulations, the statutory requirements (of the Clean Air Act) would not be met," the judge wrote.

In Wednesday's ruling, Karlton rejected a second claim alleging that the state intentionally manipulated base line levels of pesticide components to avoid adopting the ozone regulations.

Glenn Brank, a spokesman for the Department of Pesticide Regulation, said the decision "rules in favor of DPR on one cause of action and rules in favor of the plaintiffs on another."

"Until our attorneys can analyze the ruling, all we can say is that DPR is doing its best to comply with the law and air standards to protect Californians," Brank said.

The plaintiffs included Ventura Coastkeepers and Community and Children's Advocates Against Pesticide Poisoning.

## **Bike paths will go more places**

### **Nine miles of paths include Santa Fe Street**

By Jillian Daley, Staff writer

Visalia Times-Delta, Friday, Feb 24, 2006

For Bob Belanger, bicycling is a way to commute and exercise. It also means freedom.

Belanger is legally blind. Though able to see a limited amount out of his left eye, he can see nothing out of his right. He lost most of his vision in a car accident in 1994.

Losing his sight meant losing his driver's license, so he exchanged a car for a bicycle. He rides 200 miles a week commuting to work at United Parcel Service on the Goshen Avenue pathway and spinning wheels for the sheer joy of it. He bicycles every day.

"If there were eight days in a week, I'd probably pedal eight days a week," Belanger said.

He said as a 35-year-old man it's frustrating not to be able to pick up a date or visit Colorado without getting a ride, but the bike paths in town give him autonomy, allowing him to go anywhere.

"Independence helps me with my outlook and feelings, but I love life, period, and I always will," Belanger said.

On Tuesday, Visalia City Council adopted a new master plan for city bikeways, covering the whole city and beyond.

It outlines future pathways and bike lanes and would also add more signs warning drivers that bicyclists are sharing the road. That would mean a lot to Belanger.

He said the few times drivers have struck him were in an intersection — usually when the drivers weren't paying attention.

"It helps a bicyclist or a pedestrian get out of the main flow of traffic," he said. "It makes matters easier and safer."

Since 2004, city park and urban forestry manager Don Stone has been working with community members and Wilbur Smith Associates — a planning, engineering and transportation consulting firm in San Francisco — to develop the new plan.

What they came up with proposes nine miles of paved paths, including two sections on Santa Fe Street and one section on K Street. The plan also proposes adding 67.7 miles of bike lanes along streets and adding signs telling motorists to share the road with bicyclists on 36.3 miles of routes. The estimated cost for the first phase of putting in the signs is \$25,000, and all should be posted within two years, according to city records.

City Vice Mayor Greg Kirkpatrick said about \$50,000-\$75,000 of the city's transportation impact fees per year — fees the city charges developers for road improvements — could serve as matching funds to build the improvements.

"Overall, the bikeway plan was great and certainly worthy of adoption and strong support," said Kirkpatrick of the 4-0 adoption.

The Santa Fe paths will be from Houston Avenue to the St. Johns River and from Tulare Avenue to Avenue 272, the northern edge of Mooney Grove Park, Stone said. Stone said work could begin on that section within about one year.

No plan is in place yet for the pathway along K Road, from Santa Fe to Road 148, currently the city's eastern limits, Stone said.

He said the pathways and lanes aren't so much for the sections of the city that already exist.

"The plan really addresses the growth the city is experiencing," said Stone, adding that in particular, lanes will likely be added to new roads.

In addition to improving safety for avid bikers like Belanger, the increased pathways and lanes also provide more places to exercise and more places to commute, cutting back on exhaust-emitting traffic, Stone said.

Ivan Gonzalez of Visalia said he walks along the pathway four times a week on Goshen Avenue between Akers and Demaree streets. Gonzalez, a bus driver for the Visalia Unified School District, has been

walking for 20 years just for the exercise. Gonzalez, 40, said he prefers going for a walk to driving to the gym.

He said if more people would walk, it would help with pollution and keep Visalia beautiful.

"Visalia's such a pretty place," Gonzalez said. "You can see the mountains, smell the fresh air."

Stone said when the city builds paths, they usually route them around oak trees, keeping the paths scenic.

He said the city is also working on a waterways plan, which isn't ready and won't go before the council for another several months. Yet, Stone said the city is already working on it with projects such as extending the St. Johns Riverway east from Golden West High School another half of a mile within a year or more.

"People like to walk through natural areas," Stone said.

Belanger said the more paths, the more mobility for everyone, and not just people traveling by foot or by bike but by wheelchair. And, it gives him a sense of community to see people on the pathways and exchange pleasantries.

"Some stranger saying: 'Hey, good morning. Have a great day' as they're walking away or pedaling away, you think 'that made me feel good,'" Belanger said.

## **Engine trouble splits port, tug boat owner**

### **\$400,000 clean air grant leads to lawsuits and eviction for small business**

by Paul Rosynsky

Tri-Valley Herald, Friday, Feb. 24, 2006

OAKLAND - When Doug Niemeth received a \$400,000 grant from the Port of Oakland six years ago, the tug boat owner says he thought he was helping the port reduce air pollution.

But that grant came at a great cost -- a two-year legal battle and eviction of his company, Oscar Niemeth Towing, from port property.

Depending on whos pointing the finger, the company was either irresponsible or the port unreasonable.

The saga began in 2000 when Niemeth, whose company has been towing ships through San Francisco Bay since 1956, won a port grant to replace an engine on one of his three tug boats with a new, cleaner burning one.

All was going according to plan until Niemeth failed to replace the engine right away, prompting port officials to complain he was not taking their air quality program very seriously.

Under an agreement Niemeth had signed with the port in 2000, Bayside Dredging Co. was to buy a new, clean burning diesel engine. With the \$400,000 grant, Niemeth said he went out and bought the engine immediately.

That was the easy part. What Niemeth failed to account for was the amount of work and money needed to get the new engine into the tug boat.

The equipment sat on the docks of Berth 9 month after month, year after year.

There was a tremendous amount of work associated with it, Niemeth said. We just didn't have the money, and the engine was sitting here for a while.

Too long for the port's liking.

Though the agreement did not set a deadline for installing the new engine, it did say the work must be done in a timely manner, said port spokesperson Marilyn Sandifur.

The port warned Niemeth several times to get the engine installed, Sandifur said, but he routinely ignored the requests.

It was clear to us that there was a problem around commitment, she said. We had agreements; they were not followed.

Niemeth disputes the ports version of events and said he never received help.

I repeatedly asked them, how about a low-interest loan, how about a larger grant? he said. They kept saying no.

Sandifur said Niemeth should have known the program did not award funds for installation. In addition, she said, the port kept giving him more time to do the work.

We tried to give them as much room as possible, she said. There comes a point when you have to take a different tact.

That tact involved a lawsuit against Niemeth and his company.

Filed in 2004, the lawsuit asked a court to evict Niemeths company from Berth 9. Under Niemeths lease, the port has the right to evict its tenants for any reason at any time.

We didnt see anything happening, so in 2004 we gave them the eviction notice, Sandifur said. Our legal department chose to do what they thought would be effective and to show the seriousness of our air quality agreement.

The case lingered in court until last year when the port sued again, this time for breach of contract. In the meantime, Niemeth said he worked to install the engine in the boat. The \$1.5 million job was completed in January.

Even though he finished the job, the port still wants him out of his Berth 9 home because the land is soon to be transferred to the city of Oakland as part of the Oakland Army Base Reuse Plan.

If we didnt have this unique situation with them, they would probably have to leave the area anyway, Sandifur said. This is something that all tenants have been aware of.

Sandifur acknowledged the ports desire to get Niemeth's company off port property has more to do with the failed deal.

Yes, it is a matter of what the history with this company is, she said. This is the route we have chosen to take.

Niemeth, however, said he does not understand why the port would still boot him from the property or fail to help him find another location at the Port of Oakland.

The tug-boat owner finally settled his lawsuit with the port this year, agreeing to vacate the property.

He has found a new location at the Port of Richmond and, as of Tuesday, began packing for the move.

We are the last independent, small business tug company, but they don't seem to care, Niemeth said.

### **Judge sides with consumer groups in Clean Air Act violation case**

Bakersfield Californian, Thursday, Feb. 23, 2006

California regulators violated the Clean Air Act with regard to pesticides and smog-forming emissions, according to a federal judge's ruling issued Wednesday.

The Center on Race, Poverty and the Environment argued the case on behalf of El Comité Para El Bienestar de Earlimart, the Shafter-based Association of Irrigated Residents and other pesticide and consumer groups. Pesticides are the fifth-largest source of smog-forming volatile organic compounds in the San Joaquin Valley, according to the San Joaquin Valley Air Pollution Control District.

The judge has not yet decided how to fix the situation, and both sides of the suit have 20 days in which to submit suggestions, said Brent Newell, an attorney with the Center on Race, Poverty and the Environment.

### **Court: State did not meet burden under Clean Air Act**

S.F. Chronicle, Thursday, February 23, 2006

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[Fresno Bee columnist, Friday, Feb. 24, 2006:](#)

### **Blowers get equal time in smog fight**

By Eddie Jimenez / The Fresno Bee

I know this will create some noise and kick up a little dust, but talk of banning leaf blowers is curious to me.

We always point the finger elsewhere in our quest to clean up our dirty, asthma-causing, we-can't-see-the-mountains-anymore Valley air basin.

How many people who call for doing away with leaf blowers still use noisy gas-powered lawn mowers? Running a standard gas-powered lawn mower for one hour pollutes about as much as 40 late-model cars operating for an hour, says the San Joaquin Valley Air Pollution Control District.

And now we have a study that says the dust created by leaf blowers is negligible, which had to surprise most of us.

I'm no fan of leaf blowers -- I sweep up after mowing. One of my pet peeves is the guy who blows his debris toward his neighbor's yard on each side and on to the street. He just made the mess someone else's problem and leaves it there to get kicked up all over again.

That said, here's equal time for the other side of the issue.

David J. Peck has owned a Fresno landscape maintenance business since 1974. He has 26 full-time employees. He understands people's annoyance with leaf blowers but also addresses the time and money factors.

Peck had two employees work a job using leaf blowers. The task took two man-hours. The next week, he had two employees do the same job, this time with brooms. They needed 12 man-hours the second time.

"If they banned them across the board, then every gardener would have to raise their rates," Peck says.

He projected his costs to use brooms instead of leaf blowers over the estimated 250 acres his company maintains. His truck fleet would have to increase from five to eight and his rates would go up 40%.

Peck is sensitive to noise and health concerns associated with leaf blowers. He says he would love to operate his business in an economical way without leaf blowers if there were a reasonable alternative.

Proper training is the key to compromise, Peck says. He educates his employees as to when and how to use the blowers. His workers are told to try to minimize the dust on bad air-quality days. He says that his employees, when cleaning up a construction site, will shove up and remove 98% of the debris by hand before using leaf blowers.

He also makes his workers cognizant of keeping the decibels down and who they might be disturbing.

"Don't aim it at people, don't blow it toward cars and people's doors," Peck says.

Peck doesn't dismiss the air-quality concerns but also believes that the noise is what gets everyone going. He's right. If leaf blowers could do the job more quietly, fewer people would be upset over the air-quality issue.

More than 20 California cities have outlawed leaf blowers, and 80 other cities across the state have ordinances that restrict the time of use or the noise level, or both.

I'm all for Valley cities adopting regulations on noise and time of use for leaf blowers. The first dust study on leaf blowers indicates that they are insignificant pollutants - though they still do contribute to our air problems. Gas-powered leaf blowers are already regulated by the state. Let's place some reasonable restrictions on leaf blowers.

This just might bring the noise level down from those on both sides of the issue.