

State lawmaker crafts backup dust plan Senator seeks penalties if federal rules rolled back.

By E.J. Schultz / Bee Capitol Bureau
Fresno Bee, Tuesday, April 18, 2006

SACRAMENTO — State Sen. Dean Florez wants to give farm and business groups an incentive to lobby against a proposed rollback of federal rural dust rules. But rather than a carrot, he's using a stick.

A Florez bill passed Monday by the Senate Committee on Environmental Quality would allow air districts to collect additional fines for violations of state pollution dust rules.

But Florez, D-Shafter, said in an interview after the hearing that his intent is to get farm and business groups to "pressure the federal government to leave the current penalties in place."

The federal penalties are threatened by an Environmental Protection Agency proposal to drop federal monitoring for dust and soot, referred to as PM-10, in communities with fewer than 100,000 people.

The federal sanctions include withholding billions of dollars in road-building funds.

State dust rules are based on the federal regulations, said Seyed Sadredin, executive director of the San Joaquin Valley Air Pollution Control District, which supports the Florez bill. If the rural sanctions are dropped, Sadredin said, the fear is that the state rules would be weakened or even removed.

Florez's bill, SB 1252, would levy new fines of not more than \$25,000 for violations of rules governing the discharge of particulate matter, or dust, known as PM 2.5 and PM 10. The fines would be effective Jan. 1, increasing in 2010 to a maximum of \$50,000 per violation.

Opponents of the bill include the California Farm Bureau Federation. Cynthia Cory, the bureau's environmental and governmental affairs director, said growers are already subject to state fines and that adding more would be unfair, especially since dust levels appear to be dropping.

But growers might not have anything to be worried about.

Even if the bill makes it into law, there's a slim chance that new fines would be collected, Sadredin said.

"This bill is more of a statement," he said.

Current dust fines enforced by the San Joaquin Valley Air Pollution Control District can range from \$10,000 to \$1 million per violation, depending on severity, according to the district.

The district, Sadredin said, is working with Florez on more meaningful bill language that would lock in the state rules regardless of what happens to the federal rules.

Florez said he would shelve his bill if the federal rules remain intact.

In 2003, Florez succeeded in pushing through a reform law, SB 700, to regulate dust and other pollution from agriculture, which is the biggest source of dust in the San Joaquin Valley. Florez has said farmers are cooperating in the cleanup.

The EPA proposal has been criticized by scientists, medical experts and environmentalists from across the country. Even the Nisei Farmers League has said the rules don't seem to make sense.

At a hearing in San Francisco in March, several doctors cited studies that link particulate pollution to asthma, heart problems and even early death.

The EPA announced the proposal in December, saying there was not conclusive evidence that rural particulates are as bad as urban particulates. The agency is supposed to set the new standard by Sept. 1.

New Technology Could Help Clean Manure

from the Associated Press

S.F. Chronicle, Tuesday, April 18, 2006

Burlington, Vt. (AP) -- A new technology being promoted by Green Mountain Power and the University of Vermont might clean up manure before it's spread on farm fields, reducing the chances for air and water pollution.

The technology, being sold by a Colchester businessman, uses electricity to kill disease-causing bacteria in liquid manure. That nearly eliminates the odor from the manure by removing 20 percent or more of its phosphorous.

Nonetheless, experts said, the manure retains what's needed for farmers to use it as fertilizer.

"I always start by telling people this is not a silver bullet. It will not eliminate water pollution from farm runoff, but it's one more layer of technology to address the problem," said Buzz Hoerr of Colchester, president of ElectroCell Technologies.

His company is making the portable machines and has sold one to Green Mountain Power for \$75,000. Utility executives said it would provide the equipment to its farmer customers. University of Vermont researchers are testing the technology at East Montpelier and South Burlington farms.

"This way, no farmer has to invest a ton of money in machinery," said Mary Powell, Green Mountain senior vice president and chief operating officer. The utility is looking for farmers to volunteer as a test site for the machine.

Phosphorous and nitrogen in manure are nutrients that help to fertilize corn and hay. The bacteria in the manure survives on those nutrients, creating the gas that causes odors.

Crops also can't absorb all of the phosphorous and the excess binds to soil and then is carried into waterways as runoff. The phosphorous causes algae growth in lakes.

Under the ElectroCell technology, liquid manure is run through a large tube carrying an electrical current, which explodes bacteria cell walls, killing it.

"We get a 90 to 95 percent kill ratio. That means the bacteria aren't around to munch on nutrients and give off gas, so a lot of the odor goes away," Hoerr said.

Some phosphorous binds to the dead bacteria, which sinks to sludge at the bottom of a manure pit.

The treated manure is then spread as fertilizer but appears to be absorbed more efficiently by the plants on which it is used. "That's a fundamental research question" that UVM will be studying, said Fran Carr, vice president for research and graduate studies.

It costs about \$1,000 in electricity to treat a large manure pit, Powell said. But some farms would have to spend \$5,000 to \$10,000 improving their service just use the equipment, she said.

Gas Fireball Would Not Reach Land

Still, study finds an explosion at a proposed natural gas terminal off the Ventura County coast would extend farther than thought.

By Gary Polakovic, Times Staff Writer

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A catastrophic release of liquefied natural gas from a terminal proposed off the Ventura County coast could spread a powerful and spectacular fireball over several miles, but pose no threat on land because the facility would be at least 14 miles offshore, a new study shows.

The gas-processing plant, one of four proposed for Southern California, would convert fuel shipped from across the Pacific Ocean for use in Los Angeles-area factories and power plants. Such terminals operate around the world with a good safety record, yet the newly released analysis shows that the effect of a worst-case disaster would be significantly greater than identified when the project, called Cabrillo Port, was proposed nearly three years ago. Critics, including local officials and conservationists, said safety and environmental concerns would only prompt more opposition to the project. But BHP Billiton, the Australian energy company proposing it, said the floating facility can be safely managed.

"We take safety very seriously," said company spokeswoman Kathi Hann. "It's one of the reasons we decided to put Cabrillo Port as far offshore as it is."

A sudden release of up to 200,000 cubic meters of fuel from two of three tanks of liquefied natural gas at a terminal moored between Malibu and Port Hueneme would result in a fast-moving airborne vapor eruption spanning up to 6.3 miles - four times farther than originally thought, according to a revised draft environmental impact statement.

The "vapor cloud fire," which would cease about 5.7 miles from land, could disrupt shipping in the Santa Barbara Channel and affect ships and recreational boaters.

Such an event is considered highly unlikely, yet the potential for terrorist attacks, sabotage, shipping collisions or industrial upsets has led to increased scrutiny of security and safety measures for liquefied natural gas terminals proposed along the California coast.

Since the Cabrillo Port project is in an early stage of development, design and safety features can be included, such as firefighting contingencies and establishing barriers between gas storage tanks and processing equipment.

Those recommendations and other details are contained in the draft impact statement and risk assessment prepared for the U.S. Coast Guard and the California State Lands Commission. Public hearings on the document are scheduled for 6:30 p.m. today at Malibu High School and for 1 and 6:30 p.m. Wednesday at the Oxnard Performing Arts and Convention Center.

The proposed \$500-million project consists of three major components: a floating processing terminal the size of three football fields, underwater pipelines to the Reliant Energy Co. power generating station in Oxnard, and additional pipelines near Camarillo and in Santa Clarita. Liquefied natural gas is super-chilled for ocean transport, then reconverted to vapor to heat homes, manufacture products and generate electricity.

Hann said the U.S. Department of Homeland Security also required BHP to prepare a security plan. The company proposes a 1,640-foot security zone around the terminal and two tugboats to patrol surrounding waters.

Opponents said the new study has problems. City councils in Oxnard and Malibu are already on record opposing the project.

Malibu Mayor Andy Stern said he would ask the City Council next month to appropriate at least \$50,000 to help pay the legal costs for organizations working to defeat the project.

"The residents of Malibu should not be guinea pigs to some experimental project," Stern said. "My main priority is to fight this facility."

Some have said that natural gas is the cleanest fossil fuel available and an important one for industry in smoggy Southern California. Environmentalists near the coast, however, oppose the facility, saying it would emit too much air pollution.

"This is a step in the wrong direction," said Linda Krop, an attorney for the Santa Barbara-based Environmental Defense Center. "Instead, we should be pursuing clean alternatives, like energy conservation, clean energy and renewable [power]."

Mike Villegas, executive officer for the Ventura County Air Pollution Control District, said the district is working with BHP and the U.S. Environmental Protection Agency to reduce pollution from the Port of Hueneme or from idling ships to offset the emissions from the liquefied natural gas operation.

"With the mitigation [measures] and best available control technology, the air pollution concerns can be addressed," Villegas said.

Other LNG projects have been proposed in Long Beach and off the coast of Oxnard and Malibu. The California Energy Commission estimates that the state demand for natural gas will steadily grow over the next 10 years, requiring an additional 200 billion cubic feet of the fossil fuel by 2013.

Bill aims to gauge pollutants in body

Critics of plan say it could alarm people without saying what levels are harmful.

By Jim Sanders -- Bee Capitol Bureau
Sacramento Bee, Monday, April 17, 2006

Everyday living may be hazardous to your health - and Californians should spend millions to do something about that, according to a new bill under consideration by lawmakers.

"We monitor the pollution in our air, our water and even our fish - it's time to start looking at the pollution in our bodies," Senate President Pro Tem Don Perata, D-Oakland, said in a statement about the measure.

Senate Bill 1379 would create the nation's first statewide biomonitoring program to study levels of chemical contamination in blood, urine, fatty tissue or breast milk.

Critics say SB 1379 would do more harm than good, needlessly scaring Californians by pinpointing contamination without being able to say what levels are dangerous or whether it is causing illness or internal damage.

"When we've got levees to shore up, drinking drivers to get off the road and schools crying for more support, to put dollars into this kind of program would be redundant and wasteful," said Bob Krieger, a toxicologist at the University of California, Riverside.

Both sides agree that chemicals are a ubiquitous part of modern society, used for everything from nail polish to food crops to toddler toys.

More than 100,000 chemicals are registered for use in the United States, but fewer than one in 10 have been tested for effects on human health, SB 1379 states in its preamble.

About 125 million Americans suffer from a chronic disease - from cancer to asthma - and "mounting evidence links incidence and severity of these diseases to exposure to environmental toxicants," the bill adds.

California's biomonitoring program would be run by the state's Environmental Protection Agency and Department of Health Services, with help from a 16-member advisory board appointed by the Assembly speaker, Senate president and by leaders of the two agencies.

Testing would be voluntary, with participants counseled about their results. Their identities would not be disclosed publicly.

The program is expected to cost \$2.5 million to \$4 million annually. The federal Centers for Disease Control and Prevention has offered a \$1.7 million, one-time commitment of in-kind aid. Supporters claim SB 1379 would provide valuable data to public health planners.

"It's just common sense," said Davis Baltz of Commonweal, a nonprofit health and environmental group based in Marin County.

Sen. Deborah Ortiz, a Sacramento Democrat who is teaming with Perata to push the bill, said biomonitoring would help pinpoint toxic trends and "allow us to move accordingly to protect health and safety."

SB 1379 passed the Senate Health Committee, its first legislative hurdle, by a 5-2 vote last month.

Gov. Arnold Schwarzenegger vetoed a similar bill last year, saying it provided only a "partial snapshot" that didn't adequately consider the interaction of environment, genetics and behavior. "In response, Californians may take an action that is adverse to their health and the health of their family based on incomplete information," Schwarzenegger said in his veto message.

"For example, despite the fact that health experts extol the virtue and benefits of breast-feeding, a new mom may choose not to breast-feed her infant for fear that a small amount of chemicals in her body may transfer to the child, (thus) depriving the infant of nutrients, disease-preventing antibodies and a reduced risk of obesity," he said.

Schwarzenegger vowed that his administration would develop an alternative approach to yield "useful data for researchers." No such program has yet been unveiled.

The Centers for Disease Control conducts a nationwide biomonitoring program - its 2005 report targeted 148 chemicals - but does not release state-by-state data.

The CDC report warns against jumping to public health conclusions.

"Just because people have an environmental chemical in their blood or urine does not mean that the chemical causes disease," the 2005 report said.

"Research studies, separate from the report, are required to determine which levels of a chemical may cause health effects," the CDC said.

Tim Shestek, spokesman for the American Chemical Council, representing chemical manufacturers, said SB 1379 is too open-ended - it doesn't specify how many chemicals would be targeted, which ones, where, why, or under what protocols.

The California Chamber of Commerce, which opposes SB 1379, said creation of the 16-member advisory committee would "allow activist groups to second-guess decisions by credentialed scientists."

Shestek said biomonitoring data conceivably could be used to push a political agenda aimed at banning various retail products without a showing of genuine health risk.

For years, legislators have fought over chemical risks: Several bills to ban phthalates in products ranging from lipsticks to toddler toys have been defeated since 2004 amid disagreement over whether they pose a public danger.

Biomonitoring can indicate exposure to chemicals, but not the source, duration or other key details, Shestek said.

Chemical manufacturers oppose SB 1379 but could support a biomonitoring program that is apolitical, peer reviewed and scientifically sound, he said.

Krieger, of UC Riverside, cited widespread use of Botox, to treat skin wrinkling, as one example of how low levels of a potentially hazardous chemical can be used for public benefit.

"There's a safe level of everything," he said.

Ortiz noted that SB 1379 has spawned a chicken-and-egg argument, with opponents claiming the state lacks scientific evidence of need.

"Yet, when we attempt to establish the science and gather the tools and take the measurements, they fight us tooth and nail," she said.

Janet Nudelman of Breast Cancer Fund, a co-sponsor of SB 1379, said the bill does not identify specific chemicals to be studied because flexibility is needed.

Michele Hammond, a Berkeley mother, said her 6-year-old daughter and 2-year-old son were tested for chemicals last year and a "broad suite" of potentially dangerous contaminants was found.

Her kids are "totally healthy" but the findings are valuable nonetheless, providing the kind of information that someday could be used in comparisons of regions, communities and lifestyles, she said.

Hammond dismisses claims that SB 1379 would spread undue alarm.

"That's like saying, 'Let's just stay ignorant because we don't want to scare people,' " she said. "To me, that's really silly."

Scientists say they're being gagged by Bush

Juliet Eilperin, Washington Post
in The San Francisco Chronicle, Monday, April 17, 2006

Washington -- Scientists doing climate research for the federal government say the Bush administration has made it hard for them to speak forthrightly to the public about global warming.

The result, the researchers say, is a danger that Americans are not getting the full story on how the climate is changing.

Employees and contractors working for the National Oceanic and Atmospheric Administration, along with a U.S. Geological Survey scientist working at an NOAA lab, said in interviews that over the past year administration officials have chastised them for speaking on policy questions; removed references to global warming from their reports, news releases and conference Web sites; investigated news leaks; and sometimes urged them to stop speaking to the media altogether. Their accounts indicate that the ideological battle over climate-change research, which first came to light at NASA, is being fought in other federal science agencies as well.

These scientists -- working nationwide in research centers in such places as Princeton, N.J., and Boulder, Colo. -- say they are required to clear all media requests with administration officials, something they did not have to do until the summer of 2004. Before then, climate researchers -- unlike staff members in the Justice or State departments, which have long-standing policies restricting access to reporters -- were relatively free to discuss their findings without strict agency oversight.

"There has been a change in how we're expected to interact with the press," said Pieter Tans, who measures greenhouse gases linked to global warming and has worked at NOAA's Earth System Research Laboratory in Boulder for two decades. He said that although he often "ignores the rules" the administration has instituted, when it comes to his colleagues, "some people feel intimidated -- I see that."

Christopher Milly, a hydrologist at the U.S. Geological Survey, said he had problems twice while drafting news releases on scientific papers describing how climate change would affect the nation's water supply.

Once in 2002, Milly said, Interior officials declined to issue a news release on grounds that it would cause "great problems with the department." In November 2005, they agreed to issue a release on a different climate-related paper, Milly said, but "purged key words from the releases, including 'global warming,' 'warming climate' and 'climate change.' "

Administration officials said they are following long-standing policies that were not enforced in the past. Kent Laborde, a NOAA public affairs officer who flew to Boulder last month to monitor an interview Tans did with a film crew from the BBC, said he was helping facilitate meetings between scientists and journalists.

"We've always had the policy, it just hasn't been enforced," Laborde said. "It's important that the leadership knows something is coming out in the media, because it has a huge impact. The leadership needs to know the tenor or the tone of what we expect to be printed or broadcast."

Several times, however, agency officials have tried to alter what these scientists tell the media. When Tans was helping to organize the Seventh International Carbon Dioxide Conference near Boulder last fall, his lab director told him participants could not use the term "climate change" in conference paper's titles and abstracts. Tans and others disregarded that advice.

None of the scientists said political appointees had influenced their research on climate change or disciplined them for questioning the administration. Several researchers have received bigger budgets in recent years because President Bush has focused on studying global warming rather than curbing greenhouse gases. NOAA's budget for climate research and services is now \$250 million, up from \$241 million in 2004.

The assertion that climate scientists are being censored first surfaced in January when James Hansen, who directs NASA's Goddard Institute for Space Studies, told the New York Times and the Washington Post that the administration sought to muzzle him after he gave a lecture in December calling for cuts in emissions of carbon dioxide and other greenhouse gases. (NASA Administrator Michael Griffin issued new rules recently that make clear that its scientists are free to talk to members of the media about their scientific findings, including personal interpretations.)

Two weeks later, Hansen suggested to an audience at the New School University in New York that his counterparts at NOAA were experiencing even more severe censorship. "It seems more like Nazi Germany or the Soviet Union than the United States," he told the crowd.

NOAA Administrator Conrad Lautenbacher responded by sending an agency-wide e-mail that said he is "a strong believer in open, peer-reviewed science as well as the right and duty of scientists to seek the truth and to provide the best scientific advice possible."

"I encourage our scientists to speak freely and openly," he added. "We ask only that you specify when you are communicating personal views and when you are characterizing your work as part of your specific contribution to NOAA's mission."

NOAA scientists, however, cite repeated instances in which the administration played down the threat of climate change in their documents and news releases. Although Bush and his top advisers have said that Earth is warming and human activity has contributed to this, they have questioned some predictions and caution that mandatory limits on carbon dioxide could damage the nation's economy.

In 2002, NOAA agreed to draft a report with Australian researchers aimed at helping reef managers deal with widespread coral bleaching that stems from higher sea temperatures. A March 2004 draft report had several references to global warming, including "Mass bleaching ... affects reefs at regional to global scales, and has incontrovertibly linked to increases in sea temperature associated with global change."

A later version, dated July 2005, drops those references and several others mentioning climate change.

NOAA has yet to release the coral bleaching report. James Mahoney, assistant secretary of commerce for oceans and atmosphere, said he decided in late 2004 to delay the report because "its scientific basis was so inadequate." Now that it is revised, he said, he is waiting for the Australian Great Barrier Reef Marine Park Authority to approve it. "I just did not think it was ready for prime time," Mahoney said. "It was not just about climate change -- there were a lot of things."

On other occasions, Mahoney and other NOAA officials have told researchers not to give their opinions on policy matters. Konrad Steffen directs the Cooperative Institute for Research in Environmental Sciences at the University of Colorado at Boulder, a joint NOAA-university institute with a \$40 million annual budget. Steffen studies the Greenland ice sheet, and when his work was cited last spring in a major international report on climate change in the Arctic, he and another NOAA lab director from Alaska received a call from Mahoney in which he told them not to give reporters their opinions on global warming.

Steffen said that he told him that although Mahoney has considerable leverage as "the person in command for all research money in NOAA ... I was not backing down."

Mahoney said he had "no recollection" of the conversation, which took place in a conference call. "It's virtually inconceivable that I would have called him about this," Mahoney said, though he

added: "For those who are government employees, our position is they should not typically render a policy view."

The need for clearance from Washington, several NOAA scientists said, amounts to a "pocket veto" allowing administration officials to block interviews by not giving permission in time for journalists' deadlines.

Ronald Stouffer, a climate research scientist at NOAA's Geophysical Fluid Dynamics Laboratory in Princeton, estimated his media requests have dropped in half because it took so long to get clearance to talk from NOAA headquarters. Thomas Delworth, one of Stouffer's colleagues, said the policy means Americans have only "a partial sense" of what government scientists have learned about climate change.

"American taxpayers are paying the bill, and they have a right to know what we're doing," he said.

[Visalia Times-Delta, Editorial, Tuesday, April 18, 2006:](#)

Plan for cars as well as for people

Visalia's reputation in the San Joaquin Valley as a nice place to live has been earned by decades of hard work and foresight in creating and maintaining the features that contribute to a high quality of life.

Part of that foresight is also taking place now.

Visalia has adopted a visionary plan for east downtown. It is proceeding with plans for creating an inviting western entrance corridor. And the city has ordered a total community plan for 850 acres at the southeast corner of the city.

Other than the city's general plan itself, nothing could be more important in defining the future look of our city than those three initiatives. People should not only pay attention but get involved in the planning.

We worry, though, that while the city plans new development, it is ignoring how we will get around. Visalia has added dozens of new neighborhoods over the past five or six years and virtually no new major arteries. Some widening of north Demaree Street and Riggin Avenue is just now taking place. A system of roads to carry cars around the Packwood Creek Shopping Center was also completed, thank goodness; otherwise that would have been a nightmare.

And that's it. Visalia has not added a single lane of north-south roadway in more than 10 years. A couple of widening projects are taking place on Shirk Street and Akers Street, but that's all. McAuliff and Santa Fe streets have yet to be built. Widening is desperately needed on Shirk, Akers, Mooney, Santa Fe and Ben Maddox. It's been promised, but it hasn't happened yet. Two more lanes on Mooney have been promised for 15 years. (Yes, we know that's a state issue).

A plan for a beltway system around Visalia incorporated into the circulation element of the 2020 growth plan has never materialized. Its time has probably come and gone.

We applaud the planning for new residential and commercial development. But where is the vision for circulation? It's easy to plan and build for new businesses and homes: Somebody else builds them and they make money. New streets only cost the city money to build. But they must be included; otherwise we will all become prisoners in our new businesses and homes, [contribute to pollution](#) and undermine the very quality of life we are trying to enhance.

Planning presumes growth, and with that growth will not come only people but cars.

OK, now we know where we will put the people. Where are we going to put all those cars?