

## **Advocates cry foul on air vote**

### **Group says it's not subject to open-meetings law.**

By Mark Grossi / The Fresno Bee

Wednesday, December 6, 2006

Clean-air advocates say the public was excluded from an important vote to recommend a Woodlake official for a seat on the air quality board that presides over the San Joaquin Valley's hottest issue.

The Fresno-based Central Valley Air Quality Coalition this week asked the California League of Cities to rescind the recommendation made last month by a league screening group, called the executive council.

In this little-known process, the league's southern Valley division is expected to pick two new board members for the San Joaquin Valley Air Pollution Control District in February. The division's 37 voters often follow recommendations of the executive council in such matters.

Air advocates said they believe their voice was left out of the executive council's Nov. 8 discussion.

"We are disturbed that public members were denied the right to participate and be present," the air quality coalition wrote Monday in a letter to the league.

League officials have said their organization is not subject to open-meeting laws, but their meetings are open to the public. Officials could not be reached Tuesday to comment on the protest letter.

The face-off between the league and air advocates highlights a growing interest in the air district, which copes with some of the nation's worst air quality.

Air advocates this year backed Senate Bill 999 to restructure the air board, hoping to get a physician, a scientist and more members from large cities. The bill failed.

Now, advocates are trying to become involved as five of the board's 11 members are scheduled to change next year. Three of the new members represent Valley cities, and state law requires the league to pick these representatives.

Last month, the executive council recommended Jack Ritchie, a Woodlake City Council member and retired farmer. Shafter Mayor Fran Florez, mother of state Sen. Dean Florez, D-Shafter, and Arvin Mayor Tim Tarver also were in the running.

The protest letter this week said clean-air advocates were told several times that the process was not open to the public. Six days after the November meeting, the letter said, advocates were notified that the public's participation is supposed to be part of the process.

"We think this should be a transparent and public process," said Sarah Sharpe, a Valley-based member of the statewide Coalition for Clean Air. "We want new members to be accountable to the rest of the public. It shouldn't just be about who the league knows."

The league has defended the process, saying it works the way the state intended. The three members are supposed to represent a vast area of cities, so participation in the league is considered an important factor, officials said.

"This is how you represent cities on the air board," said Harry Armstrong, a Clovis City Council member who is on the league's executive council. "You need someone you can trust to represent all of the cities in this area, not just one."

Clean-air advocates said the selection process needs people who are committed to diversity issues, air improvement and public health. Their letter also maintains that air board members should have a working

relationship with low-income and farmworker communities.

## **Dire health effects of pollution reported**

### **Diesel soot from construction equipment is blamed for illnesses and premature deaths.**

By Janet Wilson, Times Staff Writer

December 6, 2006

The effects of air pollution from construction equipment in California are "staggering," according to a report by the Union of Concerned Scientists.

The environmental group concluded that at least 1,100 premature deaths and half a million work and school absences in 2005 were caused by people breathing emissions from older tractors, bulldozers and other diesel equipment — at an estimated public health cost of \$9.1 billion.

The report was one of two studies released Tuesday on the severe health hazards of exposure to the soot in diesel emissions.

"This is the first time the health and economic impacts of construction-related air pollution in California have ever been analyzed," said Don Anair, author of the report by the Union of Concerned Scientists. The report urged state regulators to quickly require owners to retrofit or replace older equipment.

"Construction equipment being used to build our hospitals shouldn't fill them up.... This is a bill being footed by everyone in California, and particulate pollution is a silent killer," Anair said, citing asthma attacks, cancer and heart disease.

The Los Angeles air basin fared the worst among 15 statewide, with 731 estimated premature deaths, both in the city and in suburban areas such as Santa Clarita, Temecula and Murietta, where there has been large-scale construction to accommodate fast-growing populations.

Heavily populated and fast-growing parts of the San Francisco Bay Area, San Diego and the San Joaquin and northern Sacramento valleys also experienced high health costs from construction equipment, the union of scientists' report found.

The second study, by Brigham Young University professor Arden Pope and a team of doctors, found a sharply elevated risk of heart attacks for people with clogged arteries after just a day or two of exposure to diesel soot pollution.

The study was published in *Cardiology*, the nation's leading peer-reviewed journal of heart science. One coauthor said the results should prompt heart doctors to advise those with coronary disease to stay indoors as much as possible on particularly sooty days, or even to change jobs or move.

The fine particulate matter that is spewed from diesel engines and tailpipes lodges "like tiny razor blades" deep in human lungs, said Kevin Hamilton, a Fresno-based respiratory therapist who reviewed the findings.

Clouds of soot emitted by 750-horsepower excavators can travel downwind for miles, then drift into heavily populated areas, Anair said.

An estimated 70% of California's construction equipment is currently not covered by federal and state regulations because it is too old, state officials said.

Although federal rules adopted in 2004 require cleaner-emitting new equipment, the regulations don't cover existing engines. Anair said an average excavator or tractor can last 20 or 30 years, meaning it could be decades before all the dirty equipment is replaced.

Calling the timing coincidental, the California Air Resources Board on Monday released a draft of new regulations for older engines. The proposal would require all construction, mining and other industrial off-road equipment to be replaced or retrofitted between 2009 and 2020 as part of an effort to reduce diesel particulate emissions by 85% and nitrogen oxide, a key ingredient in smog, by 70%, said Erik White, chief of the board's heavy-duty diesel branch. Public workshops on the plan will be held this month, and the board is expected to vote next spring.

White said estimated compliance costs could top \$3 billion over 11 years but maintained that the \$60 billion-a-year construction industry "is certainly capable of absorbing the impacts."

He added, however, that both cost and a lack of readily available retrofitting devices — combined with the need to include smog-reduction as well as soot-control devices — meant cleanup would occur gradually.

John Hakel, vice president of the Associated General Contractors, which represents construction equipment fleet owners and general contractors, said late Tuesday that he had just received the report and could not comment on specifics. But he said the industry is dedicated to cleaning up equipment. He agreed it would be a costly and lengthy process and said state officials and the Union of Concerned Scientists report appeared to underestimate the sheer volume of construction equipment, which he estimated at 250,000 to 300,000 machines. The second study found that for every additional 10 micrograms of soot in a cubic meter of air, there was a 4.5% increase in heart attacks.

In areas like Salt Lake City or Greater Los Angeles, which can experience wide swings in air quality based on weather patterns, the risk of heart attack can be 10 times higher than normal on a bad air day, said Pope, who has done extensive research on the health effects of fine particles produced by diesel engines. Coauthor Dr. Jeffrey Anderson, a cardiologist whose patients were among more than 12,000 people with heart disease who participated in the short-term exposure study, said he was already changing his advice to patients based on the results, urging them to stay inside on bad air days or, in severe cases, to move to a more favorable climate.

"By a more favorable climate," Anderson said, "I don't mean Southern California. I mean in terms of air pollution, a less-polluted environment."

*The construction pollution report can be found online at [http://www.ucsusa.org/clean\\_vehicles](http://www.ucsusa.org/clean_vehicles)*

*The draft regulations can be found at*

*<http://arb.ca.gov/msprog/ordiesel/workshops.htm> \**

### **Under construction**

A report released Tuesday found serious health damage tied to construction related air pollution from diesel powered equipment.

Health damage from construction pollution in the South Coast Air Basin: (estimated number of

cases in 2005)

Premature deaths: 731

Respiratory hospitalizations: 383

Cardiovascular hospitalizations: 274

Asthma and other lower respiratory symptoms: 20,941

Acute bronchitis: 1,729

Lost work days: 123,439

Minor restricted activity days: 959,839

School absences: 175,339

Cities\* in South Coast counties in the top 10% for risk

of health damage from pollution caused by construction equipment:

Los Angeles

- Long Beach

- Los Angeles

- Santa Clarita

---Orange

- Irvine

- San Clemente

---Riverside

- Corona

- Murrieta

- Riverside

- Temecula

---San Bernardino

- Chino

- Fontana

- Rancho Cucamonga

- San Bernardino

\* Listed in alphabetical order by county

Source: Union of Concerned Scientists

## **Report shows effects of construction pollution on state**

By Garance Burke, Associated Press Writer

Bakersfield Californian; other papers, Tuesday, December 5, 2006

FRESNO, Calif. — California's booming construction industry is belching air pollution that is increasing the risk of respiratory illness in the state's largest urban areas, an environmental group said in a report released Tuesday.

Now, state regulators are considering a set of rules to make the \$67 billion construction industry — and most other owners of diesel-powered equipment — help pay for it.

The report by the Union of Concerned Scientists was issued a day after the state released draft regulations that could cost construction equipment owners about \$3 billion to upgrade their fleets by 2020.

The proposed rules — which would be the toughest in the nation — set targets on reducing emissions from all construction, industrial and mining equipment, including those currently on the road, said Erik White, chief of the California Air Resources Board's heavy duty diesel branch.

More than 1,100 people in California die prematurely each year from construction pollution, the scientists' report found.

Bulldozers, backhoes and other kinds of construction equipment comprise the state's second-largest source of diesel-generated particulate pollution, a toxic soup of soot, ash and other compounds that embed themselves deep in lung tissues, the report said.

But only about 30 percent of all the building equipment used in California is held to any emissions standard, state officials said.

"We know from existing studies that diesel particulate matter can exacerbate asthma, it can lead to premature deaths, it can cause cancer," White said. "There is a need today to address emissions from construction equipment and other off-road equipment to protect public health."

If the new regulations become law after a round of public comment sometime next year, builders, rental companies and government agencies that own diesel equipment would have to reduce their emissions beginning in 2009. Small companies and some rural counties face looser requirements, according to the draft regulations.

The proposed rules don't impose specific emissions requirements, but set an average pollution target for equipment owners to meet each year by either retrofitting their equipment or buying machines with cleaner engines, White said.

John Hakel, a vice president at the Associated General Contractors of California, which represents commercial builders, said his group is awaiting the air board's final language on the requirements.

"They may have posted the rules, but they're a far way away from finalizing the regulatory language," Hakel said. "The state of California is being looked at by other states and even the EPA to see how we develop this language."

Representatives from the Construction Industry Air Quality Coalition could not immediately be reached for comment about the proposal. The California Building Industry Association declined to comment.

The ills caused by construction-related pollution are prevalent in the state's five largest population centers, including the San Francisco Bay area, San Diego, San Joaquin Valley and Sacramento Valley, said Don Anair, author of the Union of Concerned Scientists' report. The impact is felt most in the South Coast air basin — encompassing most of Los Angeles, Orange, Riverside and San Bernardino counties — where more than 700 people die prematurely each year from construction pollution, Anair said.

Anair analyzed epidemiological studies and regional air quality and diesel emissions data from the California Air Resources Board to estimate the industry's health impacts statewide. He also identified so-called "construction pollution risk zones" where government data showed both a high concentration of building permits issued and a relatively dense population.

"This kind of equipment is operating all over the state and as development spreads outward, the risk that goes along with it moves as well," Anair said. "We can prevent this from happening with the technology that exists today. It's just a matter of getting clean technology onto the construction site."

Some regions have tried to tackle the problem in other ways.

Last year, the San Joaquin Valley Air Pollution Control District enacted a rule requiring developers to lower air pollution coming from new projects by building in features like bicycle lanes and energy-efficient heating and cooling systems. If they don't do enough to preserve air quality under the proposed rules, they have to pay a fee of up to \$780 per house.

Builders groups sued the air district in June saying vehicles are the problem, not new homes and businesses. Business leaders and local officials also have criticized the measure, saying it could discourage industry from coming to the region and push the cost of housing out of reach for low-income families.

## **Construction pollution linked to illness**

BY STACEY SHEPARD, Californian staff writer

e-mail: [sshepard@bakersfield.com](mailto:sshepard@bakersfield.com) | Tuesday, Dec 5 2006 9:55 PM

Last Updated: Tuesday, Dec 5 2006 10:36 PM

The bulldozers, backhoes and excavators building up Bakersfield are pumping noxious fumes into the air that contribute to illness, asthma and early death, according to a report released by the Union of Concerned Scientists on Tuesday.

The study found that air pollution from construction equipment in California's growing cities contributed to more than 1,100 deaths statewide last year, including at least 50 in the San Joaquin Valley. The overall economic impact, including missed work and school days and hospitalizations for respiratory illness, totalled \$9 billion annually across the state, the study found.

"Construction pollution is taking a heavy toll on the health of all Californians," said Don Anair, author of the study. "The construction equipment being used to build our hospitals shouldn't be filling them up."

The study also rated Bakersfield as one of the state's high-risk zones for exposure to construction pollution, based on the amount of building permits issued last year and the city's population density.

The Union of Concerned Scientists in a non-profit alliance of scientists and citizens that research and develop environmental solutions. The conclusions were based on air quality data, county health information, population estimates and diesel emission inventories.

A state official said he hadn't read the study in detail but the results made sense.

"The findings (in this study) are consistent with our belief that this equipment certainly does represent a health impact within the state and action is needed," said Erik White, chief of the heavy duty diesel branch of the California Air Resources Board.

Construction equipment is the second largest contributor to diesel particulates in the state behind highway trucks and buses, Anair said. The tiny specks can lodge deep in the lungs where they act like "little razor blades," according to Kevin Hamilton, a registered respiratory therapist for Sequoia Community Health Centers in Fresno.

In some cases the particles irritate the lungs, but they can also seep through capillaries and into the blood where they can travel to the liver and brain and cause damage to cells, he said.

A major part of the problem, Anair said, is lagging emissions standards for construction equipment.

While regulations have been in place for buses and trucks since the late 1980s, similar standards for construction equipment were largely ignored until 1996, Anair said. Even still, he said, the current regulations only apply to new equipment, even though some equipment has a life span of nearly 30 years.

"The real pollution problem today is the old equipment," he said.

By Anair's estimates, there were no emissions standards in place for about 70 percent of all construction equipment in California as of 2005. He urged the state to act to put regulations in place for existing, not just new, construction equipment.

That work is already under way.

The California Air Resources Board is preparing a draft regulation that would require cleaner engines for equipment already in use, White said.

And the San Joaquin Valley Air Pollution Control District has already passed a rule that requires developers to reduce emissions from construction equipment or pay a fee that will be used for other clean air projects.

That rule, which took effect in March, is being challenged in court by builders, housing advocates and business leaders.

Robert Rivinius, CEO for the California Building Industry Association, said the cost of upgrading equipment increases the cost of doing business for homebuilders.

His organization is already part of the lawsuit against the San Joaquin Air District's rule. He said a statewide rule would also be viewed cautiously.

"We obviously are always concerned about things that add cost to what's already is an expensive process," he said. "If these things get costlier, it makes the price of the lot go up and makes the price of the home go up."

## **Clouding the picture: Study says diesel exhaust from construction a major health threat**

By Seth Nidever, Sentinel Reporter  
Hanford Sentinel, Wednesday, December 6, 2006

Diesel exhaust from construction equipment is a major health threat to San Joaquin Valley residents, said a study released today by the Union of Concerned Scientists.

The report, entitled "Digging up Trouble: The Health Risks of Construction Pollution in California," estimates that emissions from local bulldozers, backhoes and other heavy equipment cost \$401 million a year through premature deaths, treatment for respiratory diseases and lost work days.

The 29-page document pegged the statewide health impact for diesel emissions at \$9.1 billion a year.

"Construction equipment being used to build our hospitals shouldn't be responsible for filling them up," said Don Anair, author of the report and a clean vehicles engineer at the group's Berkeley office.

Diesel exhaust is classified as a toxic by the state of California, the report stated.

The science-based nonprofit research group based in Massachusetts wants the California Air Resources Board to speed up efforts to clean the air. In particular, the group wants to see a quicker turnover of old construction equipment that is not regulated by strict new emissions standards applying to future equipment sales.

The Environmental Protection Agency imposed rules in 2004 that will require all new construction equipment sold to reduce nitrogen oxide and particulate matter emissions by 90 percent by 2014, the report stated.

The new study listed Clovis, Fresno, Bakersfield, Merced, Stockton, Modesto and Visalia as high-risk cities within the Valley. The cities were ranked according to population density and the number of active construction sites.

Hanford and Lemoore were listed at average risk, while Corcoran and Avenal were classified as lower risk.

Tony Barba, a Kings County supervisor and a member of the San Joaquin Valley Air Pollution Control District board of directors, said Monday that he hadn't seen the report.

Tim Coyle, senior vice president of the California Building Industry Association, said he hadn't received a copy and didn't know how the report would affect regulations.

The association is already suing the Valley air district. At issue is a rule giving the district power to charge developers offset fees for some pollution created by their vehicles.

Control over motor vehicle fuel efficiency and tailpipe emissions lies with the state and federal governments.

But the California Air Resources Board has sole authority to regulate construction equipment.

The report said CARB "should adopt a regulatory regime that will clean up existing construction equipment by retiring the oldest, most polluting equipment and using retrofit technology where appropriate."

"We sort of have that already, and there are probably ways we can tighten that," said CARB spokesman Jerry Martin.

Martin said CARB has the goal of reducing diesel pollution 75 percent below 2000 levels by 2010 and 85 percent below 2000 levels by 2020. That includes trucks, tractors, buses and all other diesel-generating engines combined, he said. He predicted CARB would likely meet the 2010 target and would definitely meet the 2020 target for clean air.

Construction equipment "lag(s) a little bit" behind other diesel emissions sources because of



slower replacement times and higher costs, Martin said.

An air district spokeswoman said the picture is much bigger than construction equipment.

District officials have stated publicly that they need more funding aimed at replacing old motor vehicles that contribute to the summertime smog. Valley air violates federal limits that cap the amount of lung-damaging ozone allowed to build up over eight-hour periods.

## **An environmental group has called for regulations to cut air pollution from diesel-powered equipment.**

By Bob Brownne

Tracy Press, Wednesday, December 6, 2006

A nationwide environmental group wants construction equipment to be the next priority for air pollution regulators.

The Union of Concerned Scientists, a group based in Cambridge, Mass., with offices in Washington, D.C., and Berkeley, released a report this week that details the health and economic effects of air pollution from heavy equipment like bulldozers, loaders and excavators.

Don Anair, author of the report and the group's West Coast analyst on clean transportation, said air quality regulators have mostly overlooked construction equipment even though a bulldozer, for example, can produce as much pollution in one hour as a big rig on a 1,400-mile trip.

"This is a conservative analysis and doesn't include all the possible impacts from construction pollution," he said.

Anair said that while new rules are in progress, the long life span of this type of equipment means unregulated machines will stay on the job for another 10 to 20 years.

Matt Haber, deputy director of the U.S. Environmental Protection Agency air division in the San Francisco office, said new regulations for construction equipment are in place, but they apply only to new machines.

The new requirements for trucks and buses were passed in 2000 and take effect next year. New rules for construction equipment were passed in 2004 and take effect in 2010.

"The air agencies in California have done a tremendous job of controlling emissions from stationary sources," he said. "We've also done a good job with equipment we use in day-to-day life.

"It's pretty clear to all of us who deal with public health that the contributor that has not been controlled is diesel."

Anair said his report draws on previous studies that link air pollution to health effects, considers the contribution from heavy equipment, then examines California cities that have a lot of new construction.

The report's conclusion is that 1,132 deaths in 2005 can be attributed to construction equipment statewide, including 49 deaths in the San Joaquin Valley. The area most affected is Southern California, where the group estimated 731 deaths are attributable to construction pollution.

Kevin Hamilton, a respiratory therapist and director of the Asthma Education and Management Center at Fresno Community Hospital, joined Anair at Tuesday's conference call with reporters to discuss health effects of pollution.

He described how ozone pollution restricts lung capacity and how particulate matter pollution can go through the lungs, into the blood stream and impair heart, liver and brain function.

The biggest contributors to nitrogen oxide in the air, which leads to ozone pollution, are still cars and trucks on the roads, according to statistics from the California Air Resources Board.

Of the other diesel engines that contribute to pollution, farm equipment tops the list, followed by off-road equipment including construction equipment, and trains.

The air board estimates that heavy diesel trucks contribute 81.39 tons of nitrogen oxides to the San Joaquin Valley air each day. Diesel farm equipment accounts for 54.59 tons, and construction equipment contributes about 28.24 tons of nitrogen oxides, about equal to the amount contributed by all light-duty passenger cars in the valley, 28.22 tons.

## **Bay Area urged to 'spare the air' tonight**

Chronicle Staff Report

Tuesday, December 5, 2006 11 17 AM

**SAN FRANCISCO** -- Air quality in the Bay Area is forecast to be unhealthy tonight, prompting the local Air Quality Management District to urge residents to "spare the air" by refraining from burning wood and making unnecessary car trips.

According to the agency, residential wood burning and emissions from motor vehicles are the two main sources of winter air pollution.

The advisory is in effect for the next 24 hours.

For more information on the air quality forecast, visit [www.sparetheair.org](http://www.sparetheair.org).

The Spare the Air Tonight program, launched in 1991, runs from Nov. 20 through Feb. 16.

Tonight is the fourth time this season such an advisory has been issued.

Free public transit is not being offered for the nighttime advisories

## **Demolishing pollution source**

Wednesday, December 6, 2006

To highlight a city job-training program called CityBuild, Pacific Gas and Electric Co. and San Francisco Mayor Gavin Newsom held a ceremony for the dismantling Tuesday of Stack 7, a big chimney at the decommissioned Hunters Point power plant, a source of energy and pollution for 77 years that neighborhood activists sought to close. Twenty-nine local residents trained through CityBuild are working on the power plant demolition project.

## **Fireplace burning discouraged today**

Modesto Bee, Wednesday, December 6, 2006

People in Stanislaus and Merced counties are asked to refrain from using fireplaces and older wood-burning stoves today because of concerns about air quality. The voluntary "burning discouraged" advisory comes from the San Joaquin Valley Air Pollution Control District. The next step is a mandatory prohibition on burning. On the Net: [www.valleyair.org](http://www.valleyair.org).

## **Shipping giant to test new fuel to cut pollution**

By Paul T. Rosynsky, STAFF WRITER

Tri-Valley Herald, Wednesday, December 6, 2006

The shipping industry's recent push to show California residents it's serious about reducing air pollution continued Monday as shipping giant APL announced changes to the way it burns fuel on ships.

Sparked by new state regulations that will mandate what fuel can be burned while traversing California waterways, the Oakland-based company said it now has low-sulfur fuel aboard all 23 of its ships that dock at state ports.

But in hopes of jumping ahead of future regulations, and to show that the "industry needs to be responsible," the company also launched a pilot project to test three other technologies it says will reduce ship emissions.

Together, the announcements mark a new trend in an industry that long has opposed regulations that would reduce air pollution at ports.

The mostly foreign-based companies constantly have argued the regulations would be too costly for an industry that strives to find cheap ways to deliver goods from Asia.

Recent public awareness of the environmental damage caused by state ports, coupled with government mandates to curb it, now has shipping companies fighting to find the next new technology.

"The industry needs to be responsible for its impact on the communities where it does business," said Mike Zampa, spokesman for APL, a unit of Singapore-based Neptune Orient Lines. "We have undertaken a number of environmental issues over the last several years. First we addressed the terminals; now we are concentrating on the vessels."

APL's pilot program will test the effectiveness of water-in-fuel emulsification, a procedure that mixes water and fuel. If done properly, the water reduces the ship's engine temperature, which then reduces the amount of nitrogen oxide and particulate matter released into the atmosphere, Zampa said.

Reducing those two emissions is vital in attempts to reduce air pollution. Nitrogen oxide contributes to smog and particulate matter is responsible for tiny particles of soot that end up in people's lungs, causing asthma and other lung diseases.

APL will test the procedure on one ship that sails between Asia and the ports of Los Angeles, Long Beach and Oakland. The \$1.3-million program was paid for in part through a partnership the company reached with the California Air Resources Board, the federal Environmental Protection Agency, the ports of Los Angeles and Long Beach and four local air resources boards.

Researchers from the University of California, Riverside, will monitor the ship's emissions to see if the procedure works.

It will be used in the ship's main engines when the vessel sails within 30 miles of the state's coast.

Although the procedure is already used on many ships in Europe and in some power plants in the United States, its benefits to the environment are still in question.

Some experts wonder if it can reduce particulate matter, and others believe using different fuels could do a better job.

Large container ships currently use a fuel that contains large amounts of sulfur. Known as bunker fuel, it is made by using the leftovers of refined crude oil. It is relatively inexpensive compared to other fuels but causes much more pollution.

"If they had said they are announcing an initiative to reduce sulfur content, I would be more encouraged," said Swati Prankash, program director at the Pacific Institute, an Oakland-based

think tank that conducts studies and proposes solutions for environmental protection issues. "It's an important step, but there is a whole lot more that can be done."

Others agreed.

"I wouldn't say it is the gold standard, but it is an important step to take," said Diane Bailey, a scientist with the Natural Resources Defense Council. "I am happy to hear when shipping lines go beyond current regulations and search for new technologies, but we really want to see this adopted throughout the industry and in a timely manner."

APL believes nitrogen oxide will be reduced by 20 percent when using the water-fuel combination in its tanks. It also believes particulate matter could be reduced by as much as 50percent.

"This is an alternative. It may be a better alternative," Zampa said. "There is not one silver bullet to solve the challenges."

In addition to the water-in-fuel emulsification, APL also outfitted some ships with slide valves in the engine's cylinders. The slide valves prevent fuel from leaking during the combustion process. That, the company says, ensures a "complete burn" of the fuel in an engine, which results in cleaner emissions.

The company also said it will meet or exceed new state regulations that call for the burning of lower-sulfur fuel while berthed at state ports.

Maersk Inc. made a similar announcement in October.

Steve Stallone, spokesman for the International Longshore and Warehouse Union, which represents more than 3,000 dock workers, said the recent announcements show progress but cautioned that shipping lines should not be congratulated yet.

"They are starting to realize that they have to do something, which is good," Stallone said. "But this is just a test. They could have started moving faster on these things. ... We still have a lot more to do."

## **State offers money to keep dairies from historic Tulare park**

By OLIVIA MUNOZ, Associated Press Writer  
Hanford Sentinel, Wednesday, December 6, 2006

VISALIA, Calif. (AP) -- State park officials offered to pay a businessman to build a pair of large dairies farther from a park honoring the state's first community settled by black pioneers.

"It's a very special park. It's part of our history, and we're willing to explore ways to protect it," said Scott Wassmund, a spokesman for the state Department of Parks and Recreation.

The state parks department proposed buying development rights from Sam Etchegaray to leave a buffer between two massive dairies he plans to build and Col. Allensworth State Historic Park.

Environmentalists and other opponents of the proposed dairies - which could hold about 12,000 animals - worry that the cows will bring flies, foul smells and pollution to the park and the nearby community of Allensworth, settled by blacks in 1908.

Etchegaray is not opposed to selling some of the development rights, but there needs to be more discussion on the issue, said his attorney David Albers.

Under the proposal, Etchegaray would own the property and could use it for agriculture, not for a dairy or other large developments such as a poultry processing plant, Wassmund said.

The state has bought easements to keep housing developments away from other parks, he said.

The Tulare County Board of Supervisors first must grant Etchegaray a special permit to build the dairies, which he has sought since 1996.

The board postponed its vote until Dec. 19 after the Center on Race, Poverty and the Environment presented them with three more environmental studies to consider Tuesday.

[Modesto Bee, Letter to the Editor, Wednesday, December 6, 2006](#)

### **Racetrack would dirty valley's air**

"More than 60 percent of the region's air quality problem comes from vehicles," according to the article "[Valley lawmakers pitch plan to improve area's air quality](#)" (Dec. 3, Page B-5).

If this is so, then voting "no" on the proposed Riverside Motorsports Park seems a no-brainer. If we are working so hard to rid the valley of air pollution, why bring in thousands of vehicles that will only add to the problem?

ANNE FIELD, Atwater

[Letter to the Editor, Merced Sun-Star, December 6, 2006](#)

### **RMP's impact stretched**

Editor: If Riverside Motorsports Park is approved, I can see the results. All of the cows will take off wild-eyed, tails in the air, udders swaying from side to side; no way to milk these cows. The dairymen and farmers loading their trucks and cattle trailers as quickly as possible with whatever is at hand. Hopefully the wife and all of the kids are found in time to hit the road that has become an obstacle course with all of the Foster Farms trucks that have been run off the road by the wild-driving race fans.

The Foster Farms trucks are not needed as the chickens went wild from the sounds of the races, and ran into a suffocating pile. (Would not PETA be glad to put Foster Farms out of business?)

In Merced there would be long lines of people to get a one-way ticket out of town, with everyone wearing masks, goggles and ear protectors, and given a free inhaler.

The area around Merced would likely look like Afghanistan; all plants and animals are gone. With all the noise and pollution what other result could there be?

I was at Castle Air Force Base from May through August 1957, and it was usually a surprise to see the mountains after 2,000 feet on takeoff. And in all the time spent completing low approaches, landings, etc., over and over, the cows continued to eat away, lay down and chew their cud and apparently produce enough milk. The dairies were still there. The crops were planted and harvested. The flight path was a few miles east of Castle. I could not see any adverse effect to that area, either. From 1970 to 1978 while at Castle again, I could not see any change compared with 1957. If only there had been some environmentalists to inform the farm animals, people and plants, "you cannot live under these conditions."

With the comments made regarding the racetrack and farming operations, one would conclude that no farming took place prior to 1995 (after Castle).

Many racetracks exist at this time. Just experience a race by traveling Olive Avenue during the morning or evening hours going to and away from work. And the thousands of vehicles are there all the time, thanks to all the homes that were approved and built. No pollution or noise there?

DON HARRIS

*Merced*

[Opinions, Washington Post, Dec. 3, 2006](#)

### **ICC Could Be Hazardous To Your Children's Health**

More than 1 million residents of the Washington-Baltimore region already live close to heavily trafficked motorways where dangerous soot pollution is at levels that can trigger asthma attacks, heart attacks and respiratory disease. Building the \$2.4 billion (and rising), 18-mile intercounty connector linking Interstate 270 to Interstate 95 through neighborhoods and near schools would worsen these health problems.

Maryland Gov.-elect Martin O'Malley (D) reiterated his support for the road following his election last month, but if the public demands protection for our children and the elderly, he still could take steps to prevent these health hazards.

The toxic pollution the ICC would generate will threaten the health of children who live, play and attend schools and day-care centers near this proposed highway. In fact, the American Academy of Pediatrics recently recommended protecting children from the harmful effects of air pollution by not locating schools near highways.

California has banned new schools from locations within 500 feet of major highways. Yet located within 500 feet of the proposed ICC route are a school (Drew Elementary) and several parks: East Norbeck Park; Northwest Branch Recreational Park; Layhill Park; Rock Creek Regional Park; and ball fields and playgrounds near Royal Forest in Colesville.

The California law is based on recent research that links motor vehicle emissions and adverse health effects suffered by children. There are numerous studies from around the world that demonstrate that children in neighborhoods adjacent to freeways and major truck routes are at significantly greater risk of serious health impairment from asthma and other respiratory ailments.

There is also new evidence that early exposure to air pollutants found in car and truck exhaust can increase the risk of cancer in later life. Newborns who were exposed during gestation to polycyclic aromatic hydrocarbons as a result of their mothers living near truck routes in Upper Manhattan and the South Bronx in New York were found to have damage to their chromosomes. These chromosome changes have been associated with the development of cancer, especially leukemia. Even fetuses appear to be vulnerable to the adverse health effects of motor vehicle-related pollutants.

The state of Maryland's own study finds that the ICC would boost traffic on parts of Interstate 370, I-270 and I-95, and on the Beltway and many local north-south roads, causing increased pollution at other sensitive sites near these roads, such as Montgomery Blair High School and Holy Cross Hospital.

Results from an analysis of the ICC show that there are viable transportation alternatives that would improve mobility in the ICC corridor at lower cost and with fewer negative effects to environmental and community health. These alternatives include time-of-day tolling of some existing and new expressway lanes in existing corridors, enhancing

bus and rail transit, encouraging more transit-oriented development near Metro stations, and balancing job growth across the region.

Outgoing Gov. Robert L. Ehrlich Jr. (R) and the Bush administration papered over these issues in approving the ICC. Environmental Defense and other groups plan to file legal challenges to the ICC that soon will provide Gov.-elect O'Malley an opportunity to meet our transportation needs without endangering our children's health.

-- John M. Balbus

*Bethesda*

-- Jim Fary

*Silver Spring*

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[Commentary in the Fresno Bee, Wednesday, December 6, 2006:](#)

**Air issues swirl around Supremes**

By Daniel Weintraub

California's drive to lead the nation in the fight against carbon dioxide emissions — and thus global warming — may soon rest in the hands of one very powerful native of the Golden State: Supreme Court Justice Anthony Kennedy.

Oral arguments in an important case last week suggested that four justices on the court are inclined to order the U.S. Environmental Protection Agency to regulate greenhouse gas emissions, or at least to allow a lawsuit to go forward that could force the agency to acknowledge that it has the authority to jump into the global warming issue.

The court's four more conservative jurists, meanwhile, might be moving in the opposite direction, toward ruling that the Clean Air Act as passed by Congress does not require the EPA to fight global warming by cracking down on the gases emitted when we burn carbon-based fuels in our cars.

That leaves Kennedy, the Sacramento native and veteran of 18 years on the high court, who seems to have succeeded Sandra Day O'Connor as the court's new swing vote. If the other justices line up as expected, Kennedy's vote would decide which way the decision goes — and ultimately the pace of global warming regulation in California and the nation.

The case was brought by the government of Massachusetts, but it could be crucial for California. The state's law requiring automakers to reduce the greenhouse gases in their cars' exhaust might be in danger if the EPA's position — that it cannot legally regulate the gases — is allowed to stand.

And if the state law on auto emissions is blocked, that would in turn deal a significant blow to California's goal of reducing all greenhouse gas emissions by 25% by 2020.

At issue is the federal Clean Air Act, under which Congress authorized the EPA to regulate air pollution. The question is whether carbon dioxide, which is a harmless, naturally occurring substance in the ambient air around us, should be considered a pollutant if it rises into the atmosphere, settles there and contributes to the warming of the Earth.

Massachusetts, California and several other states petitioned the EPA to regulate greenhouse gas emissions from vehicles, but the agency declined to do so. In its statement on the issue, the EPA said it lacked the authority to regulate carbon dioxide and that, even if it did have the authority, it wouldn't do so because there is too much uncertainty surrounding the issue of global warming, the contribution of carbon dioxide to the problem and the effect U.S. regulations could have on a global problem.

Although the EPA once said it did have such authority, the Bush administration reversed that position. A 2003 memo from the EPA's legal counsel said Congress never intended for the agency to regulate greenhouse gases.

Amendments to the Clean Air Act adopted in 1990, which listed carbon dioxide in the law for the first time, were aimed not at regulation but at boosting research and information gathering about global warming, the EPA analysis said. The 1990 provision went out of its way to state that the new duties were "non-regulatory" and not intended to "authorize the imposition on any person of air pollution control requirements."

As often happens at the Supreme Court, it appeared Wednesday the justices might focus on a narrower legal issue than the plaintiffs in the case, and many observers, were hoping to see decided. Before it even gets to the point of considering the EPA's proper role, the court must decide if Massachusetts and the other states have "standing" to sue the federal government. The

justices could simply throw out the case on that basis or rule that while the case can go forward, the more meaty issues at stake should be heard in a lower court first.

In the one hour of oral arguments, Massachusetts' lawyer argued that the threatened loss of 200 miles of coastline gave the state a valid reason to sue the EPA. Justices Stephen G. Breyer, Ruth Bader Ginsburg, David H. Souter and John Paul Stevens seemed to be leaning at a minimum toward allowing the case to go forward, if not ruling outright that the EPA is authorized or even required to regulate carbon dioxide emissions.

Three other justices — Chief Justice John G. Roberts Jr. and Justices Samuel A. Alito Jr. and Antonin Scalia — seemed dubious of Massachusetts' claim that it faced imminent harm from global warming.

If Justice Clarence Thomas, who said nothing, sided with them, that would leave a 4-4 deadlock to be broken by Kennedy.

Kennedy gave little indication of which way he was leaning. His only substantive comment was to suggest that the court couldn't really decide whether the states had the right to sue without also delving into the entire question of global warming, because "there's no injury if there's not global warming."

The court is expected to decide the case by next summer. If the justices return the matter to a lower court, it could be years before the question is finally decided. In the meantime, California awaits word from the EPA on the fate of its own, independent attempt to limit greenhouse gas emissions from vehicles.