

## **Lawsuit calls air fees illegal**

### **Groups seek to stop pollution rule that affects developers.**

By Mark Grossi

The Fresno Bee, Wednesday, June 28, 2006

Builders, a taxpayer group and the Modesto Chamber of Commerce filed suit Tuesday to stop a rule that imposes air pollution fees on developers contributing to city sprawl.

The rule amounts to an illegal tax because it doesn't relate directly to air pollution emissions, according to the lawsuit, which was filed in Fresno County Superior Court. Local air authorities estimate the fees would raise \$103 million from new construction over the next three years.

Builders question the fairness of applying air cleanup costs they must pass on to owners of new homes and businesses, while owners of existing structures pay nothing.

"There's an equity issue," said Nathan Magsig, Clovis mayor and head of the Coalition for Urban Renewal Excellence, one of the plaintiffs in the suit. "And it does nothing to assist with affordable housing."

The San Joaquin Valley Air Pollution Control District, named as a defendant, has not yet reviewed the case. However, spokeswoman Kelly Morphy said the district stands behind the rule, which was required by a law the Legislature passed in 2003. It was approved by the district board in December.

"We feel the rule meets the requirements of law," Morphy said.

The goal of the rule is to reduce bad air caused by traffic going back and forth from new homes, businesses, commercial buildings and schools built on the edge of cities.

Builders can install air-enhancing features such as outdoor outlets for electric lawn mowers, bike lanes and energy-efficient water heaters to help reduce fees that will be assessed for traffic pollution.

Money raised from the rule would buy clean-running buses and street sweepers, as well as pay for other fixes to reduce the smog, dust and soot that make the Valley one of the worst air basins in the country.

The fees are estimated at about \$780 per house this year, but they will escalate to almost \$1,800 over the next few years. The building industry estimates the fee will raise \$225 million over the next five years.

The rule has been in effect for several months, but no fees have been collected yet as air authorities review developments of more than 50 housing units. The first fees might be collected later this year, officials said.

Magsig said it was unfair to assess only developments larger than 50 units, adding that the air district did not guarantee that pollution would be cleaned up.

"This litigation is a necessary last resort since the district failed to address the concerns of members in this community" in developing the rule, he said in a written statement.

Aside from Magsig's group and the Modesto chamber, other plaintiffs include the California Building Industry Association and the Fresno-based Valley Taxpayers Coalition.

An official from the nonprofit group Environmental Defense, which supported the rule last year, said she was disappointed by the lawsuit.

"I would have thought builders would be more responsible to protect their residents from air pollution," said Kathryn Phillips, who is based in Oakland.

## **Air fees hurt regional economy, builders group's suit alleges**

Warren Lutz - Record Staff Writer

Stockton Record, Wednesday, Jun 28, 2006

STOCKTON - California builders made good on their promise to sue over a first-of-its-kind rule that holds developers accountable for San Joaquin Valley smog.

Members of the Stop the Air Board Tax filed suit in Fresno County Superior Court on Tuesday, arguing that fees charged by clean air officials hurt the regional economy and do not guarantee cleaner air.

"(The fees) do nothing but increase the size of a government bureaucracy with no accountability to Central Valley residents and impose unfair taxes on new homeowners, businesses, home builders and our regional economy," Michael Turnipseed, director of the Kern County Taxpayers Association, one of the plaintiffs, said in a statement.

Air quality officials currently regulate stationary sources of pollution but cannot directly control tailpipe emissions. The San Joaquin Valley Air Pollution Control District rule, which took effect in March, places fees on Valley projects that increase vehicle traffic.

The Valley district is the first in the nation to charge pollution fees to developers. A 1988 state law gave California air districts the authority to regulate so-called indirect sources of pollution, but few districts have used it.

Building groups argued the fees would be passed on to consumers and reduce low-income housing options.

Named as plaintiffs in the lawsuit were the California Building Industry Association, the Coalition for Urban Renewal Excellence, the Modesto Chamber of Commerce and the Valley Taxpayers Coalition. Kelly Morphy, a spokeswoman for the air district, defended the rule but said district officials have not yet seen the complaint and could not comment on it.

"We feel the rule meets the requirements of law," Morphy said.

Vehicle exhaust is a chief contributor to two of the Valley's biggest air pollution problems: ozone and tiny particulates that lodge in human lungs that can cause serious illness or death. The Valley, which traps pollutants in its bowl-like shape, is one of the dirtiest air basins in the country.

Several environmental groups saw the lawsuit as the building industry's attempt to shirk responsibility for contributing to pollution.

"I'm not surprised; I'm disappointed," said Kathryn Phillips, a supporter of the air district's rule who manages a clean air campaign for the nonprofit group Environmental Defense. "I would have thought the California Building Industry Association would have taken a more responsible approach to addressing California's pollution problems."

The lawsuit could become key in the fight against indirect source rules in general. At least two other air districts in California are considering similar rules, encouraged by the San Joaquin

Valley's example.

"It's the kind of abuse of government powers that we don't want to see proliferate anywhere else," said Nick Cammarota, an attorney for the California Building Industry Association.

"We know other districts are watching it, and obviously, we're watching what's going on in other districts as well," he added.

The fees would increase each year for three years, beginning in 2006. The proposal would add \$1,772 to the cost of a typical home by 2008 and from \$872,000 to \$1.3 million to the cost of a typical shopping mall, according to the district's own projections.

Under the local rule, builders pay less if they design energy-efficient buildings, place them near mass transit and throw in some bike and pedestrian paths, all of which would help decrease smog. The district plans to use revenue from the fees to fund public transportation projects and other smog-reducing items.

## **Builders sue to stop air district rule**

BY SARAH RUBY, Californian staff writer  
Bakersfield Californian, Wednesday, June 28, 2006

Builders, business leaders and housing advocates are challenging San Joaquin Valley air regulators' attempt to cut pollution generated by urban sprawl.

It's the first air quality rule in the U.S. to target new development for air pollution, and opponents took steps to strike it down Tuesday by filing a lawsuit in Fresno County Superior Court.

The San Joaquin Valley Air Pollution Control District's rationale for the rule, which went into effect in March, is that new homes, strip malls and industrial operations generate new car and truck trips -- known as "indirect" sources of pollution.

The rule requires builders to install bike paths and otherwise wean their developments from the automobile, or pay to offset a portion of their pollution somewhere else.

Its opponents characterize the new rule as a new tax and a "terrible illustration of bureaucracy run amok," the lawsuit says. The district has failed to say exactly how that money will be spent, they say, and it's making a back-door attempt to attack emissions from automobiles, which are regulated by the state.

"We've invested a lot of effort in working with (the air district) to adopt a fee we thought was reasonable," said Nick Cammarota, general counsel for the California Building Industry Association, the lead plaintiff in the case. "Unfortunately those efforts have failed and now we find ourselves here."

So far no local groups have joined the suit, but it's not for lack of sympathy with the cause, said Michael Turnipseed, executive director of the Kern County Taxpayers Association.

"We just think (this rule) was very poorly done," he said.

The district defends its work on a rule that will "pay for very tangible things," said Brenda Turner, spokeswoman for the San Joaquin Valley Air Pollution Control District.

It will replace dirty school buses and other engines, she said. It will create bike paths and transit facilities, and encourage builders to plan retail stores near shoppers' homes, she said.

"This is really an excellent opportunity for the building industry to do their part," Turner said.

The rule requires builders to cut or offset a third of a project's smog-forming nitrogen oxides and half of its particulate pollution.

As the less expensive ways of cutting pollution are exhausted, developers will pay more per house, according to the district. The per-house fee could exceed \$1,700 by 2008. The rule also governs new commercial space, industrial operations and schools.

### **Other Projects**

Since March, the San Joaquin Valley Air Pollution Control District has approved 14 new projects under its rule to cut emissions from sprawl. These projects were designed before the rule was in place, but some had already incorporated bike paths and other air-friendly modifications, which cut their fee to the district.

Here are some facts and figures on the first 14 projects:

- They include 3,161 homes
- All together, builders of the projects will pay slightly less than \$2 million in fees
- On average, they will pay \$618.81 per home.

### **Residents mostly happy with valley**

BY SARAH RUBY, Californian staff writer  
Bakersfield Californian, Wednesday, June 28, 2006

Residents know there are lots of problems in this end of the valley but most rate it a good or excellent place to live, according to a survey released Tuesday by think tanks in San Francisco and Modesto.

Air pollution, crime, jobs, sprawl and other issues register as "big problems" among southern San Joaquin Valley folks, the survey says. Even so, 65 percent say their community is good or excellent.

The area includes Kern, Tulare, Kings, Fresno and Madera counties.

Folks on the street seemed to reflect the survey's optimism.

"Other than the bad air, Bakersfield is a great place to live," said resident Kathy Funston. "If it had a Nordstrom, I'd be perfectly happy."

Gang shootings, increasing traffic and overall hecticness don't stop Taft resident Mary Moore from pining for Bakersfield. She'd "love to move back," she said.

However much we love our home, we don't love it as much as northerners from Sacramento to Shasta County love theirs. They identify many of the same problems as we do, yet 82 percent give their community a good or excellent rating.

The poll was conducted by San Francisco-based Public Policy Institute of California and the Great Valley Center in Modesto. They interviewed 2,002 residents in 19 counties in the Central Valley this spring.

Surveyors picked up on the Central Valley's positive outlook.

"Residents are definitely feeling the stresses of growth but, at the same time, seem to believe they are part of something big, forward-moving and promising," said Mark Baldassare, survey director for the Public Policy Institute of California, in a press release.

### **Poll: Valley upbeat about its future**

**Despite air, roads, most say Valley a great place to live**

By Gerald Carroll, Staff writer  
Visalia Times-Delta, Wednesday, June 28, 2006

Three of every four southern San Joaquin Valley residents rate their communities as great places to live, despite concerns over bad roads, air pollution, loss of prime farmland and a widening "digital divide" between Latino residents and whites, according to a survey released Tuesday by the Public Policy Institute of California.

"Overall, statewide trends are upbeat," said PPIC survey director Mark Baldassare. "Sure, the Central Valley of California has its share of environmental, infrastructure and educational problems, but people surveyed feel optimistic. Things will get better, and they are already getting better."

This latest Central Valley survey is the sixth produced in association with the Great Valley Center by the San Francisco-based PPIC, which specializes in statewide surveys, especially in the area of immigration and its effects on the state.

Traffic emerged as an urgent problem, the survey said, with more than twice as many respondents (48 percent now compared to 23 percent in 1999) saying that traffic congestion is a major obstacle to daily life.

"Still, the survey showed that raising a local sales tax to improve roads would still be difficult," Baldassare said, pointing to a survey result that states 61 percent of voters are ready to approve such a tax. "Even this number doesn't meet the state's two-thirds [66.7 percent] requirement."

That is important news for Tulare County, whose advisory governing council approved Monday a ballot measure that would increase the sales tax in the county a half-cent per \$1 purchased. Should all elements of that proposal be approved by the county Board of Supervisors and city councils, including Visalia's, before July 24, the measure would go on the Nov. 6 general-election ballot.

"Roads have become an almost universal problem," said Eric Coyne, a spokesman for the county.

#### Sparing the air

Fifty-nine percent of southern San Joaquin Valley respondents said air pollution is a "big problem" compared to 46 percent in the North San Joaquin (just north of Tulare County), 35 percent in the Sacramento Metro region, 19 percent in the North Valley (north of Sacramento) and 45 percent overall.

"People are now directly connecting air quality to health in the south," Baldassare said.

And, indeed, every chance to reduce air pollution is being taken in the Visalia area. "Spare the Air" days encourage less use of fossil-burning energy sources during times of hot and stagnant air, as has been the case over the past week.

Also directly related to this concern was a report to the Visalia City Council on Monday that Mangano Homes - developer of a northwest Visalia parcel called Lowery Ranch - reduced its proposed cul-de-sac lots from 94 to 37. Cul-de-sacs have long been believed to be air-pollution traps from idling cars.

"Adjustments like this improve local air quality more than people realize," said Greg Collins, Visalia city council member.

#### Loss of farms

Surrender and conversion of prime farmland into residential developments has also run into increasing opposition as the years roll by, the survey said. Forty-two percent of respondents said that loss of agricultural land is a "big problem" compared to only 23 percent in 1999.

These survey results reflect local land policies. Visalia's city officials are pushing a policy of "infill" developing, in which 11,000 open lots and 1,000 total acres already nestled within the existing city limits need to be developed before spreading any further into surrounding ag areas, according to Collins

Greg Kirkpatrick, another City Council member, has had a long relationship with land trusts dedicated to protecting prime farmland, but not so much as to prevent legitimate, beneficial commercial development.

One proposed shopping center that came before the council Monday had many energy- and property-wasting features that were immediately cited and shot down by council members.

'Digital divide'

Perhaps the most stunning statistic presented in the survey was an increasing gap between Latinos and whites on computer and Internet use, or the "digital divide," as Baldassare stated.

"Without accessing the Internet or using computers, there is almost no way of improving socioeconomic status in this day and age," said Baldassare, referring to the 37-point difference between the percentage of Latinos (55 percent) and whites (18 percent) listed by the survey as never using a computer.

This is even wider than 2001, when Latino non-users totaled 53 percent and whites 26 percent.

"Our approach to this is mandatory standards for computer use for all K-6 students in Visalia schools," said Scott Smith, high-tech coordinator for the Visalia Unified School District. "All students have to meet these standards, and teachers are all teaching these standards. Every child has to reach that level."

Access to computers, considered a problem in the past, has been largely overcome by the addition of free Internet terminals at libraries and marketing of used, reconditioned computers.

Highlights of the Public Policy Institute of California survey of attitudes of Valley residents:

- Latinos are considerably more likely (48 percent) to say the Central Valley will be a better place to live in the future than residents in general (38 percent).
- A majority of voters surveyed (61 percent) would vote to raise sales taxes to repair local roads.
- A majority favors protecting wetlands even if it means lesser development (73 percent).
- Television provides 45 percent of responding residents their main news and information, followed by newspapers (31 percent), radio (6 percent) and the Internet (6 percent).

The entire survey can be found at: [www.ppic.org](http://www.ppic.org) <<http://www.ppic.org>>.

## **Attention turns to Valley air**

### **Survey shows more residents are reporting lung problems.**

By Mark Grossi

The Fresno Bee, Wednesday, June 28, 2006

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Valley concerns

A Public Policy Institute of California survey asked Central Valley residents, "What do you think is the most important issue facing the Central Valley today?"

1. Air pollution, pollution in general
2. Crime, gangs, drugs
3. Population growth, development, sprawl
4. Economy, jobs, unemployment
5. Flooding, levees

Residents report more lung problems now in the smoggy Central Valley than they did three years ago, a new survey revealed on Tuesday.

About half of those surveyed said their family experienced asthma or respiratory problems connected to air quality, according to a Public Policy Institute of California survey. In 2003, a little more than a third of the residents reported such problems.

The numbers do not mean lung problems have increased, said survey director Mark Baldassare. They mean people are thinking more about how air pollution affects their health.

"There is an increased perception," Baldassare said. "It is very important for policymakers to understand how people feel. Sacramento ought to be aware of the Central Valley."

Air quality gets more attention as the population expands in the vast Central Valley, which includes 19 counties in the Sacramento and San Joaquin valleys. The area has 6.6 million people, and the population is expected to nearly double by 2040.

The eight-county San Joaquin Valley, ranging from Stockton to Bakersfield, ranks alongside Southern California and Houston as the dirtiest air basins in the country.

In Fresno County, one in six children has asthma — double the rate for the rest of California. Air pollution is known to trigger asthma attacks, damage lungs, boost the risk for heart attacks and even lead to premature death.

Air quality concerns are a continuing trend that Public Policy Institute surveys have shown for years. The institute, which has been surveying this area since 1999, interviewed 2,002 residents in the Central Valley by telephone in May.

Residents also are concerned about crime, city sprawl and the economy, and they want government to plan better for the population expansion. Three-quarters of the people surveyed thought city and county governments should work together on regional solutions.

Those results are encouraging, said Carol Whiteside, president of the Great Valley Center, a co-sponsor and collaborator on the survey.

"Overall, the results have indicated a region getting increasingly sophisticated about its well-being," she said.

That could be one reason why people are more aware of air problems, said Sandra Eaton, acting director of the American Lung Association of Central California.

"There's a cumulative effect of air pollution on the lungs over many years," she said. "People are more aware of that, and they're asking doctors to check out their problems now."

One Fresno allergist, Dr. Malik Baz, has expanded his services, adding two new offices. Dr. Troy Scribner, an allergist who works with Baz, said he moved to Fresno County three years ago. Scribner said his patients are aware of air quality.

"I don't have the data, but my feeling is we're probably seeing a slight increase in patients and a lot of awareness," he said.

Air quality has improved in the last several years, said spokeswoman Kelly Morphy of the San Joaquin Valley Air Pollution Control District. But the district has a long way to go, she said.

"We need to reduce 400 tons [of pollution] per day by 2011," she said. "We're driving more and more as the Valley population expands. We will need some monumental reductions."

## **Valley worried about growth**

### **Survey says residents also concerned about traffic**

By ADAM ASHTON - BEE STAFF WRITER

Modesto Bee, Wednesday, June 28, 2006

Northern San Joaquin residents are showing a green streak.

Increasing numbers of valley residents say they are concerned about growth and are willing to limit development to preserve agriculture and environmentally sensitive areas, according to a new survey from the Public Policy Institute of California.

Despite those concerns, the survey indicates people in the valley are proud of where they live, with 73 percent of those surveyed rating their communities as "excellent" or "good."

Those results tell Carol Whiteside, president of the Great Valley Center in Modesto, that people want solutions to growth-related problems they experience — whether it's snarled traffic or unhealthy air.

"I'm a little concerned that people generally think the valley is a good place to live but it's going in the wrong direction," said Whiteside, whose center helped the institute conduct the survey.

In the Northern San Joaquin Valley, 41 percent of those surveyed said the area is going in the wrong direction, up from 32 percent in 2004. In the greater Central Valley, 37 percent said the region is going in the wrong direction.

"While people are very satisfied with their local communities, they're concerned about the implications of growth and development for the region that surrounds them," said Mark Baldassare, the Public Policy Institute's research director. "This appears to be leading people to support policies that would protect the environment."

Those worries could bode well for the Stamp Out Sprawl initiative, which could be on the November ballot in Stanislaus County. It is designed to direct growth away from unincorporated areas and into cities.

"I'm not at all surprised by that survey," said Sandy Wilson, chairwoman of the Stanislaus County Sierra Club chapter and a supporter of the initiative. "People are seeing all the agriculture going away and they're sitting in more traffic and (the farmland is) being replaced by more houses."

The institute's survey shows people increasingly concerned about traffic congestion but not necessarily willing to support a sales tax measure to raise money for road improvements. It also indicates people distrust the way governments spend tax money, with 64 percent saying "government spending money on the wrong things" is a major problem.

Stanislaus County is expected this fall to vote on a measure that would raise the sales tax by a half-cent for road improvements. It would require a two-thirds majority to win.

Support lukewarm for road tax

In the greater Central Valley, 60 percent of respondents said they would support a sales tax measure for roads.

"We have to convince more people, people have to be clear about the benefits" of a sales tax measure, Whiteside said.

The institute's survey is its sixth of Central Valley residents since 1999. It polled 2,002 people in the 19 counties from Shasta in the north to Kern in the south. Of that total, 432 came from the Northern San Joaquin Valley — Stanislaus, Merced and San Joaquin counties.

In the Northern San Joaquin Valley, people increasingly cited population growth and development as a big problem — 43 percent this year, up from 35 percent in 2004.

More people called air pollution a "big problem," too — up to 46 percent from 39 percent two years ago.

Worries about the loss of agricultural land showed a similar increase in the area — 50 percent this year, up from 45 percent in 2004.

Those concerns were supported by responses to several new questions on the survey, which showed that 73 percent of Central Valley residents favored slowing development to protect wetlands, rivers and other environmentally sensitive areas.

Similarly, 65 percent said they favored limiting urban development to protect farmland.

Diana Westmoreland Pedrozo, director of the Merced County Farm Bureau, said the survey shows people are eager to see better planning.

"We know how not to do things and, so far, because most development is developer driven, we're doing things backwards," she said. "We need to do studies that tell us what's the carrying capacity for our valley."

Limits might affect home prices

Bill Zoslocki, president of the Building Industry Association of Central California, said limiting development could cause housing prices to skyrocket unless planners identify places where they want new homes to go. The survey shows 59 percent of Northern San Joaquin Valley residents concerned about affordable housing.

"It's always, 'Don't do this. Don't do that,'" Zoslocki said. "No one's saying here's our answer. California's going to grow, and if we don't plan for it, it's only going to get worse."

## **Scientists OK Gore's Movie for Accuracy**

**By Seth Borenstein, AP Science Writer**

In the S.F. Chronicle, USA Today and other papers, Wednesday, June 28, 2006

WASHINGTON, (AP) -- The nation's top climate scientists are giving "An Inconvenient Truth," Al Gore's documentary on global warming, five stars for accuracy.

The former vice president's movie — replete with the prospect of a flooded New York City, an inundated Florida, more and nastier hurricanes, worsening droughts, retreating glaciers and

disappearing ice sheets — mostly got the science right, said all 19 climate scientists who had seen the movie or read the book and answered questions from The Associated Press.

The AP contacted more than 100 top climate researchers by e-mail and phone for their opinion. Among those contacted were vocal skeptics of climate change theory. Most scientists had not seen the movie, which is in limited release, or read the book.

But those who have seen it had the same general impression: Gore conveyed the science correctly; the world is getting hotter and it is a manmade catastrophe-in-the-making caused by the burning of fossil fuels.

"Excellent," said William Schlesinger, dean of the Nicholas School of Environment and Earth Sciences at Duke University. "He got all the important material and got it right."

Robert Corell, chairman of the worldwide Arctic Climate Impact Assessment group of scientists, read the book and saw Gore give the slideshow presentation that is woven throughout the documentary.

"I sat there and I'm amazed at how thorough and accurate," Corell said. "After the presentation I said, 'Al, I'm absolutely blown away. There's a lot of details you could get wrong.' ... I could find no error."

Gore, in an interview with the AP, said he wasn't surprised "because I took a lot of care to try to make sure the science was right."

The tiny errors scientists found weren't a big deal, "far, far fewer and less significant than the shortcoming in speeches by the typical politician explaining an issue," said Michael MacCracken, who used to be in charge of the nation's global warming effects program and is now chief scientist at the Climate Institute in Washington.

One concern was about the connection between hurricanes and global warming. That is a subject of a heated debate in the science community. Gore cited five recent scientific studies to support his view.

"I thought the use of imagery from Hurricane Katrina was inappropriate and unnecessary in this regard, as there are plenty of disturbing impacts associated with global warming for which there is much greater scientific consensus," said Brian Soden, a University of Miami professor of meteorology and oceanography.

Some scientists said Gore confused his ice sheets when he said the effect of the Clean Air Act is noticeable in the Antarctic ice core; it is the Greenland ice core. Others thought Gore oversimplified the causal-link between the key greenhouse gas carbon dioxide and rising temperatures.

While some nonscientists could be depressed by the dire disaster-laden warmer world scenario that Gore laid out, one top researcher thought it was too optimistic. Tom Wigley, senior scientist at the National Center for Atmospheric Research, thought the former vice president sugarcoated the problem by saying that with already-available technologies and changes in habit — such as changing light bulbs — the world could help slow or stop global warming.

While more than 1 million people have seen the movie since it opened in May, that does not include Washington's top science decision makers. President Bush said he won't see it. The heads of the Environmental Protection Agency and NASA haven't seen it, and the president's science adviser said the movie is on his to-see list.

"They are quite literally afraid to know the truth," Gore said. "Because if you accept the truth of what the scientific community is saying, it gives you a moral imperative to start to rein in the 70 million tons of global warming pollution that human civilization is putting into the atmosphere every day."

As far as the movie's entertainment value, Scripps Institution geosciences professor Jeff Severinghaus summed it up: "My wife fell asleep. Of course, I was on the edge of my chair."

## **For fresher air, find alternatives to vinyl walls**

Beth Greer

S.F. Chronicle, Wednesday, June 28, 2006

This new column will unravel some of the mysteries of the materials that surround us -- with the goal of educating consumers rather than either promoting or vilifying products.

If you've ever been in a room that was recently wallpapered, chances are you were bombarded by a noxious odor. That smell comes from airborne chemicals or gases like formaldehyde, zylene and toluene, known as VOCs -- volatile organic compounds, which can cause health problems such as nausea, dizziness, eye irritation and breathing problems, as well as heart, lung or kidney damage and even cancer.

Those with weakened immune systems or chemical sensitivities, asthmatics, young children and the elderly are particularly susceptible.

Like paint, wall coverings cover more surface area than you may think and can harm the indoor air quality. Unknowingly, we often buy what we think looks good rather than what's safe.

According to the Center for Health, Environment and Justice, VOCs are always emitted from those easy-to-clean wallpapers made from PVC (polyvinyl chloride), referred to simply as "vinyl."

One of the big debates raging within architecture and design circles is whether PVC is dangerous. According to the Environmental Protection Agency, PVC is a human carcinogen considered to be so toxic that it is banned in some parts of Europe. The environmental organization Greenpeace says "it is the most dangerous of all plastics and its manufacture is linked to the production of chlorine to a degree unmatched by any other material."

What makes chlorine so bad? Chlorine is found in thousands of chemicals that threaten the environment. It provides the "C" in deadly PCB, and it is the source of the "chloro" in ozone-destroying chlorofluorocarbons. Further still, PVC releases toxic byproducts such as dioxin during its manufacture and if burned during disposal. Dioxin is considered by many scientists to be the deadliest chemical ever made.

If that's not bad enough, if you use vinyl wallpaper in high-moisture areas in your home, it can create a vapor barrier that traps moisture in the wall and encourages mold growth.

"In general, we recommend against wallpaper of all kinds in humid areas like bathrooms and kitchens," says John Dunnihoo, general manager of Healthy Home Plans in Marin. "These rooms should have a smooth, easily wiped down finish, because it seems like either the paper, the adhesive, or the lack of breathability of wallpaper in these areas inevitably leads to mold."

And don't be fooled by what some companies tout as "low-VOC." These products meet EPA regulations, but because those regulations are based on ozone reduction, toxic chemicals such as tertiary butyl acetate and methyl formate that do not form ozone are excluded from the required VOC calculations.

There are natural alternatives to vinyl. Greenpeace recommends paper-based wallpaper, with recycled and biodegradable being the best choices. Other natural fibers to look for include linen, cotton, sisal (extracted from leaves of agave plants), cork (from bark of cork trees), grass cloth and cellulose (wood pulp).

Installation using traditional wallpaper paste is preferable to using self-stick wall coverings because of the high levels of VOC in the adhesive. In general, the smoother the surface, the cleaner it stays and the easier it is to clean. Paper coated with liquid acrylic (make sure you don't get liquid vinyl) is wipeable; uncoated paper wallpaper wouldn't be practical for a nursery or child's room. A woven/rougher texture of wall covering requires more volume of adhesive to hold it to the wall, so a zero-VOC adhesive becomes doubly important. If you haven't wallpapered before, your walls are uneven or both, you may want professional installation, and allow a few days for the room to air out afterward.

Dozens of companies make environmentally friendly wall coverings using nontoxic ingredients. Most of the following, as well as many more, will be showcased at the West Coast Green Conference and Expo 2 Sept. 28-30 at the Bill Graham Civic Center in San Francisco ([www.westcoastgreen.com](http://www.westcoastgreen.com)):

-- Innovations in Wallcoverings Inc. ([www.innovationsusa.com](http://www.innovationsusa.com)) has a line of natural, renewable and recyclable materials that are biodegradable. They use water-based inks containing no heavy metals.

-- Hollingsworth & Vose ([www.hollingsworth-vose.com](http://www.hollingsworth-vose.com)) has WallTek, a line of non-woven wall coverings containing no PVC or formaldehyde.

-- Roos International ([www.roosintl.com](http://www.roosintl.com)) offers Texturglas products that include a specially formulated adhesive called Ecofix, a starch-based powder adhesive made from regenerated, degradable materials, creating no VOC emissions.

-- Wolf-Gordon Inc. ([www.wolf-gordon.com](http://www.wolf-gordon.com)) introduced an Ecological Reclamation Program with its new EarthSafe collection called Strata made of natural, renewable or recyclable materials and cellulose harvested from managed forests. At the end of the product's life cycle, the wall coverings can be returned (for credit).

-- DesignTex has EarthTex ([www.dtex.com](http://www.dtex.com)), a non-PVC wall covering without heavy metals or plasticizers (made from phthalates, that mimic natural hormones and are increasingly identified with health problems).

-- MDC Wallcoverings ([www.mdcwall.com](http://www.mdcwall.com)) makes Natural Environments, which uses natural materials, including the dyes. Newcastle Fabrics ([www.newcastlefabrics.com](http://www.newcastlefabrics.com)) has the South Seas collection which is natural. Cork wall tiles ([www.naturalcork.com](http://www.naturalcork.com)) are often used like wallpaper. Sinan Co. Environmental Products in Davis ([www.sinanco.com](http://www.sinanco.com)) makes a plant-based wallpaper adhesive (389 Natural Wallpaper Adhesive).

Also, Gov. Arnold Schwarzenegger's administration recently introduced a "Green California" site ([www.green.ca.gov](http://www.green.ca.gov)) that provides information on environmentally friendly products and services. And check out both the movie and the site called "Blue Vinyl" ([www.bluevinyl.org](http://www.bluevinyl.org)) for information about PVC.

## **Port pollution revolution coming**

### **L.A., Long Beach set to announce new green policies**

James Sterngold, Chronicle Staff Writer

S.F. Chronicle, Wednesday, June 28, 2006

Los Angeles -- The ports of Los Angeles and Long Beach, which together handle the most shipping traffic in the country but are also among the nation's worst polluters, are set to announce today what a top official described as radical new environmental policies that could change the way America's ports operate.

The policies are aimed at drastically reducing lethal, cancer-causing diesel emissions from oceangoing ships, railroads, trucks and cargo handling equipment, according to David Freeman, chairman of the powerful Los Angeles Harbor Commission. The changes, he said in an interview, would likely affect other major ports, including Oakland, as the major shipping and cargo moving companies are forced to switch to newer, more efficient equipment.

The California Air Resources Board issued a report in April calling for better environmental controls at the state's ports. The report estimated that diesel emissions were causing approximately 2,400 premature deaths a year, most of them in Los Angeles, where the principal source of diesel exhaust is the port.

Freeman said the ports believe the new programs will reduce the harmful emissions by as much as 85 percent of current levels in 10 years or less, even as port traffic increases on the back of California's booming trade with Asia.

"If we just keep doing what we're doing now, this port will not grow because any expansion will just get tied up in litigation," said Freeman, referring to lawsuits filed by environmental organizations. "What we're doing right now is a no-growth, job-losing, cancer-causing plan, and we're just not going to do that anymore."

Freeman would not disclose many details in advance of today's release of the plan, but he stressed that, in a crucial step in getting the stringent new emissions standards implemented, the plan had the support not only of the two ports but also of federal, state and local regulatory agencies.

"The newsworthiness of this announcement is really in the players who are going to be involved," he said.

Freeman said that the emissions reductions would be achieved through new contracts to be negotiated with the shippers, requiring strict performance improvements, and regulatory changes.

The hoped-for reductions are to be achieved by measures including the use of cleaner diesel fuel, more efficient engines, applying catalytic converters and scrubbers to engines and by switching to other kinds of fuel, such as liquefied natural gas or possibly hydrogen in the future.

Local officials agreed that the participation of air quality regulators is a key component in ensuring that the new policies are made effective. In the past, the ports have often battled environmental regulators, at times resisting tougher standards.

"The ports have been not only the largest source of pollution, but they are also the most underregulated source of pollution," said Sam Atwood, a spokesman for the South Coast Air Quality Management District. "It's high time that these controls be applied to the sources in the port."

Michelle Grubbs, vice president of the Pacific Merchant Shippers Association, a trade group, said that the companies were in favor, in principle, of using new technologies to reduce emissions sharply but she said the shippers want some flexibility to meet the standards on a reasonable timetable. The world's largest shipper, Maersk, recently announced a voluntary program under which its ships will switch to cleaner, low sulfur diesel fuel and install equipment to remove some cancer-causing chemicals from the exhaust.

Under the plan, all oceangoing vessels calling at the ports here would have to switch to low sulfur fuels and add devices to their engines to reduce emissions further. In addition, the ships would be required to turn their engines off at the docks and plug in to local electrical power.

Also, railroads and cargo handling equipment would switch to more efficient engines and perhaps other fuels. Freeman said there was even discussion about constructing, in the years ahead, a mag-lev train to haul shipping containers away from the port to huge freight yards in inland Southern California counties.

Some neighborhood groups, which have been struggling to clean the badly polluted communities adjacent to the ports for years, expressed skepticism. Noel Park, president of the San Pedro and Peninsula Homeowners Coalition, which represents neighborhoods near the ports, said that despite Freeman's pronouncements in the past, there had been little action.

"It's easy to prejudge them based on past performance, but I'm struggling not to do that," said Park. "So far, what they've done is just talk."

Environmental activists were more optimistic that today's announcement, if followed up with clear action and stringent timetables, could represent a dramatic breakthrough.

"We're on the precipice of a revolution," said Julie Masters, director of the Los Angeles Clean Air Program for the Natural Resources Defense Council, which has sued the port previously to prevent new growth. "You're going to see others take voluntary measures because they're going to want to say they're greener."

## **Commuting alternatives pay off**

### **County's public employees offered incentives for using environmentally friendly transportation**

By Natalie Garcia, Staff writer

Visalia Times-Delta and Tulare Advance-Register, Tuesday, June 27, 2006

Carpooling, riding a bike or taking the bus to work can make some Tulare County public employees a little richer.

Employees who use such environmentally-friendly transportation to work at least three times a year qualify for money through a county incentives program now in its third year.

Tulare County Association of Governments (TCAG) has given six participating cities \$1,000 in certificates in \$5 denominations. The certificates can be used at popular businesses such as Starbucks, Save Mart and Wal-Mart.

The six cities that participate in the program are Visalia, Tulare, Dinuba, Exeter, Lindsay and Porterville. The goal of the program is to get public employees to use commuting alternatives.

All Tulare county cities are eligible to join the program, which starts a new cycle July 1.

"It has been growing momentum. Some of the cities are using up their [money] very quickly," said Elizabeth Wright, the director of the three-year-old program and a regional planner at TCAG. "Visalia used their [money] up in two months [last year]."

The growing popularity of the program has led TCAG to increase the amount to \$1,000, instead of the \$500 offered the past two years.

"We try to get more and more employees involved in every city and get cities that aren't participating to join in," said Maria Garza, the former director of the program and associate regional planner at TCAG. "Visalia did double from the first year to the second year. They started at 15 and now they're at 30."

Employees earn the certificates, called scrip, which can be redeemed like cash or a gift card, by using an alternative to driving to work alone three times in one year.

Participants must log in on the days they use alternative transportation and state which method they used.

Michael Miller is the program coordinator for the city of Tulare and he regularly carools with one of his co-workers. At one time he said his carpool was up to four people.

"At first, it seemed like it would be difficult to coordinate and rely on someone," said Miller, the senior civil engineer for the City of Tulare. "But after the adjustment period it was no trouble at all. You actually look forward to having someone to talk to on the ride to work."

His decision to join the program came from concerns over Tulare County's air quality.

"I think it's a personal choice and my conscience said it was something I could and should be doing," said Miller, who is also the city of Tulare's representative for Tulare County's Asthma Coalition.

He said the program has been a great way to get people to try out ways to cut pollution.

"I see it as a good opportunity to show people that there are alternatives," Miller said. "If they give it a try they'll see it's not that bad and very beneficial."

## **Plans continue for new homes in northwest Visalia**

By Gerald Carroll, Staff writer

Visalia Times-Delta, Tuesday, June 27, 2006

Mangano Homes will start building on its 580-acre Lowery Ranch site soon, but it could be seven to 12 years before actual homes will dot the site in northwest Visalia, a company official said.

Bob Dowds, representing Mangano Homes at the Visalia City Council work session Monday afternoon at the Convention Center, said it would take that long because of complex technical issues connected with the development.

"Nothing out of the ordinary," Dowds said during a break. "Sure, we would like to build sooner, but the process is on track."

Bordered on the south by Riggins Avenue and to the north by Avenue 320, Lowery Ranch will feature the use of a large pond, known locally as Modoc Basin, as a natural feature of the development as well as a recharging element for groundwater to the south.

"Hopefully we can get some higher-density housing close to the pond area," said Greg Collins, who, along with the other four Visalia City Council members, voted 5-0 to accept Mangano's latest alterations to the project.

"This is a concept-only proposal," Dowds said. "It complies with the city's general plan for that area."

But the development, which when finished is designed to hold 2,196 single-family homes, has a few more bumps in the road to overcome before becoming reality. Mangano has to contend with the Williamson Act.

The Williamson Act requires that lands remain in their current agricultural state for the duration of contracts that are primarily between landowners and the state. Mangano will need some 450 acres of the total building area switched off these Williamson Act contracts before the entire neighborhood can take shape.

That will take time and be very complicated, and expensive, for both the city and landowners.

"We would prefer willing sellers first," said council member Greg Kirkpatrick. "These changeovers have to be done through proper channels, which will take a while." All council members, including Mayor Jesus Gamboa, Don Landers and Bob Link, agreed that the city should adopt a consistent Williamson Act policy before getting into the complexities of such environmental shuffles.

Complicating the situation further is that some 80 acres of the land is not yet annexed by the city. Development could start in the section the city currently has title to, but the rest will have to wait.

"I will strongly resist any attempt at annexing anything north of Shannon Avenue," said Collins, referring to the yet-to-be constructed street that bisects the parcel, east to west, in Mangano's latest proposal. "Infill has to happen first. We have more than 11,000 lots in Visalia and more than 1,000 acres within the city limits that is available to develop.

"We have to hold the line."

However, Collins and the rest of the council agreed that Mangano's redesign that reduces cul-de-sac lots from 94 to 37 was a big step in the right direction.

"Service vehicles can get in and out of that area more easily" with fewer cul-de-sacs, Collins said. [Air quality will be better](#), and the idea for a central town square also looked solid.

## **Fighting the power over electric cars**

By Glenn Whipp, Film Critic

LA Daily News Wed., June 28, 2006

Befitting its title, "Who Killed the Electric Car?" begins with a funeral (a mock one, but held at a real cemetery) and ends with an inquiry, one that implicates oil companies, auto manufacturers, the federal government, the California Air Resources Board and, yes, even you and me for the murder of an automobile that would be nice to have parked in your garage in these gas-gouging days.

There were several makes of electric cars, but Chris Paine's trenchant documentary focuses primarily on General Motors' EV1.

Launched in 1996, the car was fast and quiet, ran without exhaust, required no gas or oil changes and was so popular dealers kept a waiting list with tens of thousands of names.

But then GM took the cars off the road, recalling all the EV1s, which had been leased to the owners - including Hollywood A-listers like Mel Gibson (who is interviewed here in his full-on, wild-eyed "Apocalypto" glory) - without the option to buy. Paine himself drove an EV1, and like most of his brethren, really wanted to keep the car. GM didn't offer him the choice. So he decided to learn why, and "Who Killed the Electric Car?" is the result.

Paine's movie manages to entertain and infuriate, sometimes simultaneously, as he investigates the reasons why a U.S. automaker - one with some serious problems - would invest in a product only to sabotage it at every turn. GM created the EV1 as an answer to California's Zero Emissions Mandate, created in 1990, which required 2 percent of new vehicles sold in the state to be emission-free by 1998, 10 percent by 2003.

As Al Gore eloquently explained in "An Inconvenient Truth," crisis can be a powerful incentive to change and create. But we live in a world where industry prefers the status quo, with a circle-the-wagons, short-term mentality that fights change in the face of all reason. To watch flunkies for oil companies and automakers offer bald lies about the electric vehicle program is to observe a corporate climate in denial, a condition that will remain the same until consumers vote with their pocketbooks.

And while Paine thoroughly and diligently damns all parties concerned, the most incredible footage comes courtesy of PBS's folksy TV personality Huell Howser, who stumbled onto a row of shiny electric cars while taping an innocuous segment about a junkyard that shreds old vehicles. Howser can't understand why these cars are being destroyed. The junk man seems equally at a loss.

Of course, you'll learn the answer after watching this riveting piece of investigation, but you won't feel any better for the knowledge. You'd think GM would feel the same way, too, but somehow I doubt it. It's always somebody else's fault, even when your market share has slid into the toilet, you're bleeding red ink and you're spending more time finding new ways to lay off employees than devising innovative ways to build cars for the 21st century.

## **Boutique gas report**

Modesto Bee, Monday, June 26, 2006

"Boutique" gasoline blends to help states meet clean air rules are not a factor in higher prices as President Bush has suggested, says a draft of a study ordered by the White House. Although often cited as a reason for volatile gasoline prices, so-called "boutique fuels" have not caused unusual distribution problems or contributed to price increases, the report concludes.

## **Summer heat lowers air quality**

Valley residents asked to cut back on driving and use of gas-powered lawn equipment

By Seth Nidever, Sentinel Reporter

Hanford Sentinel, Friday, June 23, 2006

HANFORD - Wednesday marked the beginning of summer. It also marked the beginning of ozone season in the San Joaquin Valley.

Ozone, an invisible gas that exacerbates respiratory conditions and induces asthma, forms when high temperatures cook stagnant Valley air.

High ozone levels prompted the district to designate Thursday, today, Saturday and Sunday as the first Spare the Air days of the summer season. In Hanford, temperatures are forecast for 106 degrees today, 108 on Saturday and 110 on Sunday.

Air quality during the three-day stretch is expected to be in the unhealthy category. The number indicates pollution levels above federal limits.

The district asks people to cut back on driving, refrain from using gas-powered lawn equipment and use items that generate few emissions.

District Executive Director Seyed Sadredin called the program "one of the small steps in the right direction."

The Valley rivals Los Angeles for the most days over the federal 8-hour ozone limit of .08 parts per million. In 2005, ozone levels topped the standard on 72 days, compared to 83 days in the Los Angeles air basin.

Sadredin said the district's 8-county area is the perfect place for ozone formation.

Nitrous oxide, mostly from internal combustion engines, sits in the hot, stagnant air long enough to speed up ozone formation, Sadredin indicated.

Hundreds of volatile organic compounds -- so-called VOCs -- help speed up the process.

The Bay Area and Los Angeles produce higher concentrations of pollution, but air movement from the ocean blows it away before ozone levels can soar to Valley levels, Sadredin indicated.

The result is "a serious non-attainment" designation for the Valley from the U.S. Environmental Protection Agency.

The district has been given until 2013 to clean up the problem, Sadredin said.

An ozone plan is due to the federal agency next year. District officials say they are working on it.

Sadredin said emissions from stationary sources have been reduced 54 percent. A further 60 percent reduction is needed to meet the federal ozone standard by 2013, he added.

Sadredin called recent rules designed to control VOC emissions from dairies "huge."

The regulations will cut dairy VOC output by 21 tons per day, according to district estimates.

District figures peg dairies as the number-one source of VOCs in the Valley.

But nitrous oxide -- NOx -- plays a bigger role in the Valley ozone problem than VOCs, he added. NOx comes from motor vehicles that the district has no power to regulate.

Further district-authorized reductions will be "hard to come by," Sadredin added.

Sadredin said there will be a series of town hall meetings in July to determine what can be done, if anything, to meet the 2013 deadline.

A plan must be submitted to the EPA by June 2007.

"There's no other area in the nation that would have a more difficult time in getting there," Sadredin said.