

## **New smog rules put on hold**

### **Ruling in Fresno asks state to wait for fed blessing.**

By John Ellis / The Fresno Bee

Wednesday, Jan. 17, 2007

A U.S. District judge in Fresno ruled Tuesday that California can't enact new state emissions standards for vehicles until it gets special permission from the federal government.

In a 23-page decision, Judge Anthony W. Ishii also halted a lawsuit by the automotive industry challenging the new standards, which would be the toughest in the nation. Ishii wants to wait until the U.S. Supreme Court rules on a case brought by Massachusetts against the federal Environmental Protection Agency in which similar legal issues are being argued.

On both counts, an environmental group that had joined California in defending the proposed emission standards claimed victory.

"Everybody on all sides of this case agrees that ... California needs the [federal] waiver in order to enforce these standards," said David Doniger, an attorney with the National Resources Defense Council.

A section of the federal Clean Air Act says no state can issue emission regulations, but an accompanying section makes an exception for California, saying it can enforce tougher regulations if it obtains a waiver.

If the state does get a waiver, other states can choose to follow California's standards or those of the federal government.

The automotive industry lawsuit over the state emission standards appeared headed for trial later this month before Ishii.

The new state regulations, scheduled to take effect with the 2009 model year, would set tailpipe emission standards for greenhouse gases, which many scientists believe are contributing to global warming. The operation of vehicle engines creates greenhouse gases, such as carbon dioxide.

The regulations are expected to cut exhaust emissions in cars and light trucks by 25% and in larger trucks and sport utility vehicles by 18%.

In December 2004, more than a dozen San Joaquin Valley auto dealers — including Central Valley Chrysler-Jeep of Modesto, Kitahara Pontiac GMC Buick of Fresno, Madera Ford Mercury and Merle Stone Chevrolet of Tulare — joined DaimlerChrysler Corp., General Motors, the Alliance of Automobile Manufacturers and others in filing suit to block the new rules.

The suit was filed in U.S. District Court in Fresno.

Representatives of the automotive industry, as well as the state, could not be reached for comment late Tuesday.

Auto industry attorneys argued in a September hearing that the state's new rules are fuel-economy standards, which can only be set by the federal government.

They argued that the state's efforts to regulate greenhouse gases on its own violate antitrust laws, the Energy Policy and Conservation Act, foreign policy laws and other federal statutes.

Both sides will now likely wait on the Supreme Court ruling, expected later this year.

In that case, the Bush administration found that the federal government does not have the power to regulate greenhouse gases, a ruling that was challenged by Massachusetts and several other states, including California, as well as environmental groups, Doniger said.

## **Federal judge delays trial on car emissions**

### **Challenge to state's exhaust limits awaits U.S. high court ruling**

Jane Kay, Chronicle Environment Writer  
S.F. Chronicle, Wednesday, Jan.17, 2007

A federal judge has postponed an automakers' lawsuit challenging a California law to limit tailpipe emissions of carbon dioxide and other greenhouse gases.

U.S. District Judge Anthony Ishii stayed the lawsuit until the U.S. Supreme Court rules on a different case that should determine whether the federal Clean Air Act regulates carbon dioxide. The gas -- emitted by sport utility vehicles, pickups and cars, among other sources -- contributes to global warming.

The high court is expected to make a decision this summer.

Yet Ishii, who serves on the U.S. District court in Fresno, also issued an injunction saying the state couldn't enforce its regulations without permission from the U.S. Environmental Protection Agency, which the state doesn't have.

The state attorney general's office and environmental groups asked the judge to postpone a trial, saying that the issues before the Supreme Court included those put forward by the suing auto companies.

Honda, Toyota, Nissan and other foreign car companies have argued that the state lacks the authority to require cuts in tailpipe emissions. The companies argue that reducing carbon dioxide improves a car's gasoline mileage, so the regulatory authority lies solely with the federal Department of Transportation, which oversees vehicles' fuel economy.

"We urged the judge not to go through a three- or four-week trial and make a decision that might be potentially out of sync with where the Supreme Court is going," said David Doniger, an attorney representing the Natural Resources Defense Council. The environmental group supports the California law.

In the case before the Supreme Court, Massachusetts vs. EPA, the plaintiffs argue that the federal Clean Air Act covers global warming pollution. California and 10 other states have joined the lawsuit. If the court agrees with the states, Doniger said, both the federal EPA and California could regulate these emissions.

Ray Ludwiszewski, an attorney who represents the Association of International Automobile Manufacturers, said he had asked Ishii in December to rule in favor of his clients.

"We wanted a final ruling out of the court on a number of grounds. But it's hard to get too upset when you have an injunction against the regulations," he said.

The state law and regulations require automakers to phase in reductions of tailpipe carbon dioxide starting with the 2009 models, reaching a 34 percent cut with the 2016 models.

## **Federal judge delays trial over California auto-emission rules**

By Samantha Young, AP featured in Bakersfield Californian, S.F. Chronicle and other papers  
Posted January 16, 2007

A federal judge on Tuesday postponed the trial over a lawsuit seeking to block a California law that would implement the world's toughest vehicle-emission standards. U.S. District Judge Anthony Ishii also ordered the California Air Resources Board to delay enforcing tailpipe-emission standards for greenhouse gases. The case had been scheduled to go to trial Jan. 30.

In his order, Ishii said it was best to wait until the U.S. Supreme Court rules on a related global warming case in which auto manufacturers have raised identical issues.

"It's a logical thing to do," said David Doniger, an attorney for the Natural Resources Defense Council, which is helping the state defend the regulations. "The Supreme Court has the very same issue in front of it. We should wait to see what the highest court in the land is going to say."

California passed the law regulating tailpipe standards for automobiles in 2002 as part of its effort to reduce emissions of greenhouse gases and adopted the standards two years later. It has applied to the federal government for a waiver to let it implement the regulations under the Clean Air Act.

Business interests led by a Central Valley car dealership and the Association of International Automobile Manufacturers sued the state. They claim the rule is a de-facto mandate on fuel-economy standards, which can be set only by the federal government.

California is the world's 12th-largest producer of greenhouse gases. The auto rules are designed to cut emissions from cars and light trucks by 25 percent and from sport utility vehicles by 18 percent beginning in 2009.

A spokesman for Attorney General Jerry Brown said the state is awaiting the Supreme Court's decision.

"We feel confident when that happens we'll be able to make the next step to enforcing the California law," spokesman Gareth Lacy said.

At a hearing in September, industry attorneys said the technology did not exist to meet the California standards or could not be applied in a cost-effective way to cars sold in the United States. They argued the rules would increase the cost of vehicles and eliminate some types of trucks used by farmers.

In his 23-page ruling, Ishii sided with auto manufacturers by ordering the state not to implement the regulations without a waiver from the Environmental Protection Agency. Although state officials previously acknowledged they must wait for the waiver, the ruling relieves the industry from spending money to get ready for the possible mandate.

"The regulations are not enforceable," said Raymond Ludwiszewski, an attorney representing the Association of International Automobile Manufacturers.

The Supreme Court is expected to rule later this year in a Massachusetts case about whether greenhouse gases should be regulated under the Clean Air Act. A decision in the case could have implications for California and 10 other states that have adopted the stricter California auto standard.

California can set its own vehicle pollution standards because it began regulating air pollution before the federal government. However, the state must obtain a waiver from the Environmental Protection Agency before it can implement new requirements. Its application is pending.

If the court or the federal government rejects California's tougher tailpipe-emission standards, the state must look elsewhere to achieve greenhouse gas reductions, according to a global warming law signed last year by Gov. Arnold Schwarzenegger. The law caps the amount of greenhouse

gases in the state at 1990 levels by 2020. The auto regulations account for about a third of that target.

"Controlling the emissions from our cars and trucks is an essential component to meeting our targets," California Environmental Protection Secretary Linda Adams said in a statement. "We will continue to fight and look forward to getting a waiver from U.S. EPA."

The auto industry sued California in December 2004, three months after the board adopted the standards. Gov. Arnold Schwarzenegger has supported the law, and this month proposed additional regulations to lower the carbon in fuel.

## **Temperatures may drop to teens**

By Abby Souza

Merced Sun-Star Sat. Jan. 13, 2007

Although weather conditions are expected to hit near-record lows this weekend, area services aren't expecting a big influx of cold customers.

"People are going to go (to the shelter) if it's 28 degrees or 18 degrees," said Brenda Callahan-Johnson, director of the Merced County Community Action Agency that operates the National Guard Armory on Eighth Street.

She said over the past two weeks, the shelter has had about 68 to 80 guests a night. That is the average for any winter evening, Callahan-Johnson said.

"I don't think the cold pattern has changed things," she said.

National Weather Service meteorologists issued a freeze warning in the Central San Joaquin Valley on Friday afternoon. The warning, which said temperatures in some areas could be as low as 15 degrees, is in effect until 9 a.m. Sunday morning.

Gov. Schwarzenegger also declared a state of emergency for the Central Valley due to the dropping climate.

In response to that declaration, the Armory shelter will stay open two hours later -- until 10 a.m. -- through Tuesday. A second warming shelter will open at the Los Banos Fairgrounds from 5 p.m. to 8 a.m. through Tuesday as well.

But the extended hours at the Armory shelter don't seem to be keeping people there, Callahan-Johnson said.

"Here we give them cold cereal and bananas," she said. "They can go to The Salvation Army to get a hot breakfast."

Mercy Medical Center Merced also says they don't expect to see any more patients than normal this weekend.

"Our numbers aren't up in the ER at all," said Chief Nursing Executive Kathy Dawson.

She did say the hospital is ready with lots of heat and blankets if people need it, but she doesn't think many will.

"People like to stay home when it's cold," she said.

Those who do stay home who might be using a wood-burning fireplace need to be careful, said San Joaquin Valley Air Pollution Control District representative Anthony Presto.

"We often see more unhealthy (air) days in the winter," Presto said, because of the use of fireplaces. "It gets cold, people want to burn fires."

When more and more people turn to their fireplaces for warmth, increased amounts of particulate matter are released into the air. This, he said, creates unhealthy conditions for those with breathing problems.

"Residents need to check (their area's burn status) before they burn," Presto said. That can be done by calling 800-766-4463 or visiting [www.valleyair.org](http://www.valleyair.org).

Those using electricity to heat their home might not be polluting the air, but could be worried about how it is affecting their wallets.

"Some people, especially seniors, don't use their heat because they're worried about their finances," Callahan-Johnson said.

Those people, she said, should contact the community action agency, which can help pay high heating bills through a federally funded program.

Not only will the agency help pay bills, Callahan-Johnson said, but also will pay for weather stripping, attic insulation and other weatherization repairs.

"We will do what it takes to keep people safe," she said.

To contact the community action agency, call 723-4565.

### **City Council to vote on proposed bio-lab**

John Upton

Tracy Press, Wednesday, January 17, 2007

Tracy City Council resolved Tuesday to vote in three weeks on whether the city will support or oppose a Department of Homeland Security anti-terrorism biological laboratory that might be built a mile from city limits to study fatal diseases with no known cures.

The Department Homeland Security has announced that it will not shorten its list of candidate sites from the current list of 14 until about June, Tracy Tomorrow & Beyond member Frans van der Meer told the council at its meeting Tuesday night.

Tracy Tomorrow, which was charged with researching and providing advice to the council on the proposed bio-lab, said that there is not enough advice to make a decision on the bio-lab proposal in a report handed to the council Tuesday.

Activist Bob Sarvey said that the recommendation was different to the conclusion reached by the committee at its last meeting, which he attended.

"This is a neutral recommendation, so I'm wondering how you go from a quorum that is a proponent of a negative recommendation on this particular item to have a ... neutral recommendation," Sarvey said. "I'm wondering if that's even legal."

Mayor Pro Tem Suzanne Tucker, who is the council's liaison on Tracy Tomorrow and who acts as mayor whenever Lawrence Livermore National Laboratory's Site 300 is discussed, argued that it is too early to take a position regarding the bio-lab

But Councilman Steve Abercrombie's bid to push for a decision at the next meeting was supported by councilwomen Evelyn Tolbert and Irene Sundberg.

"I have yet to have anybody show me how this is going to be a benefit to Tracy," Abercrombie said. "I think we need to step up and make a decision."

Abercrombie said it would be better for the city to take a stand earlier rather than later in the federal government's selection process.

The city has no jurisdiction over Site 300, but Homeland Security has announced that it will consider community support and opposition when selecting the laboratory site.

The City Council will also vote on whether the city will support increased explosives testing at Site 300 during its next meeting, at Sundberg's request.

Also Tuesday, Economic Development Director Andrew Malik told the council that the University of the Pacific; University of California, Merced; California State University, Stanislaus; and San Joaquin Delta College are all interested in helping bring a college to Tracy.

"We realize there is a long way to go from here and this certainly isn't a done deal," Mayor Brent Ives said, "but this is the kind of visionary project that moves a community to a different level in the long, long term — it changes the culture of a community."

Tucker said a college in Tracy would "be a wonderful opportunity — not just for the kids in Tracy, but for the surrounding area."

The council voted 3-1 to increase the fees that developers must pay toward protecting endangered species when leveling natural and agricultural land in Tracy from about \$3,500 per acre to about \$13,000 per acre.

Conservation efforts funded by the program include purchasing and preserving land used as habitat by endangered species.

Ives did not vote, and Tucker was the only council member to vote against increasing the tax, which was recalculated for the first time since the fee was introduced in 2001 by the San Joaquin Council of Governments because of fears that the San Joaquin County Multi-Species Habitat Conservation and Open Space Plan will run out of money.

"We need to work with municipalities to set aside habitat rather than raising the cost of economic development and residential development," Tucker said. "There are existing properties owned by governments up and down the state and in San Joaquin County, and I think we need to utilize property the government already owns instead of purchasing more property."

Also at Tuesday's council meeting:

A discussion of a proposed agreement with Tracy Unified Schools District that would open West High's soon-to-be-built swimming pool to the public during summer months was postponed until the next meeting in February.

Council unanimously agreed to spend \$90,000 buying and installing new equipment for the John Jones Water Treatment Plant.

Council directed city employees to prioritize introducing affordable, lower-cost housing to Tracy as they implement the city's general plan.

## **State pollution trial is delayed**

**Postponement means the global-warming law hinges on a Supreme Court verdict.**

By Judy Lin - Bee Capitol Bureau

Sacramento Bee, Tuesday, January 17, 2007

A judge has delayed trial in the auto industry's suit against the state for setting tougher fuel emission standards than the federal government -- putting the fate of California's global-warming pollution law in the hands of the Supreme Court.

U.S. District Judge Anthony Ishii on Tuesday agreed to postpone the auto industry's suit until after the Supreme Court settles a similar environmental regulatory claim from the Bush administration.

Ishii wrote that waiting for the Supreme Court's decision wouldn't be a hardship and could actually simplify the lawsuit filed in U.S. District Court in Fresno.

State officials and environmental groups welcomed the decision to delay what is expected to be a long and costly trial. A victory is critical for the state to meet a new mandate on greenhouse gas emissions, because a large portion of the state's pollution comes from transportation use.

"California will continue fighting to clean the air we breathe and reduce the greenhouse gases that cause global warming," said Linda Adams, the state's secretary for environmental protection. "Controlling the emissions from our cars and trucks is an essential component to meeting our targets."

Gloria Bergquist, a spokeswoman for the Alliance of Automobile Manufacturers, said the group was still studying the judge's decision Tuesday.

The alliance represents most of the world's auto manufacturers, including BMW, General Motors and Toyota.

The nation's highest court is expected to decide this summer whether the federal Clean Air Act covers carbon dioxide and other greenhouse gases blamed for rising global temperatures.

More than a dozen states, including California, and several environmental groups sued the Environmental Protection Agency, arguing that the agency was ignoring the Clean Air Act's requirement to regulate any air pollutants likely to harm the public.

During a November hearing, EPA attorneys insisted that greenhouse gases are not covered under the act.

The Supreme Court will decide whether states can push federal regulators to limit vehicle emissions.

In California, automakers and dealers sued the state in 2004 over regulation requiring manufacturers to cut the amount of greenhouse gases emitted by cars and light-duty trucks by 30 percent by 2016.

The car companies argued that the rule would raise the price of a vehicle by \$3,000.

## **Spare the Air Tonight; don't light the fireplace**

By Denis Cuff

Contra Costa Times, Posted on January 16, 2007

Bay Area residents are urged not to light wood fires tonight during another Spare The Air Tonight advisory.

The advisory, issued to protect public health against fine particle pollution, is in effect through Wednesday morning as cold air with little wind traps pollution near the ground.

This is the second day in a row and the 18th day this season that the Bay Area Air Quality Management District has issued a Spare the Air Tonight advisory.

Residents are also encouraged to drive less because vehicle exhaust, like smoke, can increase concentrations of fine particles that can lodge deep in the lungs.

## **Ethics, bio-lab, bomb testing on council agenda**

Press staff report

Tracy Press, Tuesday, January 16, 2007

Tonight's City Council meeting will be long and potentially controversial.

Councilwoman Irene Sundberg is expected to ask the council to take action regarding increased explosives testing planned for the Lawrence Livermore National Laboratory's Site 300 in the hills west of Tracy, although the city has no jurisdiction over the site.

And a four-person subcommittee of the appointed Tracy Tomorrow and Beyond, an advisory group to the council, is expected to tell the council that the community does not yet have enough information to make a judgment on a proposed anti-biological terrorism laboratory that the Department of Homeland Security is considering building at Site 300. The group was charged in September with researching plans for the laboratory and giving recommendations to the council.

In other business, the Parks and Community Services Department is expected to ask the council to approve an agreement with the Tracy Unified School District that would open the soon-to-be-built swimming pool at West High to the public during summer.

The Public Works Department is expected to ask the council to spend \$90,000 for buying and installing a water clarifier at John Jones Water Treatment Plant. The employees will ask the

council to award the contract to Westech Engineering, less than a month after Sundberg asked the department to cut back on its no-bid purchases.

"No other manufacturer's drive will fit the existing clarifier equipment, so a sole-source purchase is necessary," wrote Deputy Director of Public Works Steve Bayley in a memo to the council. "In this instance, competitive bidding would be meaningless and impractical."

Councilwoman Evelyn Tolbert is expected to outline a plan to help increase the affordability of housing in Tracy during a council debate on how best to implement Tracy's new general growth plan.

Economic Development Director Andrew Malik is expected to present an update on plans to bring a college to Tracy.

The council might also give city attorney Debra Corbett direction to prepare an ethics code for Tracy's political leaders or employees.

**At a glance:**

WHAT: City Council meeting

WHEN: 7 p.m. today

WHERE: Community Center, 300 E. 10th St.

## **Cremation's rising popularity runs into community resistance**

By TERENCE CHEA, Bakersfield Californian

Posted January 16, 2007

Plans to build new crematoriums are running into resistance around the country over a fear some scientists say is overblown: toxic emissions, especially mercury fumes from incinerating dental fillings.

Silver fillings contain mercury, a substance that can harm brain development in children. Mercury from industrial plants has found its way into rivers, lakes and oceans, tainting many types of seafood.

Industry officials say crematoriums are safe and meet all government air-quality standards. And some scientists say the amount of mercury in fillings is so small as to pose little or no danger.

But that's of little interest to Richmond residents who fought plans to build a crematorium in the poor, historically black city across the bay from San Francisco.

"You're burning bodies, and the emissions are going up into the air," said community leader Johnny White. "They can put it somewhere else, away from where people live."

The Environmental Protection Agency estimates crematoriums emit 320 pounds of mercury per year, while activists say the real figure could be as high as three tons.

Even the higher figure is a tiny share of the more than 100 tons of mercury pumped into the atmosphere in the U.S. each year, mainly from coal-fired power plants and other industrial sources.

Alexis Cain, an environmental scientist with the EPA in Chicago, said of mercury from fillings: "I don't think it's a risk to people who live in the vicinity of crematoriums."

Just 6 percent of Americans were cremated in 1975. By 2004, 31 percent - or 741,000 people - chose cremation, according to the Cremation Association of North America. California leads the country with 122,000 cremations performed in 2004.

People are choosing cremation because it is less expensive and is perceived as more eco-friendly, since land is not used for burial, industry officials say.

The soaring popularity of cremation is driving demand for more crematoriums. There are currently more than 1,800 in the U.S., and about 200 new ones are built each year.



In California, residents of Hayward, San Leandro and San Rafael have all waged campaigns to block new crematoriums. Similar protests have erupted in other states and countries. In Texas, the Rowlett City Council in October unanimously rejected plans for a funeral home and crematorium after residents voiced fears about mercury.

The Neptune Society of Northern California ran into unexpectedly fierce opposition in Richmond when it proposed a crematorium that would incinerate more than 3,000 bodies a year within two blocks of a daycare center and children's park. Facing protesters carrying banners reading "Over my dead body," the City Council voted in July to deny the necessary zoning change.

"We don't want to be guinea pigs," said Henry Clark, who heads the West County Toxic Coalition in Richmond. "These things are not properly regulated. There's a scarcity of information on what chemicals they use in the process, and what is actually released."

Paul Rahill, an environmental consultant at the Chicago-based Cremation Association of North America, said the industry has been unfairly tarnished. "From an environmental standpoint, crematoriums are a non-issue," Rahill said.

One solution could be to remove mercury fillings from corpses before cremation, but industry officials say many families would object because their loved ones could be disfigured. Another solution is to install emissions controls on crematorium smokestacks, but industry officials say that could be expensive and put small operators out of business.

The use of dental silver with mercury has dropped off in the United States from about two-thirds of all fillings in 1990 to about 30 percent today, according to the American Dental Association. But many baby boomers still have silver in their mouths.

"When the current generation of baby boomers passes away, we're the ones that are going to put the most mercury in the atmosphere," said John Reindl, a recycling manager in Dane County, Wis., who has researched the issue. "Now's the time when we really need to handle this issue."

#### [Community Voices Commentary](#)

### **Florez promotes use of biodiesel**

BY DEAN FLOREZ Bakersfield Californian

Posted January 16, 2007

I recently introduced California's first comprehensive biodiesel development package of legislation. It's a long overdue series of seven bills that will promote the use of biodiesel to improve our air quality, while providing for the efficient development of a biodiesel infrastructure and production capacity so that we have a viable and sustainable market in California.

Just a few nights ago, we heard Gov. Schwarzenegger express his support for the development and use of alternative energy sources to lessen our dependence on foreign oil. And while folks like to talk about the fuels of tomorrow, I'm here to say that we have a fuel available to us today: biodiesel.

With biodiesel, we can immediately improve our air quality, decrease the toxic exhaust fumes in school buses, reduce our dependence on foreign oil and build a new industry that will grow California's economy.

This can all be accomplished because existing diesel engines can run on biodiesel without expensive engine retrofits. We can also put biodiesel into our vehicles using the same fuel pumps we use everyday.

Recently, the governor announced his plan calling for a reduction of greenhouse gas emissions. My biodiesel legislative package is consistent with this mandate as biodiesel reduces carbon dioxide, or greenhouse gases, by 78 percent and reduces cancer-causing emissions by up to 90 percent, compared to petroleum-based diesel.

Studies have shown that our children are exposed to dangerous cancer-causing emissions when being transported to and from school in buses.

My legislative package will require all school buses in California to use biodiesel to protect our children by lowering harmful emissions by more than 20 percent.

In order to set an example of environmental stewardship, my legislation requires all diesel vehicles operated by the state, county, local governments and mass transit to use a minimum blend of 20 percent biodiesel. This will lower emissions caused by these fleet vehicles, while creating a significant and predictable demand for biodiesel in California -- encouraging the investment necessary to create new supply.

I have also proposed a series of tax credits and tax exemptions that will ensure that biodiesel is competitive in the marketplace for purchase. Tax credits, tax exemptions and grants will be available to farmers and biodiesel producers to encourage the growth of energy crops and the development of necessary infrastructure.

I have also required the state to only purchase vehicles that are warranted to run on a minimum of 20 percent biodiesel in order to reward those manufacturers that have embraced the reality of alternative fuels and to encourage manufacturers who have not yet risen to the occasion to do so.

As we move forward along this path for cleaner air, it is important that we do so in an efficient and educated manner. That is why I have called for the creation of the California Biodiesel Investment Account. In addition to a grant program for farmers, it will provide research funding so we can study which crops are the most efficient for biofuel production and what is the most efficient use of our precious lands.

Biodiesel is a proven fuel that is being used in other states -- somehow California has fallen behind the technological curve. These bills are being presented as a package as part of my effort to not only help clean the dirtiest air in the country but to also create a domestic energy market that is produced from our soil. It's about our soil and not being dependent on foreign oil.

***State Sen. Dean Florez represents the state's 16th district. Community Voices is an expanded commentary that may contain up to 500 words. The Californian reserves the right to reprint commentaries in all formats, including on its Web page.***

[Commentary in the Tracy Press, January 16, 2007](#)

## **No risk is better than some**

Larry Hite

I couldn't agree more with Jon Mendelson's column, "A raw deal for Tracy," in the Jan. 5 paper. I, too, was labeled a "fearmonger" several months ago by a letter writer regarding the proposed bio-lab facility at Lawrence Livermore National Laboratory's Site 300.

I prefer to think of my position on this issue is not one of fear, rather one that I learned many years ago that it doesn't make good sense to defecate where you eat.

I have no doubt that the lab has hired experts who believe the risks of exposure to radiation and the possibility of bio-hazard leaks to the citizens of Tracy are low. However, experts have been known to be wrong. Accepting the risk of such a facility near a densely populated area is wrong when there are already other locations because they are far more remote and considerably safer that make much better sense.

You could argue Mendelson's point that there is no benefit to the people of Tracy for explosive testing with the fact that it could bring the potential for more jobs to the community. But I don't know too many people who are willing to risk the health and lives of their families (no matter how low the risk is reported to be) in favor of creating a few more jobs. I'm not suggesting that the facility doesn't serve as an important component in the research of bombs and biologicals, but the public might be better served if a safer location were found. If there were no other alternative to the explosive testing or placing the bio-research facility at Site 300, I might be more inclined to accept that risk, depending on the overall benefit it would have for humanity.

At least this way, if the experts are wrong, they won't have to carry that burden around with them for the rest of their lives, and folks like Mendelson and I will have to shoulder the burden of being common-sense mongers!

*Larry Hite is owner and operator of a Tracy home inspection service.*

[Commentary in the Tracy Press, January 16, 2007](#)

### **Site 300 radiation rise miniscule**

Gary Mansfield

In his Jan. 9 commentary, "Uranium a big threat to Tracy" (a response to my letter of Dec. 27) Marion Fulk makes several statements that warrant a response.

Fulk says that the Lawrence Livermore National Laboratory's Site-Wide Environmental Impact Statement "states that planned activities at Site 300 will increase the surrounding community's exposure to radiation nearly fourfold, from 2.5 person-rem per year to 9.8 person-rem per year." This statement, taken in isolation, might sound like a matter of great concern to those who are not familiar with the subjects of radiation risk assessment and collective dose. That is why it is so important to set the record straight.

First, the 9.8 person-rem collective dose is the hypothetical total radiation dose (from Site 300 operations) projected to be received by all the people living within a 50-mile radius of Site 300. This is not the dose that would be received by each individual.

To put this additional collective dose in perspective, consider that the collective dose to the same population from natural background radiation is about 2 million person-rem each year. Thus, an increase in collective dose from 2.5 person-rem per year to 9.8 person-rem per year is only an increase of from about 0.0001 percent to 0.0005 percent of the dose already being received by all Tracy residents from the natural background radiation that is all around us everyday. It is difficult to understand how one can claim that such a minuscule increase in radiation dose is a "very real health risk."

The hypothetical dose received by an imaginary person assumed to be living at the Site 300 boundary is more than 5,000 times lower than the dose we all receive each year from natural background radiation. For additional perspective, this hypothetical "site-boundary" dose is 10 times less than the internal radiation dose we all receive each year from the uranium which is naturally present in the environment, and is about 100 times less than the dose a person receives from a cross-country plane flight or from a typical chest X-ray. And since no one actually lives at the site boundary, the doses received by any real person would be far less than these calculated hypothetical doses.

This is why the environmental impact statement (and all the regulatory agencies that have reviewed that document) have concluded that releases of radioactive materials from Site 300 operations do not present any significant additional risks to members of the public. Not one regulatory agency has voiced concern over this proposal.

In his commentary, Fulk implies that he is familiar with the Livermore lab and nuclear materials because he has conducted experiments with radioactive elements for the Department of Energy and worked at the lab for 18 years. Readers should realize there is a big difference between the levels of expertise required for simply working with radioactive materials and for radiation safety scientists like myself who have spent their entire career specializing in calculating radiation doses from intakes of radioactive materials and doing associated risk assessments.

Finally, I am a member of this community and have a deep sense of responsibility for the health and safety of not only lab workers but also members of the public. I have friends and colleagues who live in Tracy, and my family and I live within a couple of miles of the lab.

The hypothetical additional radiation doses from Site 300 releases are trivial in every sense of the word and are tiny, tiny fractions of the radiation dose we all receive each year from natural background radiation. As a radiation safety expert, I do not believe there is any technical or

scientific cause for concern about the releases of radioactive materials used in explosive tests at Site 300.

[Fresno Bee editorial, Wednesday, Jan. 17, 2007:](#)

## **Shortchanging transit**

**Governor's diversion of sales tax on gasoline is the wrong move.**

Gov. Arnold Schwarzenegger earned high praise for pushing the state's historic greenhouse gas laws. But the challenge of global warming will require more than happy talk about windmills, hybrid cars and hydrogen highways. It also will require Californians to get out of their cars and onto transit.

In his budget, the governor demonstrated less interest in working on the transit side of the global warming puzzle. He has proposed to transfer \$1.1 billion in funds that would normally go to support public transit for other purposes.

Because of the sharp increase in gas prices, the sales tax on gasoline is generating more revenues than expected. Budget advisers call the increased sales tax a "spillover," a windfall that transit agencies weren't expecting and therefore, they imply, don't need.

Nonsense. Beginning in 1971, legislators steered a portion of the sales tax on gasoline to transit because they knew that when gas prices soar people on the edge are squeezed. Some are priced out of their cars. Transit becomes a necessary option.

The proposed \$1.1 billion transfer statewide translates into millions lost for local transit systems. In many cities it will mean 30 minutes instead of a 15-minute wait for the next bus or light rail car. It can mean being late for work or not. Millions in capital funds will be lost as well.

The governor's proposal increases funding for intercity rail operations but contains none of the capital investments promised in the new state transportation bond. The Capitol Corridor service between Sacramento and San Jose, for example, desperately needs new rail cars to accommodate a crush of new riders, but the governor's budget has no money to buy them. Capitol Corridor intercity rail has had record ridership for the last three months.

The fund transfer comes as more people are riding transit up and down the state. Fresno County's renewed Measure C will bring new funds to local transit systems, but this money will be sorely missed. Efforts to improve transit systems should be encouraged, not punished.