

# Farm Bureau, environmentalists tangle in court

By MARK GROSSI  
THE FRESNO BEE

Air quality activists and the California Farm Bureau Federation are squaring off again in federal court over agriculture's long-standing exemption from air pollution permits.

Earthjustice Legal Defense Fund filed papers Thursday in the 9th U.S. Circuit Court of Appeals in San Francisco to intervene in the Farm Bureau's newest lawsuit over the 26-year-old state loophole.

The Farm Bureau last week sued the U.S. Environmental Protection Agency over its decision to ignore the state exemption and begin air regulation for large California farms. No court dates have been scheduled.

The 90,000-member Farm Bureau filed the same lawsuit earlier this year, but the action was dismissed this month on a technicality. The case was thrown out because the EPA decision had not become final, as it has now. Activists intervened in the earlier lawsuit as well.

Farm Bureau officials -- representing many growers in the San Joaquin Valley, where agriculture generates \$14 billion annually -- say the federal decision is not based on "good science."

Farm Bureau officials had agreed with an EPA decision last year to study agricultural air pollution for three more years before regulating farms. But in the face of an environmental lawsuit this year, federal officials changed their minds and decided to begin regulating next May.

Cynthia Cory, director of environmental affairs for the Farm Bureau, said research for livestock operations needs updating because it dates back to the 1930s. Cory said the Farm Bureau is not fighting to retain the exemption.

"We never said we're untouchable," Cory said. "We just want the EPA to take the three years and do the science."

EPA officials, who continue to pursue further research, have said much of California agriculture would be unaffected in the regulation. Only large farming operations, such as dairies with thousands of cows, or farms with many large, diesel water pumps, would have to file for air permits.

Environmentalists believe federal regulators do not need more research on livestock operations to begin regulation. They point to state figures showing that a dairy with 4,000 cows would qualify as a large pollution source.

Such a dairy would send out more than 25 tons of smog-making gases annually, according to California Air Resources Board figures.

Valley businesses annually emitting more than 25 tons of air pollutants are required to have air permits, which allow regulators to identify and track emission sources.

Brent Newell, a lawyer for one of the involved activist groups, the Center on Race, Poverty and the Environment, said the Farm Bureau is missing the point.

"Air pollution has caused a public health crisis and these people want to keep polluting," he said.

## **Plan sets standard for cleaning up dry cleaning**

### **Stockton Record Editorial**

When you strip the plastic covering off your dry cleaning at home, that sweet, ether-like odor you smell is perchloroethylene, or "perc," as it is more commonly known. A clear, colorless solvent, perc has been the standard chemical used by dry cleaners for the last 50 years. Dirty clothes are dipped into vats of perc, which can lift the most stubborn stains from almost any fabric.

Unfortunately perc also causes cancer. Eleven years ago, state air regulators declared the chemical a toxic air contaminant and required dry cleaners to limit emissions and to stop flushing perc-laced waste into sewer systems. Now regulators in the state's South Coast Air Quality Management District propose to phase out all use of perc by 2019.

It is a good proposal, one that air regulators in the San Joaquin Valley ought to consider as well. The South Coast district reports 850 tons of perc are released into the air in that region every year and dry cleaners are responsible for 60 percent of those emissions. Residents who live near dry cleaners and breathe perc fumes face greater risk of cancer than those who live next to power plants or oil refineries.

People who work in dry cleaning establishments face the greatest risk. Workers regularly exposed to perc report headaches, dizziness, nose and throat irritation and coughing.

Recognizing that a vast number of dry cleaning establishments are mom-and-pop operations, many of them owned by Korean immigrants, the South Coast district board has fashioned a sensible rule that softens the financial impacts on small businesses. Although dry cleaners in the region would be barred from purchasing perc machines after Jan. 1, the phase-in period for banning perc use entirely is 15 years, longer than the 12-year useful life of a new machine. So any dry cleaners who have recently purchased a machine would not lose their investment. Also, the district has identified environmentally safer alternatives, some of which are cheaper and use less energy.

Finally, the board is expected to approve a \$2 million grant program to help small operators make the shift.

The South Coast air board is set to vote on the new rules next week. Air districts across California and the dry cleaning industry across the country are watching. That vote could change the way clothes are cleaned forever, in Los Angeles and beyond.