

Florez clashes with foes

S.F. assemblyman sparks Shafter senator's ire

By Jake Henshaw, Capitol bureau

The Visalia Times-Delta

Aug. 26, 2003

SACRAMENTO -- A late Monday evening meeting led by a San Francisco legislator dealing with a San Joaquin Valley air-pollution bill produced sometimes tense exchanges, no agreement but promises of more negotiations.

The meeting represented the latest effort to enact Sen. Dean Florez's Senate Bill 700, a controversial bill that would end agriculture's decades-long exemption from having to get federal clean air permits.

The evening meeting organized by Assemblyman Leland Yee came after farm lobbyists, who oppose the measure, failed to attend an afternoon hearing and another evening meeting hosted by Florez.

That prompted an unhappy Florez, D-Shafter, first to criticize the industry for a "lack of courage" to discuss amendments to his bill at the public hearing and then later to march into Yee's meeting to upbraid the lobbyists.

Florez also chided Yee for failing to inform him of the San Francisco Democrat's meeting.

"Why didn't you come to the hearing?" Florez asked.

"We just wanted to negotiate a bill ... and the press was there [and] that's not where you usually negotiate a bill," Cynthia Cory, a lobbyist for the California Farm Bureau, responded as about 60 agriculture and other lobbyists watched.

"We're playing on your bill, so you got what you want, so go for it," Florez said.

Then he added, "You don't have a very happy senator."

The lobbyists already had been criticized by Assemblywoman Sarah Reyes, D-Fresno, who initially shuttled between the two evening meetings trying to get the lobbyists to move to the room occupied by Florez.

"Quite frankly, this isn't going to work," she told the group before Florez showed up.

Claiming the role of "senior Assembly member" present at Yee's meeting, Reyes then cajoled participants into agreeing to a nonstop meeting of about a dozen lobbyists and lawmakers today intended to hammer out a compromise on the bill.

"No one goes home [today]," she said.

But there also was acknowledgment that it may not be possible to reach agreement, and Florez emphasized that he wasn't going to let opponents kill the bill by stalling it until the Legislature finishes its work for the year Sept. 12.

"We're not going to run out the clock," Florez said.

The bill is scheduled for a second vote Thursday in the Assembly Appropriations Committee, where it failed last week.

Reyes is a member of the committee along with Yee, who offered amendments sought by farmers. Assemblyman Steve Samuelian, R-Clovis, a committee member, also attended Yee's meeting.

The bill's previous failure in committee set off a testy exchange between Florez and Assemblywoman Nicole Parra, D-Hanford, who opposes the bill.

"You are on the side of those who would like to be allowed to pollute just a little more," Florez wrote Parra in a letter.

That was in response to a letter from Parra saying she was concerned about the opposition to the bill. On Monday she added that an uncertain funding could make it difficult to implement this and other Florez air control bills.

"Personally attacking me does nothing," she said Monday.

SB700 is part of an effort to help the Valley, which has some of the dirtiest air in the nation, meet federal requirements and avoid sanctions that could cut federal transportation funds by more than \$2 billion.

In the Monday meeting, farm representatives presented a three-page comparison of their preferred amendments with the bill, but the discussion never moved beyond the first item that the lobbyists insisted could bring even rabbit hutches under regulation.

"They're not going to regulate a rabbit hutch," Reyes said with support from some air district offices present.

"Then why put a rabbit hutch in state law?" Cory asked.

Farm groups have agreed to accept minimum federal requirements but oppose parts of SB700 that go further, particularly in regulating confined animals.

But they responded with uncertainty to suggestions for amendments that would treat agriculture like all other industries, saying the effects are unknown.

"This industry is not doing its share" to reduce air pollution, said John White, a lobbyist for the Sierra Club.

But Manuel Cunha, president of the Nisei Farmers League, later said his industry now must meet some clean air rules and has taken steps such as replacing old diesel engines with new ones to cut pollution.

"We are regulated, and we are doing our share," he said.

The whole experience left Yee trying to find a way "to get myself out of this craziness."

Rivals spar over ag's air exemption

They fail to bridge differences over a major bill to clean the Valley's dirty air.

By Jennifer M. Fitzenberger
Bee Capitol Bureau

The Fresno Bee

(Published Tuesday, August 26, 2003, 5:45 AM)

SACRAMENTO -- Both sides of a major clean-air bill will hash out their differences today after dueling meetings Monday night threatened to sever already shaky relations between the groups.

About 80 people representing agriculture, air and environmental concerns fought fiercely over Senate Bill 700.

Then they decided they would accomplish nothing in the cramped Capitol conference room and decided to bring their top negotiators back today.

It was the only consensus of the evening.

Sen. Dean Florez, D-Shafter, author of the bill that would end the agriculture industry's historic exemption from air operating permits, and Assembly Member Leland Yee, who voted against SB 700 at last week's Assembly Appropriations hearing, held separate 6 p.m. meetings to debate the measure and possible amendments.

The problem: Both sides hoped for input from their opponents who, at first, refused to leave their respective meeting rooms.

Assembly Member Sarah Reyes, who supports the bill and sided with Florez in accusing urban Democrats of political backpedaling, interrupted Yee's meeting, trying to end the stalemate.

"If your goal is to just kill the bill, then the two will never meet in the same room," Reyes, D-Fresno, told the group of mostly major agriculture industry advocates. "Quite frankly, this isn't going to work. ... Us and them isn't going to work, guys."

Yee, unwilling to take his meeting to Florez's room, invited the senator and environmental advocates to join him: "We welcome anybody to participate that may in fact have an interest in this discussion."

Reyes replied, "I will only tell you they have a bigger room over there," then left to take the news to Florez, who was in a room several hallways away.

About five minutes later, Florez and his group came knocking.

"You guys have room at the table?" asked Florez, leading about 20 bill proponents.

What followed was a heated exchange between Florez and Cynthia Cory, director of environmental affairs for the California Farm Bureau, on why agriculture advocates boycotted Florez's afternoon Select Committee on Air Quality in the Central Valley.

Florez said he called the meeting to get input from all sides about his bill. The senator had invited the farm officials, Yee and Assembly Member Nicole Parra to his discussion. None attended.

Cory told Florez his meeting was too last-minute and not conducive to healthy negotiating: "We didn't feel it was a fair, effective place to discuss this proposal."

Florez has accused Yee, D-San Francisco, and other Democrats who typically support environmental legislation of stalling SB 700 in the Appropriations Committee to keep it from the floor, where Parra would be asked for her vote.

Parra, a freshman Democrat from Hanford, edged Republican opponent Dean Gardner in last year's election and is considered vulnerable in the next election.

Though Parra has voiced concern about the bill, picking a side could give her political opponents ammunition.

Parra has denounced Florez's accusations as personal attacks. She and Yee said Florez's bill has fundamental problems that need fixing before it will win approval.

"I am not supportive of the bill how it stands right now," Yee told his group. "I am supportive of getting [a] clean-air bill out one way or the other."

Forced by an environmental lawsuit settlement, the U.S. Environmental Protection Agency last year told California to repeal the exemption or face statewide sanctions.

The sanctions, including increased fees for some businesses and eventual suspension of billions of dollars in highway-building funds, will begin in November unless the loophole is repealed.

The agriculture industry wants a bill that meets federal standards but cuts farmers some slack.

"I hope we can come to a resolution," Cory said after the meeting. "Obviously, this is a complex bill. You can't negotiate in a large group like this."

Florez said he also wants productive discussion and is open to compromise. But the consensus time clock, he said, is winding down.

"At the end of the day, our bottom line is, 'Does it clean the air?' 'Will it help children with asthma?' " Florez said. "That will be the litmus test."

[Letters to the Editor, The Fresno Bee, Aug. 26, 2003:](#)

'Leading concern'

By Lee Snyder M.D.

Fresno

(Published Tuesday, August 26, 2003, 5:48 AM)

The Aug. 20 edition of The Bee includes two headlines, "Fresno No. 2 for dirty air" and "Fresno supervisors oppose air bills." In the latter article there is the

phrase, "some doctors and people with doctorate degrees are terrorizing agriculture."

I admit being disturbed by the Fresno County board's action. I have had a 56-year love affair with our Valley and have given health care for 46 of those years. I invite doubters of our concern for air quality to join us in writing death certificates for children dying of asthma or referring men and women to lung specialists or heart surgeons for diseases worsened by our air quality. The "Ph.D.-types" have done the analyses that allow us to understand the health effects of foul air necessary for thoughtful action.

We understand the farmers' economic problems and believe that we should support economic offsets to help them modify their practices with modern technology. We believe that with modification, agriculture can maintain its economic well-being and join us in reducing the air pollution of today.

It should be noted that "foul air" is the leading concern of the people of this Valley. I believe that this concern will be demonstrated at the ballot box in the coming elections. Sen. Dean Florez's air bills are a reasonable step toward reaching the goal of cleaner air.

Making progress

By Dorene D'Adamo

Board Member

California Air Resource Board

Sacramento

(Published Tuesday, August 26, 2003, 5:48 AM)

The Bee's Aug. 20 article "Fresno No. 2 for dirty air" was rightfully alarming. As a California Air Resources Board member and as a resident of the Valley, I am particularly concerned about the impact poor air quality has on our region's health, our crops, our economy and our environmental quality. But it's also important to know how much progress is being made in the fight to improve Valley air quality.

CARB's efforts to cut emissions from motor vehicles have benefited the entire state, including the Central Valley. Smog-forming emissions from new passenger cars have been cut in half since 1990. Regulations kicking in next year will continue reducing emissions from cars, pickup trucks and sport utility vehicles. In July, CARB also adopted new specifications for low sulfur diesel fuel and has required buses to be powered by such fuel or compressed natural gas.

To address the older engines still in service, the Davis administration has funded programs to retrofit diesel engines with filters or catalysts. In addition, incentive programs are causing fleet operators and private individuals to modernize faster than they normally would have. As just one example, more than 1,000 older, high-polluting diesel agricultural pumps in the Valley are now replaced with new, cleaner equipment.

The battle against air pollution will continue until the Valley is a healthful place to live, work and raise a family. Can we do more? Absolutely. CAR will continue to work with the residents of the Valley and other stakeholders in identifying other pollution-controlling measures for the region. We cannot rest until the battle to clean up the air is won.

Florez bills 'damage'

By Carol Chandler

State President

California Women for Agriculture

Selma

(Published Tuesday, August 26, 2003, 5:48 AM)

We strongly support the Fresno County Board of Supervisors' resolution calling for amendments to state Sen. Dean Florez's SB 700, 705, 707 and 709. The supervisors who voted for the resolution are to be commended for recognizing the efforts that the agriculture industry has already voluntarily made to oil roads, retrofit or replace diesel pump engines and develop conservation management practices for disking and harvesting.

The need for cleaner air is a concern for all Valley residents, but Sen. Florez's bills need to be amended to make them compatible with federal Environmental Protection Agency regulations and less damaging to the farm economy. As currently written, these bills would necessitate regulations and permitting requirements that would be detrimental to agribusiness throughout the Valley.

We also like to thank Assemblywoman Nicole Parra and other Valley policy-makers for recognizing the potential damage this legislation could have on the No. 1 employer in the Valley.

Critics, including Parra, fail to show at Florez hearing on clean-air bill

By Vic Pollard, Californian Sacramento Bureau

The Bakersfield Californian

Monday August 25, 2003, 10:10:11 PM

SACRAMENTO -- Critics of state Sen. Dean Florez's major anti-smog bill, including a fellow Kern County lawmaker, did not show up to explain their positions at a hearing called by Florez Monday.

"I think it shows a lack of courage on their part," Florez said. He also described the absence of Democratic Assemblywoman Nicole Parra and key farm industry lobbyists as a boycott. More than a dozen environmentalists and local and state air quality officials did show up, all strongly endorsing the bill. The measure, SB 700, would end agriculture's exemption from clean-air rules. It would require farms and dairies to obtain smog permits and take steps to reduce exhaust emissions and dust.

Agriculture groups have maintained that the bill would impose stricter and more expensive regulations on farmers than are necessary. Florez scheduled Monday's hearing of the special Senate committee he chairs late last week after the bill was rejected by the Assembly Appropriations Committee. He accused Democrats on the Appropriations panel of secretly trying to scuttle the bill to protect Parra from having to vote on a controversial measure that might hurt her re-election chances.

Parra, who denied there was any such plot, said before Monday's hearing she had not been told of the time and place of the meeting and she was busy with other obligations. Afterward, she shrugged off Florez's criticism.

"Mr. Florez clearly wants to make this a personal dispute, and this should be about policy," she said. "I'm not going to respond to his personal attacks about my integrity."

She reiterated that she would not make a decision on how she will vote until she sees the bill in its final form on the Assembly floor. But she said last week she would not support it in its current form because it has drawn strong opposition from agribusiness groups and some local government officials.

Democratic Assemblyman Leland Yee of San Francisco was also invited to the hearing and was a no-show. Yee was in the spotlight because he personally appealed to Florez last week to accept amendments proposed by agribusiness groups.

Florez said the amendments, which would impose the minimum regulations being required by the U.S. Environmental Protection Agency, would do little to clean up the air. Taking into account smog-related asthma among valley children, Florez said, "Doing the minimum is not good enough."

He said the proposed changes would apply regulations only to the largest sources of emissions from farm operations and would not allow regulation of ammonia and dust, key ingredients of air pollution, from dairies at all.

Letters on point: Florez, Parra wage air battle

Submitted by readers of The Bakersfield Californian
Monday August 25, 2003, 05:00:21 PM

Bill targets poor source

The dustup between Sen. Dean Florez and Assemblywoman Nicole Parra over clean air legislation would be funny if it wasn't so sad. Parra is right to question the wisdom of Florez's proposed legislation, but for the wrong reasons. The problem with the legislation is not a matter of tweaking the bills to lighten their

burden on Central Valley farmers. The problem with Florez's legislation is that it will lead to dirtier air.

The reason why is that farming does not contribute very much to the total pollution in Central Valley air. Devoting all of our attention and resources to reducing agriculture emissions will do little for the air. We'd be better off focusing on the real culprit, and save far more lives and prevent far more health effects from dirty air for the same amount of money.

The single biggest polluter in the Central Valley is the small percentage of automobiles that emit the highest amount of pollution. If Florez really wants to clean our air and protect our health, he should invest his political capital in legislation aimed at finding and removing "gross polluting" vehicles from the roads. That would get far more gunk out of the air for the same amount of money and effort. I thought that was the main goal here.

Adrian Moore, Reason Foundation, Tehachapi

Parra is a vote wasted

I am so disappointed in our assemblywoman we sent to Sacramento to represent us and our communities. She talked the talk, but she is not keeping her promises to put her constituents first. Now our people are suffering because she plans on voting against the clean air bill authored by Sen. Dean Florez.

We do not meet federal standards for emissions and ozone levels in our valley. We have one of the dirtiest and worst air basins in the country. Because of our bad air quality, our children cannot play outdoors on some bad air days. They cannot play sports. Worse, seniors and children suffering from asthma have to go to the emergency rooms to seek relief.

I do not want my vote wasted to send my representative to Sacramento to be a "pal" to the "good 'ol boys," who get together to hang out at the gym, smoke (polluted) cigars and drink alcoholic beverages and then boast about keeping our dirty air.

Shame on Nicole Parra! We shall not forget come next year.

Marie Howe, Bakersfield

Spare the Air advisory called off as cooler weather coming

By staff and wire reports

Tri-Valley Herald

Article Last Updated: Tuesday, August 26, 2003 - 5:36:30 AM PST

The record-high temperatures and unusual wind pattern that led air quality officials to declare Monday a Spare the Air day are expected to abate today.

National Weather Service meteorologist Bob Benjamin said today's forecast calls for a high of 76 near the Bay, about 10 degrees cooler than Monday's highs in Oakland and surrounding communities. Benjamin said there is even a slight chance of storms and thunderstorms, with the likelihood at 10 percent in Oakland and 20 percent in Livermore.

The weather pattern will clear away the smog that amassed at unhealthy levels Monday and led the Bay Area Air Quality Management District to declare the area's sixth Spare the Air day.

Monday's temperatures shattered at least one record, Benjamin said. The weather station at the Oakland Airport, one of two stations in Oakland, recorded a high of 86, breaking the previous record for Aug. 25 of 80, set in 1960. Oakland's second weather station, in downtown, recorded a high of 85. The record high for this date at that station is 88, set in 1988.

Residents were asked to restrict driving and activities that exacerbate smog levels, including using gas-powered lawn tools.

"It's important people pay attention to Spare the Air and try to do things that are just a little different from what they do on other days," said Will Taylor, information officer with the air quality district.

Ground-level ozone, the main contributor to smog, is formed by chemicals baking in heat and sunlight. It can impact those with respiratory and heart conditions, as well as the young and elderly. The air conditions Monday were also affected by a high-pressure wind system that blew in from Nevada, as opposed to the traditional flow from the ocean, which helps sweep pollutants out of the Bay Area.

Today is not a Spare the Air day, Taylor said.

Tension is thick as groups debate clean-air bill at dueling meetings

By Jennifer M. Fitzenberger

The Fresno Bee

Published in The Modesto Bee

Aug. 26, 2003

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who voted against SB 700 at last week's Assembly Appropriations hearing, held separate 6 p.m. meetings to debate the measure and possible amendments.

The problem: Both sides hoped for input from the opposition who, at first, refused to leave their respective meeting rooms.

Assemblywoman Sarah Reyes, who supports the bill and sided with Florez in accusing urban Democrats of political manhandling, interrupted Yee's meeting, trying to end the stalemate.

"If your goal is to just kill the bill, then the two will never meet in the same room," Reyes, D-Fresno, told the group, composed mostly of agriculture industry advocates. "Quite frankly, this isn't going to work. Us and them isn't going to work, guys."

Atmosphere quickly heats up

Yee, unwilling to take his meeting to Florez's room, invited the senator and environmental advocates to join him: "We welcome anybody to participate that may in fact have an interest in this discussion."

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Key deadline for Castle project nears

Thursday, August 21, 2003

By Stacy Wiebe, Merced Sun-Star

CASTLE - All engines are "go" for Castle Airport's takeoff into the future as the deadline nears for big-time development proposals and environmental concerns are cleared up with the San Joaquin Valley Air Pollution Control District.

The deadline for proposals for a master developer, or master developers, is Sept. 4 for Castle Airport Aviation and Development Center, where 731 acres of land are up for grabs.

As that deadline nears, Paul Fillebrown, director of Merced County Public Works, wants to make sure roadblocks don't lie in wait for potential developers.

One such roadblock could arrive in the form of reduced emissions projections for the airport. According to Fillebrown, the airport is entitled to emissions credits from the air district when it revises its ozone plan next year.

Josette Merced Bello, a spokesperson for the air district, said "Castle is just looking for some reassurances that we recognize that the emissions have been reduced."

County officials have yet to approach the air district with concerns, said Jim Sweeney, a spokesman for the air district.

"What a lot of companies will do is look at their stuff themselves before hiring a consultant," Sweeney said.

Fillebrown just wants to make sure that statistics for Castle are updated in time for the ozone plan's revision.

"We want to make sure that Castle is reflected in their new plan," he said. "The Air Force wanted to make sure we had credits for the drop in pollutants, so anything we have out at Castle is not going to go over the limit."

An environmental plan for the airport, called a State Implementation Plan, was adopted by the California Air Resources Board after all military aircraft, which release nitrous oxide, made a final exit from the base in 1995.

At that time, emissions projections for nitrous oxide were lowered from 1,009.8 tons per year to 642.7 tons per year.

"We are never, re-use or otherwise, going to throw out the kinds of emissions of B-52s or KC-135s," said Stan Thurston, a member of the newly created Castle Airport Master Developer Selection Advisory Board.

The board, composed of 18 community leaders, was created to assist the Merced County Board of Supervisors in selecting developers for the site.

Airport Manager Scott Malta said it makes good sense to let Castle have its emissions credits.

"When Castle closed, there were certain credits put into a bank," he said. "The idea now is to get those points released back to Castle."

Because the air district's existing ozone plan does not leave room for growth at Castle, officials say they would prefer to make the changes now and not later.

"The (current) plan does not reflect any growth," Fillebrown said. "This is key to making sure we can market Castle because we would want to make sure ... it doesn't block any development."

Thurston said a developer skilled in the re-use of closed military bases would be an ideal choice for Castle.

"My preference at this point would be to have one developer, and one who has experience developing a closed military installation," Thurston said.

According to Malta, as many as 80 potential developers could be interested in the site, "but we won't know who's going to submit until the deadline," Malta said.

Potential development is not expected to influence the decision of the Air National Guard to relocate its 129th Rescue Wing from Moffett Field, in Mountain View, to Castle.

Improvements to the old base, however, could influence potential new additions.

Airport officials recently received word that an anticipated \$3 million in grant funding will be awarded from the Federal Aviation Administration's Military Airport Program.

Improvements to be made with the funding include the revamping of portions of Castle's utility system, runway lighting, roads and hangars.