

## **Senate backs air legislation**

Bills introduced by Florez target agriculture issues.

By Russell Clemings

The Fresno Bee

*(Published Friday, May 23, 2003, 5:25 AM)*

The state Senate voted along party lines Thursday in sending to the Assembly two bills targeting agricultural air pollution sources in the San Joaquin Valley.

One of the bills would lift a decades-old provision of state law that exempts many farm smog sources -- such as animal feeding yards and diesel irrigation pumps -- from a requirement that they get the same kind of air pollution permits that other industries must get.

The other bill would phase out, over the next seven years, the practice of burning tree prunings and other farm wastes in open farm fields.

Both bills are part of a package of measures introduced by Sen. Dean Florez, D-Shafter, in a broad assault on air pollution in the San Joaquin Valley, home to some of the nation's highest levels of ozone in the summer and small particles of soot and dust in the fall and winter.

"Twenty-five percent of the pollution in the Valley comes from agriculture, and we believe that the exemption has gone on for too long," Florez said just before the vote on the first bill.

That bill, SB 700, is designed in part to head off a threat by the federal Environmental Protection Agency to impose sanctions on California, including the loss of federal road and highway funding, if the exemption is not ended. The threat was prompted by a lawsuit filed by environmental groups.

The second bill, SB 705, would phase out agricultural burning in three steps between 2005 and 2010.

"No other industry in California is allowed to burn its trash in the fields," Florez said. "We believe this practice can and should end."

Neither bill drew substantive debate, and with Democrats voting unanimously in favor of them and Republicans aligned on the other side, there was little drama in the outcome. The vote in the 40-member Senate was 22-15 on SB 700 and 22-14 on SB 705.

The three other senators representing the Valley -- Republicans Jeff Denham of Salinas, Chuck Poochigian of Fresno and Roy Ashburn of Bakersfield -- voted no on both bills. The California Farm Bureau Federation and other farm groups also opposed both. Supporters consisted mainly of environmental groups.

One of the other bills in the Florez package, SB 707, which would restrict the ability of new dairy farms to open within three miles of a town of 5,000 or more people, awaits consideration by the full Senate.

Five others are being studied by Senate committees:

SB 701 would place a \$4.6 billion air-quality bond issue on the March primary ballot.

SB 703 would direct the Public Utilities Commission to consider rate changes that would make electricity more attractive as a power source for irrigation pumps.

SB 704 would provide incentives for wood-burning electric power plants to use more agricultural wastes in their fuel.

SB 708 would increase fines for smoking vehicles and allow counties to use the resulting money to do roadside Smog Checks in conjunction with drunken driving checkpoints.

SB 709 would expand the power of the San Joaquin Valley Air Pollution Control District to control pollution from motor vehicles and other sources, and would add \$1 to vehicle registration fees for that purpose.

— **Related items** —

- [Read the details of Senate bill SB 700.](#)
- [Read the details of Senate bill SB 705.](#)

## Vote strips farms of air exemption

By VIC POLLARD, Bakersfield Californian Sacramento Bureau

Thursday May 22, 2003, 11:48:25 PM

SACRAMENTO -- On a straight party-line vote, the state Senate Thursday endorsed a Shafter lawmaker's proposal to end the farming industry's exemption from clean-air rules.

It also approved a phaseout of open-field burning of agricultural waste.

The two measures are part of an ambitious package of bills by state Sen. Dean Florez, D-Shafter, aimed at cleaning up the air in the valley, one of the smoggiest places in the country.

The measures were opposed by Republicans, including Kern's other senator, Roy Ashburn of Bakersfield.

The lack of bipartisan support signals a long road ahead for the bills.

They now move to the Assembly, where Florez said negotiations will continue with farmers, environmentalists and other interest groups in an effort to broaden support for them.

"It's good to get them passed so early in the session because it gives us more time in the Assembly to work on them," Florez said.

The bill to scrap agriculture's long-time exemption from federal and state clean-air rules is the centerpiece of Florez's package, and one of the most controversial.

It could require farmers to obtain permits for much of their equipment and comply with programs to reduce dust and other pollutants in their operations.

Florez said it is time for the valley to take bigger steps to clean up its air because of growing pollution-related health problems and because the federal government is threatening to withhold millions of dollars in highway funding if it doesn't.

Despite the partisan controversy, the bills generated little debate.

The only objection came from Senate Republican leader Jim Brulte, who said he fears the exemption measure will impose millions of dollars in unexpected expenses on local government agencies.

Other bills in Florez's package have not yet been taken up by the Senate.

They include:

- A proposed \$4.5 billion bond issue to help fund anti-pollution measures by farmers and related industries.
- A requirement for buffer zones to protect residential areas and schools from odor and pollution from dairies.
- Giving the San Joaquin Valley's regional clean-air board some authority to regulate farm equipment and cars and trucks for the first time.
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## **State Senate removes farms' air pollution exemptions**

By Will Shuck, The Record Capitol Bureau Chief

Published Friday, May 23, 2003

SACRAMENTO -- The state Senate approved a pair of clean-air bills Thursday that would change the way farmers do business, taking away a longstanding exemption from air-pollution laws and forcing them gradually to stop burning waste in their fields.

The measures were approved on a partisan vote, with Democrats in support and Republicans opposed.

Senate Bill 700 would strip agriculture of longstanding exemptions and require growers to obtain permits for diesel pumps and other sources of air pollution.

Sen. Dean Florez, D-Fresno, said that without this mandate, California could lose billions of dollars in federal highway funds, which are linked to compliance with federal clean-air laws.

Farmers say they know they have to come into compliance with federal regulations but say Florez's bill exceeds those standards.

Sen. Charles Poochigian, R-Fresno, whose district stretches north to Lodi, agreed with the farmers and voted against both of Florez's bills.

"The objectives of the bill are very good," Poochigian said. "But one of the serious questions that has been raised is, Why would you impose on California agriculture more-stringent restrictions than federal law requires?"

Opponents say the measure will put farmers, already having a difficult time competing against foreign produce, at an ever-greater disadvantage.

But Florez says air in the Valley is too dirty to do less.

"In the San Joaquin Valley, we are facing child asthma rates that are almost three times the national average," he said. "Doing the minimum will not do enough to clean our air and bring relief to our asthmatic children."

As a salve, his bill contains a provision for low-cost loans to farmers who would need to upgrade their equipment and take other action to reduce their emissions.

The upper house also passed Senate Bill 705, which would ban the burning of prunings or field crops by June 1, 2005.

Burning other types of agricultural waste, including dead trees, vines and weeds, would be phased out by 2010.

Many growers remain opposed.

And Poochigian, who sided with them, questioned the time lines and the cost of disposing of field waste without fire.

"Like everyone else, I would like to see that there's no ag burning, but the question is whether there are economically viable alternatives," Poochigian said.

Sen. Michael Machado, D-Linden, a grower and chairman of the Senate Agriculture and Resources Committee, voted for the bills.

"They're chipping the fruit prunings and using them as mulch. They're baling the wheat straw," Machado said. "There's lots of technology that we could be utilizing."

Machado said he has been trying to get growers to embrace nonburning methods of keeping fields clean, but "unfortunately, agriculture has been resistant."

He called the Senate's actions Thursday "significant."

Florez has several other clean-air bills in a sweeping package of reforms. He expects to take up one dealing with the dairy industry on the Senate floor Monday.

Thursday's bills still must pass the Assembly and be signed by the governor to become law.

## **Farmers get word on dirt in air**

*The Associated Press, Published: May 23, 2003, 06:43:24 AM PDT*

SACRAMENTO -- The state Senate voted Thursday to repeal a decades-old air pollution exemption for agriculture and to phase out open-field burning.

Both are part of a package of bills targeting farms and dairies to help clean up the San Joaquin Valley's dirty air.

Sen. Dean Florez, D-Shafter, also is sponsoring bills to establish three-mile buffer zones between dairies and cities and to encourage the use of agricultural waste for biomass plants.

The bills are designed to help clean up the air in the valley, one of the nation's dirtiest air basins.

Ending the exemption would require farmers to obtain permits for diesel-powered engines, such as those used on irrigation pumps, and for the first time require air regulators to issue pollution permits to dairymen and operators of other animal-feeding operations.

The Senate voted to end the exemption over the objection of the California Farm Bureau, which argued that the measure would unfairly treat the \$27 billion agriculture industry more restrictively than other industries.

About 25 percent of the smog-forming gases in the valley are generated by farms, state air regulators estimate. Cars cause about 40 percent.

The bill was sent to the Assembly on a 22-15 vote. The bill to phase out open-field burning was approved 22-14 and also went to the Assembly.

Regional air quality regulators face a 2005 federal deadline to reduce smog in the valley or face sanctions that include millions of dollars in fines, business penalties and the delay of \$2 billion in road-building funds.

## **Senate votes to end ag burning**

Practice would be phased out by 2010 under bill

**By Jake Henshaw**

Visalia Times Delta, Sacramento Bureau, May 23, 2003

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SACRAMENTO -- The Senate on Thursday decided that it's time for farmers to get air quality permits and to begin phasing out the burning of field waste.

Senate Bill 700 would end the exemption that farmers have enjoyed from clean air rules for decades.

SB705 would set up a schedule to end open-field burning of waste vines, branches and other crops by 2010.

"No other industry in California is allowed to burn its trash in the field," said Sen. Dean Florez, D-Shafter, the author of both bills. "We believe this practice can and should end."

The two measures are part of a legislative package by Florez aimed at cleaning up San Joaquin Valley air, which is among the dirtiest in the nation and a contributor to more than 300,000 cases of asthma in the region.

SB700 is part of an effort to help the Valley meet federal requirements and avoid sanctions that could cut federal transportation funds by more than \$2 billion.

The debate also is being driven in part by a lawsuit that the federal Environmental Protection Agency settled last year with environmental groups.

The settlement agreement called on the agency to begin cracking down on pollution from such farm sources as animal waste and diesel pumps.

The two bills were passed on party line votes, with Florez voting for them and Sens. Roy Ashburn, R-Bakersfield, and Charles Poochigian, R-Fresno, opposing them.

Health and environmental groups generally supported the bills while farm groups generally opposed them.

Agricultural groups generally have resigned themselves to obtaining operational air permits, but they have argued that SB700 goes beyond the minimum federal requirement that targets major

sources of agricultural pollution.

Poochigian added that agriculture is unique on issues like field burning and shouldn't be compared to other industries.

"I support the goal, and everyone does," Poochigian said of ending agricultural burning. "The question in my mind is whether there are economically viable alternatives to lead to a phase-out in the time allotted."

Florez said there are two working groups focused on the proposal to phase out waste burning and that it is essential that the Valley start down this road.

"As you know, agriculture accounts for 13 [percent] to 25 percent of smog-forming emissions in the Central Valley," Florez said.

SB700 also provides financial help to farmers to buy air pollution control equipment.

SB700 and SB705 go to the Assembly next.

## Oh-no-zone: Heat worsens air quality

By **MICHELLE TERWILLEGGER**, Bakersfield Californian staff writer

Thursday May 22, 2003, 11:47:58 PM

With valley temperatures rising this week, some residents are grabbing their ice chests and sunglasses.

Others are reaching for inhalers.

With the days of late spring finally feeling the heat, the amount of ground-level ozone has been on the rise, leaving some residents feeling miserable with tight chests and labored breathing.

"This time of year they get kind of like a double whammy," said Tonny Tanus, a Bakersfield allergist. "Attacked by the air quality problems, they also get attacked by the pollen, which are still quite high."

That's bad news, particularly for people with asthma or other respiratory problems.

With San Joaquin Valley air quality hovering in the range considered unhealthy for sensitive groups or some days, unhealthy for everyone, the primary issue has been ozone.

Ground-level ozone is formed when pollutants from engines, factories and other sources combine and react with sunlight.

When people breathe in ozone, inflammation in the bronchial tubes can occur as well as chest tightness and bronchial spasms, Tanus said.

Increasing medication and avoiding dangerous conditions are two ways that children and adults with chronic lung conditions can reduce their risks.

Tanus said he doesn't like to ask his patients to stay inside, but Kelly Malay with the San Joaquin Valley Air Pollution Control District said it's best to avoid outdoor activities during the afternoon.

Exercising in the early morning, evening or indoors are alternatives.

People suffering as a result of poor air quality can make little changes to counter the problem, Millay said.

Spare the Air days, or days in which the air district asks the community to tone down its use of polluting vehicles and devices, officially don't begin until June 6.

But some of the recommendations could help reduce the problem now, Malay said.

When air quality is unhealthy, the district requests residents:

- \* Carpool.
- \* Avoid fueling vehicles until late evening.
- \* Stay in for lunch.
- \* Ensure tires are properly inflated.
- \* Postpone use of recreational and off-road vehicles.

- \* Avoid using paints and solvents that can evaporate into the air, particularly paint sprays.
  - \* Avoid use of household products with volatile organic compounds.
  - \* Postpone use of gas-fueled lawn equipment.
  - \* Use propane or natural gas grills to avoid the use of lighter fluid.
- Go to [www.valleyair.org](http://www.valleyair.org) on the Web for more information.

## **Air quality worsens as temperatures rise**

*By Ripley Howe/Lodi News-Sentinel Staff Writer, May 22, 2003*

Even though "Spare the Air Days" won't start until next month, it's already time to give the atmosphere a breather.

The air quality index, an indicator of pollution in the air, has been increasing with the recent warm weather.

And as the temperature rises, the AQI will only get worse, said Anthony Presto, public information officer for the San Joaquin Valley Air Pollution Control District.

"It was pretty good a week ago," Presto said Wednesday. "When the temperature kicks up, that's when things start to happen."

The local forecast is for temperatures in the low 90s today and Friday. Temperatures will cool down a bit over the weekend, into the low 80s before warming up into the high 80s again next week.

After the sunny, breezy conditions of a few days ago, the recent change in weather pattern has caused the AQI to increase from 87 (moderate) earlier in the week to 101 (unhealthy for sensitive groups) on Wednesday.

An AQI below 50 represents good air quality, 151-200 is unhealthy air for everyone, and 201-300 is considered to be "very unhealthy" air. An AQI of higher than 300 is considered hazardous.

The AQI measures the amount of ozone in the air. When the air heats up, it "cooks" the ozone, creating smog, Presto said.

Presto said more than 50 percent of the ozone that constitutes the AQI is created by automobiles.

"We need to get out of our cars, and find other ways to get around," he said.

But it is not just car engines that are causing smog, he said.

Gas powered lawnmowers, grass blowers and other small engines cause much more than their fair share of pollution, he said.

"Running a lawnmower for one hour is the same as running 40 late model cars for the same length of time," he said.

Running a chain saw for an hour creates as much pollution as driving a car for 200 miles, Presto said.

Presto suggested buying electric lawnmowers, leaf blowers and other tools.

He also recommended "trip-linking," or making sure that a variety of errands are accomplished in a single trip. Cars produce more pollution while they are warming up, and not letting the car cool down between trips helps to reduce pollution, he said.

Julie Soria, of Lodi, suffers from asthma.

"When the weather is very still, I have a hard time breathing," she said.

Sitting at a picnic table amid swirling cottonwood puffs at Lodi Lake, her friend Crystal Segura, also of Lodi, said she has her own opinion about air quality.

"It's the buses and the trucks, when you get behind them you can't breathe," she said.

On Wednesday, the city of Lodi proclaimed "Air Quality Improvement Day." Lodi has replaced 20 of its 25 public transit vehicles with clean-burning CNG models, said Richard Prima, public works director. The new buses serve the GrapeLine and Dial-a-Ride.

The city has also purchased two new dump trucks and a street sweeper, all powered by CNG, Prima said.

So far, the only downside to the changeover is that the new vehicles do not have as great a range as the previous diesel and gasoline models, he said.

The larger vehicles had been diesel powered, while some of the smaller buses had gasoline engines, Prima said.

The city chose the CNG vehicles to improve air quality, he said.

"Besides the overall air quality, it's the local air quality when you're sitting behind a bus," Prima said. "That's pretty important too."

The federal Environmental Protection Agency designates San Joaquin County as having a "severe" air pollution problem. The "severe" designation is one step away from the agency's highest rating of "extreme."

At Lodi Memorial Hospital, the Emergency Room staff has grown accustomed to seeing an increase in patients during periods of days with bad air quality, hospital spokeswoman Carol Farron said.

While the hospital does keep up with reports of air quality conditions, the staff have another way of judging the severity of the problem, she said.

"We see it in the patients who come through our doors," she said.

Jerry Martin, a spokesman for the California Air Resources Board, said there is a type of air pollution that is not measured by the AQI -- particulate pollution.

In February, CARB reported increased hospitalizations and emergency room visits for respiratory problems after periods of high particulate pollution. Some of these particles are one-seventh the size of a human hair, small enough to lodge in the lungs.

"From a statewide or national perspective, motor vehicles are the number one cause of particulate pollution," the CARB's Martin said. "The overwhelming majority of that particulate comes from diesel engines."

In regions such as the San Joaquin Valley, dust raised by agricultural operations also contributes to seasonal increases in particulate pollution, Martin said.

And while motor vehicles cause 90 percent of all airborne toxins, diesel engines are responsible for 70 percent of that total, Martin said. Put another way, diesel engines power only 3 percent of the total vehicles on the road, but create more pollution than all gasoline-powered vehicles.

Another problem that plagues the Valley is a meteorological phenomenon called an inversion layer. This occurs when air is warmer above the ground than at ground level.

With a low inversion layer, the air tends to remain still and does not mix with cleaner air that would otherwise come into the Valley over the mountains to the east and west.

Currently, the inversion layer is at about 1,500 feet, said Ken Clark, West Coast forecaster for AccuWeather, a private weather forecasting company. Over the weekend, when things cool down a bit, the inversion layer will rise to around 3,000 or 4,000 feet. However, the inversion layer will likely re-establish itself at a lower altitude by Tuesday, he said.

Martin, of the state Air Resources Board, said no matter what the levels or causes of air pollution in the area, mother nature has the biggest hand in affecting local conditions.

"We are all slaves to the weather," he said.

[Letter to the Editor, Bakersfield Californian, May 23, 2003:](#)

### **Think about car pooling**

Car pooling is a way to reduce the risk of air pollution. Everyday, people drive to school in huge vehicles, but only one person drives it. Consider the many students from Delano who drive to Bakersfield alone.

Everybody can help by driving together in one car. Taking turns car pooling also can save plenty of gas.

**FELIX CAMOTUYA JR., Delano**

[Letter to the Editor, Modesto Bee, May 23, 2003:](#)

### **Wake up to bad air**

Your article "Experts, everyday people testify on valley air" (May 17, Page B-6) was most insightful. I wonder exactly when the valley will wake up politically and see that it is firmly in the "have not/sold out" category of filthy air, McJobs and wall-to-wall sprawl.

**J. VOLK**

Folsom