Dairies to keep moooving on up

Study: State's $47.4B industry will grow despite concerns about smog

By TIM MORAN - BEE STAFF WRITER
Modesto Bee, Tuesday, Sept. 13, 2005

California's dairy industry has a $47.4 billion impact on the state's economy and is expected to continue to grow dramatically for the next decade, despite environmental concerns in the San Joaquin Valley.

That's according to a new study released Monday by the Modesto-based California Milk Advisory Board.

The study says that the dairy industry, including milk producers, processors, retailers and food service firms, creates 434,200 full-time jobs in the state.

The economic impact number is up from $35.1 billion in a similar study done three years ago.

California, already the country's top milk producer, will see production grow 27 percent over the next 10 years, to 46.3 billion pounds, according to the study. Milk production is measured in pounds. One gallon of milk is the equivalent of 8.6 pounds.

Cheese production is expected to grow even more rapidly, by 42 percent to 2.85 billion pounds in the same period. The projected growth will push California past Wisconsin into the top spot in the country for cheese production.

California is also the leading producer of butter, ice cream, yogurt, nonfat dry milk and whey protein concentrate.

Dairy is the top farm commodity in the Northern San Joaquin Valley, generating $1.627 billion in farm revenue alone in Stanislaus, San Joaquin and Merced counties.

The projected growth comes at a time when the state's dairy industry is facing strict new air quality standards.

Dairies have been identified by the San Joaquin Valley Air Pollution Control District as the biggest source of smog producing pollution in the valley.

The air district is in the process of writing new regulations to reduce dairy emissions, while the dairy industry is pushing new research it hopes will show that dairies aren't as big a source of pollution.

The dairy processing industry also is under fire for water quality problems.

Some industry representatives have said dairy farmers are looking at relocating to other states in light of environmental restrictions in California.

But the California Milk Advisory Board study indicates the industry will continue to grow rapidly despite the regulation.

"It's a very growing and dynamic industry," said Nancy Fletcher, vice president of communications for the board.

"Certainly the industry is concerned with the issues and working very hard with the regulatory agencies to move forward," she said.

Michael Marsh, president of Modesto-based Western United Dairymen, said the number of dairy cows in the state will probably decrease in the future because of the environmental pressure and rising land prices. But milk production will continue to rise, he added.

Production per cow will increase with better feeds, genetics and culling practices, Marsh said.

California's milk cow herd grew from 1.04 million cows in 1985 to 1.72 million last year, while the national herd decreased by almost 2 million cows during the same period, Fletcher said.

The state has also been a leader in using research to increase production, Fletcher said, using better feed and concepts like cow comfort to get more milk from each cow.

The state had 2,100 dairy farms in 2004 and 139 processing plants.

Modesto Tallow says its truck didn't spill

Exec notes progress on cutting plant odor; letter about to go out

By MICHAEL G. MOONEY - BEE STAFF WRITER
Modesto Bee, Tuesday, Sept. 13, 2005

A spokesman for Modesto Tallow said Monday that a company truck was not responsible for spilling cow parts - hooves, intestines and a black-and-white hide - onto a southbound lane of Crows Landing Road 12 days ago.

"In the first place, our trucks wouldn't be traveling south on Crows Landing Road," said John Olson, vice president and general manager. "(And) we use tractor-trailer combinations. It was a small, straight-back truck (involved in the incident)."

Olson also said Modesto Tallow is making headway to reduce foul odors that for years have emanated from the plant. It is at 925 Crows Landing Road in south Modesto.

"In the last week and a half, the odors have been substantially diminished," he said. "I'm really pleased with our progress."

Olson said a "trusted, longtime employee" of the company had spoken with the owner of a taqueria who witnessed the spill.

The restaurant owner, according to Olson, told the Modesto Tallow employee that a small truck spilled the cow parts after stopping abruptly. Olson said he did not know the name of the taqueria or the owner.

Leslie Benjamin Jr. said he, too, witnessed the spill. He said it happened about 4 p.m. Sept. 1 when a truck stopped quickly at Crows Landing and Kendee roads.

Benjamin said he nearly got splattered with blood when the bovine remains spilled across the road.

He described the truck as having a white cab and red bed, similar to those driven by Modesto Tallow. He said he did not see a logo on the truck but that it came from a frontage road near the plant, about a block away.

Olson, however, said he was convinced that the truck did not belong to Modesto Tallow.

"If we make a mistake," he said, "we'll own up to it."

As for the plant's odor problem, Olson said, the company will mail a letter - either today or Wednesday - to nearby homeowners and business operators, outlining steps taken by Modesto Tallow to stem the tide of emissions.

"Any processing industry," the letter states, "whether it is protein recovery and waste cooking oils recycling like we do, or making cereals or beer, faces challenges in controlling odor.

"The problem is made tougher when poor attention to zoning allows schools and homes to be built right next to a long-established business like ours. But I want you to know what we are doing to make things right."

Scrubbers being refurbished

At the end of July, Olson said, a team of experts visited the plant to inspect its three odor reduction systems and make recommendations on how they might be improved.

"As a result we have already refurbished and modernized one of the odor scrubber systems," Olson wrote in the letter. "Over this past Labor Day weekend, work began on the second system and will be complete in the next few days.

"Work on the third system and building improvements will take longer but it is already well under way. We think you will be pleased with the outcome."

Last month, the San Joaquin Valley Air Pollution Control District sued Modesto Tallow.

In the lawsuit, the air district accused Modesto Tallow of routinely violating air quality standards, failing to pay fines and running the plant without turning on required odor-control equipment.

The 88-year-old plant, notorious for its foul odors and dismal environmental record, has frustrated nearby neighborhood residents and business operators, as well as students, teachers and administrators at Shackelford Elementary School.

Neighbors have filed more complaints against Modesto Tallow this year than ever before, air district officials say.

Polluted paradise

Giant trees, magnificent vistas, pristine wilderness. Well, reconsider the pristine part. The air in Sequoia-Kings Canyon is smoggier than New York City's.

By Gary Polakovic, Times Staff Writer
LA Times, September 13, 2005

Up here, atop Beetle Rock, a precipice more than one mile high in the Sierra, air at dawn is clear, invisible, exactly as it should be. Two mule deer bucks in velvet saunter through the forest, and a sow bear and cub scratch out bugs from a big tree near Giant Grove.

Down below, 30 miles away in the San Joaquin Valley, sunrise illuminates haze like a flashlight shot through tea. The smear of smog spreads wide over Central California, constrained only by the horizon and a tabletop-flat layer of warm air called an inversion that holds a brownish haze low to valley farms and cities and highways. For now, at least, the high country is untouched.

Yet as the sun climbs, California heats up; people awaken, start their machines and pump tons of emissions into the sky. The air pollution, stratified over Visalia like the layers of a cake, begins to cook and mix and expand. The ozone gauge at Beetle Rock starts ticking upwards from .066 part per million and will soon climb toward the unhealthful mark. The smog is coming.

With little fanfare, Sequoia-Kings Canyon has become America's smoggiest national park. The mountains that John Muir once described as "not clothed with light, but wholly composed of it" have on many summer days the clarity of miso soup. Grand Canyon, Joshua Tree and Great Smoky Mountains national parks get plenty of bad press for their air quality, but Sequoia-Kings Canyon would be fortunate if it had similar conditions. The pollution in Sequoia is less severe than in the Los Angeles basin, but there are more smoggy days here than in Atlanta or New York City.

The main culprits are ozone and haze, air pollution's most potent ingredients. Ozone is a toxic, colorless gas and a powerful lung irritant. It forms when hydrocarbons from solvents, petroleum and paint mix with sunlight. Most of the haze comes from dust and smoke from diesel exhaust, tilled cropland, road grit and fires.

Over the past few years, ozone at Sequoia for an average of 56 days annually has exceeded the national clean-air benchmark established by the U.S. Environmental Protection Agency. Stated more explicitly, ozone reaches or exceeds the standard of .08 ppm eight hours a day, one day out of six during the year. It is a level that is harmful for human health, and it is anathema to the aesthetics of a national park. On clear days you can see 100 miles from Beetle Rock, but park officials say visibility on the worst summer days is less than 10 miles.

"Smog?" asks day-hiker Jay Emmer of New York on an ascent of nearby Moro Rock. "We just thought it was a natural blue haze. I told my wife we needed a filter for the camera."

Watching the decline

AIR pollution has dogged Annie Esperanza since she was a little girl growing up in Porterville, and that was some 40 years ago. Over time she has watched San Joaquin Valley air turn ugly as homes, highways and farms spread. After earning her natural resources management

degree from Humboldt State University, she came to Sequoia-Kings Canyon, where for the past 23 years she has run the park's air pollution program.

"When you go to a national park, you think it's clean and pristine and has good air, but it's not. People are surprised, but people should be shocked and appalled at the air quality here. I don't think they're mad enough about it," Esperanza says.

One day during the summer while hiking near Giant Forest, scouting for an air pollution monitoring site, she found herself short of breath and began coughing and trying to clear her lungs. Fluid was filling her bronchial cavities - a classic symptom of congestive heart failure. She managed to walk out, then went home. A doctor diagnosed her with a rare heart disease. Today, a pacemaker, internal defibrillator and mechanical valve inside her chest keep her on track. She still suffers shortness of breath and fatigue on smoggy days, forcing her to stay in her office at park headquarters.

Smog in Sequoia has not only affected Esperanza's life, but it has also forced the park to conduct its business differently.

Job postings at Sequoia-Kings Canyon come with a generic disclaimer ("The Central Valley and Sierra Nevada Mountains of California may pose human health problems due to air pollution"). A recent listing for a forestry technician is more blunt: " … during summer months, air quality in Sequoia-Kings Canyon occasionally reaches unhealthy levels."

Advisories such as these have put a crimp in hiring. "There are people who won't come here because they are worried about the air quality problem," Esperanza says.

Additionally, the park service has curtailed some guided tours to avoid smog, which is worst during afternoons and evenings. The park-sponsored tours to the top of Moro Rock, a hulking granite knob 6,700 feet high with a commanding view of the Kaweah River gorge and the Central Valley, are conducted before 11 a.m. to avoid exposing visitors to the unhealthy air - and the diminished views. On Independence Day, park employees used to scale Moro Rock to watch fireworks over Visalia and Fresno, but haze snuffed out the aerial displays and an annual tradition, says Bill Tweed, chief naturalist for Sequoia-Kings Canyon.

In the rugged Sequoia backcountry, ranger and emergency medical technician Nate Inouye says he treats more people with respiratory problems than he did at his previous postings in Yosemite, Lassen, Bryce Canyon and Dinosaur national parks. "We have a lot of people with complaints of difficulty breathing," he says.

Beyond everyday complaints, however, Inouye has found some hikers sitting with arms wrapped around knees, heads slung, breathing hard. It may not be just the smog that's responsible. "It's mostly circumstantial evidence," he admits, "but it points to poor air quality as a contributor." And in some of the worst cases, hikers have been found lying on their side on a trail; some have even passed out. Fortunately he has gotten to these hikers in time with oxygen and inhalers to help them catch their wind, but not always.

A few years ago, at Grant Grove, he recalls, "we had a child, an asthmatic, 4 to 6 years old, who had a lot of difficulty breathing. The mother had helped with inhalers, but it didn't work, so we got involved. Rangers started treating her [the child]. She was getting very anxious, very terrified that she couldn't breathe. We had to fly that child out to the hospital."

Last year, Laura Whitehouse, 39, of Fresno took her three children to Sequoia to research an article for the National Parks Conservation Assn. magazine. While returning to the Giant Forest Museum, her son, Aaron, who was 9 at the time, began wheezing and gasping. He suffered from asthma, but no one expected it to be triggered in the park. As he entered the museum, he fell to the floor. A ranger called paramedics, who reached doctors at University Medical Center in Fresno, who prescribed treatments to restore his breathing. Whitehouse did not take her children back to Sequoia until this past Labor Day, and she made sure she had packed medicines and a breathing-aid device called a nebulizer - along with boots, camp gear and canteens.

"It was horrible. It was hideous," Whitehouse says. "It's sad that I have to load up the nebulizer and all these meds just to take my kids to a national park."

People aren't the only park inhabitants that suffer from smog. Crouching near a scraggly Jeffrey pine that resembles Charlie Brown's Christmas tree, Esperanza grabs a bundle of needles hanging from it and bends them back to reveal their mottled undersides. When the needles open their stomata to exchange gases with the atmosphere, the pollutant enters and destroys cells, freckling the needles with a distinct yellow pattern. About 90% of the trees near Beetle Rock, the smoggiest place in the park, look scruffy, do not thrive and are vulnerable to disease. The giant sequoia trees seem largely unaffected, though their seedlings suffer.

Since the late 1980s, Esperanza says pesticides and herbicides carried by the wind from the valley increasingly show up in the park, from Ash Mountain to Giant Forest. Researchers find man-made chemicals in the fatty tissues of frogs and fish. Amphibians are in decline in much of the Sierra, and one species, the foothill yellow-legged frog, is no longer found in the park, though it occurs elsewhere in the Sierra foothills from the Tehachapis to Yosemite. Whether these declines are the result of airborne pollutants, it is hard to say.

Denying ugly truth

SOMETIMES a landscape is so enchanting, so perfect, it blots out the possibility that anything could be amiss. Sequoia, a world of superlatives, is such a place. The timber and rivers and granite peaks exist in such harmony that the mind struggles with the fact that the surrounding sky is full of contaminants. Denial is often easy when walking with Muir amid trees that may be older than the New Testament, bears lounge in shade and sunshine chases shadows over ferns.

"I think [Sequoia] is holding its own very well," says 50-year-old Michael Simu of Romania, as he huffs his way up Moro Rock on a hazy summer afternoon. "I've seen parks in South Carolina with dead forests that are devastated. This is a pilgrimage place. This is sacred ground, a holy place. I know what John Muir felt. It [Sequoia] has a personality like a human being."

Sequoia's peculiar duality - its majesty and its tarnish - is not lost on park service personnel, who manage the park so that people come to love and cherish it while realizing at the same time that much of its environment is becoming tainted and unhealthy.

The federal Clean Air Act designates Sequoia-Kings Canyon as a "class 1 airshed," which provides the highest level of protection for air quality and gives the park service some control over big emitters within 90 miles of the park.

But the pollution that reaches Sequoia does not come from a single factory, one coal-fired power plant or a smelter. If it did, the park service could intervene and press for cleanup. Instead, most of the smog in the Sierra comes from many sources in the Bay Area and the San Joaquin Valley. Sequoia's blue skies are clouded by hundreds if not thousands of small sources, such as cattle feedlots, household chemicals, boats, paint fumes, diesel trucks, unpaved roads, pesticides, petroleum refining, manufacturers, small businesses and auto tailpipes.

The only way to cut smog, park officials believe, is to build a constituency for blue skies out of the 1.5 million annual visitors to Sequoia-Kings Canyon. So they strive to get the word out, even at the risk of telling people that paradise has warts. Eschewing lessons from Public Relations 101, the park service goes out of its way to tell people about the polluted air. Notwithstanding the dusky sky, signs and warnings about smog are evident everywhere.

In the gift shop of the Sequoia-Kings Canyon park headquarters near Three Rivers, a smog forecast sign, designed as a rainbow, greets visitors. All the park's museums and gift shops prominently display the rainbow. One day in early July, it warned that the air is "unhealthy for sensitive people," meaning that those who are very old or young, pregnant women, those with asthma or a heart condition, and people who are very active outdoors should curtail prolonged strenuous activity in the park.

In addition, the park service has created big, bold interpretive displays, full-color brochures, newsletter bulletins, interpretive signs on popular trails, ranger-led "What's in the air?" campfire talks, and it plans to install an interactive computer program on pollution in the visitor center.

It is a calculated gambit. "We have very little political clout," explains Esperanza. "We want people to know about it [smog] so anybody who can do something about it, will."

By late afternoon, the parking lot at Moro Rock is full as people make ready for the walk to the top, a 300-foot elevation gain in 100 meters. Haze is filling the valley like dingy water filling a tub, diminishing the view.

One man from Mexico ascends the trail with his daughter. How's the view?

"Muy bonito."

"Perfect," his daughter adds.

Another family from Michigan troops past, having descended from the top of the rock. They notice the haze, but they think it's natural like what they see in forests back home. They failed to notice the smog bulletin at the top of rock.

If not everyone notices the blighted air, that's OK, says Tweed, the park naturalist. He says the intent is not to bludgeon visitors with bad-air propaganda, but to make them appreciate how grand and vulnerable the park is.

"Some people are disgusted and worried about the air pollution. A lot of people come here and see a beautiful green place," he says. "We want them to see both, a place that has value and is beautiful and a place that needs protection."

Hazy days

Air pollution in Sequoia National Park has been worse than in big California cities over the past few years-- but not as bad as in Los Angeles.

Smog days

(Average number of days over the past three years when ozone violated the federal government's health-based eight-hour limit.)
San Francisco Bay Area: 5
San Diego: 6
Sacramento: 38
Sequoia National Park: 63
Los Angeles basin: 103
Sources: National Park Service, Bay Area Air Quality Management District, South Coast AQMD, San Diego County Air Pollution Control District

THE POWER GOES OUT

Refineries Forced to Burn Off Chemicals

By Deborah Schoch and Monte Morin, Times Staff Writers
LA Times, September 13, 2005

Towering columns of black smoke and flames could be seen across much of southern Los Angeles County on Monday as at least four area oil refineries were forced to burn off petroleum products in the wake of a power failure that affected much of Los Angeles.

The controlled fires, or flares, were visible for miles and triggered air quality alerts in neighborhoods surrounding the refineries. They prompted a small number of emergency room visits from residents who complained of illnesses they said were caused by the fires. While

commuters and residents of communities such as Wilmington are familiar with the spectacle, the burn-offs rarely occur in such numbers and at the same time.

"It looked like a village was burning - lots of fires, lots of smoke," said Los Angeles Fire Department Battalion Chief Daren Palacios, who helped lead the department's efforts in Wilmington, which included warning residents of potential health risks. Several employees at the Conoco-Phillips refinery in Wilmington suffered respiratory problems and two were taken to a local hospital and released.

Gasoline is produced under great pressure and heat. When refineries lose power, that pressure needs to be released. The petroleum product is sent up tall stacks, where it is burned off by the stack-top flares, causing flames and heavy smoke. The burn-off is a safety mechanism that prevents chemicals from spreading through the refinery, officials said.

The Conoco-Phillips refinery has not experienced a power outage in several years, according to a spokesman. The firm issued an alert to neighbors at 3:45 p.m. when a substance called catalyst was released. Although the spokesman described the catalyst as inert nontoxic dust covered with oil, the refinery took the precaution of alerting the public.

Residents near the refinery were warned via phone calls to stay inside their homes.

"The emissions weren't smelling the best and we would like to make sure our residents were adequately protected," said Paul Langland, a spokesman at Conoco-Phillips.

An all-clear signal was sent an hour later.

Refinery and air quality officials said they were monitoring the flare emissions for much of the day Monday, and had yet to determine if they posed a significant health threat. Langland said turning a refinery back on takes considerably longer than turning it off, and the Conoco-Phillips facility may be running again within 12 hours.

Flames were still emerging from three stacks at the Valero refinery in Wilmington at 8 p.m. Monday. Also affected were the Equilon refinery and a refinery-related facility known as Air Products, both in Wilmington, said Sam Atwood, spokesman for the South Coast Air Quality Management District.

Atwood said the burn-offs were unusual.

"It sounds like there's been quite a bit of flaring going on out there in the same time period. That's uncommon," he said.

"Dark smoke that is petrochemical in nature could be irritating or worse," Atwood said.

Several people who live near the Conoco-Phillips refinery said they had not received the automated telephone warning.

Lucero Hernandez, 15, said her five young siblings had complained of health problems Monday afternoon. "The kids said it smelled bad and their heads started hurting," she said. Her parents, she added, were afraid the refinery was going to explode.

Atwood said the air quality agency received more than 40 complaints of air quality problems and was informed of shutdowns at 12 facilities they monitor - five oil refineries in the Wilmington area, three industrial plants, two landfills, a service station and the Burbank municipal utility.

Air regulators received a complaint from Wilmington Middle School at 4:30 p.m. of "smoke and odors and people experiencing watery eyes and tightness in their chests," Atwood said. The district sent an inspector to investigate.

The air district began taking air samples downwind of some of the refineries in Wilmington and hopes to have results this morning.

Flaring at refineries can lead to the release of hydrocarbons that contribute to smog, as well as sulfur dioxide and particulate matter that can lodge in lungs and can trigger asthma and aggravate respiratory ailments.

Most flaring does not occur during emergencies and could be subject to new limits currently under consideration by the air district. The district's board is slated to vote on the new regulations, which have drawn criticism from both refineries and environmentalists, in early November.

Greenhouse emissions reduced by biodiesel

Patrick Hoge, Chronicle Staff Writer
Tuesday, September 13, 2005

Berkeley reduced greenhouse gas emissions in the city by 14 percent during the past two years with conservation measures that included running cars on vegetable oil, city officials said Monday.

The dramatic drop in carbon emissions apparently puts Berkeley at the forefront of a handful of cities that are legally committing themselves to reducing the pollution that many scientists have blamed for global warming.

"Berkeley's groundbreaking efforts to be a model environmental city are beginning to show dramatic results," said Berkeley Mayor Tom Bates.

The city calculated that its carbon emissions in 2004 were 2,066 metric tons less than its baseline number. To get equivalent air-quality benefits, the city would have had to plant 52,000 trees or remove 450 cars from the road, Bates said.

The greatest cut in greenhouse gases, 47 percent, came from city vehicles -- particularly as a result of the use of biodiesel fuel but also through use of electric, natural gas and hybrid electric-gasoline powered vehicles.

Berkeley's City Council is expected to vote tonight to join four other cities, including Oakland, as members of the Chicago Climate Exchange, a stock-market-like association of private and public entities that has been trading "emissions allowances" since December 2003. The exchange requires members to reduce emissions by 1 percent per year through 2006.

None of the other cities has documented a reduction in emissions as big as Berkeley claims. This year, Oakland became the second city to join, but it has not calculated its emissions.

Chicago, a founding member of the exchange, claims about a 5 percent reduction over 2003 and 2004. Portland has not released numbers, while Boulder, Colo., showed a drop of 9 percent in 2003 and estimates its emissions stayed constant in 2004.

The exchange's 110 members include major corporations such as IBM, Ford Motor Co. and DuPont Co. In the first year, members of the exchange collectively reduced their carbon emissions by 9 percent, said Richard Sandor, the chairman and chief executive officer of the exchange. Numbers for 2004 are not yet available.

Berkeley is "doing a fantastic job" said Sandor, who was chief economist of the Chicago Board of Trade in the 1970s and an assistant professor at UC Berkeley's business school from 1966 to 1972.

The city has had problems this year with engines being damaged by contaminated biodiesel fuel -- which is essentially vegetable oil -- and has been using much less biodiesel as a result, which could result in higher emissions this year, officials said.

The city cut its use of natural gas by 16 percent but saw electricity use climb 5 percent, mostly from the opening of its expanded central library and the purchase of a downtown office building that has a tenant operating an Internet server farm.

Bates took a swipe Monday at the Bush administration for it refusal to abide by the Kyoto Protocol, which calls upon nearly 40 industrialized countries to reduce emissions of carbon dioxide and other heat-trapping gases by an average of 5.2 percent below 1990 levels by 2012.

"With the outrageous failure of our federal government to take action, it is essential for cities to step up to the plate and show real leadership in the fight against global warming," Bates said.

Michele St. Martin, a spokeswoman for the White House Council on Environmental Quality, took exception with Bates' criticism, saying that President Bush in 2002 set forth a plan to reduce national greenhouse gas emissions by 18 percent by 2012.

She claimed reductions were 2.3 percent in 2003 and 2.6 percent in 2004, but those numbers have been hotly disputed by environmentalists.

"We welcome efforts from all levels of government to meet that goal," St. Martin said.

Senate Votes on EPA Mercury Emission Rules

By Jim Abrams, Associated Press Writer
Tuesday, September 13, 2005

WASHINGTON, (AP) -- Senators are challenging the Bush administration over its approach to reducing power plant emissions of mercury, a toxic metal that poses serious threats of neurological damage to newborn and young children.

The White House insists its market-based approach to curtailing mercury pollution is effective and founded on sound science, and warned that the president will veto any legislation that would overturn rules on mercury emissions finalized by the Environmental Protection Agency last March.

The Senate votes Tuesday on a measure that would repeal those rules, and the outcome is uncertain. At least three Republicans have said they will join Democrats in moving to strike down the regulations and force the administration to come up with stronger measures to combat the health hazard.

A victory for opponents of the rules could be short-lived: The GOP-dominated House could ignore the Senate action, and the presidential veto threat looms if the House were to go along.

The debate highlights two very different approach to environmental protection. The administration rules, backed by the utility industry, would set a nationwide cap on mercury emissions and put a ceiling on allowable pollution for each state. But individual plants, through a cap-and-trade system, can avoid cleanups by buying pollution credits from plants that are under allowable levels.

The utility industry says this method was successful in reducing acid rain in the 1990s.

But opponents say the rules are too weak and would prolong a health risk that leaves newborns vulnerable to birth defects and mental retardation.

The EPA rules, said Sen. James Jeffords, I-Vt., violate the Clean Air Act. "The rule is plainly illegal. It is unwise. And it is definitely unhealthy for Americans living downwind of coal-fired power plants, especially mothers and their soon-to-be-born children."

Mercury pollutants work their way up the food chain after being absorbed by fish.

The sponsors of the resolution, Sens. Patrick Leahy, D-Vt., and Susan Collins, R-Maine, turned to a little-used 1996 law that allows Congress to challenge agency rules with a guaranteed floor vote. The law has been successfully invoked only once, when Congress in 2001 repealed Clinton administration workplace ergonomics regulations.

By repealing the EPA rules, the Senate would compel the agency to rewrite the rules. The revisions would be in line with Clean Air Act standards requiring the use of the best available technology to reduce mercury emissions.

Leahy said the Clean Air Act would start reductions in 2008. They would achieve up to 90 percent reductions far sooner than the EPA rules that, according to Leahy, don't begin to cut emissions until 2018 and will not reach the goal of 70 percent reductions until 2030.

But supporters of the EPA rules said repealing the administration approach could have a devastating impact on the economy, forcing power plants to abandon coal for natural gas and

driving up natural gas prices. They contended it would cost $358 billion to achieve the 90 percent reduction in three years, as opposed to a cost of $2 billion under the administration plan.

"It just can't be justified from a cost-benefit point of view," said Sen. George Voinovich, R-Ohio.

The EPA approach "combines significant reductions in emissions with protection for energy security and consumers," said Scott Segal, director of the Electric Reliability Coordinating Council. "But these senators now seek to disrupt the program."

The resolution is S.J.Res <http://S.J.Res>. 20.
On the Net:
Congress:
Environmental Protection Agency:
<http://thomas.loc.gov/>thomas.loc.gov <http://thomas.loc.gov>/
<http://www.epa.gov/mercury/>www.epa.gov/mercury <http://www.epa.gov/mercury>/

Editorial in the Merced Sun-Star, Sept. 13, 2005

Our View: Valley residents breathing easier

It's not exactly clear why, but our air is cleaner this summer despite string of triple-digit heat

A summer marked by a record run of triple-digit heat is not the place you might look for good news about air quality, but there it is: The Valley may be on its way to the lowest number of federal health violations since 1998.

It isn't clear why this has happened, and despite old folk wisdom about not looking a gift horse in the mouth, this one bears close examination, if only to learn more about the mechanism of Valley air pollution and what we may finally be doing right.

The Valley has recorded fewer than 65 violations to this point. The norm for September is around 90, and the annual average is 116 violations. The record low of 84 was set in 1998.

Before we start cracking open the champagne bottles, remember this: Federal standards permit just three violations over a three-year period. The Valley had nearly 370 violations between 2002 and 2004, the worst performance in the nation. We have such a very long way to go.

Still, it's encouraging to have hard evidence that we have started down that path.

One factor in this year's numbers is clear. A lengthy and wet rainy season postponed the arrival of the annual heat and the ozone-forming chemical reactions that accompany it. The summer sun cooks the various emissions from our cars, businesses, fields and homes into a toxic brew of smog.

The resultant foul air poses dangers to residents, animals and crops alike -- and especially to the one child in six in the Valley who already suffers from symptoms of asthma. Economic damage is significant, and even the once-pristine forests of the nearby Kings Canyon and Sequoia national parks are being hurt by bad air.

Experts speculate as well that rising awareness of the depth of our air pollution problem has caused a sufficient number of us to begin making changes in the way we live and work, changes that are now showing up, after several years, in the air quality measurements. It would be gratifying to think so.

We have to keep building on that progress. More and more government agencies, businesses and individuals are shifting to cleaner fuels, in cars, buses and trucks, on the job and in the fields. New fuel standards are coming that will help even more. More funding for research will help us understand the problem even better, and suggest even more solutions. Let's keep it up.