

Protest denounces county process on landfill proposal

By Eiji Yamashita

Hanford Sentinel, Tuesday, Dec. 9, 2008

Tensions are flaring anew in Kettleman City over Waste Management's landfill expansion proposal as the county moves to wrap up a community comment process that protesters say is unfair and illegal.

Dozens of residents, their supporters and activists converged outside the town's community center and marched into the building on a frigid Saturday morning to protest a roundtable meeting designed to gather community concerns.

It was the first of a series of meetings scheduled to be held -- with little notice to the community -- over the next week in Kettleman City. County-hired consultants are in a hurry to gather community reaction. Pressed by a county-imposed deadline of Jan. 15, consultants are cramming four meetings into an 11-day period as the last stage of the Local Assessment Committee process. The committee is charged with negotiating with the trash-disposal giant for compensation for its landfill expansion. Many in the farmworker community oppose the expansion.

The consultants and three committee members were met by nearly 60 protesters when they started the meeting. Protesters, some of them children, chanted in Spanish "What do we want?" A replying chorus cried, "Justice!" "When?" they continued. "Today!" others chanted back.

"Si, se puede! Si, se puede! (Yes, we can! Yes, we can!" a rallying cry resounded. Some of them marched in with handwritten signs bearing messages like "Kettleman City is not your trash can" and "No more racist act, Kings County."

Maricela Mares-Alatorre, a Kettleman City resident who leads a grass-roots group called El Pueblo Para El Aire y Agua Limpio (People for Clean Air and Water), maintained that the committee is violating state law because the process -- with no Latino representation -- neglects the people who are most affected by the landfill: Kettleman City and Avenal residents.

"We feel that the LAC process is illegal. They've been meeting for three years, and we've been shut out of the process," Mares-Alatorre said. "They don't have any Latino representation, even though 92 percent of the community is Latino and Kings County is 52 percent Latino. We don't want to participate in a committee that promotes that kind of (inequity)."

Alvaro Preciado of Avenal joined the protest, saying his community, just 10 miles away from the landfill, has received little public notice from the county.

"I've never received any letters about meetings in Kettleman City," Preciado said. "Avenal is just as vulnerable as Kettleman City."

Waste Management proposes to expand the existing hazardous waste landfill by 11 acres and build a new 64-acre landfill. The company says the project is necessary because it will extend the Kettleman Hills facility's hazardous waste capacity by 32 years.

First formed in 2005, the committee has been meeting each month since April, but the seven-member advisory body has yet to come up with any draft recommendations. With less than a month left in the process, the independent consultants -- hired last month by the county in response to a public outcry -- are finally seeking direct input from Kettleman City residents, especially those who oppose the landfill project.

"Our job is to make sure that the LAC does the best job that they can," said John Boogaert, a co-principal of Boogaert and Noll, a firm hired by the county to facilitate community outreach. "All we're trying to do is to gather up ideas from the residents to make things better, make it a better place to live."

But with the opponents boycotting the meeting, the process is at a virtual impasse. Only a handful of residents are left to engage in a dialogue.

On Saturday, the protesters walked in, announced a list of demands, including disbanding the current LAC and starting the process over, then walked out. They returned in a few minutes with another demand that the county provide bus transportation for them to attend Thursday's LAC meeting in Hanford. As the consultants promised to do their best, they left vowing to protest again at the second community meeting set for today.

After the stormy half-hour, the meeting went on in an unusually amicable manner. At least 10 residents stayed to participate in the meeting where they mainly complained about the town's water quality.

"Considering the amount we pay, the smell of our water is horrible. It smells like chlorine," said Ynez Chavez, 29. "You can't cook with it. I don't even want to taste it because I don't even want to take a shower in it." Chavez said the residents pay at least \$75 a month for the water service, plus about \$30-35 they spend buying bottled water.

"If (the Waste Management project) gets passed, they should pay a good portion of our bills," Chavez said.

Yessenia Ayala, a 20-year-old preschool teacher, said, "The general perception -- whether it's true or not -- is that Waste Management is to blame for [the poor air and water quality](#) in Kettleman City."

Consultant Douglas Noll suggested the county bring in an independent expert to examine the correlation between Waste Management's operation and water and air quality of the area. Committee member Jim Verboon suggested money be given to the community so it can decide who it wants to hire.

Noll said residents' belief that the county's permitting process is biased in favor of Waste Management projects stems from "lack of communication." He suggested Kettleman City bring in an ombudsman to act as a liaison between residents, Waste Management and county officials, and the residents nodded their approval of the idea.

Ayala found the meeting useful.

"I like the fact that they heard some of my concerns. Hopefully, they won't just keep them on their notepads but actually take them back to the county," Ayala said.

Ayala sympathizes with the opposition.

"They are doing a good job getting the community out. I'm with them," Ayala said. "But I just wanted to stay and listen to what these people had to say rather than shutting them out. As a resident, I also want to be heard."

Organizers of the meeting said they were pleased with the turnout.

"It's a good start. It's actually better than I expected," Noll said after the meeting. "There was no big surprise about the protesters. I was gratified that there were some people who wanted to stick around and share their concerns. And that's what we're here to do -- to listen."

Verboon said he was taken aback by the protest. But he said was also encouraged by the handful of residents who decided to stay and discuss issues at the meeting.

"I was surprised at the animosity that seems to exist, but I guess that's because they feel ignored," said Verboon, a Kings County farmer. "I'm satisfied that we have this group here telling us from their heart what they think the problems are. What we're here to do is to try to resolve them."

But the issues are deep rooted.

Kettleman City, a town of 1,500, is about 3.5 miles from Waste Management's 474-acre landfill operation -- one of the largest toxic waste repositories in the country. The company buries the hazardous waste materials under successive layers of dirt, and landfills are lined with hard plastic to prevent leakage into the soil. Company officials say that the geology of the region is such that,

if there was a leakage, it would percolate into rock layers unconnected to Kettleman City's water supply, making it an ideal location.

Some residents are still worried about more than 600 trucks hauling waste going through their neighborhood on an average day.

The U.S. Environmental Protection Agency previously found no evidence that the community's public health is adversely affected by the landfills.

But opponents simply don't buy it. For years, residents have complained of higher rates of asthma and cancer rates as well as cases of cleft palate among babies.

But the impoverished community does benefit from a six-figure annual settlement fund and other donations liberally made by Waste Management, which, like any other major tax revenue contributor in the county, works at being a good neighbor. The company's contributions divide the community; people like Aletha Ware, a Kettleman City Community Service District board member, argue the town owes much of its progress to Waste Management, but critics say the company is doing what it does to influence people's opinions.

The fact that Ware supports Waste Management and sits on the committee is another reason opponents don't like the composition of the committee.

However, as far as the consultants are concerned, disbanding the committee is out of the question.

"We don't have the power to disband the LAC or make recommendations about having meetings out here, although I think the LAC is open to doing that," Noll said. "What we can control, we try to work on it. What we can't control, we'll pass the demands onto the LAC and the board of supervisors -- people who can affect that."

The protesters' demands aren't anything new.

Opposition groups, led by San Francisco-based Greenaction and Center for Race, Poverty and the Environment, have been crying foul over the LAC's composition since earlier this year.

To remedy the situation, the county shifted some positions within the committee so that opposition groups could apply. But they have refused to do that, saying the process is already rigged.

The county recently hired Boogaert and Noll specifically to give Kettleman City residents more voice, but opposition groups were skeptical.

Boycotting the process might end up work against their cause, Noll said.

"If the community needs more time, I'm totally for it," Noll said. "But if the people just walk in and walk out and don't engage, ... there's no point in continuing."

The opposition groups also accuse the consultants of having ties to Waste Management.

Noll acknowledged a professional relationship with Jan Kahn, a Hanford attorney who represents Waste Management, but denied any direct association to the company.

LAC roundtable meetings

Today, 6-8 p.m. Kettleman City Community Center. On air quality.

Saturday, 4-6 p.m. Kettleman City Community Center. On noise and traffic. (Subject to change; consultants are arranging different site and time based on some residents' request).

Tuesday, Dec. 16, 6-9 p.m. Kettleman City Community Center. On quality of life.

Diesel truck rule debated before key vote Friday

By Denis Cuff

Contra Costa Times, Wednesday, Dec. 10, 2008

California's air pollution board Friday will consider adopting strict new rules requiring cleaner diesel trucks to reduce the risk of health ailments linked to soot particles.

Truckers and public health advocates call the diesel truck rule a milestone in California's campaign for clean air, but they sharply disagree whether it requires reductions too soon.

To meet a series of proposed deadlines that vary by truck model, truckers would have to retrofit older diesel vehicles with pollution filters starting in 2010, and eventually replace the 1 million trucks operating in California with cleaner models by 2020.

Truckers said the estimated compliance cost of \$5.5 billion would cause massive disruption in their recession-plagued industry and lead to higher consumer prices for goods ranging from tennis shoes to canned foods.

"This rule is a watershed turning point in the way California commerce will be conducted," said Bob Ramarino, head of a Hayward trucking company and president of the California Trucking Association. "We agree we need to clean up our trucks, but this is too much of a burden too soon."

Environmental and public health groups say the California Air Resource Board should adopt the rule. The regulation will protect the public from microscopic soot particles that can lodge deep into the lungs, triggering asthma, bronchitis, strokes and heart disease.

"Together, these pollutants are taking a serious toll on California's public health, especially on the most vulnerable, children, whose lungs are still developing, and the elderly, whose immune systems are frail," a coalition of leaders from 17 health advocacy groups wrote in a letter to the air board released Tuesday. The groups include the American Lung Association of California, the California Medical Association and the American Academy of Pediatrics.

The risks from diesel soot are not limited to those who drive trucks or live next to freeways, the coalition said. "Most of us live, work or go to school by a highway, transportation hub, or major road; indeed, 50 percent of all Californians live within 1 mile of a freeway," the groups said.

The California Air Resources Board estimates that over the next 15 years the rule will prevent 9,400 premature deaths, result in 150,000 fewer asthma cases and save up to \$68 billion in public health care costs.

A new national study found that trucking company employees most frequently exposed to diesel exhaust have a much higher cancer and death rate than other workers in the trucking industry.

The study by researchers at Harvard University and UC Berkeley looked at records of 31,135 workers and concluded that short-distance truckers and dock workers — who often worked near running truck engines — have higher cancer and death rates.

"We've known for more than a decade that exhaust from diesel trucks is dangerous," said Mary Nichols, air board chairwoman. "The more we study these emissions, the more dangerous it appears."

The trucking industry asserts the study overblows the danger because the longtime workers toiled near diesel trucks made between the 1960s and 1980s, when trucks burned much dirtier.

Installing particulate filters, an earlier requirement of the proposed rule, can cost between \$10,000 and \$20,000 per vehicle, the air board and industry officials estimate. Buying new trucks to meet the 2020 deadline can cost \$120,000 or more per vehicle.

To ease the burden on truckers, the Air Resources Board plans to offer up to \$1 billion in grants and low-interest loans to truckers to clean up old vehicles and buy new ones.

But that leaves the other \$4.5 billion of the compliance costs to fall on the shoulders of truckers, many of whom are struggling to get credit in a recession that has hurt them because of flagging business, according to the trucking association.

Ramarino said he is not sure how his family-owned company can secure enough credit to replace its 30 trucks by 2020. "This is a much different business climate than it was just in September," he said.

In the Bay Area, the local air pollution district says the state diesel truck rule will boost the region's chances of meeting a federal health standard for fine-particle pollution. Diesel soot — as well as fireplace smoke on chilly nights — contributes to unhealthy air, officials said.

Air board to move on global warming proposals

Wyatt Buchanan, Chronicle Sacramento Bureau
S.F. Chronicle, Wednesday, December 10, 2008

Sacramento -- California will decide this week whether to adopt the nation's most comprehensive plan to combat global warming and to impose the most restrictive regulations on heavy-duty diesel trucks, a move that would impact nearly 1 million big rigs on the state's roads.

The California Air Resources Board will consider the landmark policies, each of which has generated significant controversy, at its meeting Thursday and Friday in Sacramento. Each of the plans would take more than a decade to be fully implemented.

"This is an important landmark in California's plan to address global warming," said Bill Magavern, director of Sierra Club California, of the "scoping plan" for AB32, the law that mandates California's greenhouse gas emissions be cut to 1990 levels by 2020, a reduction of about 30 percent.

The plan does not include specific regulations for reducing carbon, but it outlines the state's goal for cutting greenhouse emissions into specific areas.

A regulation to strengthen vehicle emissions standards, which has been blocked by the Bush administration, would produce the largest single reduction. The plan also includes the state's initiative to put solar panels on 1 million roofs and still-undefined regulations on building codes and more-efficient appliances.

Critics of the plan say estimates released by the air board - that the average household in the state would save \$500 per year and the changes would have "an overall positive effect on the economy" - are faulty.

A report from the nonpartisan Legislative Analyst's Office was critical of the estimate, stating that the evaluation of costs and benefits of some measures is "inconsistent and incomplete."

"We believe (the air board) underestimates the costs this plan is going to impose on California citizens and businesses and that it's going to have a negative effect on the economy," said Shelly Sullivan, executive director of the AB32 Implementation Group, a coalition of businesses and business advocacy organizations that want to postpone the process.

Republican lawmakers also have called for delaying this week's vote until the issues raised in the legislative analyst's report and a separate peer review are addressed.

Mary Nichols, chairwoman of the air board, acknowledged Tuesday that other studies on the cost of the plan show a slight economic loss.

"But it's amazing that we are planning to cut carbon by 30 percent in the coming years without a noticeable effect" on the state's economy, she said in a meeting with The Chronicle's editorial board.

Gov. Arnold Schwarzenegger has said the state's fight on global warming will not be abandoned even in a sagging economy.

"I want you all to know that the strong consensus at our (climate summit in Los Angeles last month) was very clear - that we have no intention of backing away from our historic commitment to the fight against global warming" Schwarzenegger said this week in a videotaped message to the U.N. Climate Change Conference in Poland.

Money also is at the crux of the debate over the new diesel regulations for trucks and buses.

If approved, the rules would require every owner of a heavy-duty diesel truck operating in the state to retrofit or replace the vehicles starting in 2010, even if they are registered in another state or country.

There are about 400,000 trucks registered in the state and about 500,000 from outside the state that do business in California, according to the air board.

Owners of the trucks would be required to install filters on their exhaust, with most having to do so by 2014. Truckers also would have to replace their engines between 2012 and 2022 or buy a new truck with an engine made with 2010 specifications.

Air board officials say their top priority is public health, and failure to meet clean air standards would put at risk billions of dollars in federal highway money.

Air board officials estimate that the rule will save the lives of 9,400 people between 2011 and 2025. A related study by UC Berkeley and Harvard researchers concluded that truck drivers and dockworkers who breathe diesel soot on the job have higher rates of lung cancer and death than other workers.

The trucking industry has offered an alternative plan, with different timelines, that it believes would ease some of the burden on truck drivers who could be saddled with vehicles they cannot legally drive nor sell.

Nichols said Tuesday that the state aims to provide \$1 billion in assistance to small trucking businesses to help pay for the upgrades.

"We don't want to push (truckers) into hardship," she said, "which is why we hope to come up with additional funding."

But trucking industry officials are skeptical.

"I know in many cases it sounds like, 'Oh, the sky is falling.' But this is for real," said Julie Sauls of the California Trucking Association. "The only people who don't seem to recognize the economic downturn are the air board staff."

Lance Pirerovich, who owns Mid-Coast Transportation in Livermore, has two trucks and a yard of trailers that other truck drivers rent to haul equipment to construction sites. He said business has dropped to a quarter of what it was two years ago.

If the rule goes through, he is sure his shop will go under.

"I have no doubt it's going to wipe out all of us smaller-business people," he said.

But many scientists and economists are urging quick and decisive action. More than 1,700 of them have signed a letter from the Union of Concerned Scientists calling on the nation's leaders to tackle global warming. The organization is looking at California as a leader on the issue.

"Both of these rules are extremely important from a scientific standpoint," said Erin Rogers, a climate campaign manager with the group, who added that the scoping plan "is probably the most expansive climate policy in the U.S., if not the world."

No-burn alert in effect though noon Thursday

By Denis Cuff

Contra Costa Times, Wednesday, December 10, 2008

Another no burn alert: A Bay Area ban on burning wood fires in fireplaces and stoves is in effect through noon Thursday because of the fifth Spare the Air alert of the cold weather season.

The Bay Area Air Quality Management District forecasts unhealthy air in the region because of meteorological conditions that trap smoke near the ground, increasing the risk of asthma attacks and a variety of other lung and heart ailments.

Burn violators get one warning, and then can be fined for repeat offenses.

The air district determines shortly before noon each day from Nov. 1 through Feb. 28 whether to issue a Spare the Air alert, which bans wood fires for 24 hours in the nine counties.

To sign up for automatic e-mail notifications of no burn alerts, contact www.sparetheair.org. To get phone notifications, call 1-800-430-1515. To report burning violations or check whether an alert is in effect, call 1-877-4-NO-BURN.

Markey wants waiver for air pollution standards

The Associated Press

Contra Costa Times, Wednesday, Dec. 10, 2008

WASHINGTON—The head of a House global warming panel says Congress should grant a waiver to allow California and other states to impose stricter emission rules than the federal standard.

A provision of a bill being developed by congressional leaders would require carmakers to drop their legal challenges to California's tougher approach to curbing greenhouse gas emissions.

During a hearing Tuesday, Rep. Ed Markey said that "any recovery of these companies will require more than just fresh cash." The Massachusetts Democrat said that it will also require "a change of culture, a culture that answers challenges with innovation rather than lobbying and litigation."

There's no smoke or fire in Orange County -- just dust

O.C. residents awake to darkened skies and unsightly air, but it's only Santa Ana winds stirring up reminders -- along with ash and debris -- of recent wildfires. Still, it's gritty and unhealthy.

By My-Thuan Tran

L.A. Times, Wed., December 10, 2008

With all they've been through in the last few weeks -- a massive wildfire, the threat of mudslides, a small earthquake -- the residents of Yorba Linda and other north Orange County cities could be forgiven Tuesday if they thought the forces of nature were bearing down on them again.

But the coffee-colored air that hung over the area wasn't another brush fire, just the leftover ash and grit stirred up by strong Santa Ana winds.

The Orange County Fire Authority received about 40 calls from worried residents who thought they were seeing smoke from a blaze, said Greg McKeown, an Orange County Fire Authority captain. Officials reassured residents that they were seeing only debris in the air from last month's Freeway Complex fire, which destroyed 118 homes in Yorba Linda and 72 in nearby

cities.

Santa Ana winds of up to 50 mph began howling in the morning, shaking windows and doors and causing trees to sway, residents said.

When Dick Barrow looked out of his garage, he saw ash and dirt swirling in the air and a layer of dark brown dust so thick he could barely see the top of the hills just half a mile away. "Good thing we had the rain earlier," he said, "or it'd probably look much worse out there."

He went to look at his backyard pool. "It's all black again, and I just got it cleaned up after the fires," said Barrow, 72, who has lived in Yorba Linda for nearly 40 years.

Colleen Dinunzio, who lives nearby, woke to see the sky darkening outside and to find that soot had blown into one of her bedrooms through a window left open a crack.

"It's uncomfortable outside," she said. "You can see the stuff blowing. You're stepping on black ashes and soot, and you know it's blowing through your hair."

Every day, she drives by the homes in her neighborhood that were burned and damaged. "All the devastation, it's discouraging. Now, I'm worried about mudslides, and there was an earthquake," she said, "I keep thinking, what else?"

By mid-morning, some residents said they were beginning to see blue skies again.

The South Coast Air Quality Management District issued a warning that the strong winds in conjunction with the debris from the recent fires could cause unhealthy air quality for small children, the elderly and people with respiratory problems or heart disease.

"If you see a lot of dust, you know you're being impacted," said Sam Atwood, spokesman for the district. He said people should avoid exercising vigorously outside and even inside their homes, because microscopic particles from the debris could infiltrate buildings.

California's Nichols has a plan for global warming

By Rob Hotakainen

Sacramento Bee, Wednesday, December 10, 2008

WASHINGTON – California's Mary Nichols has an idea for how Washington can respond to global warming: Start with the Environmental Protection Agency.

Nichols, the head of the California Air Resources Board, has a big interest in whether that happens. She's believed to be one of two finalists – along with Lisa Jackson of New Jersey – to head the agency for President-elect Barack Obama.

An announcement is expected this week in Chicago, when Obama names his environmental team.

If Nichols gets the post, she would add to California's growing clout in crafting a national response to global warming. As powerful committee chairs, California Democratic Sen. Barbara Boxer and Democratic Rep. Henry Waxman of Los Angeles are already positioned to take leading roles when the new Congress begins tackling the issue in January.

If Nichols loses out, it could be a result of geographic considerations. While officials with Obama's transition team have not given any public indication of who will be chosen, some environmental groups say that Jackson may have the upper hand because she would help balance California's power.

Boxer, who has long battled with the EPA over its refusal to allow California to control its own greenhouse gas emissions, has been lobbying on behalf of Nichols. Nichols worked in the EPA under President Clinton as an assistant administrator for air and radiation.

"As far as a candidate, you know that I love Mary Nichols just because I know her so well," Boxer told reporters. "But I think these other candidates that are mentioned are terrific ... I'm awaiting the president-elect's decision, and I'm excited about it."

While the finalists appear to have been winnowed down to Nichols and Jackson, several other names have been mentioned, including environmental lawyer Robert F. Kennedy Jr. and Kathleen McGinty, who headed Pennsylvania's Department of Environmental Protection. Jackson, 46, served as the commissioner of the New Jersey Department of Environmental Protection and would be the first African American to head the EPA.

Obama is expected to announce his secretaries of energy and the interior and the administrator of the EPA either today or Thursday.

In advance of his announcement, he met Tuesday with former Vice President Al Gore, one of the nation's leading advocates for a plan that would require a reduction in greenhouse gas emissions.

Other Californians still mentioned as possibilities for the environmental team include Democratic Rep. Mike Thompson, as interior secretary, and a dark horse, Republican Gov. Arnold Schwarzenegger, as energy secretary.

Nichols is one of eight state environmental chiefs who's urging that the EPA take the lead in developing a plan to lower greenhouse emissions by amending the Clean Air Act.

Under that strategy, carbon dioxide would be classified as an air pollutant and be subject to federal regulation.

Boxer, who tried without success to get a global warming bill through the last Congress, backs the idea, now that the EPA won't be run by the Bush administration. She said morale at the agency has plummeted under Bush's leadership.

Nichols, a Los Angeles Democrat and former environmental attorney, has headed California's air board since her appointment last year by Schwarzenegger.

She has helped lead the state's efforts to cut its greenhouse gas emissions and has criticized the EPA for its refusal to regulate carbon dioxide.

Under the Federal Clean Air Act, California has the right to set its own vehicle-emissions standards but needs a waiver from the EPA to do so.

Meanwhile, Nichols, 63, isn't talking. She has confirmed that she's a candidate for the job, but in a meeting with The Sacramento Bee's editorial board last Wednesday, she would not even say whether she had discussed the position with Obama.

"I'm not talking about that," Nichols said. "I've been asked not to talk about it."

Environmental fugitives get own most-wanted list

By DINA CAPPIELLO, Associated Press Writer

Modesto Bee, Sacramento Bee and Tri-Valley Herald, Wednesday, December 10, 2008

WASHINGTON — The government is starting a different kind of most-wanted list - for environmental fugitives accused of assaulting nature.

These fugitives allegedly smuggled chemicals that eat away the Earth's protective ozone layer, dumped hazardous waste into oceans and rivers and trafficked in polluting cars.

And now the government wants help in tracking them down.

In its own version of the FBI most-wanted list, and the first to focus on environmental crimes, the Environmental Protection Agency is unveiling a roster of 23 fugitives, complete with mug shots and descriptions of the charges on its Web site at <http://www.epa.gov/fugitives>.

A top EPA enforcement official said the people on the list represent the "brazen universe of people that are evading the law." Many face years in prison and some charges could result in hundreds of thousands of dollars in fines.

"They are charged with environmental crimes and they should be brought before the criminal justice system and have their day in court," said Pete Rosenberg, a director in the agency's criminal enforcement division.

On display will be John Karayannides, who allegedly helped orchestrate the dumping of 487 tons of wheat tainted with diesel fuel into the South China Sea in 1998. Karayannides is believed to have fled to Athens, Greece.

Also at large are the father and son team of Carlos and Allesandro Giordano, who were arrested in 2003 as the owners of Autodelta USA, a company that was illegally importing and selling Alfa Romeos that did not meet U.S. emission or safety standards. The two men are believed to be hiding out in Italy.

Raul Chavez-Beltran, another fugitive on the list, ran an environmental cleanup company in El Paso, Texas, that is accused of transporting hazardous waste from factories along the Mexican border and improperly disposing and storing it in the U.S. In one case, he allegedly stockpiled mercury-laced soil from an environmental spill in a warehouse.

The launch of the most-wanted list comes as EPA's criminal enforcement has ebbed. In fiscal 2008, the EPA opened 319 criminal enforcement cases, down from 425 in fiscal 2004. And criminal prosecutors charged only 176 defendants with environmental crimes, the fewest in five years.

EPA officials defend the agency's record, saying the agency has focused on bigger cases with larger environmental benefits.

But Walter D. James III, an environmental attorney based in Grapevine, Texas, says the EPA is critically understaffed to investigate environmental crimes. While the budget for the division has increased by \$11 million since 2000, there are still only 185 criminal investigators. Congress authorized the EPA to hire 200 investigators in 1990.

James said that while the list could prompt the public to turn people in, he questioned whether it would deter others from committing environmental crimes.

"It's like telling John Gotti he is a bad man," James said. "Is that going to matter to John Gotti?"

[Commentary in the Merced Sun-Star and Modesto Bee, Wednesday, Dec. 10, 2008:](#)

Everyone entitled to a healthy environment

By Kate Davies

As we celebrate the 60th anniversary of the Universal Declaration of Human Rights today, we should consider adding another key right to it: the right to a clean environment.

The declaration, adopted unanimously by the United Nations in 1948, boldly laid down a vision of a just world, a vision that still applies today.

In a world where many are denied free speech, peaceful assembly and fair treatment under the law, and many suffer discrimination, slavery and torture, it is essential to have a globally accepted statement to make it clear these things are wrong.

Even this country, with its policies of "extraordinary rendition" and "extreme interrogation," needs the declaration as a reminder about inalienable human rights.

Though its promise is not yet a reality for all, the declaration provides a moral benchmark.

Despite the declaration's enduring relevance, the world has changed in many ways over the past 60 years. Perhaps most significantly, we are facing a rapidly deteriorating environment, which is causing disastrous effects on human health and well-being.

Already about 40 percent of the world's population cannot get enough clean water, and this proportion is expected to increase to 50 percent in the next 15 years.

Worldwide, outdoor air pollution kills about 800,000 a year and indoor air pollution is responsible for many more deaths.

Almost a billion people -- nearly one-sixth of the world's population -- are hungry and about 5 million children die from malnutrition every year.

The World Health Organization estimates that more than one-fourth of all disease and disability is the result of poor environmental conditions, and this proportion is likely to increase given the inevitable effects of global warming.

Without a safe and adequate supply of drinking water, clean air, nutritious food and a safeguarded climate, humanity cannot survive. If we destroy the environment, all the political and social rights in the world will be for naught.

Amending the Universal Declaration of Human Rights to provide everyone the right to a healthy environment would help hold governments responsible for their actions.

This is not an outlandish idea. In 1994, the U.N. commissioned a report that concluded everyone has the right to a safe and healthy environment. It even proposed a set of principles. However, the U.N. has dragged its feet for the past 14 years.

It's a different story in the constitutions of more than 60 countries, all of which contain environmental provisions. Many recognize peoples' rights to a healthy environment. These include Bulgaria, Mongolia, Nicaragua, Spain, South Africa and Turkey. Even the tiny African country of Burkina Faso guarantees everyone "the right to live in an environment free from contamination."

What is the U.N. waiting for? By taking action, the U.N. would show that the bold, visionary and compassionate spirit of those who wrote the Universal Declaration of Human Rights is still alive and well in 2008.

Davies is director of the Center for Creative Change at Antioch University Seattle.

[Sacramento Bee, Commentary, Wednesday, December 10, 2008](#)

Dan Walters: Greenhouse gas plan has big shortcomings

By Dan Walters

Arnold Schwarzenegger is a proponent of the all-gain-and-no-pain school of public policy, especially when he peddles the notion that California can radically reduce its greenhouse gases while reaping immense economic benefits.

Schwarzenegger's Air Resources Board, or CARB, is poised this week to implement his vision by adopting far-reaching policies aimed at reducing the state's emissions of carbon dioxide.

It amounts to a huge wager, involving countless billions of public and private dollars, on an outcome that will only become apparent many years after Schwarzenegger has left the Capitol. And it's coming amid what may be the worst economic recession since the Great Depression.

Simply put, Schwarzenegger wants to bet that by embracing greenhouse gas reduction, California will be ensuring its economic future. But if he's wrong, he could be saddling the state's

residents and businesses with enormous costs that would make it an economic wasteland, incapable of attracting investment capital.

CARB appears bent on acting even though some very credible analyses – including those by distinguished economists whose input was solicited by the state – are finding serious fault with CARB's "scoping plan" to reduce California's carbon output to 1990 levels under Assembly Bill 32.

The Legislative Analyst's Office, in a report prepared for Republican Assemblyman Roger Niello, declares that "the plan's evaluation of the costs and savings of some recommended measures is inconsistent and incomplete." And economists recruited for a "peer review" come to similar conclusions.

"While I support the Governor's broad AB 32 goals, I am troubled by the economic modeling analysis that I have been asked to read," UCLA professor Matthew Kahn, one of the sharpest critics, wrote. "AB 32 is presented as a riskless 'free lunch' for Californians. These economic models predict that this regulation will offer us a 'win-win' of much lower greenhouse gas emissions and increased economic growth."

Kahn continues: "I would like to believe this claim but after reading through the economic analysis and the five appendices there are too many uncertainties and open microeconomic questions for me to believe this."

Kahn's critique that the plan tends to puff up benefits and minimize costs is echoed by another peer reviewer, Harvard University's Robert Stavins, to wit:

"I have come to the inescapable conclusion that the economic analysis is terribly deficient in critical ways and should not be used by the state government or the public for the purpose of assessing the likely costs of CARB's plans. I say this with some sadness, because I was hopeful that CARB would produce sensible policy proposals analyzed with sound scientific and economic analysis."

These are devastating critiques, and one would think that the questions they raise would be answered before CARB engraves into law the shaky assumptions of the scoping plan.

[Hanford Sentinel, Commentary, Tuesday, Dec. 9, 2008:](#)

California Focus: Obama adopts Arnold's greenhouse standards, assumes his role

By Thomas D. Elias

Just in case anyone still wondered, President-elect Barack Obama has now made it plain he is a greenhouse gas believer. He gave no truck during his campaign to skeptics' frequent claims that climate change has nothing to do with human activity and it's now certain he won't as president.

It is also evident that one of his first orders of business will be to establish a federal greenhouse gas-reduction plan that looks a lot like what California is devising under the mandate of the 2006 measure known as AB32. That's the landmark California law requiring cars and stationary pollution sources to cut their overall carbon dioxide emissions back to 1990 levels over the next 12 years.

California has been frustrated for more than a year in this department because George W. Bush's administration refused to give a go-ahead for the state to adopt strict vehicle emission rules as part of that effort. Under the previous six presidents, green lights for smog-cutting measures tougher than federal standards had always been automatic.

At Bush's behest, the federal Environmental Protection Agency maintained that granting the state a go-ahead like those received for every other anti-pollution advance of the last 37 years would interfere with federal plans to adopt national rules, creating confusion for automakers.

Of course, there are no such federal plans. Nor would there have been any interference with plans if they did exist. For 16 other states now automatically adopt any new California clean-air standard within four years after it's passed here. Those states, together with California, account for more than half the vehicle sales in America -- which in practicality means the moment California gets a green light, carmakers must get ready to sell California-qualified cars elsewhere, too.

But the Bush Administration claptrap will not last much longer. Obama made that clear in a strongly-worded video played the other day as part of the opening ceremony of an international climate change conference hosted by Gov. Arnold Schwarzenegger.

"Too often, Washington has failed to show leadership (on greenhouse gas reductions)," Obama said. "That will change when I take office. My presidency will mark a new chapter in America's leadership on climate change that will strengthen our security and create millions of new jobs in the process... We'll establish strong annual targets that set us on a course to reduce emissions to their 1990 levels by 2020 and reduce them by an additional 80 percent by 2050."

He was, therefore, adopting the precise goals of AB32, written by then-Assemblywoman, now state senator-elect Fran Pavley of Los Angeles and Ventura counties, and later signed by Schwarzenegger after he negotiated some changes to soften it.

If there was any doubt one of his first acts as president will be to grant the delayed California waiver, Obama removed it by saying:

"I promise you this," he said. "Once I am president, any governor who is willing to promote clean energy will have a partner in the White House." That could have been a description of Schwarzenegger.

In short, Obama was announcing one change he will bring in his first days in office.

For Schwarzenegger, this means he's lost his mantle as America's loudest and most visible governmental advocate in the global warming fight. But it will also mean that many goals he's pursued will come to fruition, or at least a start in that direction.

So there was satisfaction in his voice when Schwarzenegger said, "That is staggering. This is so huge. That's really big, because now we as a nation can lead, like we do in other things. Now we can inspire other nations..."

Schwarzenegger, entering his last two years as governor, plainly wants to be remembered for the climate change fight as much as for any other thing he's done. "Let me tell you," he said, "when I signed the nation's first law to cap greenhouse gas emissions, California was leading a revolution, but without any soldiers ... Our revolution now has soldiers and it's spreading around the globe and I'm very happy about that."

In effect, Schwarzenegger was passing a leadership torch to Obama, after years of carrying it through a dark time. And Obama indicated in strong language that he's ready to accept the relay handoff and run with it -- another striking example of California pioneering a national and international trend.

[Hanford Sentinel, Letter to the Editor, Tuesday, Dec. 9, 2008:](#)

Waste issue continues

Editor: We are writing to thank The Sentinel for hosting an important dialogue at their office to discuss the controversy raging over the proposed expansion of the giant Chemical Waste Management hazardous waste landfill in Kettleman City and the county's Local Assessment Committee.

As the analysis written by The Sentinel on Dec. 4 correctly points out, the county "...did not follow the intent of the law. There are no Latinos represented on the Board and the only local resident of Kettleman City is an outspoken advocate for Chem Waste, who also has directly benefited from the company."

The Sentinel editors point out that the consultants hired by the county have ties to Chem Waste, and raise concerns that residents have not been properly informed about county meetings on this issue. We applaud The Sentinel for understanding this bias that taints an important public process reviewing the proposed dump expansion.

We appreciate The Sentinel editors for acknowledging the positive role we play in providing a "great counter-balance to those who are just looking to make a buck" and for representing the voices of community members concerned about the dump issue.

However, we do take issue with the statement that we allegedly "sat back" and supposedly failed to challenge the county on this process from the beginning. In fact, we have done everything humanly possible to support Kettleman City, Avenal and Hanford residents who have waged a tireless effort to stop the expansion of the Chem Waste dump.

Unlike Chem Waste, Kings County and their high paid consultants, we work with small non-profit public interest groups with meager budgets in very low-income communities. Yet we have for years helped residents challenge the proposed expansion of all three parts of the Chem Waste dump, the hazardous waste landfill, the toxic PCB landfill, and the garbage dump. This is no easy task and we are proud of our decades of work to educate, empower and support the residents of Kings County in this David vs Goliath fight. As you heard in the meeting, CRPE staff, at the behest of Kettleman residents, applied to be on the LAC in 2005; we were never informed why that staff member was not chosen, and had we been informed we would have put forward a different individual.

Kettleman City and Avenal residents already are exposed to too many pollution sources including the hazardous waste, PCBs and garbage dumped at Chem Waste, the largest hazardous waste landfill in the west. They are also exposed to the carcinogenic diesel pollution from the tens of thousands of trucks taking waste to the site. Unfortunately, these environmental impacts are not the only ones Kettleman residents bear: They are exposed to pesticides, additional diesel pollution from Highway 5 and Highway 41 and overall poor air quality.

Adding insult to this injury, the county has systematically excluded the Spanish-speaking and Latino residents from their rigged decision-making process regarding the dump. It is time that the county started protecting the health and democratic rights of its residents, instead of trying to help Chem Waste make millions of dollars at the expense of residents.

Bradley Angel, Greenaction
Luke Cole, Center on Race, Poverty and the Environment