

## **Bills targeted at clearing muck from valley air move forward in Assembly**

By MATT WEISER, Californian staff writer  
The Bakersfield Californian  
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A collection of five clean-air bills cleared crucial committee votes in the state Assembly on Monday, all of them aimed at changing the San Joaquin Valley's brown skies back to blue.

One of the most significant bills, SB 700 by Sen. Dean Florez, D-Shafter, would rewrite state law to end agriculture's long-standing exemption from pollution control laws. It was approved Monday in the Assembly Natural Resources Committee and now moves to the Appropriations Committee.

The U.S. Environmental Protection Agency has told state officials the farm exemption must be removed by Nov. 23 or the state could lose billions of dollars in federal highway funding and businesses could face higher fees to operate in smoggy areas.

Florez said lifting the exemption is vital to cleaning the air in the valley, which has the second-worst air quality in America, after Los Angeles, and rates of childhood asthma that exceed the national average.

"Overall, that's going to clean the air, because most farms and dairy folks are going to be much more cognizant of how much they pollute," Florez said.

Another key bill approved in the same committee was SB 999, which would add four appointed members to the governing board of the San Joaquin Valley Air Pollution Control District.

The board currently consists of city council members and county supervisors in the eight-county district.

Critics say these local politicians are too concerned with their own city and county issues to focus their full attention on the valley's smog problems. The bill, by Sen. Mike Machado, D-Linden, provides that two of the new appointments would be made by the governor, and one each by the Senate and Assembly.

All must be valley residents.

"We're very happy to see the bill advance and further the cause of cleaner air in the valley," said Colin Grinnell, a spokesman for Machado. This bill also goes to the Appropriations Committee next.

Three other Florez bills also cleared Assembly committees on Monday: SB 704 creates \$6 million in incentives for biomass power plants to burn more farm prunings instead of construction debris; SB 707, which forbids construction or expansion of dairies within three miles of a town without local approval; and SB 708, which doubles the penalty for gross-polluting vehicles and expands a program that helps low-income motorists repair their vehicles.

## **Air bills breeze through panels**

Measures halt farm exemption, expand Valley air board.

By Mark Grossi  
The Fresno Bee

(Published Tuesday, July 8, 2003, 5:41 AM)

A flurry of San Joaquin Valley air pollution measures cleared committees Monday, highlighted by a proposal to repeal the \$27 billion farming industry's historic exemption from air operating permits.

The exemption measure, SB 700, is the linchpin of several Valley air bills by Sen. Dean Florez, D-Shafter, approved on Monday. The state Attorney General and air pollution control officials from around the state supported the measure in the Assembly Natural Resources Committee.

Five of the eight air bills introduced this year by Florez were considered in committees Monday. All were approved.

"It was a long day, but it was a great day," he said. "We are very pleased."

Four Florez measures now will go to the Assembly Appropriations Committee in the next week. Another air measure, SB 999 by Sen. Michael Machado, D-Linden, from San Joaquin County, also will go to the Appropriations Committee.

Machado's bill, which had stalled in earlier committee hearings, would expand the Valley air board from 11 to 15 members -- all four new positions being appointed by state officials.

The fifth Florez bill, SB 701, was approved Monday in the Senate Air Quality Committee. The bill would place a \$4.5 billion bond issue on the March primary ballot to bankroll air quality solutions. The bill now goes to the Senate Appropriations Committee.

The exemption measure attracted most of the attention. Unless California repeals the decades-old exemption for farmers, officials from the U.S. Environmental Protection Agency will enforce sanctions, including freezing billions in federal road funds.

The EPA already is forcing large farms into a federal pollution permit program. The EPA requires states to operate such programs, so California has been told to lift its exemption.

Officials from the California Farm Bureau, Western United Dairymen and the California Rice Commission told Assembly members that the measure goes too far.

But supporters said all of agriculture, which is responsible for about 25% of smog-making emissions and 50% of the particle pollution in the Valley, should be involved in the air cleanup.

Residents came from as far away as Bakersfield to testify. Caleb Schneider, 16, of Hanford, said he has asthma, and he wants to see every effort made to clear the air.

"When you can't breathe," he said, "nothing else matters."

Florez's SB 707 on dairy buffers also passed the Natural Resources Committee. The buffer for new dairies would be three miles from cities or schools, unless local officials decide the operation could be built closer without an impact to people.

In addition, Florez's SB 704, providing \$6 million in incentives to support biomass power in the Valley, passed the Utilities and Commerce Committee. Burning farm waste in biomass plants is a cleaner alternative to open-field burning.

SB 708, raising fines for gross-polluting vehicles and providing money to help people fix their smoking vehicles, cleared the Transportation Committee.

In Machado's SB 999, the expansion of the Valley board is supposed to balance the voting structure, which currently consists of county supervisors and city council members from throughout the Valley.

Two members would be appointed by the governor, with the consent of the Senate. One of those members would be a physician with expertise in the effects of air pollution on health. The Senate and the Assembly would each name another board member.

Critics have said the additions would shift too much political power to state legislators. Supporters say the board structure would be similar to the South Coast Air Basin, adding that it would make health a higher priority among voting members on the board.

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## Clean-air legislation passes 3 Assembly committees

By Jake Henshaw, Visalia Times Delta Sacramento Bureau, July 8, 2003

SACRAMENTO -- Legislation intended to help clean San Joaquin Valley air cleared three Assembly committees Monday.

Assembly Natural Resources Committee: Approved two bills by Sen. Dean Florez, D-Shafter. Senate Bill 700, which would end agriculture's exemption from federal clean air rules, and SB707, which would set new rules for locating or expanding a dairy near cities or schools.

SB999 by Sen. Mike Machado, D-Linden, also was approved.

It would add four new appointed positions to the current 11-member board of locally elected officials of the San Joaquin Valley Air Pollution Control District.

Assembly Transportation Committee: Approved SB708 by Florez. It allows smoking vehicles to be inspected at checkpoints and increases fines for gross polluting vehicles.

Assembly Utilities and Commerce: Approved SB704 by Florez. It would provide \$6 million to biomass facilities as an incentive to burn agricultural waste to create energy.

All the bills passed Monday are scheduled next to go to the Assembly Appropriations Committee.

The bills are part of a Valley campaign to clean up the air that has become so polluted that the federal government is threatening to impose development restrictions and withhold highway funds.

[The Bakersfield Californian editorial:](#)

### Attempted 'hijacking' foiled

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As state Sen. Dean Florez, D-Shafter, descended on Sacramento Monday with a busload of clean air advocates including children suffering from asthma a bipartisan group of Valley lawmakers attempted to have his pollution-fighting bills sidetracked into a more sympathetic committee where they could be watered down or killed.

While so far the political maneuvering has failed, it demonstrates the depth of the struggle to clean up the valley's polluted air.

Florez's SB 700 and SB 707 are part of an aggressive clean air agenda that passed the Senate and is now in the Assembly. The two bills were heard Monday in the Natural Resources Committee, where they passed.

SB 700 would end agriculture's decades-long exemption from being regulated under the state's clean air rules. SB 707 would add limits to the placement and expansion of dairies, feed lots and other commercial animal operations.

The air over Fresno is the nation's second most polluted. Bakersfield's is the third. Our air is making us sick. Lung and heart diseases plague us. The incidence of asthma in the valley is high. All and all, the quality of life is suffering.

Florez introduced 10 bills that propose to expand and add controls on residential and industrial sources of air pollution. While the bills propose to treat agriculture as a regulated industry, they provide incentives and grants to assist farmers in complying.

There is growing citizen support for ending agriculture's exemption. There also is a strong push from the federal government.

Just days ago, the Environmental Protection Agency ruled that California must end agriculture's exemption from a Clean Air Act program that requires when old equipment is replaced it must be replaced with lower-emitting technology. If the exemption is not ended, California faces the loss of federal highway funds.

But some Republican and Democrat lawmakers from valley districts contend Florez's bills are too overreaching and will hurt a vitally needed industry.

Reasoning that the bills affect agriculture, critics tried to have them diverted into the more sympathetic Assembly Agriculture Committee.

"The big-city folks are pointing at the farmers and saying you're polluters, and ag doesn't have a voice," Assemblyman Greg Aghazarian, R-Stockton, told the *Stockton Record*. "I think it's very important this goes to the Agriculture Committee.

"In the whole grand scheme around here, cars are polluters; smokestacks are polluters; buildings are polluters; traffic is polluters; but the only time we put a human face on it is when our big-city liberals talk about farmers. And that is a shame," Aghazarian said, contending Florez's bills unfairly single out agriculture.

But think about it. The only thing that has unfairly singled out agriculture is the exemption it has enjoyed for years from California's air pollution rules. The others cars, smokestacks, etc. have been regulated for years and have paid dearly to reduce air pollution.

Give credit where it is deserved. Farmers have voluntarily made strides in reducing pollution from some of their operations. But they must face the regulatory burden that homeowners, motorists, and big and small businesses have assumed to clean up the air.

Bills involving farmworker employment are sent to the Labor Committee. Bills involving farmworker housing are sent to the Housing Committee. Bills involving tax cuts for farmers are sent to the Revenue and Taxation Committee.

It made no sense other than political sense to allow Florez's bills to be hijacked, watered down or killed by the Agriculture Committee.

[Valley Voices, opinion piece, Fresno Bee, published in the print edition on July 5, 2003 and on line on July 7, 2003:](#)

## **Look deeper into our habits for clean-air solutions**

By Nancy J. Ellis

Operation Clean Air, a group of San Joaquin Valley leaders from economic sectors such as business, agriculture, construction and government, has developed a draft action plan to voluntarily clean up the Valley air.

According to its draft, "The mission of Operation Clean Air [OCA] is to create a 5-year action plan that will clean our air and increase economic prosperity in the San Joaquin Valley."

Sounds like business as usual.

If big business carefully manipulates the San Joaquin air-pollution issue socially and politically, it will have crafted the ultimate money-making scheme, and all the while "we the people" will sing its praises and tithe with abandon.

During the public unveiling of the OCA draft action plan on April 23 for \$45 a person at the Fresno Convention Center, the group made it clear that it wants public funds to provide incentives, cost-share and subsidize the cleanup of Valley air.

To put its request into postmodern media-pop slang, "Show us the money!"

Operation Clean Air wants to make the San Joaquin Valley an "Air Quality Empowerment Zone," a designation that would "inject additional resources into the effort, including an assortment of sustainable incentives for development, implementation and local manufacturing of air-enhancing products and processes and funding for research locally."

This zone designation, according to the plan, is analogous to an Economic Empowerment Zone, and would "provide tax credits to counter the financial disincentives facing businesses and organizations as they try to do the right thing."

Profit motive

Apparently "the right thing" for OCA is to make money off cleaning the air.

It is clear that big business and its political front men are calling the shots for Operation Clean Air. And its ultimate goal is to turn a profit. Hence, it strives for profit first, even at the public expense, and everything else a distant second, including solving our air-pollution problem.

Profit motive got us into this mess. Now what we need is a different motive, a different way of thinking, if we are going to clean the air.

What will help us achieve healthy air?

Environmentalists and government agencies usually support increased regulation, fees and penalties to discourage pollution, while OCA advocates voluntary action with taxpayer-funded incentives.

Is it possible to blend private interests of corporations and businesses in the Valley with the interests of our society, specifically in having clean air?

Our corporate capitalist culture is based on the theory of accelerating economic activity, production and consumption measured by such metrics as Gross National Product. Little attention is given to the byproducts of this economic churning: resource depletion, air and water pollution and other social costs are considered "externalities," real costs that somehow never get included on corporate balance sheets or stockholder reports.

In fact, the millions of dollars spent every year to treat chronic and acute asthma in Fresno County are added to our economic accounting as a financial benefit. We count the price we pay for asthma as if it were a profit, rather than subtracting it from our collective balance sheet as a cost of doing business.

Does Operation Clean Air propose a new way of thinking, or is it simply hiding a subsidized business opportunity behind a thin veneer of idealism?

OCA is trying to find answers to the air-pollution problem that will not be "unduly burdensome," but we all know deep in our hearts that it is time for change.

We are bombarded with at least 3,600 advertisements daily, luring us to buy and consume. We have been convinced that we are what we own, therefore more is better.

Perhaps more is not better. Perhaps our American lifestyle of conspicuous and irrational consumption is the fundamental cause of Valley air pollution. Perhaps no solution exists to our dirty air without changing the way we live.

Ford will eagerly sell us new and improved low-polluting cars -- using up still more energy and precious nonrenewable natural resources. Builders will gladly build 4,000-square-foot houses equipped with natural gas fireplaces -- and four-car garages.

Big business wants to keep baffling us with bunk, but do nothing to really make the basic changes that will solve our air-pollution problem.

When we, the members of the public, are sick and tired of breathing toxic air, we will have to replace big business and become the leaders who look for honorable, truly sustainable solutions to our air-pollution problem.