

Plan would ban wood fireplaces

By Kerri Ginis / The Fresno Bee
Thursday, May 26, 2005

Fresno County is drafting an amended ordinance to ban wood-burning appliances from any new home built in the unincorporated areas.

The Board of Supervisors voted Tuesday to move ahead with plans for the countywide ban. The amended ordinance will be back for the board's approval within 90 days.

If approved, Fresno County will have stricter regulations than the San Joaquin Valley Air Pollution Control District. The air district — which covers an eight-county region — allows wood-burning fireplaces and stoves in new residential developments with a low density of homes.

Supervisor Bob Waterston expressed some concerns about how the ban would affect new homes built in the county's mountain areas. He questioned how residents would get heat if they lost their electricity or didn't have access to propane for gas appliances.

New homes would still be able to have enclosed fireplaces or pellet stoves, but not the open-hearth wood-burning fireplaces. Smoke from wood-burning fireplaces and stoves adds particulate matter to the air that can trigger asthma and other respiratory diseases.

"We've got to stop using those open fireplaces," Waterston said. "Those are very inefficient regardless."

Fresno County could become the first county in the San Joaquin Valley to have a ban on wood-burning fireplaces and stoves in new homes. The city of Fresno approved a similar ordinance in January 2003.

Part of Tuesday's board action also included informing the other 14 incorporated cities about the county's plans for wood-burning appliances and urging those cities to pass similar ordinances.

El Dorado to tighten asbestos controls

County outlines tough plan to enforce construction-dust rules.

By Chris Bowman and Cathy Locke
Sacramento Bee, Thursday, May 26

El Dorado County officials on Wednesday announced an aggressive plan to reduce the threat of the region's asbestos hazard and touted their effort as a national model.

In a press event arranged by a newly hired county public relations consultant, county Supervisor Helen Baumann outlined several new measures to tighten construction-dust controls, toughen enforcement of those rules and better inform foothills residents about the region's naturally occurring asbestos.

The enforcement effort, which has been limited to the small staff of the El Dorado County Air Quality Management District, will be broadened vastly by enlisting the help of the "eyes and ears" of a wide variety of local government officials out in the field, including firefighters, sheriff's deputies and even workers with the El Dorado Irrigation District.

"The county supervisors and department directors really, really want to do whatever we can to make the community feel comfortable," said Baumann, whose district includes a portion of El Dorado Hills.

"It's not a political issue. It's not a land-use issue. It's a public health and safety issue," she said.

Baumann spoke at a new El Dorado Hills fire station, flanked by Fire Chief Larry Fry and Sheriff Jeff Neves and with a knot of county department heads behind her.

The county plans to draw a dozen employees from several departments to form a Dust Prevention and Enforcement Team. The larger inspection force will allow the local air district to routinely check on construction activity rather than have to rely on complaints from residents.

As the system now works, air district chief Marcella McTaggart said, "If we don't get a call about a site, chances are, we won't go."

Under new guidelines, Baumann said, the public will find it easier to report suspected violations of the dust rules with the creation on June 1 of a citizens hotline - (888) 394-4662 (FYI-4NOA).

And the county will try to have an inspector arrive at the site before the dust settles, with a promised response within 30 minutes of the call, Baumann said.

Furthermore, repeat or "negligent" violators automatically will be fined.

"We're approaching it kind of from a crime prevention program standpoint," said Laura Gill, the county's chief administrative officer.

A U.S. Environmental Protection Agency official who has supervised the agency's asbestos investigations in the foothills, praised the county's stepped-up plan.

"Sounds good. Very positive," said Dan Meer, who learned of the plan Wednesday.

Several of the announced measures are in line with recommendations the EPA and the U.S. Agency for Toxic Substances and Disease Registry made earlier this month.

But Baumann said the plan is just another step in a long line of county asbestos-protection initiatives.

"We've been ahead of the curve, and we will continue to be ahead of the curve," Baumann said after the news conference.

Naturally occurring asbestos has been an issue of increasing concern for years as large-scale housing and road construction carve into the Sierra foothills. Belts of rock that bear veins of the fibrous minerals underlie several areas that are in the path of development. Earthwork can churn up the asbestos and release the cancer-causing fibers into the air.

On Wednesday, county officials said they were working to tighten rules governing construction in these serpentine rocks and other areas where asbestos is known to occur.

On June 28, county supervisors are scheduled to consider shrinking the areas requiring a county-approved dust mitigation plan - from an acre or more to jobs as small as installing a backyard swimming pool.

Spraying down dust, covering unearthed material, installing windscreens and washing tires are among the measures that the county typically requires.

Gill said the county is committing \$257,000 to bolstering the public outreach and enforcement efforts. Of that, \$180,000 will go toward hiring a geologist and an air quality specialist who will be based in county offices in El Dorado Hills. She said \$20,000 was allocated for printed materials.

The figure also includes about \$57,000 in state and federal funds to implement enforcement and educational programs in cooperation with the state Department of Toxic Substances Control.

Wednesday's news conference was part of a public relations effort launched about two months ago, Gill said. She said about \$5,000 has been spent to date. She is authorized to spend up to \$10,000, and additional funding may be considered during discussion of the 2005-06 budget.

In addition to announcing the new protection measures, county officials hoped the news conference would counter reports in The Bee and other media that the county is not doing enough to protect residents.

"We want to be sure the media recognizes the continuing efforts," Baumann said before a small gathering of broadcast and newspaper reporters.

"We want to be recognized as being out front on this," Baumann said.

El Dorado County is one of several counties in the Sierra foothills, the Coast Range and the Bay Area struggling with ways to prevent exposure to naturally occurring asbestos. Asbestos veins also run through some cities in New York, Virginia and other eastern states.

"We have more expertise in dealing with naturally occurring asbestos in California and, we believe, nationally," Baumann said.

El Dorado's asbestos protection plan

- Establish a citizens hotline at (888) 394-4662 (FYI-4NOA) to report dust from construction activity, effective June 1.
- Respond within 30 minutes to dust complaints
- Assess automatic penalty for repeat or negligent violators of dust rules.
- Conduct pre-emptive inspections of construction sites.
- Establish new position for county geologist, to inspect development plans and sites
- Continuously update local geology map with newfound sites of naturally occurring asbestos.
- Conduct dust-prevention training for builders, pool contractors and landscapers.
- Offer outreach to area physicians on health effects of asbestos dust
- Hold public forums on asbestos and dust prevention at El Dorado Hills Community Services District, 1021 Harvard Way, at 7 p.m. June 7 and June 9.

Wal-Mart ruling expected within weeks

By David Siders

Stockton Record, Thursday, May 26, 2005

STOCKTON -- A San Joaquin County Superior Court judge said Wednesday he will rule within two weeks on a lawsuit claiming Stockton illegally allowed a Wal-Mart Supercenter to be built at Interstate 5 and Eight Mile Road.

Opponents of the store are asking Judge K. Peter Saiers to overturn the city's approval of a 207,000-square-foot store on land originally designated for an office center.

Their lawsuit, brought against the city in 2004 by three residents and a group called Stockton Citizens for Sensible Planning, claims the city failed to review the environmental effects of the proposed Wal-Mart store at Spanos Cos.' Spanos Park West.

The property's original design was for office buildings with small restaurants and sandwich shops, not a Wal-Mart Supercenter, said William Kopper, an attorney for the Wal-Mart foes.

"It was only supposed to be refinement," Kopper said. "Not a wholesale change."

Saiers ruled in March that the opponents would likely prevail in their lawsuit and that construction of the store must wait until the case is decided. He said at Wednesday's hearing he would rule on the case in a week or two.

A ruling against the city would force it to reconsider the environmental effects of a Supercenter before it could be built. If the city prevails, construction could resume.

Attorneys for the city, Wal-Mart and Spanos claim the store is consistent with the project's original design, which was intended to be flexible. The developer decided after the dot-com bust to build a Wal-Mart instead of offices, attorneys and city officials said.

"We are entitled to go forward," Wal-Mart attorney Michael Early said.

But Kopper has argued that the Wal-Mart would increase air pollution, lead to the closure of other stores and add urban blight.

"The whole project just makes me sick," said Rosemary Atkinson, one of the people who brought the lawsuit and a member of the slow-growth group Campaign for Common Ground, after Wednesday's hearing.

Early said the original design for offices would have brought thousands more cars per day to the development than would the Supercenter.

Thomas Keeling, a private attorney representing Stockton, said the city approved the switch only after thorough review. Community Development Director Jim Glaser, the planning commission and the City Council all considered the effects of a Wal-Mart at Spanos Park West, he said.

[Fresno Bee editorial, Thursday, May 26, 2005:](#)

Banking the fires

Fresno County moves to restrict wood burning in new residences.

Fresno County moved closer to a partial ban on burning wood in open fireplaces and stoves with a unanimous vote Tuesday by the Board of Supervisors to draft an ordinance affecting new residences in unincorporated areas of the county. That's good news for those concerned about the Valley's air quality — and who isn't?

This is no small matter. Every winter, open fireplaces and wood stoves generate about a third of the particulate matter found in the Valley's air. That's the ash, soot and other microscopic specks of pollution that can lodge in human lungs and do serious damage, even causing heart attacks and premature death. Wintertime wood burning in the Valley can put as much as 24 tons of particulate matter into the air each day.

Particulate pollution can also trigger the onset of asthma, which makes the problem especially acute for young, growing children. Already one child in six in the Valley shows symptoms of asthma.

The new regulation would allow the use of enclosed fireplaces or pellet stoves, such as those approved by the federal Environmental Protection Agency.

The county's proposed rule, like a similar ordinance passed by the Fresno City Council in January 2003, is stricter than the one imposed by the San Joaquin Valley Air Pollution Control District. People living in the foothills and mountain regions of the county are likely to be the most affected by the ordinance, if it is adopted when it comes back before the board in June. When electrical service fails in such areas, as it can easily do in the winter, residents have, in the past, relied on fireplaces and stoves to warm their homes.

Any new homes built after the proposed ordinance takes effect will have to be equipped with the approved types of wood-burning devices or different backup systems, such as appliances that burn propane.

Adopting the ordinance would make Fresno County the first Valley county to take such a step. That's leadership, and it deserves support and praise.

The supervisors also urged the cities in the county that haven't adopted such rules for their own jurisdictions to join the county and the city of Fresno in this effort to clean our air. We enthusiastically add our voice to that call.

All of us are in this together. Fireplaces are little more than cozy indulgences for many in the Valley. For those who really depend upon them, we must find other solutions. Let's take this new direction together and all breathe easier.

[Visalia Times-Delta, Commentary, Thursday, May 26, 2005:](#)

Asthma patients should stay course

As chairperson for the Tulare County Asthma Coalition (TCAC), I wish to convey that the information in The Associated Press report that appeared in the April 14 Visalia Times-Delta was misleading and, although based on a published article of a study in the New England Journal of Medicine, it was a very small study, and the outcomes are in contradiction to the commonly accepted treatment for asthma by the asthma prevention community, including the American Lung Association, the National Institutes of Health, American Academy of Allergy, Asthma, and

Immunology, American Academy of Pediatrics, American College of Chest Physicians, and the American Medical Association, to name but just a few.

The thrust of the AP's report was that patients with mild persistent asthma may limit their asthma medication and do as well as patients who do not use their prescribed asthma medications.

Contrary to the misleading information in the article (and the AP story the Times-Delta printed), it could be quite dangerous, even to the point of irreversible asthma and death, if patients were to follow this ill-advised information.

To be clear, it is vital that these patients maintain their maintenance medications in order to limit bouts of asthma, and in fact increase their administration of rescue medications when they become seriously short of breath.

On May 7, the TCAC conducted its third annual Asthma Adventure fair at the Visalia Convention Center. Besides attempting to inform patients about treatment and prevention of asthma, an important focus of the event was to assist patients with asthma in their daily struggle to avoid serious worsening of this debilitating illness. It was quite disturbing at the number of visitors who mentioned seeing the article in the Times-Delta and questioned whether they had to continue using their medications. A number of visitors indicated they had planned to limit their daily control medications to treat their asthma based on what they read in the newspaper.

The impact of providing misleading medical information could have and still could lead to unnecessary illness, more frequent hospitalizations, with the possibility of lethal consequences.

It cannot be over stressed that patients must take their maintenance and rescue medications carefully in order to reduce their susceptibility to unwanted and, more importantly preventable symptoms asthmatics must often endure because they fail to use the correct medication or dosage recommendations.

Following the publication of this story, the Fresno County Lung Association issued the following statement:

"The American Lung Association follows guidelines developed by an expert panel at the National Institutes of Health. Although this study may be significant, guidelines are usually based on a review of many studies. Therefore, we encourage patients with mild persistent asthma to consult their doctor before reducing or changing medication doses."

Our coalition, along with the many physicians, nurses, respiratory therapists, and responsible family members in the county who care for and attempt to provide accurate information to asthmatic patients regarding the appropriate guidelines for the administration of preventive and maintenance asthma medications desire to set the record straight, and above all, to reinforce to the asthmatic patient to take their medications as prescribed following medically sound and accepted practice for the prevention of acute asthmatic attacks.

Barry Westling is a licensed respiratory therapist as serves as chairman for the Tulare County Asthma Coalition.