

## **Some fear bill a 'free pass' for oil outfits**

SARAH RUBY, Californian staff writer  
Bakersfield Californian, April 19, 2005

Bakersfield's oil producers might not have to clean up local drinking water if House Republicans have their way. The heavily litigated gasoline additive MTBE will never be labeled a "defective product," according to a draft of this year's national energy bill. That protection would extend back to September 2003, killing some legal claims.

The bill doesn't let oil companies off the hook for spills and environmental damage, it goes on to say. But attorneys suing oil companies to pay for cleanups aren't reassured. They say water users will pay for "Big Oil's" mess.

"What (oil companies are) looking for is a free pass for a very expensive problem they knew they would be creating," said Vic Sher, attorney for California Water Service Company, a statewide water utility with a local branch in Bakersfield.

The company, known informally as Cal Water, sued Kern Oil and Refining Co.; Equilon Enterprises, LLC; Chevron USA Inc.; Shell Oil Co.; and 23 other oil companies in December. It says they knew MTBE would pollute groundwater and used it anyway.

In other words, they made a defective product, an argument that won multimillion-dollar verdicts for water utilities in Lake Tahoe and Santa Monica.

"The other side will argue, if the bill passes, they are not responsible for the product," Sher said.

MTBE has shut down five of Cal Water's 200 Bakersfield wells since 2000. Two of them have such low levels they could be reopened.

The Californian contacted several local oil companies named in the lawsuit, and none had comment.

MTBE, or methyl tertiary butyl ether, was the oil industry's answer to cleaner-burning fuel, a federal government mandate in 1990. MTBE did the job by reducing tailpipe emissions, but the soluble chemical quickly leaked into water supplies nationwide, making some undrinkable.

Small levels of MTBE smell and taste terrible. Higher levels have caused cancer in lab rats, according to state reports.

Those in the oil industry say MTBE, which is made from a gasoline byproduct, was their only option.

"It would be unfair to define (MTBE) as a defective product when Congress required us to use it," said Edward Murphy of the American Petroleum Institute in Washington, D.C.

Congress didn't force the use of MTBE per se. It required cleaner-burning fuel in areas with poor air quality. The practical alternative to MTBE is ethanol, and at the time there wasn't enough of it to fill demand, Murphy said.

The oil industry is committed to cleaning its spills, he said, especially MTBE.

"If you spill something ... you're responsible for cleaning it up," Murphy said.

Kern's contamination

In the mountain town of Glennville, 15 residences have been drinking delivered water since 1997, when MTBE was detected in their private wells.

Three Kern wells outside the Cal Water system were also shut down due to MTBE.

One of them allegedly poisoned roughly 150 former residents of the Gaslite Mobile Home Park on Rosedale Highway before being shut down in 2000.

These residents are stuck in a legal mess with Shell Oil and Texaco Inc., which operated the Equilon refinery, now the Flying J refinery, where the spill originated. They offered to settle with Gaslite residents, and some took the deal.

Others want to go to trial, but fear the energy bill will weaken their case.

"If they pass that law, these oil companies are going to be able to do anything they want to do," said Anna Newsome, a former Gaslite resident who's looking for new attorneys to represent her against Shell and Texaco.

"It's politics and money, money over people."

Through his staff, Rep. Bill Thomas, R-Bakersfield, said he doesn't like to discuss votes in advance. Two years ago he voted for a similar bill, which failed because of its MTBE protections, according to The New York Times.

Rep. Jim Costa, D-Fresno, said he has reservations about the bill, which will come to a vote on the House floor Wednesday or Thursday.

He thinks it's wrong for local water companies "to be left having to pay for the cleanup," he said.

Costa and other congressmen might not have a say on the MTBE provision, according to watchdog organization Environmental Working Group. The group fears Republicans will make a rule today that would block changes to the MTBE provision.

## **Need a hybrid? Think Costco, eBay**

By Erin Sherbert

Stockton Record, April 19, 2005

A San Francisco assemblyman is pushing a bill that aims to increase the production and sale of hybrid and other lower-emission vehicles while cutting the cost to consumers.

The bill, authored by Assemblyman Mark Leno, D-San Francisco, went before the Assembly Transportation Committee on Monday evening, but a vote was postponed until next week.

AB1223 would allow automakers to sell hybrid vehicles - a combination gas/electric car - through outlets other than dealerships, like Costco and eBay.

State law currently prohibits auto manufacturers from selling cars to anyone besides dealerships. The bill allows automakers and even existing retailers to obtain an Internet hybrid-vehicle sales license so they can sell the cars directly to consumers.

Supporters of the bill claim it creates competition, which would give manufacturers incentive to produce more hybrid cars. Hybrids account for less than 1 percent of auto sales in the country.

With increasing gasoline prices, hybrids are becoming more popular among car enthusiasts, not just environmentalists, auto dealers say. But the hybrid production is hardly keeping up with the demand for the cars, said Will Gonzalez, a lobbyist with the Clean Power Campaign, which is sponsoring the bill.

"We need more of these cars produced," Gonzalez said, adding there were 88,000 hybrids sold in the United States last year. "They are wildly popular."

On Monday, Raul Barrera of Antioch test drove one of the few Toyota Prius hybrids remaining at Tracy Toyota. Barrera said he's in the market to replace his gas-guzzling SUV, which is costing him nearly \$100 a week in gas, with a more economical car.

"I hear everybody talking about them," Barrera said. "We're looking to buy one."

If automakers could sell hybrids directly to consumers or through alternative outlets, it would lower the cost of a new hybrid by as much as \$3,000, Gonzalez said. Hybrids cost between \$25,000 and \$30,000, according to the California Motor Car Dealers Association.

But car dealers dispute the notion that the bill will shed the cost of hybrids or boost sales.

"Dealerships are selling as many hybrids as they can," said Marcella Rojas, spokeswoman for the California Motor Car Dealers Association, which represents 1,400 franchised new-car dealerships in the state. "It's not a question of the dealerships' unwillingness to sell hybrids; it's the manufacturers' inability to meet the rising production demand."

The group has many concerns with the bill, Rojas said, like how potential buyers will be able to test drive the cars or have their hybrids serviced if they're purchased through Internet sellers.

Tracy Toyota sales representatives said they aren't worried about the bill. Even if it's signed into law, manufacturers will still rely on car dealerships to sell hybrids, said David Ruitter, sales manager at Tracy Toyota.

The cars still need to have pre-delivery inspections. There are recall issues and financing options that only the dealership can handle, Ruitter said.

"They won't take advantage of it," Ruitter said of automakers.

## **School faces asbestos warning**

### **U.S. report to urge health checks for some students, staff in El Dorado Hills.**

By Chris Bowman, Bee Staff Writer

Sacramento Bee, April 19, 2005

Federal health officials say those who have played or coached sports, or tended fields at El Dorado Hills' high school prior to this academic year, should be checked for early signs of asbestos-related disease, according to a draft of a public advisory obtained by The Bee.

The Agency for Toxic Substances and Disease Registry - a branch of the Centers for Disease Control and Prevention in Atlanta - recommends the early medical screening because significant amounts of the naturally occurring minerals have been found on baseball diamonds, the running track and dirt paths at Oak Ridge High School, attended by 1,800 students.

"Because some increased risk of developing asbestos-related disease is possible, people in the most highly exposed groups (coaches, outdoor maintenance staff and student athletes) should inform their physician about their potential asbestos exposure so that their physician can ... watch for early signs of the disease," says the draft of the ATSDR's findings, which are scheduled for public release May 6.

The school's head track coach said Monday the advisory struck him as common-sense advice, though he does not believe the asbestos fibers kicked up by runners or even builders' bulldozers will cause harm.

"I have zero concern (for) myself or my family, including my daughter, who is on one of the track teams," Mark Bosse said.

The report does not address another group that faced potentially high asbestos exposure: The Class of 1984, the school's first graduates who studied in portable buildings as dust from ongoing construction of the campus swirled around them.

One of those graduates, Stephanie Werner, now the mother of an Oak Ridge student, said she and her former classmates are not worried.

"Everybody in my class appears healthy," said Werner, who saw nearly all members of the class at a reunion last summer.

The El Dorado Union High School District superintendent's office did not return a phone call from The Bee on Monday.

Asbestos-containment work completed last summer by the U.S. Environmental Protection Agency and the El Dorado Union High School District has significantly reduced the threat, according to the draft distributed last month to senior state and federal environmental health officials.

The doctor check is one of several precautions the health agency recommends in a risk evaluation of asbestos exposures at the school, a study that was triggered by a citizen's petition to the agency.

Agency officials will not comment on the evaluation, formally called a public health consultation, until its public release at a May 6 community meeting, spokesman John Florence said Monday.

The health advisory addresses a large sweep of people who have attended or worked at Oak Ridge High, a school in an affluent, fast-growing foothill community east of Sacramento.

Unlike earlier state and local investigations of the region's asbestos hazard, this one makes it clear that the "amphibole" form prevalent around the high school and the neighboring Community Center is hundreds of times more potent than the "chrysotile" form in causing mesothelioma, a cancer of the lining of the chest that occurs decades after exposure.

The federal health investigators concluded that "exposures to amphibole asbestos probably occurred in the past" at the high school, the report summary states.

"The greatest exposures were likely experienced by coaches who spent lots of time on athletic fields and tracks, outdoor maintenance staff and student athletes," the agency found.

The ATSDR finding does not mean that those exposed will develop disease. Rather, the report says, the "potential exposures were high enough to increase risk, and that mitigation activities (at the school) to prevent further exposure were justified and necessary."

At lesser risk are teachers who didn't do any coaching, indoor cleaning staff and students who weren't athletes, the ATSDR report said. At least risk are parents of athletes and "loyal sports spectators," the report said.

The report does not address other potential exposed groups, such as visiting teams and community youth football leagues that use the school's fields.

The findings are based on results of asbestos testing on campus by the EPA and consultants for the school district and recent studies in the foothills and elsewhere confirming that dust-raising activities - sliding into home plate and even walking on a dirt path - can greatly raise a person's exposure.

The report notes that it takes at least 10 years from initial exposure before signs of asbestos disease would appear.

Aubrey Miller, an EPA public health physician, said the diseases he would expect to see, if any, among people exposed at Oak Ridge High would be mesothelioma and pleural disease, a scarring and stiffening of tissue lining that lines the outside of the lungs. Dr. Miller studied diseased residents exposed to a similar type of amphibole asbestos in the northwestern Montana town of Libby.

Early signs of the disease include persistent coughing, chest pains and shortness of breath, Dr. Miller said. The disease can stabilize or progressively worsen to the point that victims can barely walk or breathe.

The ATSDR report also recommends that its health investigators and those at the EPA "investigate the potential for amphibole asbestos exposures in the community as a whole," according to the draft report.

To date, investigations by the two federal agencies have focused on school lots and community playgrounds in El Dorado Hills. Similar testing by state officials has been limited mostly to roads and driveways covered with serpentine gravel containing asbestos in the rural Garden Valley community near Placerville.

Missing from these studies are the potential asbestos hazards from dust kicked up by housing and road construction in the foothills, one of the fastest-growing areas in California.

State and county officials have adopted special dust-control requirements on builders in areas where geologists suspect the fibrous minerals occur.

The ATSDR says El Dorado County air pollution control officials "should ensure full enforcement of state and county air toxics regulations to minimize potential asbestos exposures in the community."

The El Dorado school district spent more than \$1.5 million in asbestos protections at the high school, and the EPA said it spent considerably more on paving and landscaping bare grounds, and replacing tainted soil in the baseball diamonds.

"ATSDR determined that asbestos exposures at the school have been minimized and are unlikely to increase the risk of disease," the report summary states.

The Oak Ridge campus is in a well-documented asbestos zone.

Early in 2002, the school district broke ground on a pair of soccer fields by carving out a hill rich with a type of amphibole asbestos called tremolite.

The earthmoving occurred while school was in session. School officials took great care to minimize the release of tremolite fibers as equipment churned up the soil, a county official said at the time.

But the job wasn't finished. Landscaping, irrigation, drainage and erosion-control work was put on hold because project managers had not secured reclaimed water they planned for irrigating the fields, school officials said.

As a result, wind and rain eroded the steep, unprotected slopes that have open veins of tremolite. The contaminated mounds were left open to students and the public with no warning signs.

School officials said air samples collected during construction picked up no asbestos. Tests commissioned by The Bee, however, found asbestos fibers in dust on the student parking lot, on fields under construction and in exposed veins of rock.

About the draft health report

Most at risk: Coaches, student athletes, outdoor maintenance workers at Oak Ridge High School in El Dorado Hills.

The study: Done by the Agency for Toxic Substances and Disease Registry - a branch of the Centers for Disease Control in Atlanta. It is set for release May 6 at a public meeting for El Dorado County residents.

Next: U.S. Environmental Protection Agency will release its findings of tests on other areas of El Dorado Hills.

Medical help: If you are among the highest risk groups, the agency recommends that you tell your doctor about your potential asbestos exposure.

Other help: The agency plans to develop educational material for the community and health-care providers.

Getting your say: Once the report is released, there will be a public comment period, including community meetings.

Source: Bee research

Asbestos and health

What illnesses can asbestos cause?

Significant exposure to any type of asbestos increases the risk of lung cancer, mesothelioma, asbestosis and pleural disease.

How long do these illnesses take to develop?

Most cases of lung cancer and asbestosis occur 15 or more years after initial exposure. Children are at greatest risk because of their long life expectancy.

How much exposure is dangerous?

For naturally occurring asbestos, not enough studies have been done to answer this. What is known is that people are more likely to experience asbestos-related disorders when they are exposed to high concentrations of asbestos, are exposed for longer periods of time, and/or are exposed more often. The size, shape and chemical makeup of asbestos fibers also are risk factors.

What are the diseases of concern from asbestos exposure at Oak Ridge High School?

Pleural disease and mesothelioma.

What is pleural disease?

It is a scarring of the pleura, the tissue surrounding the lungs and lining the chest cavity. The scarring can grow, constricting the lungs and making it harder to breathe.

What is mesothelioma?

Mesothelioma is a rare form of cancer of the lining of the chest and other body cavities. The disease generally claims victims within 18 months of diagnosis.

Sources: Agency for Toxic Substances and Disease Registry, U.S. EPA

## **Earth Day festivities draw thousands**

By Greg Kane

Stockton Record, April 18, 2005

STOCKTON - Blue skies, green grass and sunshine drew thousands to Victory Park on Sunday to celebrate the environment that made such lovely weather possible.

Organizers of the city's annual Earth Day festival estimate that 10,000 people turned out to listen to music, relax and learn about the environment. The festival featured crafts and exhibits on science and nature. A variety of vendors hawked alternative energy products.

Booths and tables were set up in a wide circle in the park behind the Haggin Museum, leaving an area of green grass for kids and adults to relax and enjoy themselves. Some danced near a stage where a revolving list of bands played live music. Others wandered around the perimeter, checking out displays on solar power, electric vehicles and slow growth.

Danevia Rhone, 25, of Stockton watched as her two children, Gabrielle, 9, and Jaylin, 3, made miniature greenhouses. The children held small jars filled with soil that would one day sprout leaves, stems and tendrils.

Rhone doesn't consider herself an environmentalist - her trip to the park was more to enjoy the weather than to study nature. As the kids clutched their greenhouses, however, she said the experience might end up being more educational than she thought.

"It shows them something about the Earth," she said.

Stockton resident Dale Steele, 53, has been coming to Earth Day festivals in town since they began 20 years ago. He already tries to be conscious about the environment, whether it's recycling, conserving or using alternative energy sources, but he usually runs into something new every year, he said.

"We bring a few ideas, and we pick up a few," Steele said.

One idea drawing a steady throng of viewers was South Lake Tahoe resident Chris Kovach's vegetable oil-powered Volkswagen Rabbit. The old white car featured a fuel canister in its hatchback where the recycled food product could be heated up and converted into an energy source.

Kovach's brother, Kevin Kovach, said that once the oil is heated to 175 degrees, it powers the car with the same mileage and efficiency as petroleum. It also reduces the need for any air fresheners hanging from the rear view mirror.

"It'll actually smell like french fries once you're running," Kevin, 19, said.

Susan Mora Loyko, a city employee who sat on a committee of organizers for the event, said the small, everyday lessons that people could pick up at the Earth Day festival can go a long way toward preserving the environment.

"When people start thinking about pollution and our water and air, they think the problem is too big. They can't get their hands around it," Loyko said. "If all 10,000 people walk away from here with some change in behavior, we're off to a good start protecting our resources."

Among those behavior changes: separating garbage into recycling bins, not dumping soap and other chemicals into storm drains and using bicycles and carpools to lessen vehicle emissions. More than 65 vendors, including solar panel distributors, environmental organizations and school groups, were on hand at the event, Loyko said.

### **Bakersfield Californian, Letter to the Editor, April 19, 2005 Price of gas brings incendiary remarks**

Take back our country Hooray for Bakersfield and their fine Republican leaders, Bill Thomas, Dick Cheney, George W. Bush and all the fine leaders in Congress and the Senate. They have put Bakersfield on the map. Bakersfield has the highest gas prices in the United States and we might as well say the unhealthiest air.

This is the biggest joke of the year. Here we have three refineries in Bakersfield area and we have the highest gas prices. Give me a break.

I know this is Bill Clinton's doing. Everything this administration does wrong they have to put the blame on someone. What happened to the old saying "the buck stops here?" Oh, excuse me, that was Truman.

I think our president doesn't know or doesn't care about the price of gas. That is why he is pushing to privatize Social Security, to get people's mind off of what is really happening.

Why are we letting these companies merge and taking the competition out of the picture? Gas, banks, utilities, hospitals, phone companies -- ever since this started happening, our country has deteriorated. Our government not only condones these moves, but they are sending most of our high paying jobs to other countries.

Enough is enough. Let's start taking our government back to the American citizens where it belongs.

KENNETH KNIGHT SR., Bakersfield

### **Modesto Bee, Letter to the editor, April 19, 2005 Ozone is our friend, not our enemy**

On April 9, the Work & Money section featured the article "Pesticide firms told to change products." While I appreciate The Bee's attempts to focus on the environment, ozone is not responsible for triggering "asthma attacks and other breathing disorders." The EPA defines ozone as a naturally-occurring gas that filters the sun's ultraviolet radiation. A diminished ozone layer allows more radiation to reach the Earth's surface. Overexposure to UV rays can lead to skin cancer, cataracts and weakened immune systems. Increased UV can also lead to reduced crop yield and disruptions in the marine food chain.

UV also has other harmful effects. It is holes in the ozone that concern us. Ozone is our friend and we're trying to protect it.

MARIAN BARR, Modesto

**Tracy Press, Editorial, April 19, 2005**

## **OUR VOICE**

### **Be more flexible in cleaning the air**

The San Joaquin Valley has an air pollution problem, part of it not its own doing. So do the foothill counties and California's neighbor Nevada.

Auto emissions mixed with industrial pollution create a smog problem that begins in the Bay Area, is blown into the already polluted valley and flows over the foothills and Sierra. That car stuck in traffic at the Bay Bridge maze is affecting how Tracy residents and even Nevadans breathe.

Yet the federal Environmental Protection Agency has to punish everyone that has the bad air. It would do so by withholding federal transportation funds.

A highway in Nevada may never be widened in part because of the congestion on Interstate 205 hundreds of miles away in Tracy.

Now multiply this situation at least 47 times throughout the continental U.S., and you begin to understand why the chairman of the House Energy and Commerce Committee, Rep. Joe Barton, R-Texas, wrote a provision into the energy bill to make the EPA clean air standards more flexible.

Air-quality districts would be able to delay meeting EPA standards until neighboring districts and states clean up their act. Here, the Bay Area would have to meet EPA smog standards before the valley does because up to 25 percent of our pollution comes from over the hill.

Barton told The New York Times his provision isn't intended to weaken the Clean Air Act, nor to undermine the Clean Air Interstate Rule that sets new power-plant standards for the eastern half of the U.S. Instead, it would enable the EPA to grant air-quality districts extensions because they cannot control the pollution that seeps from neighboring districts. Three federal courts took away the federal agency's discretionary power a few years back, ruling it violates the Clean Air Act.

The courts' decisions set up the air-quality districts to fail, while Barton is approaching the dirty air problem with common sense.

The air in the San Joaquin Valley is the cleanest since the federal mandates took effect 15 years ago, thanks to you. Cars run cleaner, farming practices have changed and industries are modifying what comes out of their smokestacks. The valley has reached an important juncture in reducing particulate matter pollution, having met EPA standards for two consecutive years for PM 10.

However, the valley lags in meeting standards for smaller particulates and ozone. If the valley needs more time in part because of dirty air flowing over the Altamont Pass, it should be granted an extension. Barton's provision would give the EPA the right to do so.