



Clean Water Action

sustainer news

VOL. 17, NO. 2 CALIFORNIA, WINTER 2007

Victory for consumers of bottled and vended water!

By Jennifer Clary

In October, Governor Schwarzenegger signed into law **Senate Bill 220**, authored by Senator Ellen Corbett (D-San Leandro) and sponsored by Clean Water Action! This bill will provide essential water quality and consumer information to consumers of bottled and vended water.

As part of our national efforts to improve water quality, Clean Water Action worked at the national level to ensure that public water agencies provide annual reports to their customers giving details about their water quality — a requirement that was included in the 1997 federal Safe Drinking Water Act. As consumption of bottled water skyrocketed over the last decade (70% of Californians rely on bottled or vended water for all or part of their drinking water supply), it became clear that similar water quality protections and consumer information requirements were needed for these *private* water sources. Since 2003, Clean Water Action has been working to implement such requirements through the California legislature.

Under **SB 220**, bottled water companies operating in California will, beginning in 2009, be required to provide consumers with information on the quality of their water, including the type and concentration of any contaminants detected. Additionally, this bill improves consumer information and oversight of the more than 7500 vended water machines in California. Vending machines are often the water source of choice in low-income immigrant communities, and currently operate virtually without regulatory oversight. SB 220 establishes maintenance requirements for the machines, mandates a proactive inspection program by the Department

of Public Health, and requires that information on the machines be posted in both English and Spanish.

Hundreds of Clean Water Action members joined with a broad coalition of consumer groups, environmental justice and environmental organizations and water agencies to ensure passage of this bill. Many thanks to those of you who sent a letter or e-mail to the Governor. And our special thanks to Senator Corbett, who authored our original 2003 legislation as an Assemblymember, and made passage of the bill a priority in her first year in the State Senate.

Other 2007 legislative updates:

Governor Schwarzenegger signed another of Clean Water Action's priority bills into law. **SB 966** (Joe Simitian, D-Palo Alto) requires the Integrated Waste Management Board to identify and develop model programs for the safe disposal of household generated pharmaceutical waste. While our preference is for the establishment of a more comprehensive mandatory program, this bill does take the needed first steps to create more programs.

After failing to pass any substantive flood protection legislation in 2006, the State Legislature and the Governor approved a suite of bills designed to limit developments in flood plains, reduce taxpayer liability when levees fail, and develop flood protection plans in the most vulnerable areas of the Central Valley.

The Governor **vetoed** several important bills, including two bills authored by Senate President Pro Tem Perata. **SB 1001** would have restructured the nine Regional Water Boards to make them more effective and less beholden to special interests; and **SB 1002** would have guided the expenditure of bond funds from Proposition 84. The veto of SB 1002 has delayed disbursement of these bond funds until 2008.

Still awaiting action: because 2007 is the first year of a two-year session, bills that have

not yet passed the legislature still have a chance. This includes a Clean Water Action priority bill, **AB 558** (Feuer, D-Los Angeles), which is modeled on a 1998 Massachusetts law supported by Clean Water Action's New England office. AB 558 would require manufacturing companies to report their use of designated toxic materials, and to develop plans to reduce their consumption. AB 558 is currently being held in the Senate Appropriations Committee.

Another significant 2-year bill is **SB 974** (Senator Lowenthal); this bill would assess a fee on shipping containers entering the Ports of Los Angeles, Long Beach, and Oakland, with the funds generated being earmarked to improve the flow of goods from the ports (for instance, by improving rail access or removing bottlenecks) and to mitigate the impacts of the pollution generated.

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San Francisco Oil Spill

By Andria Ventura

Right on the heels of a major victory for Clean Water Action and its allies in establishing a strong clean up plan for San Francisco Bay's mercury problem (Summer 2007 newsletter), the cargo ship Cosco Busan collided with the Oakland Bay Bridge, dumping 58,000 gallons of bunker fuel into the water. Shipping companies use bunker fuel, which is 1,000 times dirtier than diesel, because it is cheap, without considering the potential environmental and health costs. As a result of this spill, the Bay's water and miles of beach have been contaminated, thousands of birds have smothered to death, and the crabbing industry has suffered financial losses.

Bunker fuel is made up of the residual materials left over when crude oil is refined, including concentrated levels of toxic contaminants such as lead and sulfur. It is difficult to clean up and persists in the environment for a long time, threatening human and wildlife by

polluting water and air, and contributing to global warming. It is believed that over half of the sulfur polluting Southern California's air is from ships, and according to the American Chemical Society, the pollutants and air particles from ship exhaust were linked to the premature death of approximately 60,000 people with heart and lung ailments in 2002.

Ironically, just a few weeks before the Cosco Busan accident, a federal appeals court affirmed California's right to ban the use of bunker fuel to power ships' generators. The state's Air Resources Board may now consider banning its use to run ship engines within three miles of the coast and Senators Boxer and Feinstein have introduced a bill that would raise the liability limits for cargo vessels as an incentive to use safer double-hulled ships.



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Clean Water Action (CWA), founded in 1972, is a national citizens' organization working for clean, safe and affordable water, prevention of health-threatening pollution, creation of environmentally-safe jobs and businesses, and empowerment of people to make democracy work. CWA organizes strong grassroots groups, coalitions and campaigns to elect environmental candidates, and to protect our environment, health, economic well-being and community quality of life.

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What You Can Do: While local authorities claim that clean-up activities are working, there is still much to be done. Bay Area residents should report oil sightings immediately to the California Office of Emergency Services (800-852-7550) and can check out volunteer clean-up opportunities on our website (www.cleanwateraction.org/ca/). Also, avoid walking pets along the shoreline, do not approach distressed wildlife or take clean up actions without proper guidelines, and be sure to check California fish consumption advisories for health information (www.oehha.ca.gov/public_info/facts/sfbayfacts112107.html).

The Battle Over Bonds

The Governor and State legislators continue to negotiate the terms of a water bond to place before the voters in 2008. Republicans insist that any bond include funds for three dams; Democrats prefer to fund local water supply initiatives. The result of this roadblock will likely be dueling ballot measures next November. If two proposals come to the ballot, both are likely to be defeated. The Legislature will continue to debate these issues when the 2008 session begins in January.

The impetus for these bonds is a recent superior court ruling requiring a reduction in pumping from the Delta, which provides water for Central Valley agriculture, and all or part of the drinking water supply for 20 million Californians. The nearly 50% increase in exports

from the Delta since 2000 is considered a primary cause of the catastrophic decline of several fish species, including the Delta smelt. Aging levees, sea level rise and invasive species are also contributors to the demise of the largest estuary on the West Coast of the Americas.

The Governor has named a Blue Ribbon Task Force to develop recommendations, which can be found at www.deltavision.ca.gov. Look for a revival of the Peripheral Canal, which would take water from the Sacramento River and divert it around the Delta, directly to the export pumps. Unless this proposal includes a reduction in total water exports, it is unlikely to succeed.

Clean Water action will continue to update its members on the status of these proposals.

Building a Green Economy

By Andria Ventura

While news reports of toys containing lead and tainted pet food have raised awareness of chemicals in the products we use, they are also misleading. As the media and decision makers point fingers at an outside problem—a lack of oversight by foreign governments—these stories draw attention away from the fatal weaknesses in U.S. chemical policy that are at the crux of the situation. As we reported in our Summer 2007 newsletter, the reality is that U.S. law, which was largely written by industry, does not require manufacturers to identify the potential health and environmental impacts of the chemicals in their products before they come to market, and regulators can only restrict or ban the use of toxic chemicals after a problem has occurred, often with tragic results. It is only because of the long history of harm caused by lead that we have restrictions on toys. And it is only because of those regulations that this problem came to light—demonstrating the need to reform our own chemical policies and develop products and processes based on green chemistry.

Green chemistry refers to designing chemicals, products, and processes from the start to be high quality, sustainable, and non-toxic. Not surprisingly, California has the potential to become a leader in this shift toward a green chemistry based economy as state and some farsighted industry leaders have come to realize that in addition to the environmental and health problems, the costs and liabilities associated with toxic chemicals are not financially sustainable. Perhaps more importantly, they also see that given stricter international chemical regulations, *moving toward a non-toxic green chemistry model of production can actually create a competitive advantage for California companies.*

In May 2007 the California Environmental Protection Agency (CEPA), at the direction of the Governor, announced its Green Chemistry Initiative, spearheaded by the agency's Department of Toxic Substance Control (DTSC). The agency also launched the *Conversation with*

California, providing a number of forums by which interested parties could weigh in on how the Initiative can best promote green chemistry in the state.

Over the last year, Clean Water Action has, in addition to the activities we reported in the summer, taken a lead role participating in the *Conversation with California* and providing a strong public interest voice at DTSC green chemistry meetings. In the face of well represented industry interests supporting the status quo, we have advocated for a state program that will ultimately remove pervasive and hazardous chemicals from commerce, while promoting the development and use of non-hazardous alternatives, ensuring sustainable jobs and production models, and fostering economic growth through research and implementation of green chemistry. Specifically, we want the Green Chemistry Initiative to:

- Reverse the burden of proof so that products are demonstrated to be safe before they come to market,
- Require more comprehensive information on the hazard traits and use of chemicals in California,
- Restrict or eliminate the use of “bad actor” chemicals known to be unsafe,
- Mandate the use of safer alternatives for hazardous chemicals when available,
- Develop a robust framework for regulating chemicals and promoting producer responsibility throughout their products' life cycle, in addition to incentives to promote the development of greener chemicals,
- Investing in research initiatives, developing university green chemistry curriculums, implementing purchasing policies that favor green businesses and practices, and building connections between public and private enterprises to attract green chemistry development,
- Consider the costs born by our communities and local governments as a result of toxic chemical use, and not just those to industry.

Our Members Can Help

DTSC is currently working to develop a final framework and priorities for the Green Chemistry Initiative by July 2008. It is essential that they receive a strong message that this program can create positive change to protect public health and the environment, as well as build a sustainable California economy *if it incorporates the actions we have recommended.* We are asking our members to take a moment to write a quick note supporting necessary regulation and eradicating the use of known toxic chemicals (*see sample letter below*). Members can also learn more about green chemistry and the Initiative, review the discussion on the blog, and even weigh in with their own opinions by visiting (www.dtscc.ca.gov/PollutionPrevention/GreenChemistryInitiative/index.cfm).

Maureen F. Gorsen
Director
Dept. of Toxic Substance Control
California EPA
P.O. Box 806
Sacramento, CA 95812-0806

Dear Director Gorsen:

The Green Chemistry Initiative provides an opportunity to protect California by acting to restrict or eliminate especially dangerous substances and by mandating safer alternatives. I urge you to ensure that in addition to incentive programs, the Initiative implements protective regulations, including restrictions and bans of chemicals for which the weight of evidence demonstrates a severe hazard to human health and/or the environment.

Sincerely,
Your Name
Your Address

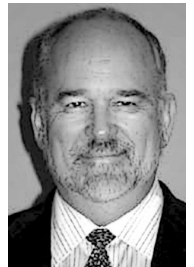
Clean Water Action Welcomes New CEO John DeCock

John DeCock became the new CEO of Clean Water Action on October 1, 2007. This is particularly exciting for California since John will be based in our San Francisco office, providing added leadership and even greater synergy between our state-level work and that of our national office.

In describing his vision for Clean Water Action, John said: "It is time for all of us to join together in restoring the integrity of our laws, advancing new and critical environmental protection and joining with members of our communities to hold our leaders accountable for doing what we all know is right — the protection of the commons and the preservation and restoration of our natural resources. Clean Water Action has led the

fight to gain ground on environmental issues for many years. **The tide is turning in Congress and we have within our grasp the opportunity to build a new pro-environment majority that better reflects the values of the American people.**

Before joining Clean Water Action, John was a long time leader in the Sierra Club and Sierra Club Foundation, having served in a variety of capacities over the past twenty-six years. In addition to his extensive experience, he brings with him a strong vision for our organization and our environmental future.



Our members are invited for a reception welcoming our new President and CEO

John DeCock

Thursday, January 10th, 2008

5:30 pm – 7:30 pm

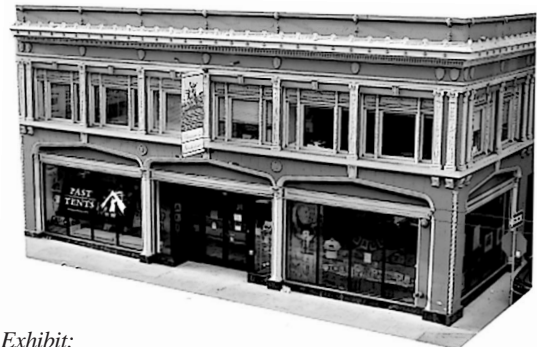
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The California Historical Society

678 Mission Street, San Francisco



Please RSVP by visiting
www.CleanWaterAction.org/rsvp
or by calling 415.369.9160 ext. 301



Featured Exhibit:

Past Tents: The Way We Camped

Spend an evening with an affectionate portrait of early camping in the West! This exciting exhibition will lead visitors through the pre-GORE-TEX® camping experience, with tales of family outings, car camping and a presentation of gear used by campers at the turn of the 20th century.

California Historical Society Exhibit
Past Tents: The Way We Camped



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