

March 24, 2011

Dear Members of the Assembly and Mayor Luke Hopkins,

I'm providing my testimony in writing as I will be unable to testify during the March 24, 2011 public hearing of the Assembly.

Following is my testimony in support of Ordinance 2011-12, the Air Quality Zones ordinance.

INTRODUCTION

Thank you for your ongoing individual and collective efforts on the Assembly to protect children, public health, and the economy of our community. I particularly appreciate Mayor Hopkins for his leadership and depth of knowledge on fine particulate pollution which has been challenging our community.

I also compliment the leadership of Assemblymembers Diane Hutchison, Joseph Blanchard, and Nadine Winters in introducing 2011-12.

Air pollution harms us all: increased medical care, air filtration systems, damaged lives, and lost businesses opportunities which hinder future investment and economic opportunities. Even as the price of fuel continues to rise, any savings from burning prohibited fuels are dwarfed by the public and private costs of air pollution.

We cannot ignore the costs of air pollution generated by burning polluting fuels. We squander public funds and private assets in costly attempts to cope with the injury of air pollution rather than pursuing the problem to its source. As a property taxpayer and affected resident, it is time to make individuals accountable for the harm caused by burning prohibited fuels rather than spreading the costs among us all. Cheap but polluting fuels become the most expensive fuels when we consider the full costs.

If problem emitters are addressed with enforcement, the Air Quality Zone ordinance can make a difference. Media coverage and educational publications have saturated the burn wise message in our community. Additional educational efforts, while never harmful, yield diminishing returns. The air around schools, daycare facilities, medical facilities, and assisted living facilities needs to be protected all the time, not just at a smoke emitter's whim.

The required warning is a reasonable first step of any enforcement of this ordinance.

CHILDREN AND ELDERS NEED EXTRA SAFEGUARDS

Children and our pioneers are truly the most vulnerable among us, having little ability to defend themselves legally and among the most sensitive physiologically to fine particulate pollution.

Children are the future of our community, yet their increased respiration rates for body size, higher frequency of mouth breathing, and higher activity levels places even healthy children in the group sensitive to harm from fine particulate pollution.

No one in good faith can insist children in schools and elders in assisted living take offenders to court to protect their own health. Children are dependent upon their parents for protection, and the parents may not have the assets or motivation to pursue a difficult court challenge. Similarly, elders may not have the assets or motivation to take the offenders to court. One of the most important functions of government is to provide for public health and safety. This draft ordinance helps accomplish this function.

Yet, even the healthiest among us are at risk from current winter 24-hour average and sub-daily peak concentrations of fine particulate air pollution and even healthy athletes can be converted into “sensitive” individuals, with decreased tolerance for air pollution, heightened sensitivities, and decreased lung capacity (thus endangering their future ability to perform and compete).

A concern has been raised that the Air Quality Zones ordinance does not protect all of us or even the homes and bedrooms for most children and pioneers. It is true that it is not enough, but establishing Air Quality Zones is a sorely needed start. Perfection must never prevent or delay implementation of the good. This community must begin to control fine particle pollution. Raising the penalties for burning improper, polluting fuels near schools and daycare, medical, and assisted living facilities is an appropriate place to start.

MANDATE FOR ENFORCEMENT IS NEEDED

The ordinance should include a mandate for enforcement. Once the ordinance is approved and enforced, air quality can improve within hours. If the ordinance is approved but not enforced, air quality necessary for vulnerable residents will continue to degrade.

NEEDED AMENDMENTS

Two changes are necessary in the ordinance.

- 1) Alerts and episodes should be expanded to include “advisories” as current DEC regulations only allow advisories for fine particulate pollution.
- 2) Remove the exception for Interior/Healy coal. To exempt any material not recommended by the manufacturer of a solid fuel heating appliance encourages misuse and may lead to residence fires, increased air pollution, and liabilities for the Borough. The inclusion of the phrase “material not intended for use by the manufacturers of the appliance or stove” is, however, a very positive addition and promotes the proper use of heating appliances.

COMPLAINT PROCESS

Air quality is a pressing concern in our community. In the past seven years, the Fairbanks North Star Borough has received more than 400 complaints about air quality. Over 90% of these complaints were received during the three previous winters. These numbers include complaints logged by the Borough through the end of January 2011 but do not include complaints submitted to DEC but not shared with the Borough. A growing number have been reported each year as the problem of air pollution reaches more individuals, families, and neighborhoods. For comparison, the recent grandfather zoning dispute process and the Library Commission’s book ban consideration were each triggered by a single complaint.

This growing number of complaints has been triggered by increasing concentrations of fine particulate pollution in our community. The Federal and State standard for the 24-hour average is 35 micrograms per cubic meter. In 2007, a 10% reduction was needed to meet the standard. In 2008, a 15% reduction was needed. In 2009, a 20% reduction was needed. In 2010, a 30% reduction was needed to meet the standard. Nothing we have done so far has brought the rate of increase down; in fact, it stepped up substantially in 2010.

Every resident and winter visitor to our community is impacted by our chronic winter air pollution, whether they realize it or not. Air pollution hangs heavily on the shoulders of the community. Public health, safety, welfare, and quality of life are all lowered. In addition, the economic costs of air pollution are shared by every person. Every person in our borough is adversely affected by air pollution through the pending BRAC commission assessment of Eielson and Fort Wainwright in 2013, EPA's economic sanctions for nonattainment, and other lost development opportunities. From a health and economic perspective, we are all victims of chronic winter air pollution.

Some blame complainants for complaining. Blaming victims is cruel and highly irresponsible as it does nothing to address the causes of air pollution. Complainants are not from California or Pennsylvania, where 24-hour averages of fine particulate (PM 2.5) are far lower. They are residents of our community: parents, grandparents, teachers, librarians, nurses, realtors, and every other kind of resident. Every resident who submits a complaint on their own behalf is also helping save an entire community at risk. The air is a public resource and shared by us all. Air pollution doesn't stay in one place. Air pollution from burning wet wood or smoky coal is not just a concern for the residents of that neighborhood. Air pollution emitted near one school or daycare, medical, or assisted living facility affects not only those vulnerable individuals but disperses throughout the larger area, spreading injury and even permanent damage.

POLLUTION IMPACTS AND LEVELS ARE INCREASING

Vulnerable individuals often feel the adverse effects of air pollution at lower concentrations. Fortunate healthy individuals may not notice the physical damage from air pollution concurrent with exposure, yet no one can be certain they belong in the healthy category as risk factors may be undiagnosed. By the time they are physically aware of the symptoms, they may have already been converted into a member of the so called "sensitive groups." Breathing is essential to every living moment, but air pollution reduces the number of moments we have left to breathe. Physiological symptoms including shortness of breath, heart palpitations, and headaches indicate damage is already occurring. During the winter of 2009/2010, PM 2.5 concentrations on two dozen days exceeded Unhealthy levels, that is, unhealthy for every person. It was a hard winter for vulnerable individuals as concentrations exceeded Unhealthy for Sensitive Groups on a total of 54 days. The Borough measured these concentrations at the downtown state office building on 7th and Barnette Street which is not near concentrated sources. Monitoring near area smoke sources would show elevated concentrations for a greater number of winter days.

HELP IS NEEDED AT BOROUGH LEVEL

We have not been able to count on the State to protect our most vulnerable residents from air pollution. Governor Parnell has said he is trying to balance public health with protecting individual rights to burn cheap fuels. Giving air polluters free rein to do as they please while

doing nothing to protect public health--his Constitutional responsibility--is not balanced. In fact, the whole premise of balance is false when the healthy development of our children's lungs have been placed in jeopardy with dangerously high concentration of air pollution. Even after the state issued two Nuisance Abatement Orders, to the former Dog's Bar on the Steese Highway near Farmer's Loop (1/27/11) and to the owner of two outdoor wood boilers across from Woodriver Elementary School (3/10/11), the State has recorded not one violation and those emitters continue to smoke and cause public nuisances.

The State currently lacks authority to issue tickets for air pollution, although they can issue tickets for up to \$1,000 for littering. Currently, the Borough government is the only entity with authority to use fines to reduce smoke pollution. The State plans to substantially revise air quality control regulations but any changes to state regulation will take a year to put into effect, which puts off air quality improvement until **after** next winter. By approving 2011-12, the Assembly can initiate protections that take effect the day following its adoption.

It is my hope that once the program is instituted, that it can be assessed in a few months or six and the penalty amounts adjusted as needed to make the enforcement program self-supporting, revenue neutral, and not burden the Borough's budget or property taxpayers.

CONCLUSION

Please address the necessary changes and approve 2011-12 as soon as possible. Even though spring is on its way and downtown air quality may have improved so we are unlikely to exceed the 35 microgram standard for the 24-hour average, emissions from local sources continue to seriously degrade air quality near areas used by our most vulnerable residents. Local neighborhood air pollution is not a winter-only problem but may exist year around.

Anything you as individuals and as leaders representing the needs of our community can do to reduce fine particulate emissions and improve air quality will be appreciated by residents old and young throughout our community. Our pioneers gave their most productive years establishing and growing this vital community. It is fitting that we give them clean air to breathe for their golden years to add as much vitality and joy to their remaining lives. The youngest of our residents, while they cannot vote or even choose where they attend school, are growing and developing lungs they will use as long as they live. Please help our children grow the very best lungs they can and reach their full physical, intellectual, and athletic potential by giving them clean air to breathe this spring.

Thank you for considering my comments.

Sincerely,

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