

## Construction Emissions Face Scrutiny in California

Scientists say pollution from heavy equipment kills thousands

Where automobiles are concerned, California has the most stringent air-pollution controls in the nation. Construction equipment, however, is a different story: Pollution from the 180,000 bulldozers, excavators, and earth-movers that carve out the state's roads and housing developments has largely escaped notice — until now.

In December, the Union of Concerned Scientists (UCS) released a study that blames emissions from diesel-powered construction equipment for an estimated 1,132 premature deaths in 2005 in California alone. The group also concluded that as many as 30,000 asthma attacks and 183,000 lost workdays during the same year were caused by construction pollution, resulting in a total cost to the state's economy of more than \$9 billion.

"Construction pollution is taking a heavy toll on the health of all Californians," says Don Anair, an engineer with UCS and the author of the report. "The construction equipment being used to build our hospitals shouldn't be responsible for filling them up."

The problem with diesel exhaust is not so much the heavy black soot that makes people cough and sneeze as it is microscopic particulates that evade the body's natural defenses and burrow deep into the lungs, causing inflammation and scarring, and increasing the risk of cancer.

The smallest particles can get absorbed into the bloodstream and contribute to cardiovascular illnesses.

Although the EPA has subjected manufacturers of diesel engines for large trucks and buses to strict emission controls since 1988, comparable standards for off-road construction equipment won't start being phased in until 2008. One result of the

According to scientists, an excavator like this one generates as much pollution in an hour as a tractor-trailer does traveling from Los Angeles to Seattle.

■ November sales of new single-family homes rose at a seasonally adjusted rate of 3.4 percent over October's dismal figures, reports the Commerce Department. Many industry experts caution that the change does not necessarily indicate an upturn in the market; rather, they attribute the increase to buyers taking advantage of generous incentives offered by builders trying to reduce inventories of unsold homes. As proof, they note that November's sales were 15.3 percent lower than those of a year ago.

■ After 19 years as the state with the nation's fastest growing population, Nevada has been bumped to No. 2 on the list. The new leader? Arizona. Numbers from the U.S. Census Bureau indicate that between July 1, 2005, and July 1, 2006, the Grand Canyon State's population rose 3.6 percent — compared with a paltry 3.5 percent for Nevada. In sheer numbers, Texas — which added 579,275 people during that period — was the winner, followed by Florida and California, each of which gained more than 300,000 people. Not surprisingly, Louisiana was the big loser. Nearly one year after Hurricane Katrina, that state's population was down by almost 220,000 people, a 4.9 percent decline from the previous year.

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lagging engine standards, Anair points out, is that a typical bulldozer, backhoe, or excavator emits more pollution in a single hour than a modern tractor-trailer does while traveling 1,000 miles.

This form of pollution may prove to be more complicated to reduce than car and truck emissions, however. Because the machines are built to last for decades — and are very expensive to replace — the UCS study predicts that, by themselves, the federal new vehicle standards won't yield results until 2030. To speed up the cleanup, the group recommends retiring the oldest equipment, replacing the engines on middle-aged machines, and retrofitting newer models with modern emission-control devices. (For owners who want to make their construction equipment cleaner than what's currently mandated, the California EPA provides grants through the Carl Moyer Incentives Program. Go to [www.calepa.ca.gov](http://www.calepa.ca.gov) for more information.)

In the meantime, the California Air Resources Board is drafting measures that will require owners of existing off-road construction vehicles to reduce their emissions of diesel particulates. Those regulations may go into effect as early as 2009.

The full UCS report, "Digging up Trouble: The Health Risks of Construction Pollution in California," is available on the organization's Web site at [www.ucsusa.org](http://www.ucsusa.org). — *Tom O'Brien*

## Paint Manufacturers Face More Lead-Related Lawsuits

In January, the city of Los Angeles joined a number of other California municipalities in a class-action lawsuit against 10 companies that formerly manufactured lead-based paint. The suit alleges that Sherwin-Williams, DuPont, Glidden, and others knew about the toxic nature of their products but deliberately concealed this information from the public.

San Diego, Oakland, and San Francisco are also party to the lawsuit, which seeks to force the manufacturers to contribute to a fund that will pay for the abatement of lead hazards in homes and buildings throughout the state.

Similar legal actions are under way in Ohio. There, six cities — including Canton, Columbus, and Cincinnati — rushed to file lawsuits before the end of the year following the General Assembly's passage of a bill severely restricting the ability to sue paint manufacturers; the new measure requires that plaintiffs prove that manufacturers made

■ An unemployed framer in Little Rock, Ark., dressed himself as a border patrol agent in November to intimidate workers he believed were in the country illegally, reports the *Arkansas Democrat-Gazette*. Carl Dean Wynn Jr. is also accused of sending threatening letters to their employer, builder Graham Smith, who notified the police. Wynn was arrested and charged with harassment and misdemeanor criminal mischief. Upon his arrest, police found bullet-resistant vests, Border Patrol T-shirts and badges, and dozens of four-pointed spikes that Smith claims were used to flatten tires in front of his business. Smith says that while all of his workers are legal, he can't vouch for his subcontractors' employees.

■ Upscale garages are in and spiral stairs are out. That's the word from real estate trend-watcher Mark Nash, who polled 923 real estate professionals for his survey "What's In, What's Out With Home Buyers in 2007." Nash says today's buyers want finished garage spaces equipped with cabinets, hvac, and a refrigerator. They also covet heated patios, two home offices, and a "rejuvenation room," described as a calming exercise and meditation space with a spa and shower. Poll respondents judged spiral staircases passé (aging boomers don't want to climb them and they're tricky for children and pets). Ditto for bowl-shaped above-the-counter bathroom sinks (too hard to clean) and glass-filled kitchen cabinet doors (don't hide the clutter).

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the specific paint in each building that poses a health hazard.

Until now municipalities around the country have sidestepped such formidable burdens of proof by arguing that if it can be proved that a company sold a significant amount of lead-based paint within the jurisdiction, it should be held accountable for creating a public nuisance.

That's what happened in Rhode Island. Last February, in a landmark decision, a jury there found three former manufacturers of lead-based paint (Sherwin-Williams, NL Industries, and Millennium Holdings) guilty of creating a public nuisance. It's now up to a judge to determine damages; meanwhile, the affected companies are contesting the verdict.

And in Missouri, the city of St. Louis is using the public-nuisance argument to hold paint manufacturers Benjamin Moore, PPG Industries, and XBD Inc. — as well as the three companies convicted in Rhode Island — accountable. Although a lower-court judge initially rejected this claim, the state Supreme Court has agreed to consider the matter. — *T.O.*

## Georgia to License Building Contractors

On January 1, 2008, the dwindling number of states that allow contractors to practice without a license will be reduced by at least one. In Georgia, from that date forward, no one will be allowed to pull a building permit for any job costing more than \$2,500 without first presenting a valid contractor's license.

According to the new regulations, contractors can apply to be licensed under one of the following three classifications:

- Residential-Basic, which allows for work on one-family and two-family houses and townhouses;
- Residential-Light Commercial, which comprises all of the above plus multifamily housing and light commercial projects;
- General Contractor, which allows for unlimited types of work — excepting specialty trades, such as plumbing and electrical, that already require separate licensure.

The fee to apply for any of these licenses will be \$200. Among other requirements, applicants must show proof that they carry workers' compensation plus specific levels of general liability insurance, and achieve a score of at least 70 on a two-part examination. And applicants for the general contractor license must have a minimum net worth of \$150,000, as well as a \$50,000 line of credit. — *T.O.*

■ Concrete is not just for foundations anymore. A recent study by NAHB and the Portland Cement Association reveals that in 2005 nearly 18 percent of all new single-family homes were framed using an above-grade concrete building system. In addition to concrete masonry units and cast-in-place concrete, popular systems include ICFs, precast panels, and autoclaved aerated concrete.

■ A partnership composed of many of the nation's largest banks and philanthropic institutions is calling on the president and Congress to come up with a better plan to revitalize America's cities. In addition to asking for more federal dollars and longer-term commitments to fund worthy projects, Living Cities wants the government to loosen restrictions on how local jurisdictions can spend that money. Funded by the Ford, Rockefeller, MacArthur, and Annie E. Casey foundations, among others, Living Cities ([www.livingcities.org](http://www.livingcities.org)) has invested \$375 million in America's cities since its founding in 1991.

■ Apparently the world's largest home-improvement retailer is not content to merely buy boatloads of product from China. In an effort to establish a sales presence in the world's most populous country, Home Depot announced in December that it was acquiring Home Way, a Chinese home-improvement chain with 12 stores in six cities. This latest round of expansion comes after earlier forays into Canada (1994) and Mexico (2001). Today the company claims to hold the No. 1 position in both of those markets.