

Lawmakers call for probe of chemical plant

Susan Sward, Chronicle Staff Writer **Tuesday, July 8, 2008**

(07-07) 19:27 PDT -- Three California lawmakers called Monday for an investigation of a Mojave Desert chemical plant after a Chronicle series about a woman who has battled for a decade to convince regulators that toxic substances at the plant have harmed workers.

Assembly Speaker Pro Tem Sally Lieber said the story of former chemical worker Rita Smith's fight against the company, now named Searles Valley Minerals, "was very accurate in describing a situation that is beyond lax" at the plant in Trona, a small town in San Bernardino County.

The Mountain View Democrat, elected to her pro tem position in 2006, said, "You can say something is lax if regulations aren't being followed, but there is a level of neglect here that is very disturbing. I think the state should investigate current conditions at the plant."

On Sunday and Monday, The Chronicle detailed the crusade by Smith, who has campaigned to learn why her husband, Steve, who worked 19 years at the plant, developed severe injuries to his lungs, nerves and other body systems.

No regulatory agency has responded to Rita Smith's request to file environmental and safety violation charges against the company. The plant says it has an excellent safety record and that Smith's allegations are not credible.

Company disputes articles

"These articles are disappointing in their failure to appropriately represent the conditions of employees at Searles Valley Minerals," said Arzell Hale, executive director of the company. He added that The Chronicle has relied on the word of Smith, whom he described as a "convicted drug transporter," a reference to her conviction in the 1980s on a charge of marijuana possession for sale.

The concerns voiced by Lieber were echoed by Assemblyman Jared Huffman, D-San Rafael, who is chair of the Assembly Committee on Environmental Safety and Toxic Materials, and Assemblyman Mike Feuer, D-Los Angeles, another member of that committee.

In an interview, Feuer said that, based on The Chronicle's account, "It's time for the state to investigate what's happening at Trona and at Searles Valley Minerals in particular."



Sources: ESRI

The Chronicle

Huffman said The Chronicle stories made him conclude that the state should look at two major issues: the protection of workers and the response of the state Fish and Game Department to the deaths of thousands of migratory birds at a lake created by discharges from the plant.

The Chronicle reported that since 2000, the state estimates that 4,000 birds have died on the lake, mainly from salt toxicosis because of the high level of salt in the discharge from the plant.

In 2005, the state Fish and Game Department made an agreement with the company that allowed for the deaths of additional birds and set possible penalties if the deaths exceed a specified number over time. The agreement also required the company to pay \$300,000 for a new wetlands area in the southern Owens Valley, about 55 miles north of the plant.

Huffman said he still remembers the problems at Kesterson Reservoir in the San Joaquin Valley, where a buildup of the element selenium caused wildlife deaths and deformities in the early 1980s. The reservoir eventually was shut down.

Noting the number of bird deaths at Searles Lake, Huffman said, "When you have wildlife death at this level, this is a red flag that there is perhaps a broader problem. I'd like to make sure we don't have a Kesterson-like problem here."

Graham Chisholm, conservation director for Audubon California, said his group "is concerned any time migratory birds are put at risk. The situation at Searles Lake is tragic. We encourage the Fish and Game Department to be vigilant in monitoring the situation and even re-evaluating its mitigation plan if scientific evidence indicates that is appropriate."

Getting regulators' attention

State Sen. Joe Simitian, a Palo Alto Democrat who chairs the Senate Environmental Quality Committee, said: "When you have a furry or feathery creature, people can be sympathetic - if it's the birds, the bees, the bunnies or the bears. But for some reason, when we are talking about working folks who roll up their sleeves and get their hands dirty every day, it is a little more difficult to engage the public or the regulators' attention."

Some of the experts interviewed see the Smiths' story as evidence of a broader problem.

"The Smiths are a keyhole into this enormous roomful of weaknesses and failures in the laws and policies that protect workers in the United States," said Michael Wilson, a research scientist at the UC Berkeley Center for Occupational and Environmental Health. Wilson was the lead author on a recent University of California report, signed by 127 UC faculty members, which called on California to embrace a "green chemistry" approach promoting the design, production and use of chemicals and products that are safer for humans and the environment.

Last year, Gov. Arnold Schwarzenegger's environmental protection secretary, Linda Adams, pledged to push a "Green Chemistry Initiative."

Maureen Gorsen, director of the California Department of Toxic Substances, told The Chronicle on Monday that her agency, after consultation with scientists and other state environmental regulators, expects to make recommendations on this issue this summer to the California Environmental Protection Agency.

"The potential is huge if California starts making an investment in green chemistry technologies," Gorsen said.

The UC report, titled "Green Chemistry: Cornerstone to a Sustainable California," found that each day 42 billion pounds of chemical substances are produced or imported into the United States for commercial and industrial uses. It also stated that in 2004 - the last year such statistics are available - 200,000 Californians "were diagnosed with a preventable, treatable disease traceable to workplace chemical exposure; another 4,400 died prematurely as a result."

Ruling against plant

The Smiths - who say lab tests have found high levels of chemicals in their bodies - blame Steve Smith's condition on chemical exposure at the plant, and in 2006 a workers' compensation administrative law judge ruled that Steve Smith's injuries were a result of his plant exposure to a broad range of chemicals.

The company strongly denies Steve Smith's plant work caused his condition, and it also is contesting new "serious and willful misconduct" claims that the each of the Smiths filed last year against the plant in the workers' compensation system. The state says the company's worker illness and injury rates are below average.

In addition to the Smiths, eight other people who worked at the plant recently have filed similar workers' compensation claims against the plant.

The Smiths have complained that Steve Smith was not receiving the treatment he so desperately needed under the workers' compensation system. The company says it has spent hundreds of thousands of dollars on the Smiths' bills and will pay any bills approved by the workers' compensation system.

Though many in the insurance industry have praised recent reforms in the system, many attorneys for the workers say it is the insurance companies that profited by the reforms while workers such as Rita and Steve Smith have been hurt badly.

Sue Borg, president of the California Applicants' Attorneys Association, said the system is a disgrace. She said that most of the time, companies are able to "handpick doctors that the workers have to use for work-related injuries. It is very difficult for workers in the system to get timely treatment."

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<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/07/08/MNQB11L5DD.DTL>

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