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## School bus company falsified emissions test data, suit says

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Public-interest groups say the company that operates school buses for San Francisco and other Bay Area cities has falsified emissions tests on the diesel exhaust-belching vehicles and should be forced to post signs on its 4,000 school buses statewide to alert students to the dangers of the toxic exhaust.

In legal documents filed Tuesday by Oakland's Environmental Law Foundation, two former Laidlaw Transit mechanics say they were ordered to falsify emissions tests and repair orders at the company's San Francisco maintenance yard.

The nonprofit group sued Laidlaw last year, saying the nation's largest school-bus operator violated the state's Proposition 65 anti-toxic law by not warning that children were exposed to carcinogenic chemicals as they rode the buses.

In the group's additional documents filed Tuesday, mechanics Manuel Contreras and William Padilla said Laidlaw supervisors had ordered employees to falsify documents.

The men, who worked at the San Francisco yard for nearly two decades, now work at United Parcel Service. Contreras was fired from Laidlaw in 2005, and Padilla quit last year.

The former workers said mechanics were ordered to sign off on required repair jobs when the work hadn't been done. Padilla said he was ordered to manipulate emissions tests.

Tiffini Bloniarz, a Laidlaw spokeswoman, said the company would not comment directly on the lawsuit or respond to the accusations by the former employees. She said the company had not had a chance to review the documents.

"We will investigate promptly any allegations once we have reviewed the court documents filed by the plaintiffs," Bloniarz said.

She noted that school districts that own buses don't have to post Prop. 65 warnings because they are public entities, nor do the operators of small companies. Prop. 65 was approved by voters in 1986 and requires companies to notify consumers when products might cause unsafe exposure to chemicals known to cause cancer or birth defects.

Under an \$18 million-a-year contract with the San Francisco Unified School District, Laidlaw transports 6,209 children on 189 school buses five days a week. That includes 4,655 children in kindergarten through fifth grade and 1,554 disabled children.

A group called Parent Voices has pushed the school board to require Laidlaw to meet clean-air standards. And by last December, Laidlaw had replaced its aging San Francisco fleet with buses manufactured in 2005. It's unclear whether the buses that Laidlaw supplied the district contain particulate traps, devices needed to meet 2007 standards for particulate pollution. Laidlaw didn't respond to Chronicle requests for the information.

Maria Luz Torre, a San Francisco coordinator for Parent Voices, said parents often are unaware of how dirty the buses can be.

"We assume because the buses are provided by the school district that they are safe. Parents aren't aware that the kids can be exposed to really bad stuff coming from diesel fumes that get inside the bus," Torre said.

Exposure to diesel exhaust is one of the most significant risks to public health, state medical researchers say. The exhaust contains more than 40 chemicals identified as toxic air contaminants. Fifteen of them also are classified as carcinogens.

State laws govern school buses and require daily inspections by drivers, maintenance inspections every 45 days or 3,000 miles and completion of repairs before the vehicles may return to the routes, said Michael Chaffee, a spokesman for the California Highway Patrol's commercial vehicle section. The state Air Resources Board requires tests of emissions.

Laidlaw's Bloniarz said in a statement that the company is committed to working with federal and state governments, bus manufacturers and customers to ensure the health of the 2 million children that the company transports in North America.

But in his declaration filed with the San Francisco Superior Court on Tuesday, Contreras said his Laidlaw managers "routinely ordered mechanics to sign (inspections) before repairs were made to the buses. This policy did not sit well with the mechanics, and we complained about it. We were concerned that Laidlaw was putting buses that should have been grounded on the road to transport kids. We were also very concerned that we would be held responsible if something were to happen to the kids."

Ultimately, the mechanics were told that they had to sign or would lose their jobs, Contreras said.

Padilla said he was told to conduct the emissions tests, but the company wouldn't buy the special filters needed to check the calibration of the testing instrument before every test. Over eight years, the instrument likely was calibrated only twice, he said.

"I was ordered by every one of my managers on many occasions to make buses that were excessively smoking pass the opacity test by falsifying the test," said Padilla. "In other words, I was ordered several times to make buses that were not passing pass the test anyway."

Faulty equipment noted by school bus drivers on their daily vehicle inspection reports often would go ignored, the men said.

The mechanics complained that Laidlaw hires too few mechanics to maintain all of its buses -- the company says it now has seven mechanics in San Francisco -- and lagged behind on state-required 45-day inspections. The company wouldn't order the parts required to repair cracked exhaust pipes, which exacerbated the smoky pollution inside the bus, they said.

Contreras was fired in 2005 after his supervisors said he didn't meet a deadline to take a test to obtain a Class 2 driver's license. For the last 12 years of his employment, he was the union shop steward. He contacted the Environmental Law Foundation after reading about the lawsuit.

Padilla said he quit in 2006 because he became discouraged after being told to sign off on incorrect repair orders and falsify emissions tests.

In addition to skimping on safety, the former workers said, the company allowed buses to idle for hours as they recharged batteries after a summer of disuse, sending exhaust into the Jerrold Avenue yard and nearby community.

"Whether Laidlaw is doing something bad somewhere else, I can't say," said David Goldin, the school district's chief facilities officer.

"But my director of transportation assures me that they are providing the equipment that they are supposed to provide and are performing the duties that they're supposed to perform under the contract. If we find out that Laidlaw is not fulfilling the terms of its contract in any way, we would pursue those investigations with full energy," Goldin said.

In California, diesel particulate matter is the largest contributor to the health risk posed by toxic air pollutants, constituting about 70 percent of the total statewide risk, according to state officials.

Children are particularly vulnerable. The young are more susceptible to cancer and other disease because they have developing systems. The microscopic diesel particles, 1/500th of the size of a human hair, lodge in lung tissue and lead to disease and loss of lung function. The exhaust can irritate the eyes and throat, aggravate allergies and intensify asthma attacks.

In his recent budget revisions, Gov. Arnold Schwarzenegger proposed using \$96.1 million of the \$200 million bond measure passed by voters last year to upgrade or replace diesel school buses. More than half of the nation's 30,000 school buses are more than 10 years old, according to a study

by the Union of Concerned Scientists.

In 2006, Laidlaw applied for grant money to upgrade its school buses. The Bay Area Air Quality Management District approved a grant of \$1.7 million to buy particle traps and help to pay for electrical infrastructure. But two months ago, Laidlaw declined the grant money. The statement issued by Laidlaw on Tuesday did not address why it turned down the money.

The way school buses are constructed makes them more apt to expose passengers to pollutants than other types of vehicles, diesel exhaust experts say.

Arthur Winer, a professor of environmental health sciences at UCLA's School of Public Health, said the chassis of school buses have open seams around windows and pinhole leaks in the metal.

"They are not constructed to the same standard of other vehicles," he said.

Winer and other diesel exhaust experts speculate that transit buses are better constructed because people pay to ride.

"Children are captives," Winer said.

The South Coast Air Quality Management District, which has the nation's worst particulate pollution, adopted a school bus fleet rule in 2001 requiring school districts to switch to natural gas-fueled buses, which emit less nitrogen dioxide and particulate emissions and no diesel exhaust.

The diesel industry's Engine Manufacturers Association sued to block the rule and lost in a lower court. The case went to the U.S. Supreme Court, which sent it back to the trial court, where the industry lost again. The diesel industry appealed again to the Ninth U.S. Circuit Court of Appeals, which has yet to hold a hearing.

In the meantime, using state subsidies of close to \$100 million, the South Coast district will have put 700 compressed natural gas school buses on the road out of about 10,000 buses. The Bay Area schools, as well as the transit districts, haven't yet pursued alternative fuel-powered buses.

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Online resources

Read the recent court filing

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