

SFGate.com

Settlement on school bus fixes to cut fumes

Bob Egelko, Chronicle Staff Writer

Thursday, August 7, 2008

(08-06) 16:00 PDT SAN FRANCISCO -- The state's largest school bus operator has agreed to renovate more than 2,000 buses in California to run cleaner, settling a lawsuit that accused it of exposing children to diesel exhaust in leaky passenger cabins.

The settlement was announced Wednesday by Laidlaw Transit and three environmental groups that sued the company in 2006. Without admitting any wrongdoing, Laidlaw agreed to spend \$4.7 million over five years to retrofit buses that are more than five years old, and \$23.6 million more to continue renovating those buses or buy new ones.

The company will also pay \$6.6 million to the environmental groups and their lawyers. A San Francisco Superior Court judge is scheduled to consider the settlement next month.

Laidlaw, based in Illinois, has about 4,200 school buses in California, said attorney James Wheaton of the Environmental Law Foundation, a plaintiff in the suit. Durham School Services, the second-largest operator with about 2,000 buses, agreed to a settlement a year ago requiring it to replace its dirtiest buses or retrofit them with low-emissions engines by 2014.

Together, Laidlaw and Durham operate more than two-thirds of the school buses in the state, Wheaton said. The plaintiffs said 1 million California students ride to school in diesel-powered buses each day.

The settlement won't affect San Francisco, Wheaton said, because Laidlaw, which has the sole contract, was required by the school board to meet new low-emissions standards for its 200 buses two years ago.

Diesel exhaust, a mixture of gases and particles, has been listed as a cancer-causing substance by the state since 1990. The lawsuit accused Laidlaw of violating Proposition 65, which requires companies to warn the public about exposure to chemicals that can cause cancer or birth defects. The settlement will require the company to post those warnings in its buses.

The lawsuit said state studies have found that diesel exhaust accounts for 70 percent of the cancer risk that the average Californian faces from breathing pollutants, and can contribute to asthma and other respiratory problems, particularly among children and the elderly. The plaintiffs said some of the highest levels of exposure are in school buses, in which fumes seep into the passenger area.

The state Air Resources Board is scheduled to consider regulations in October that would require pre-2007 model school buses and certain other buses to reduce diesel emissions by 85 percent by the end of 2013. The regulations would apply to all large school buses in the state. But Wheaton

said a recent study showed that small school buses, not covered by the proposed rules, leak more diesel fumes than larger ones.

The \$28.3 million Laidlaw agreed to spend is a record for a single company in a Prop. 65 case, said Pamela Palitz, executive director of the California League for Environmental Enforcement Now, which was not a plaintiff in the suit. Besides the Environmental Law Foundation, the plaintiffs were Our Children's Earth Foundation and Communities for a Better Environment.

"With this agreement, Laidlaw is showing that it is possible to provide clean buses to California's school children," Wheaton said. "We hope all of the other bus operators follow Laidlaw's lead."

Glenda Lamont, spokeswoman for Laidlaw's parent company, FirstGroup America, said the settlement shows that the company is "committed to protecting public health and the environment and going above and beyond the requirements of the law."

E-mail Bob Egelko at beigelko@sfgate.com.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/07/BAK01268Q3.DTL>

This article appeared on page **B - 1** of the San Francisco Chronicle