Appendix N
Additional information regarding Valley Fever.
Unions Use “Valley Fever” as Angle Under the California Environmental Quality Act (CEQA) to Object to Proposed Solar Power Plant in Fresno County

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Solar energy developers proposing to build power plants in the San Joaquin Valley should be aware that California Unions for Reliable Energy (CURE) and its law firm of Adams Broadwell Joseph & Cardozo are exploiting the “Valley Fever” infection as an angle to challenge the approval of these projects under the California Environmental Quality Act, or CEQA (California Public Resources Code Section 21000 et seq.).

According to the PubMed Health database of the National Center for Biotechnology Information of the U.S. National Library of Medicine of the National Institutes of Health (a division of the U.S. Department of Health and Human Services), people are infected with Valley Fever when spores of the fungus *Coccidioides immitis* enter their bodies through the lungs. This fungus is found in soils in the desert regions of the southwestern United States (including the San Joaquin Valley of California). Presumably the instances of Valley Fever can be reduced by controlling airborne dust that carries the spores.

For CURE, the only “cure” for Valley Fever is a Project Labor Agreement (PLA) giving unions a monopoly on construction of the power plant.

I obtained a transcript of the May 10, 2012 Fresno County Planning Commission meeting, at which an attorney for California Unions for Reliable Energy (CURE) demanded that the Planning Commission reject the Initial Study/Mitigated Negative Declaration for the proposed Gestamp Asetym Solar project. The attorney for California Unions for Reliable Energy – Elizabeth Brenner of Adams Broadwell Joseph & Cardozo – portrayed herself at this hearing as representing “Fresno County Citizens for Responsible Solar.”

When California Unions for Reliable Energy (CURE) submitted its last-minute objections under the California Environmental Quality Act (CEQA) on May 7, 2012 against the county’s proposed Initial Study/Mitigated Negative Declaration for the Gestamp Asetym Solar project, it claimed the county had inadequately analyzed the risks of Valley Fever:

**The IS/MND Fails to Describe Baseline Conditions Related to Hazards and the Potential Occurrence of *Coccidioides immitis* at the Project Site**

*C. immitis* is a soil fungus native to the San Joaquin Valley which causes Coccidioidomycosis, commonly known as “Valley Fever.” Valley Fever is typically transmitted by inhalation of airborne spores of *C. immitis*, which grow in soil during the wet season. Infection occurs in endemic areas and is most commonly acquired in the summer or the late fall during outdoor activities. Valley Fever is endemic in San Joaquin Valley and occurs both among residents and visitors to the Valley. *C. immitis* spores are spread through disturbed dust particles or soil disturbance, such as excavation and grading activities. In most cases, the primary infection is in the lungs. In 35-40% of cases, infection leads to mild influenza 1 to 4 weeks after exposure, although some persons develop severe pneumonia. If left untreated, in 1% if cases Valley Fever can spread beyond the lungs and can be fatal. People at greatest risk for contact include farmers and construction workers.

The Fresno County Department of Public Health has collected and evaluated Valley Fever statistics since 2004. In the years 2004-2010, the County’s data indicate an increase in numbers of cases as well as in incidence rates of Valley Fever in Fresno County. In 2006, a peak occurred with 83 cases per 100,000 persons. The IS/MND fails to
disclose that *C. immitis* is endemic in Fresno County and may occur at the Project site. This informational deficiency renders the IS/MND inadequate under CEQA. “A prejudicial abuse of discretion occurs if the failure to include relevant information precludes informed decisionmaking and informed public participation, thereby thwarting the statutory goals of the EIR process.” The County’s failure to identify the potential presence of *C. immitis* on the Project site and Valley Fever as a regional public health concern in the IS/MND precludes decisionmakers and the public from considering the Project in its environmental context.

The comments included a report prepared by Clark & Associates Environmental Consulting in Los Angeles noting that “The proponents have failed to consider the impact of the project on the generation of Valley Fever (VF) cases in the immediate area.”

At the May 10 hearing, one of the Planning Commissioners noted the union objection concerning Valley Fever and asked the project applicant – Gestamp Solar – what the company would do to protect construction workers:

Commissioner Ferguson: Well, the reason why I’m asking is that – you know, Valley Fever – the incidence of Valley Fever in this county has increased significantly in the years, and it’s – when I checked the Fresno County health department website there have been a lot of articles about this specific issue. And this is irregardless of the questions that I’m sure are going to be coming up from one of the folks speaking in opposition. And the only reason I’m bringing it up is because my own son had Valley Fever. So according to the Fresno County Department of Health, the way to mitigate or to protect workers from valley fever is to keep the soils wet in order to reduce dust, and to provide, especially during construction, masks to prevent the inhalation of dust particles that could be carrying this nasty organism.

A representative of Gestamp Solar informed the commission that it hired contractors to perform the actual construction, and the contractors have to follow health and safety regulations, including those from the San Joaquin Valley Air Pollution Control District and the Fresno County Department of Public Health. Then someone on the Planning Commission staff made these comments:

And then also I think you had one question in regards to Valley Fever. It’s highly likely that people of local would be hired, and they have a tolerance for Valley Fever. That being said, in our design we minimize grading operations. We try to fully utilize the lay of the land, so we are going to minimize any grading operations on that site, so it would be much less than any ag use prior to it has had out there. So this is a great project for minimizing dust in the – in the air. So that – that is one way to control, is just minimizing the actual earth work that you do, and that’s what he will do.

Perhaps local residents of the San Joaquin Valley have a natural resistance to Valley Fever, but there is no guarantee that local residents will build the power plant if California Unions for Reliable Energy (CURE) gets Gestamp Solar to submit to a Project Labor Agreement.

As shown in the Sierra Club’s August 2, 2012 letter on Hydrogen Energy California (HECA) to the California Energy Commission and a December 19, 2011 inquiry from the California Energy Commission to the Kern, Inyo, Mono Counties Building Trades Council, people suspect that union workers are travelling long distances from urban areas to perform work on solar power plants in rural areas of the state. The State Building and Construction Trades Council of California admits to the practice: in its opening brief submitted to the California Supreme Court in *State Building and Construction Trades Council v. City of Vista*, the union group acknowledges that “construction workers today routinely commute to projects outside the cities in which they happen to live” and “it is not uncommon for today’s construction workers to commute more than 100 miles to work at a job site.” This happens because construction trade unions have geographical jurisdictions that often encompass large regions and because they use a “traveler” classification so out-of-area union workers have access to jobs.

Valley Fever is not a new problem for out-of-area union workers taking jobs in the San Joaquin Valley. When unions built natural gas power plants in the San Joaquin Valley under Project Labor Agreements extracted from developers
by California Unions for Reliable Energy (CURE) in the early 2000s, their out-of-area workers suffered from Valley Fever.

As reported in an April 2, 2003 Bakersfield Californian article ("Valley Fever Victims Sue Contractor"), at least seven construction workers sued companies that built PG&E’s La Paloma power plant in Kern County in 2001 and 2002. “All but one of the workers who sued had never lived in the valley before and therefore had never been exposed to the spores before coming here for the jobs at La Paloma.”

Ironically, unions are using the threat of Valley Fever as a tool to coerce a Project Labor Agreement from the solar energy developer, which will then built the plant by bringing in unionized out-of-area workers who are more susceptible to Valley Fever.