

World Business Academy's Lawsuit Says State Lands Commission and PG&E are Ignoring Cancer and Infant Mortality Risks from Continued Operation of the Diablo Canyon Nuclear Plant

Studies cited in pending lawsuit show increasing rates of cancer and infant mortality in communities around the nuclear plant located near San Luis Obispo

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(Santa Barbara, California) The California State Lands Commission and Pacific Gas & Electric Company are turning a “blind eye” to dangers from increased rates of cancer and infant mortality around the Diablo Canyon Nuclear Plant, as well as to the need for an Environmental Impact Report (EIR) to investigate these and other environmental risks, says the World Business Academy, a nonprofit organization advocating for over 30 years for the public and environment, according to court papers filed on Monday, May 22. (See attached Academy Reply Brief).

The World Business Academy is suing the California State Lands Commission and PG&E, demanding that the state order an EIR to investigate significant environmental and health dangers that would result from the nuclear plant's continued operation.

The lawsuit pending in Los Angeles Superior Court was filed August 2, 2016, after the June 28, 2016, decision by the State Lands Commission to extend tidewater leases allowing Diablo Canyon to continue operating through 2025. The Academy alleges that the Commission did not have the legal authority to exempt Diablo Canyon from an EIR required under the California Environmental Quality Act (CEQA). The Academy says substantial harm to people in adjacent communities and the marine ecosystem will occur in the eight years leading up to Diablo Canyon's proposed closure in 2025 as the aging plant reactors become even more brittle. The Academy wants the court to order the Commission to void the lease extension and immediately commence preparing an EIR, as CEQA requires.

No EIR has ever been prepared for the Diablo Canyon nuclear power plant in Avila Beach. The trial is set for July 11.

The Academy says the existence of any “unusual circumstances” automatically requires an environmental review under CEQA, and the Diablo Canyon plant is replete with numerous “unusual circumstances,” which should trigger a CEQA review. They include: extraordinary seismic risk; adverse health impacts from continuing emissions of cancer-causing radioactive isotopes; devastating impacts on marine life; potential adverse impacts from a terrorist attack;

leakage and buildup of radioactive waste. Billions of fish and other marine life have been killed and 1.5 billion more will die annually through 2025, the suit alleges.

The dangers to human health are especially critical. “A 2014 scientific report and 2016 published peer-reviewed study show that there is an increase in infant mortality and cancer around the Diablo plant, yet the Joint Opposition Trial Brief, filed herein by Respondent, State Lands Commission and PG&E on June 24 asks this Court to turn a blind eye to the requirements of CEQA,” Academy attorney J. Kirk Boyd wrote in new pre-trial papers filed Monday May 22 in Los Angeles Superior Court.

The 2014 report by Joseph Mangano, an epidemiologist and expert on the health hazards of radiation contamination, found that in the decades following the opening of Diablo Canyon in the mid-1980s, San Luis Obispo devolved from being a low-cancer county to a high cancer county - certainly an “unusual circumstance” that would trigger an EIR. Another study by leading European radiation expert Dr. Christopher Busby, published in 2016 in the peer-reviewed *Jacobson Journal of Epidemiology and Preventive Medicine*, also found that a comparison of official annual infant mortality data for ZIP coded areas near the plant adjacent to the sea with those inland for the 25 years from 1989 to 2012 showed “a remarkable and statistically significant 28% overall increase in infant mortality rates in the coast strip group relative to the inland control group.”

In its court filing, the World Business Academy asks the court to review Dr. Busby’s study. The Academy notes that PG&E was convicted of six felonies stemming from a blatant disregard for public health and safety following the disastrous 2010 gas explosion in San Bruno that killed eight people and destroyed a residential neighborhood due to shoddy equipment maintenance. PG&E, which is on probation, once again is ignoring public health and safety by asking the court to disregard CEQA and exempt the utility from the transparent, scientific analysis required by the law. “They do so even though no EIR has ever been prepared for Diablo,” Boyd wrote.

Furthermore, studies by the U.S. Nuclear Regulatory Commission show that Diablo Canyon is the third most “embrittled” nuclear plant in America, and that by 2033 it will be a danger to operate. “Meanwhile, the SLC and PG&E ask this Court to look away from this concern for eight years by granting an exemption from the applicability of CEQA for PG&E’s requested Lease Extension. Eight years is a long time to cross one’s fingers and hope that nothing happens while hundreds of thousands of lives are at risk,” the court papers say.

Learn more about the World Business Academy at www.worldbusiness.org.