

## **State requires trucks at major ports, rail yards to cut emissions**

The Associated Press

Contra Costa Times, Sacramento Bee and other papers, Friday, December 7, 2007

EL MONTE, Calif.-California air regulators passed a rule Friday requiring trucks operating at major ports and rail yards to reduce emissions.

The new mandate comes a day after the state Air Resources Board passed another port-related measure forcing operators of cargo ships and other large vessels to plug into land-based electric power while docked.

The transportation rule is meant to slash diesel particulate matter emissions and would affect about 20,000 trucks at 14 ports and 11 rail yards.

Under the new regulation, truckers with a 1994 engine or older must replace it with a newer model by the end of 2009. Those with a newer engine need to replace or retrofit it to cut emissions by 85 percent by the same deadline.

The board estimates the new rule would prevent 1,200 premature deaths and lead to cleaner air for communities near ports and rail yards.

In other port developments, the Los Angeles Harbor Commission has approved a proposal to increase ship calls by 30 percent at the TraPac Terminal at the Port of Los Angeles. TraPac is one of the largest shipping terminals on the West Coast. The move was endorsed by business groups, who estimate the expansion would create as many as 6,000 new jobs and generate \$200 million a year in tax revenue.

Environmental and community groups worried about the pollution impact have opposed the terminal expansion. On Friday, Mayor Antonio Villaraigosa and Attorney General Jerry Brown, addressing environmental concerns, announced that the Port of Los Angeles will begin tracking emissions from commercial ships, trains and trucks.

## **Air board tackles pollution at ports**

**Proposal: Cargo ships to use electric power at dock; older trucks to get newer engines**

FROM STAFF WRITER AND WIRE REPORTS

Tri-Valley Herald, Friday, December 7, 2007

LOS ANGELES - California regulators are taking aim at major shipping companies and thousands of individual truckers with two landmark measures intended to cut air pollution at large state ports and rail yards.

The proposed regulations would force operators of cargo ships and other large vessels to use land-based electric power while docked, and require trucks operating at major ports and rail yards to reduce emissions.

If approved, California would be the first state to impose such requirements on the shipping and transportation industries.

Port of Oakland officials said they were instrumental in formulating proposed truck regulations, which they support, and hopeful that the shore-side power supply regulations will permit the port to use alternatives to hooking up to the local electric grid, such as portable generators that run on liquefied natural gas.

California ports account for more than 40 percent of all cargo container traffic into the U.S.

The California Air Resources Board has scheduled two days of public hearings in El Monte beginning Thursday. Votes on the two measures are expected to take place by Friday.

The board will also vote on whether to mandate the state's largest oil refineries, electricity plants and other facilities to report their greenhouse gas emissions beginning in 2009.

Currently, businesses can voluntarily track their emissions and report them to the nonprofit California Climate Action Registry.

The state's initiatives come amid growing concern among residents living near major cargo ports about health risks due to air pollution.

The communities, particularly cities near the neighboring ports of Los Angeles and Long Beach, have benefited economically from a boom in cargo imports from the Far East.

At a meeting last week of the California Transportation Commission to distribute up to \$3 billion in bond and other funds for improving port transportation access, a parade of environmental groups from West Oakland urged state officials to approve only projects that improve air quality around the neighboring Port of Oakland.

In recent years, the state's port complex neighbors begun pressing for industry and the state to do more to curtail the emissions generated by ships and trucks servicing the ports.

Mary Nichols, who chairs the air resources board, said the proposed rules will do just that.

"Residents from San Pedro to Oakland will breathe easier as a result of our aggressive actions to clean up diesel emissions from ports throughout the state," Nichols said in a statement issued Wednesday. "We owe it to the long-suffering ports communities to continue our quest of reducing all the emissions we can from ships, trucks and trains."

The regulation aimed at cutting pollution from docked ships requires cargo container, passenger and refrigerated cargo ships to shut off their auxiliary diesel engines while berthed and to tap electric power from a land-based source.

The rule would apply to ships visiting California's busiest ports, including the Los Angeles, Long Beach, Port Hueneme in Ventura County, San Diego, Oakland and San Francisco.

A study by the board found that emissions from docked ships elevated the risk of cancer to greater than 10 in a million for the more than 2 million people living near the ports of Los Angeles and Long Beach.

"We're very supportive of the regulation," said Tim Leong, an environmental scientist for Oakland's port authority. "We think we did a good job here. They actually spent a lot of time on this, they actually came up with something that I think will work."

Leong said port management set up contacts between the air board and local drivers and freight companies to help craft the new rules.

The shore-power measure would reduce diesel and smog-forming emissions from docked vessels by nearly 50 percent by 2014 and by 80 percent by 2020, the state said.

The Port of Oakland also weighed in on this measure and received assurances from air board staff that revised language in the proposal would permit alternatives to using power from local utilities, Leong said. Hooking up to Pacific Gas & Electric could require new substations, cost as much as \$90 million and take more than a decade to put in place, said port spokeswoman Marilyn Sandifur.

Gas-powered portable generators, which the port has been testing in conjunction with the Bay Area Air Quality Management District and PG&E, cut 95 percent of nitrogen oxide emissions, 99 percent of particulate emissions.

Because such a generator is small enough to be pulled as a truck trailer, Sandifur said, "We can use it for one ship and then drive it over to another ship."

The Pacific Merchant Shipping Association, which represents marine terminal operators and ocean carriers responsible for handling 90 percent of the containerized cargo moving through the West Coast, isn't objecting to the overall goal of relying more on shore power to cut back ship emissions.

The organization, however, plans to raise objections to facets of the language in the proposed rule, which it says would place the responsibility of implementing the initiative solely on terminal operators, said T.L. Garrett, an association spokesman.

The industry also faces major compliance costs that would ultimately be passed on to shippers.

While many ocean carriers have voluntarily begun equipping ships to receive onshore power, the regulation would require the industry to pay to refit other ships, a cost that ranges between \$300,000 to \$2 million per vessel, Garrett said.

The industry has recommended to the board that the program be voluntary.

"From our perspective, it makes more sense to have a carrot approach than a stick approach," Garrett said.

The industry also regards the proposed regulations as mere backstops to a clean air plan in the works by the ports of Los Angeles and Long Beach. That plan also seeks to address pollution from trucks and berthed ships but has more aggressive deadlines.

The added costs on shippers and concerns about whether the rules on trucks will lead to a shortage of port drivers, potentially causing a cargo slowdown, could lead some shippers to divert cargo away from California to ports to the north and in the Gulf of Mexico, said Paul Bingham, an economist with Global Insight.

Still, it's likely that if the board approves the proposals, other ports in the U.S. will follow, he said.

The regulation aimed at cleaning up truck emissions would apply only to trucks that haul goods from the major ports and rail yards, so-called drayage trucks.

The measure calls for pre-1994 trucks to be fitted with newer engines by the end of 2009. Newer trucks would be required to reduce emissions of diesel particulate matter by 95 percent by the same deadline.

By 2013, however, all drayage trucks would be required to meet 2007 emission standards.

"These rules, collectively ... are going to reduce diesel particulate matter in the neighborhood ports by about 75 percent by 2010, said Michael Scheible, deputy executive officer for the Air Resources Board.

## **Air board sets target to reduce emissions nearly 30 percent by 2020**

Matthew Yi, Chronicle Sacramento Bureau  
S.F. Chronicle, Friday, December 7, 2007

Sacramento -- California's ambitious goal to fight global warming now has a specific target that will allow officials to measure the success of efforts to reduce greenhouse gases in the coming years.

The California Air Resources Board on Thursday set the target at 427 million metric tons by the year 2020 - a nearly 30 percent reduction from emission levels if no new regulations were in place.

To help reach that goal, the air board also adopted a mandate for the state's largest industrial air polluters - such as oil refineries, cement plants and electricity generators - to begin tracking their greenhouse gas emissions next year.

Those firms will also be required to report their numbers to the air board beginning in 2009.

The two actions are key steps to meeting the goals of AB32, the landmark global warming legislation approved last year.

"The items the board adopted today are a clear demonstration that we continue to meet our statutory deadlines under AB32," air board Chairwoman Mary Nichols said in a written statement shortly after the board's decision at its meeting in Southern California.

Under the law, the state must reduce its greenhouse gas emissions to 1990 levels by 2020. On Thursday, the air board established that target as 427 million metric tons of carbon dioxide equivalent.

One million metric tons of carbon dioxide is produced by 200,000 passenger cars driven every day for a year, said air board spokesman Stanley Young.

Meeting the 2020 goal will be a daunting task. About 500 million metric tons of greenhouse gases a year is emitted now in the state, whose population is expected to grow in the coming decades.

The new law will also likely impact many facets of living and doing business in California, ranging from the types of fuel that motorists pump into their vehicles to new ways that commercial plants use power from alternative sources such as solar and wind.

Environmental groups hailed the board's actions as key starting points in the fight on global warming.

"Now, the rubber is hitting the road," said Karen Douglas, director of California climate initiative for Environmental Defense.

By June, the air board will create a blueprint of broad regulations and ideas on how to reduce greenhouse gases. The board will begin that process with a public meeting Dec. 14, when the agency's staff will preview how emissions can be reduced by sectors including transportation, industry and electric utilities.

### **State OKs strict air emission measures**

**One will ban much of the current diesel truck fleet from ports statewide. The other targets idling vessels.**

By Tami Abdollah, Los Angeles Times Staff Writer  
L.A. Times, Saturday, December 8, 2007

Backing up tough actions taken by Los Angeles-area ports, state regulators Friday enacted a strict air emission measure that will ban much of the current fleet of diesel trucks from all ports statewide.

The California Air Resources Board will require all trucks to meet 2007 emission standards by 2014, an effort that mirrors a plan approved by the ports of Los Angeles and Long Beach.

The action came a day after the board required container, passenger and refrigerated vessels to reduce emissions while in port by either plugging into shore-side power grids or using alternative energy sources or fuels, such as liquefied natural gas, to run their lights, refrigeration, pumps and ventilation systems. Deadlines for those alternatives will be phased in beginning in 2010.

The measures, which apply to facilities in San Diego, Port Hueneme, Oakland and San Francisco, are the first of their kind in the nation and are expected to be duplicated by other states.

The ports of Los Angeles and Long Beach account for more than 40% of all containers entering the United States. Trade is expected to double or triple in the next 15 years.

The Los Angeles Harbor Commission on Thursday approved a terminal expansion that would increase ship calls by 30% and add 1,800 daily truck trips, but it included tight restrictions on emissions.

Idling ships accounted for 1.8 tons per day of diesel particulate matter statewide in 2006, according to the air board.

The diesel-truck regulation will affect the roughly 20,000 truckers who frequent the state's six major ports and rail yards. By the end of 2009, all trucks manufactured before 1994 -- a large portion of the current fleet -- will have to be replaced, and trucks will have to reduce diesel emissions by a total of 85%.

Diesel emissions have been tied to increased risk for lung cancer, asthma and respiratory disease. A board study estimated that the regulations will prevent more than 1,200 premature deaths from 2009 through 2020.

"In our final meeting of the year, we really took on some of the biggest issues in air pollution that California has dealt with in years," said board Chairwoman Mary Nichols. "These port rules have been talked about, or hoped for, for many years."

The board's regulations act as a backstop and complement to the local plans enacted in November, which require all trucks to meet 2007 emission standards by 2012, two years earlier than the measures approved Friday.

"Without the state regulation . . . they would just use these dirty trucks elsewhere in the state," said Art Wong, a spokesman for the Port of Long Beach.

Officials expect the two regulations to cost more than \$3 billion, and they have not determined how they will be funded.

Those costs sparked opposition from trucking and shipping interests. The majority of port truckers are independent owner-operators who make about \$30,000 to \$40,000 a year, according to board studies. Those truckers say the companies that contract them should be responsible for the cleanliness of the fleet.

"I cannot purchase a new truck, I cannot afford a new filter for a retrofit," said Miguel Pineda, an independent trucker who spoke to the board in Spanish. He said most new trucks cost hundreds of thousands of dollars. "The trucker's situation is deplorable," Pineda said.

Meanwhile, trucking companies worry that the new regulations will spur unionization efforts. Shipping and trucking interests also warn of freight backups. At the ports of Los Angeles and Long Beach, officials in the next two weeks will consider adding a container fee to help pay for switching to a greener fleet.

"The cleanup effort needs to be borne by the polluters, but it will be ultimately passed on to the consumers, just like everything else is," said S. David Freeman, president of the harbor commission.

Paying for the measures will probably intensify the debate over funding from Proposition 1B, a bond measure passed last year to fund transportation and air-quality improvements.

Meanwhile, a study released earlier this week by the Natural Resources Defense Council and the Coalition for Clean & Safe Ports found that diesel particulate measurements inside truck cabs were as much as 2,000 times greater than the level typically considered acceptable by state and federal environmental protection agencies.

Salvador Abrica has been a truck driver for five years and lives in Wilmington, less than a mile from the ports. "I come into a cloud, and that's no place to live for anyone," he told the board Friday.

"I want to breathe the sea breeze."

## **Planning commission approves downtown animal crematorium**

By Mark Rivera - Staff Reporter

Turlock Journal, Saturday, December 10, 2007

It is against city code to bury Fido in the backyard when the beloved animal passes away, so what are owners supposed to do with their pets' remains?

The Planning Commission unanimously approved Thursday night a conditional use permit for an animal crematorium in downtown Turlock, giving pet owners a more traditional option for properly taking care of the remains after losing a pet.

Local veterinarian and recently-elected Turlock Irrigation District supervisor Rob Santos plans to open the animal crematorium by spring 2008.

The property, located at 220 N. First St., is zoned transitional commercial. This zoning allows for funeral and internment services, but does not specifically list cremation services for animals as a permitted use, requiring the conditional use permit.

Also, about 10 changes will be made to the building to bring it up to downtown overlay district requirements.

The commissioners themselves were puzzled by the request, but city staff recommended approval for the permit. The Yosemite Community Room at City Hall was empty besides Santos, his business partner and builder, showing that neighbors did not have a problem with the project.

"Because this is a first for us, were just kind of curious," planning commission chairman Amos Reyes said.

Nearby Allen's Funeral Home has cremation services for humans, perhaps lessening the impact of a pet crematorium moving into the neighborhood.

"That's the one thing I'm a little uncomfortable about," said Commissioner Mike Brem. "It just seems to me that some of these things are out a little further, but whether that's the issue or not, I don't know."

The commission's biggest concern Thursday was the potential for odor emission.

"I'm wondering if we should have some additional condition that ceases operation until that is repaired, I don't know if that's necessary, but we've never done this before," Reyes said.

"They improve these machines every year, and these machines that we have now are probably better than what Allen's is operating with," Santos said. "They have afterburners that burn the emission until there's basically no emission."

Santos must receive a permit from the [San Joaquin Valley Air Pollution Control District](#) for the facility. The ashes are not considered a bio-hazard and will be removed in a sealed container, but will not require special service.

"We are going to be conscientious neighbors. If for some reason there is a smell, which I can't see that happening, these things can be operated at night."

Staff said that they discussed regulation of odor during pre-development meetings, but the city has no way to measure it. The city has noise limits and ways to measure and control it, but the odor would have to be on a complaint basis.

"These animals are transported from the vet facility. They are frozen at our facilities and then they are transported to another freezer at the crematorium, so there is not going to be a smell in the sense of (during) the hot summer days," Santos said.

The animal crematorium will not be cremating large animals such as horses and cows, only personal, household pets. Currently, animal cremation is done in mass to save money. Santos' crematorium will provide individual services, and believes it is becoming more popular.

"People view their pets as people, as their children, so they don't want to go to an industrial site to deliver their pet to be cremated," Santos said. "The human-animal bond is increasing every year. It amazes me what people will do for their pets, and I was raised on a dairy farm."

Commissioner Soraya Fregosi spoke on downtown parking impacts if individual services became widely popular.

"That's a leap," Santos said. "I don't think private services are there yet. People buy urns for these ashes. I think it'll happen. I don't think it'll happen here, but I see in America that will happen. Dogs are getting married now. Only in California, though," he joked.

## **County commission approves new ag element**

Written by Jonathan Partridge

Patterson Irrigator, Saturday, Dec. 8, 2007

MODESTO - Stanislaus County's Planning Commission voted unanimously Thursday in favor of revising the county's agricultural plan, despite a few complaints from landowners and developers.

The 8-0 recommendation came after the Stanislaus County Board of Supervisors on April 17 rejected an incomplete draft version of the agricultural element to the county general plan.

Commissioners, who also endorsed that previous draft, reaffirmed their support of the revised plan Thursday, saying it would help preserve agriculture from encroaching development.

"If we don't do something about it, there will be no prime ag land left to protect," commission Chairman Jim Poore said.

### **Changes ahead**

The new draft version of the ag element, which has not been revised since 1992, removes a requirement in the rejected draft for agriculturally zoned land to have "agricultural viability" for certain parcel splits. Supervisors said that term was too ambiguous. The new draft instead contains language that opposes residential development on agricultural parcels.

It also adds details about required agricultural buffers and setbacks, changes requirements for building on parcels smaller than 20 acres in rural areas and further defines requirements regarding state Williamson Act contracts. The Williamson Act provides tax breaks for landowners who keep their property for rural uses.

However, it was a requirement for farmland mitigation in the new version that stoked the ire of a building representative and business park developer.

Builders would need to permanently protect an acre of farmland for every acre of agricultural land they use. To do this, project developers could buy conservation easements, pay an in-lieu fee or use "mitigation credit banking." Under the latter scenario, developers who buy more acres than needed to meet the ag mitigation requirement could sell the excess land to other developers to help them meet the requirement. Anyone with a project of 20 or more acres would have to buy easements.

### **Builders take aim**

Keith Schneider, vice president of Keystone Corp., described the one-to-one mitigation measure as "the most misguided and egregious proposal I've seen in my 25 years of business."

Keystone already faces challenges in attracting industry, he said, and the mitigation measure would create further challenges.

Though Keystone would not be affected by the ag element because it is within the city of Patterson, Schneider said during a break in the meeting that it may set a precedent as the city revises its general plan. It also could hurt future development in communities such as Westley and Grayson, he said.

Kevin Stone, a spokesman for the Building Industry Association of Central California, said the in-lieu fee amount - 35 percent of the average price per acre for five comparable land sales - was arbitrary and that farmland mitigation was unnecessary.

He cited statistics that Stanislaus County had about 835,000 acres in production in 2006, generating about \$2.1 billion in farm-related revenue versus 794,000 acres and \$1.2 billion in 1996.

"I find it incredibly difficult to support a measure that's purpose is to mitigate a crisis that lacks a crisis to mitigate," Stone said.

However, the figures Stone cited do not take into account that most of the increase in acreage is in tree crops planted in the foothills, said Wayne Zipser, executive manager of the Stanislaus County Farm Bureau. Unlike the valley soil, that land can produce only a handful of crops, and there is no possibility for groundwater recharge, as there is on the valley floor.

### **Showing support**

Advocates of the ag element also offered their share of statistics.

Mike Darnell, California policy director of the American Farmland Trust, cited statistics from a study produced by his group indicating that 81 percent of Stanislaus County's development on farmland from 1990 to 2002 was on prime farmland. No other county in the Central Valley had developed such a high percentage of high-quality farmland, he said.

Sierra Club representative Brad Barker cited that same study as he advocated for the ag element's approval.

"What kind of legacy do we have if we're the worst in protecting farmland of all the counties in the Central Valley?" Barker asked.

Meanwhile, Commissioners Arsenio Mataka and Allen Layman both noted that most of the development of prime farmland happened within cities' sphere of influence and was outside of the county's control. Mataka cited a statistic from a county staff report, which indicated that of 383 acres converted from farmland to other uses in unincorporated areas in the past seven years, 234 were for the Keystone Pacific Business Park, which is now in Patterson's city limits.

### **Last-minute decisions**

In addition to touting the merits of the overall ag plan, the planning commission discussed whether to increase the height of required fencing from 6 to 8 feet. After learning that an 8-foot barrier would require a building permit, they settled on a six-foot fence with a vegetative screen to prevent pesticide spray drift. The element would require a 150-wide buffer for most nonfarming projects next to ag land, and a 300-foot wide buffer for people intensive uses, such as churches and sports fields.

Commissioners also opted not to adopt last-minute language proposed by the Central Valley Farmland Trust, which county counsel said was mostly technical in nature.

### **Future uncertain**

The element will next be forwarded on to the board of supervisors for rejection or adoption. Supervisor Jim DeMartini, who attended Thursday's meeting but did not speak, said he thought the proposed changes would address most of the other supervisors' previous concerns by filling in previously incomplete portions.

The proposed plan also encourages marketing boards, supports the expansion of export and direct-marketing programs, supports safe and adequate farmworker housing and maintains current [air quality](#), water and soil policies.

"There is a down side," Commissioner Ray Souza said before voting in favor of the element. "We're all going to lose some property rights, but at the same time, we are going to protect our farmers' rights."

## **Supervisors may approve strip-mall plan**

By Hillary S. Meeks

Visalia Times-Delta and Tulare Advance-Register, Friday, Dec. 7, 2007

When he looks at the northwest corner lot at Highway 63 and Avenue 322, Seng Saephan imagines a 4.71-acre strip mall.

But where he sees retail opportunity, some neighbors see problems.

Eight of 32 neighbors petitioned the Tulare County Planning Commission Sept. 26, opposing permits for the strip mall. In turn, the commission rejected Saephan's request to rezone the property from rural residential to general commercial property.

Saephan appealed to the Tulare County Board of Supervisors, and there he may have found some support.

A public hearing that began Nov. 27 will continue at Tuesday's board meeting. In November, however, the supervisor who represents the area said he liked the idea.

"What I see here is a piece of property that is too small for agriculture and too big for a single-family dwelling," Supervisor Steve Worthley said Thursday. "What I favor is flexibility that would let people make good use of their property."

But the prospect of rezoning makes Avenue 322 residents feel like the city is encroaching on their country life, Kenny Pinion said. He has lived across from the property all of his 33 years.

"I'd rather not have the traffic and the people that will be drawn to it," he said. "That just encourages more theft."

Worthley said area residents should prepare for more blending of residential and commercial property. ["Mixed-use" projects allow people to walk or ride bikes to work or shopping areas, Worthley said, reducing pollution.](#)

"We live in a world today where you're going to be looking at more and more mixed uses," he said.

But Pinion said he fears that rezoning the lot to commercial property will force him to move. The petition submitted to planning commissioners argues that:

- There is enough commercial property nearby, including a Food 4 Less market to the south on Highway 63.
- Visalia probably will create still more commercial property east of Highway 63 near the Visalia Riverway Sports Park.
- Traffic will increase.

Eight neighbors attended the November board meeting to protest the rezoning. They argued that more might have come had the county followed state law and local ordinances that require public notices to be sent to residents who might be affected by a rezoning.

Tulare County project planner April Hill said the notice was published in the Times-Delta.

"There will be [a continued] public hearing so the public can and make comments regarding the zone change," she said.

Supervisors decided, upon Saephan's request, to change the proposed rezoning from general commercial to neighborhood commercial. That places more restrictions on the type of businesses allowed there, Hill said.

Saephan said he is willing to work with the county to mitigate the effects on nearby residents.

The county also is taking into considering the California Transportation Department's plans to widen Highway 63. That project was cited another reason the planning commission rejected Saephan's application to rezone.

At the Nov. 27 meeting, Supervisor Phil Cox expressed strong support for rezoning. He said afterward that Saephan's plans for a strip mall would greatly improve an area that Cox said is economically depressed.

"If you drive out there, that area doesn't have any type of strip mall with rental space," he said. "A new building like this could spur some potential improvements from other landowners."

## **Fuel of the future**

### **Will ethanol fuel Tulare County growth?**

By George Lurie

Visalia Times-Delta and Tulare Advance-Register, Thursday, Dec. 6, 2007

The dizzy shareholders of Pacific Ethanol have been on a wild ride recently.

Shares of the Sacramento-based ethanol manufacturer and one-time Wall Street darling are sold on the NASDAQ under the ticker symbol PEIX. During the summer of 2005, PEIX shares were selling for \$10.

By June 2006, it seemed everyone and his brother was jumping on the alternative fuels bandwagon, and PEIX rocketed to nearly \$50.

But the ethanol party - at least on Wall Street - fizzled as quickly as it popped, cooled in part by rapid industry expansion and record-high corn prices, the key ingredient in ethanol production. Earlier this fall, PEIX shares quietly slipped below \$9, leaving many investors - as well as Tulare County officials and businesses hoping to benefit from the biofuels boom - wondering if the so-called "ethanol craze" was more fizzle than sizzle.

Tulare businessman Dennis Stanley's wagon is still firmly hitched to ethanol's star. In January 2008, Stanley's Food Mart and Shell service station on M Street in Tulare will become the first service station in Tulare County to sell E85 fuel - which is 85 percent ethanol and 15 percent gasoline. Regular unleaded gas contains up to 10 percent ethanol.

E85 powers so-called "flex-fuel" vehicles that are appearing in greater numbers across the county. Flex-fuel cars can also run on standard unleaded gasoline. The Department of Energy says more than 300,000 Californians are already driving flex-fuel cars or trucks.

A U.S. Department of Energy grant helped fund the E85 addition at Stanley's, part of a still-small-but-growing national network of E85 stations.

As part of the \$5.8 billion Energy Policy Act of 2005, the federal government will help bankroll hundreds of E85 stations around the country over the next few years. Currently, there are about 1,200 stations around the U.S. that sell E85 - and most of those are located in the Midwestern "corn-belt."

Stanley says he plans to sell E85 at a "slim margin" - as much as 40 or 50 cents lower than the cost of regular unleaded - to try to convince area motorists driving flex-fuel vehicles to switch to E85.

"This is a bit of a gamble," Stanley said. "By the time we're operational, it's going to cost us about a quarter of a million dollars" to sell E85. Two pumps are planned for the Tulare station, city officials confirmed.

Stanley expects flex-fuel vehicle drivers from Bakersfield to the Bay Area to make the trek to Tulare to fuel up with E85. While dozens of new E85 stations are expected to open in the next few years, the only other commercial service station in California now selling the biofuel is in the San Diego area.

Gov. Arnold Schwarzenegger continues to do his share to try to pump up the biofuels biz. Earlier this year, the governor got the California Air Resources board to adopt a policy directing all California gas refineries to increase their ethanol-blended products from 5 percent to 10 percent ethanol content by Dec. 31, 2009.

Ethanol supporters say that move alone will double demand for the biofuel in the Golden State, which, in 2006, consumed about 1 billion gallons of ethanol - nearly 20 percent of all ethanol used nationwide.

Schwarzenegger rarely misses an opportunity to voice his belief that increasing ethanol use in California - and particularly in the smoggy Central Valley and Los Angeles Basin area - will improve air quality and reduce dependence on foreign oil.

"While many alternative fuels exist in the market, ethanol is one that can be blended into today's gasoline with no change to our current cars," the governor said during a visit to Fresno this past summer.

But so far, reportedly because of unresolved concerns about air quality - and, in particular, a potential increase in ozone linked to E85 - California officials have held up the widespread retail sale of ethanol in the state.

While most environmentalists generally support the increased use of biofuels like ethanol to help reduce greenhouse-gas emissions, some remain critical of the high energy costs and degradation of heavily fertilized ag land still associated with producing ethanol from corn.

A growing number of environmental groups have begun promoting better, more "eco-friendly" ways to manufacture ethanol, methods that, instead of using corn, utilize so-called "cellulosic" materials like leaves, stalks, woody plants and grasses.

Like corn, cellulosic materials can be fermented into ethanol, a process that adds only small amounts of greenhouse gases to the atmosphere because the plants' emissions are balanced by the carbon dioxide that is absorbed as they grow.

Meanwhile, ethanol critics, including the oil lobby, point out so-called "renewable fuel alternatives" still require considerable conventional fuel to transport corn and produce the product.

And some have argued that the push to produce more ethanol is already upsetting the U.S. food supply chain, causing food prices to skyrocket. Dairy farmers have complained loudly about recent record-high feed-corn prices. The U.S. Department of Agriculture estimates that ethanol producers will eat up 27 percent of the entire U.S. corn crop this year.

But as PEIX shareholders have discovered, the price of ethanol - like the company's stock - can fluctuate wildly. During the second half of 2007, the average price of ethanol on the spot market has actually dropped 30 percent, due, in part, to a glut in supply and what some critics call poorly planned overexpansion.

Microsoft billionaire Bill Gates made headlines in 2005 when he pitched in some \$85 million to help fund Pacific Ethanol's fledgling operations. And Bill Jones, a former Fresno area legislator and California secretary of state (and chairman of the board of Pacific Ethanol), continues his very vocal and visible promotion of the commodity.

"When it comes to climate change and air pollution, ethanol is part of the solution, not a part of the problem," Jones said. "Here in the Valley, where air pollution is among the state's worst ... ethanol will help in achieving federal EPA emission reduction goals sooner and reduce the public health costs associated with air pollution and climate change."

Still the largest West Coast-based marketer and producer of ethanol in the U.S., PEIX operates a plant in Madera in Fresno County and recently broke ground on a 50-million gallon facility in Stockton. But Tulare County is conspicuously absent from the company's growth plans.

That doesn't seem to faze Tulare County Supervisor Allen Ishida, who said recently that he remains "very optimistic" about ethanol's future here.

"The U.S. has made a very strong commitment to switching to alternative fuels," Ishida said. "At the moment, there's a tremendous amount of research that's going on, not only cellular but biological.

"The biofuels industry could be blown wide open with a new discovery that could make corn-based ethanol plants obsolete within a short period of time," Ishida added. "And if we go into cellular generation of ethanol, it will get rid of the corn issue that we have."

The only major ethanol manufacturing plant currently operating in Tulare County is located just off Highway 99 in Goshen. That facility was built by Western Milling but was recently sold to Altra Biofuels, which operates the plant around the clock, to which the snake-like procession of rail cars hauling corn to the plant attest.

Venture capitalist Vinod Khosla, a major investor in Altra Biofuels, is a vocal proponent of cellulosic ethanol, especially when it is manufactured from locally produced ag by-products.

Earlier this year, Altra officials unveiled plans to build a cellulosic ethanol research and development facility across from the Visalia airport and just down Highway 99 from its Goshen plant. At a venture capital forum in Fresno on Oct. 18, Steve Westly, former state controller and now chief executive officer of The Westly Group investment fund, told reporters Altra plans to build in or near Visalia.

Cilion, another ethanol-related joint venture incorporated in May 2006 by Western Milling and Khosla, had, for the past year, maintained a fairly high presence in Tulare County. Then, earlier

this fall, Cilion shifted gears, quietly relocating its local management staff to the company's Chicago offices.

Cilion wants to have eight U.S. ethanol plants in production by 2010, including several in California. (The planned Cilion facility to be built closest to Tulare County will be located in Famoso in Kern County. Plans for that plant are currently progressing through the environmental impact-reporting process and, if all goes as scheduled, company officials said recently, Cilion's Famoso facility should be operational by mid- to late-2009.)

After ramping up its U.S. operations, Cilion expects to produce 440 million gallons of ethanol per year nationally.

Cilion recently completed a successful second round of funding that raised \$200 million. One of the major investors in Cilion's second round of funding is British billionaire Richard Branson, owner of the Virgin Group. Like Microsoft billionaire Bill Gates, Branson is an aggressive and vocal biofuels backer and has contributed tens of millions to the ethanol push.

Construction of Tulare County's newest ethanol plant near Pixley is nearing completion. Kevin Crago, operations vice president for Calgren, the company building that facility, said the plant should produce its first gallon of ethanol "sometime during the first quarter of 2008. Things are moving right along."

Part of the ownership group of the 55-million-gallon Calgren plant includes Visalian Walt Dwelle, whose family owns Nella Oil Company.

Clearly, having both local ownership and a couple of deep-pocketed billionaires on the team is a big plus for Tulare County's nascent ethanol industry. And growing efforts to slow global warming, cap greenhouse gas emissions and decrease U.S. reliance on foreign oil also bode well for the future of biofuels in general.

Corn-based ethanol does not appear to be the final solution to the nation's insatiable energy appetite. For the moment, however, corn-based ethanol appears to be one of the sturdiest bridges to America's alternative energy future.

## **Mine company sues two residents**

### **Environmental questions hurt business, suit claims**

BY STACEY SHEPARD, Californian staff writer

Bakersfield Californian, Sunday, Dec. 9, 2007

A company that plans to operate a mine near the Pacific Crest Trail in Jawbone Canyon has filed a \$10 million lawsuit against two Bakersfield residents who questioned the environmental impacts of the project.

Carlton Global Resources, a Delaware-based company, claims it lost business because the two defendants raised "meritless and frivolous" questions during public hearings on a Kern County permit needed for the project, according to court documents the company filed in November. The questions caused the company a delay in getting the permit, which resulted in the loss of a \$3-million-a-year customer, court document say.

Carlton Global also seeks an unspecified amount in punitive damages from the defendants.

The lawsuit targets Leroy Cass, who owns land adjacent to the mine, and Renee Nelson, who is part of the group that sued to stop construction of two Wal-Marts in Bakersfield.

In two public hearings on the Kern County permit, Nelson and Cass raised concerns that environmental impacts of the mining process weren't properly assessed.

"Bring it on," Nelson said Friday, when asked about the lawsuit. "I know I'll prevail because I was exercising my First Amendment rights."

Chris Campbell, Nelson's Fresno-based attorney, called the lawsuit a deliberate effort by the company to silence critics.

"All we did was ask the county some questions," Campbell said, referring to the Nelsons' participation in public meetings.

Carlton Global applied for a Kern County permit in April 2005 and Nelson and Cass participated in subsequent public hearings. The Kern County Planning Commission later approved the permit, and the pair appealed the decision to the Board of Supervisors.

Supervisors approved the permit in November.

In court documents, Carlton Global said the extra time for the appeals process caused the company to lose one of its customers.

However, Ted James, director of the Kern County Planning Department, said the holdup had more to do with a restructuring within Carlton Global than with the appeals process.

"There was some down time as a result of the reorganization of the company," James said.

"I think that resulted in the delay with moving forward with the project, in my observation."

Court documents filed by Carlton Global indicate the mining rights were transferred between several companies during that time.

Officials with Carlton Global's local office in Tehachapi declined to talk about the lawsuit. The company's Bakersfield attorney, Bob Brumfield also declined to comment, saying it was office policy not to discuss ongoing civil litigation.

But Nelson and Cass are undeterred.

The pair are still convinced that environmental impacts to [air quality](#), water, roads and effects on the nearby Pacific Crest Trail and Jawbone Canyon off-highway vehicle area were not considered when the permit for mining was approved.

In November, they filed a lawsuit against Kern County seeking a more in-depth assessment of those impacts.

### **About the project**

Carlton Global Resources plans to operate a mine in Jawbone Canyon to extract high quality calcium carbonate, used in toothpaste and teeth whiteners, among other things.

The quarry is on land owned by the Bureau of Land Management about 14 miles west of the Highway 14 and Jawbone Canyon Road intersection. The property is 10 miles west of the Jawbone Canyon Open Area for off-highway vehicles, and less than a half-mile east of the Pacific Crest Trail. An environmental assessment report prepared by the Bureau of Land Management indicated that blasting activities at the mine would be audible from the Pacific Crest Trail.

To minimize impacts to trail users, signs that describe mining activity will be installed on the trail. Under state law, the company had to obtain a separate permit from Kern County that required the company to submit a plan to close the mine and remediate land affected by activities when the mining concludes.

### **Restaurants broiling over regional air board decision**

#### **First-of-its-kind measure to cut public exposure to particles from open-grill meat charring**

By Denis Cuff, STAFF WRITER

Tri-Valley Herald, Friday, December 7, 2007

The Bay Area's clean air board is breaking new ground in the growing effort to cut restaurant charbroiler smoke out of Americans' diet of air pollution.

In a decision opposed by many restaurant owners, the board agreed Wednesday to require emission controls on open-grill restaurant charbroilers - such as those in larger dining establishments like Black Angus and Applebee's - that cook high volumes of steaks, hamburgers and other beef.

Clean air agencies elsewhere are watching the rule - the first of its kind in the nation by a regional air district Bay Area air regulators say the controls will reduce public exposure to fine soot particles, which can cause asthma and bronchitis problems, heart attacks and strokes, and stunted lung development in children.

"I like to eat at some of these restaurants with charbroilers, but the fine particles they produce is a health concern," said Mark Ross, a Martinez city councilman who chairs the Bay Area Air Quality Management Board.

But the rule will be expensive, costing restaurants some \$30,000 or more to install scrubbers and filters to comply, plus more money to operate them, the California Restaurant Association complained.

"This rule is not cost-effective," Johnnie Foster Downs, the restaurant association's director of local government affairs, told the nine-county air board in its meeting in San Francisco. "Why don't they go after the bigger sources of particulates first, like diesel trucks and vehicles?"

Air district engineers say commercial charbroilers emit 6.9 tons a day of fine soot particles, and another 1.1 tons a day of smog-forming gases.

Most Bay Area restaurants would be exempt from the rule because their grill size or beef use falls below a threshold in the rule aimed at regulating only the highest-polluting restaurants, officials said.

Beef was singled out because its higher fat content produces more fine particles when the juices flare up on a hot grill.

Steakhouses or other restaurants with open, slotted charbroiler grills heated from below would be regulated if they cook 800 pounds of beef a week, and the grill is at least 10 square feet in size.

This is the part of the rule that is unique, according to Jack Broadbent, the air district executive officer.

Fast-food restaurants with chain-driven charbroilers that heat hamburgers from above and below on a conveyer belt would require controls if they cook 400 pounds a week, according to the rule. Chain-driven charbroilers already are regulated by pollution districts in the Los Angeles, San Joaquin Valley and Ventura air basins.

About 200 Bay Area restaurants with under-fired charbroilers, including Black Angus and Applebee's would be affected by the rule on Jan. 1, 2013, air district engineers said.

About 450 restaurants with chain-driven charbroilers, including Burger King and Carl's Jr., would require filters by Jan. 1, 2009. McDonald's is exempt because it cooks its hamburgers on large griddles.

To avoid the steep cost of new filters, Vic Stewart's steakhouse in Walnut Creek may switch to cooking steaks in an oven-like broiler drawer with flames above the meat, said Tyler Dwyer, the head chef.

"Thirty-five thousand dollars for a filter is painful," Dwyer said Wednesday.

Dwyer said he's not happy about the new rule. However, he said the taste of steaks will be as good if they're cooked in the broiler drawers. "We're looking into our options," he said.

## **Dairy farmers learn from California**

By Jacob Adelman, Associated Press Writer

In the Contra Costa Times, Modesto Bee and other papers, Friday, December 7, 2007

LOS ANGELES-Frank Teunissen helped California become the nation's leading dairy state before he left his family's ranch outside Los Angeles and bought his own 600-acre spread in Idaho.

Now, he is part of a growing trend in which ranchers throughout the West are using those same methods to challenge California's dominance of the U.S. dairy market.

"Idaho and New Mexico are looking at California and saying we can do that, too," said Leslie Butler, an agricultural economist at the University of California at Davis.

U.S. Department of Agriculture figures show California produced 3.3 billion gallons of milk in 2006-a 17 percent increase from five years earlier, but a growth rate that lags several competing states.

During that same period, Idaho increased production by 40 percent to 937.4 million gallons, while New Mexico posted a 37 percent jump to 653.6 million gallons.

Arizona pumped up output 28 percent to 344 million gallons, and Colorado saw a 29 percent jump to 215 million gallons.

"California is still the largest, but the question is, Are they going to be able to maintain growth?" Purdue University agricultural economist Joseph Balagtas said.

Ranchers in Idaho, New Mexico and other states are copying many of the same high-yield dairy methods that fueled rapid expansion in California in the mid-1990s.

The strategy, which Butler calls "the California model," includes taking cows off pastures-where they graze in thinly spread herds-and concentrating them together in massive dairies. Feed is shipped into operations and manure is hauled out, rather than relying on naturally occurring processes in pastures.

Teunissen said his bottom line in Idaho has also benefited from cheaper feed and from utilities that cost one-third as much as his family paid in California.

"It was a great opportunity for my wife and I," he said about his move.

Cheap land, lower taxes and less stringent regulations have also aided the production push in other states, said Gary Genske, a dairy industry consultant. In addition, dairy ranchers outside California don't face the state's strict air and water quality regulations.

California, the nation's leading agricultural state, has a lot riding on its dairy industry. Milk and cream were the state's top agricultural commodities in 2006, raking in \$5.22 billion of the \$32 billion in total sales generated by the industry, according to the state Food and Agriculture Department.

But since 2004, when California ranchers lost their exemptions to federal air quality regulations, they have had to make costly adjustments to curtail emissions.

Among other things, they must cover roads on their farms with asphalt to keep down dust and build structures to enclose waste lagoons, said Michael Marsh, chief executive of the Western United Dairymen trade group.

Many California ranchers also must turn to expensive consultants and lawyers to see them through the state's lengthy, complex permitting procedures.

Depending on the size of a ranch and its location, permit-related fees in California can reach up to \$700,000, with the process taking as long as five years, Marsh said.

In Idaho, permit fees can cost as little as \$15,000, with the process taking just 90 days, said Bob Naerebout, director of the group United Dairymen of Idaho.

Even though more milk is being produced throughout the West, the increased supply has yet to translate into lower prices for consumers.

Much of the milk and other products are being siphoned off by emerging industrial powers such as India and China, where consumers have more money to spend on healthy diets, Butler said.

Butler said it's only natural for milk production to migrate from California to states where it can be done more cheaply and efficiently.

New York and Wisconsin took their turns as the nation's dominant milk state before California, he noted.

"I have no doubt that other states that are expanding will continue to expand, and that simply becomes a competitive element that dairy producers have to face," Butler said.

## **Farm bill begins to move again in Senate**

**Each party agrees to limit itself to 20 amendments, ending partisan stalemate.**

By Michael Doyle / Washington Bureau

Saturday, Dec. 8, 2007

WASHINGTON -- Central Valley farmers win some and lose some in the big farm bill that started escaping the Senate briar patch Friday.

The wins could be worth hundreds of millions of dollars. The losses, farmers hope, may be temporary.

Breaking weeks of partisan stalemate, senators Friday resumed debating the \$288 billion farm bill, which includes record spending for fruit and vegetable crops. By limiting each party to 20 amendments each, for a total of 40, lawmakers disarmed a potential filibuster that had frozen action since early November.

"We're going to move through here and finish the farm bill before we leave [for Christmas]," Senate Majority Leader Harry Reid declared Friday morning.

With farm bill voting set to start Tuesday, some pending amendments already appear to be long-shot statements of principle.

Democratic Sen. Dianne Feinstein of California, for one, has an amendment that would relocate several thousand agricultural border inspectors back to the Agriculture Department. California Citrus Mutual and several other Central Valley farm organizations complain the agricultural inspections have been a low priority for the Department of Homeland Security, which took over the job in 2002.

"I'll make an argument that this has given short shrift to stopping pest infestation," Feinstein said in an interview Friday.

The House Agriculture Committee in July approved a similar border inspector proposal championed by Rep. Dennis Cardoza, D-Merced. But Bush administration pressure quickly compelled House committee leaders to drop the controversial provision, and Feinstein conceded Friday her amendment will likely fall short as well.

"Many times I've lost until I've won," Feinstein said. "I don't intend to stop."

Feinstein previously indicated she would withhold an agricultural guest-worker package as a farm bill amendment. The proposal granting legal status to 1.5 million illegal immigrant farmworkers became entangled in the broader immigration reform debate that has stymied Congress for years.

All told, senators have prepared more than 260 potential farm bill amendments. They were still being winnowed down Friday to the final 40. Some will be simple and accepted by voice vote. Others could put senators in a bind.

Feinstein's California colleague, Democratic Sen. Barbara Boxer, wants an existing environmental program to be extended for fighting rural air pollution in the San Joaquin Valley. The Agriculture Department's current Environmental Quality Incentive Program funds 75% of the cost of certain conservation practices like manure containment facilities. If amended, the grants might cover, for instance, purchasing new tractors that pollute less.

"People who live in agricultural areas deserve clean air," Boxer said Friday.

The House approved related language authored by Cardoza, and Boxer could slide her rural air-quality provision into a larger "manager's amendment" that's guaranteed passage. Other proposals incite more controversy. An early and important test of Senate reform sentiment will come on an amendment putting a hard \$250,000 limit on the amount of federal payments a couple can receive. The current limit is \$360,000. The proposal by Republican Sen. Charles Grassley of Iowa and Democratic Sen. Byron Dorgan of North Dakota could challenge California's two Democratic senators, as the state's cotton and rice farmers are unenthusiastic about tighter payment limits.

California rice farmers received \$269 million in direct federal payments between 1995 and 2005, according to data compiled by the Environmental Working Group, while California cotton farmers received \$186 million in direct payments during the same period.

## **Panels feel out plans for gas fee**

### **Air quality district, transit commission consider levy to help fund road maintenance, cut carbon dioxide emissions**

By Erik N. Nelson, Staff Writer

Contra Costa Times, Friday, December 7, 2007

Surveys show that Bay Area residents want to fight global warming. The question dogging transportation and air quality leaders is: Will they put their gas money where their mouths are?

Area transportation and air regulation officials are gingerly attempting to find out.

This week, the Bay Area Air Quality Management District board voted to investigate a fee of as much as 10 cents per gallon of gasoline purchased in nine Bay Area counties. Later this month, the Metropolitan Transportation Commission is scheduled to consider the same sort of fee.

"All that's happened is our board approved staff exploring the feasibility of a proposal that would go before the voters," air district spokeswoman Karen Schkolnick said. "We're a ways off, because all the work still needs to be done."

The board's approval Wednesday is the latest baby step in a process that began in the 1990s, when the Legislature gave the MTC the authority to place gas taxes on the ballot to support transportation projects.

The latest effort would create a gasoline charge to support road maintenance programs and transportation projects that would cut carbon dioxide emissions known to cause global warming.

But voter approval for such a tax has been unlikely, and the MTC has never exercised that authority, commission spokesman Randy Rentschler said.

The commission's polling shows that a majority of voters would support a charge on gasoline to improve public transit and implement other measures to fight global warming.

However, a more general "tax," as defined by state law, would require a two-thirds vote to pass. Polls show support falling short of that threshold.

So what the two agencies are exploring is not a "tax," but a "fee," which state law defines as revenue earmarked for a particular type of expense.

And that makes sense, Rentschler argued, because the state's gasoline tax is really more of a fee.

"It's probably much closer to a bridge toll than it is to a general tax," he said, because gas tax revenue is limited, for the most part, to covering transportation costs.

Taxes or fees are rarely crowd-pleasers, so officials will be hard-pressed to push through either one, said Larry Gerston, a San Jose State political science professor.

Even if the Legislature were to give the MTC the authority to put the fee on the ballot, voters might not support it if its purpose is not well-focused, he said.

"On the one hand, you're fighting global warming," Gerston said, while on the other, "you're fixing roads to allow more cars to travel and further pollute."

Santa Clara County failed last year to persuade voters to pass a sales tax that would have supported public transportation, principally the BART extension to San Jose, but also to support health and human services programs.

"One looks like sugar-coating to make the other thing easier to swallow," Gerston said, "and I think voters see through things like this pretty quickly."

## **San Francisco mayor proposes carbon tax to curb global warming**

By Lisa Leff, The Associated Press

In the Madera Tribune, Saturday, December 08, 2007

SAN FRANCISCO - Mayor Gavin Newsom plans to ask voters next year to approve a "carbon tax" on businesses that he says would provide a financial incentive for conserving energy and motivating workers to use public transportation.

The ballot measure would increase the city's 5 percent commercial utilities tax by an as-yet-undetermined amount to encourage energy-saving steps by hotels, offices and other nonresidential buildings, Newsom said in a recent interview with The Associated Press.

To keep the higher rates from becoming an economic drag on the city, the initiative would carry a corresponding decrease in the 1.5 percent payroll tax on for-profit businesses in San Francisco, according to the mayor.

Last year, Boulder, Colo., became the first U.S. city to adopt a tax to combat global warming, specifically an electricity bill charge on kilowatt-hours used. Officials in Portland, Ore., last month proposed charging developers for every home they build that does not greatly exceed the city's energy efficiency building requirements.

Newsom said that by tying the revenue from the proposed carbon tax to lower payroll taxes, his proposal would make San Francisco the first city taking a business friendly, "revenue-neutral" approach to the idea of pollution pricing.

"That's the exciting debate that is taking shape around this country - replacing a job hindrance tax with a tax that should be taxing something that is inherently bad, which is greenhouse gas emissions," he said.

The mayor's staff still is writing the measure, which Newsom said he intends to submit for the November 2008 ballot.

The plan, as it stands now, is to include a second payroll tax cut for businesses that succeed in getting more of their commuting employees to give up cars for public transportation, said Jared Blumenfeld, director of the San Francisco Department of the Environment.

A third piece of the carbon tax proposal would raise garbage collection and dumping fees for both homes and businesses on each bin of waste that is destined for a landfill instead of ready to be recycled, Blumenfeld said.

Under the working draft of the proposal, the payroll tax decrease linked to higher utility bills would come as a fiscal year-end rebate, said Ted Egan, the mayor's chief economist. How big a payroll tax cut businesses get would depend on how much revenue is generated by the higher utility tax, Egan said.

Every business that pays both taxes would receive the same percentage cut to their payroll taxes, regardless of how much they curb their gas and electricity use, Egan said. Those that fail to adopt energy efficient measures, however, would not enjoy as much savings as companies that embrace the concept because their utility bills would be higher, Newsom said.

"Net neutral does not mean there won't be an increase for those who do absolutely," said the Democratic mayor, who last month was re-elected to a second term. "They should pay more, and that's the point."

If enough businesses take significant steps to reduce their reliance on conventional energy sources, the utility tax over time would theoretically cease generating extra revenue that could be returned to them through the payroll rebate, Egan said.

In that case, the city could either approve another carbon tax or be satisfied with its contribution to combating global warming, he said.

Jim Lazarus, vice president of public policy for the San Francisco Chamber of Commerce, said it was too soon to say whether local businesses would back the ballot initiative because too many details remain to be worked out.

Among the questions Lazarus had was how a carbon tax would affect different types of businesses, whether companies that already have adopted significant energy-saving measures would be penalized, and if the payroll tax reductions would be financed over the long-term.

But the chamber has generally supported legislation to reduce global warming, he said, including a law signed last year by Gov. Arnold Schwarzenegger that requires California air regulators to create laws and incentives that would reduce the state's greenhouse gas emissions by 25 percent by 2020.

"We are very supportive of all the steps the mayor and the city have taken to get in front of reducing the carbon foot print of the residents and businesses in San Francisco," Lazarus said. "Lots of issues have to be worked out, but we look forward to sitting on whatever committee the mayor appoints to work all of this out."

## **A clear pattern of risk emerges from city smog**

**L.A.'s notorious air pollution is hardest on kids. The closer to a freeway they live, play or attend school, the more likely it is that their developing lungs' capacity will be reduced.**

By Erin Cline Davis, Special to The Times  
L.A. Times, Monday, December 10, 2007

EVERYONE is familiar with the gray-brown haze that often blankets Los Angeles, and the fact that the city consistently ranks as one of the most polluted in America.

But what many may forget is that the dismal reports of L.A.'s air pollution only capture the *average* amounts of toxins in the air, and that some places within the urban sprawl are far dirtier than others. Official numbers do not take into account the fact that pollutants are at much higher levels within a few hundred feet of the freeways that crisscross the city -- and for the adults and kids who live, work or go to school there, the effects add up.

For kids, whose lungs are still growing, these effects can be especially damaging.

Mounting scientific evidence reveals that exposure to air pollution interferes with the development of children's lungs, reducing their capacity to breathe the air they need. Although the long-term consequences aren't known, it is known that growth in lung function is nearly complete by the end of adolescence.

Because lung capacity diminishes as people grow older, children exposed to air pollution may enter adulthood with the deck stacked against them.

Proximity to freeways appears to matter. Recently, studies have shown that the lung capacity of children who live within 500 meters (1,650 feet) of a freeway is significantly reduced compared with those who live more than 1,500 meters (4,950 feet) away.

For kids who already live in an area with high levels of pollution, living near a freeway is "adding insult to injury," says Dr. John Balmes, professor of medicine at UC San Francisco and professor of public health at UC Berkeley.

To help protect children from the heightened effects of this extra dose of air pollution, California passed a law in 2003 prohibiting schools from being built within 500 feet of major roadways. Districts are allowed to build within this buffer zone only if space limitations leave no option or the district can find ways to mitigate the increased air pollution. Yet a September article in The Times reported that the L.A. Unified School District was building five schools within 500 feet of a freeway and had plans for two more.

The district is now reconsidering its plans and working on new policies aimed at limiting students' exposure to pollution at schools built near freeways, but such laws can do only so much. Even if they aren't going to school near a freeway, children may still be walking down the street or playing in their backyard near one. Thousands will still be exposed to dangerous levels of air pollution.

### **Stunted lung development**

In 2004, USC researchers reported that children living in areas with higher pollution, such as San Dimas and Riverside, had stunted lung development compared with children living in areas with lower pollution, such as Atascadero and Alpine.

The findings came from the Children's Health Study, which in 1993 recruited about 1,700 fourth-graders from 12 California communities and studied their lung function over eight years.

The effects on children's lungs were both statistically and clinically significant: The proportion of children with low lung function was 4.9 times greater in the community with the highest level of fine-particle pollution (Mira Loma) compared with the community (Lompoc) with the lowest levels (7.9% versus 1.6%). Results were similar when the researchers looked at other categories of pollution, such as nitrogen dioxide and elemental carbon.

In February, the USC group published another report, in the journal the Lancet, showing that living near a freeway could further affect a child's lung development.

As in the 2004 study, researchers followed the group of fourth-graders recruited in 1993, as well as a later group recruited in 1996. In this study, however, the children in each city were further subdivided into those who lived close to (within 500 meters) or far (more than 1,500 meters) from a freeway or other major road.

As in the other study, researchers would visit the children every year at their schools and measure with a device called a spirometer how much and how fast each child could exhale.

They found that children who lived close to a freeway in a low-pollution community had about a 4% decrease in their lung function compared with children living in the same community but far from a freeway. This decrease was similar to that seen in children who lived in highly polluted communities but far from a major road.

The results were worst for the children who lived near a freeway within a polluted city. They had the greatest reduction in lung function over the course of the eight years each child was tracked -- about 9%, compared with the kids in clean cities who lived at least 1,500 meters from a major road.

Lung development is nearly complete by age 18 -- meaning that someone with a deficit in lung function at the end of adolescence will probably continue to have less than healthy lung function for the rest of his or her life. And that could lay the adult open to a variety of maladies.

"Poor lung function in later adult life is known to be a major risk factor for respiratory and cardiovascular diseases, as well as for mortality," said W. James Gauderman, an epidemiologist at the USC Keck School of Medicine and leader of both studies.

The results of the USC study make sense, given what scientists know about the concentrations of tailpipe pollutants near major roads.

Jean Opital, an officer for the South Coast Air Quality Management District who evaluates studies on the health effects of air pollution, says that pollution concentrations are highest in the first 150

meters of a large road but then start to drop off. But calculations predict that to get down to the levels seen upwind of a freeway, you have to get about 1,000 meters (3,300 feet) away.

"Though we in L.A. don't have the best air quality, proximity to sources does matter," he says.

### **Taking in more pollutants**

Children are especially vulnerable to air pollution because they breathe more rapidly than adults relative to their body weight and lung size. This results in exposure to a relatively larger dose of any air pollutants. Kids also spend a lot of time engaged in vigorous physical activity, leading to even heavier breathing.

When they play hard, they tend to breathe more through their mouths, bypassing the natural filtering effects of the nose, allowing more pollutants into their lungs. And unlike adults, who are likely to stop their activities when effects of pollution such as wheezing and coughing set in, children often keep going -- continuing to expose themselves to pollution.

The heady brew they are exposed to has various toxic components -- carbon monoxide, sulfur dioxide, nitrogen dioxide -- and the two that pose the greatest threat to human health: ground-level ozone and particulate matter.

Ground-level ozone is formed by a chemical reaction between volatile organic compounds and oxides of nitrogen emitted by cars and other sources such as power plants that takes place in the presence of sunlight. In L.A., the onshore breeze usually pushes the ingredients of ozone farther inland. But calm days provide the perfect conditions for a blanket of ozone to cover the city.

Exposure to ozone can cause immediate effects such as coughing, throat irritation and difficulty breathing.

It can also worsen asthma attacks and increase the susceptibility of the lungs to infections, allergens and other air pollutants -- making exposure especially risky for those with asthma and other lung conditions such as chronic obstructive pulmonary disease.

Particulate matter in the air is a mixture of solids and liquid droplets that vary in size. Particles larger than 10 microns (about one-tenth the diameter of a human hair) do not usually reach a person's lungs, but they can irritate the eyes, nose and throat.

Exposure to "coarse" particles (in the range of 2.5 to 10 microns in diameter) and "fine" particles (less than 2.5 microns in diameter) can aggravate heart and lung diseases.

A study of more than 4,000 Swiss adults ages 18 to 60 during the course of 11 years, which appeared last week in the online edition of the New England Journal of Medicine, has shown that the inevitable decline in lung function seen in adults is lessened in those who are exposed to reduced levels of particle pollution.

The smallest particles of all -- so-called "ultra-fine" particles -- are of increasing concern to air pollution experts. Air levels of these tiny bits of air pollution, which measure less than 0.1 micron or one-thousandth the diameter of a human hair, are not regulated by state or federal agencies, and their health effects are only now beginning to be understood.

What researchers do know is that ultra-fine particles travel far deeper into the lungs than other types of particle pollution. They can even pass through the lining of the lungs, gaining access to the bloodstream. This allows them to travel to other organs and possibly interfere with their function.

Ultra-fine particles might also make their way into the brain, USC's Gauderman says. He says there is some suspicion in the research community that they can actually travel straight to the brain through the olfactory nerve at the top of the nasal passage.

They are so small that standard air filters cannot remove them. "They act like a gas, getting in around doors and windows," Gauderman says.

When pollutants are inhaled, gases such as ozone and the chemicals stuck to the surfaces of various sizes of particulate matter react with molecules in the lungs, injuring cells. The body's response to this injury is inflammation, which causes the airways in the lungs to constrict.

Children have narrower airways than adults, so pollution that might cause only a mild inflammatory response in an adult can significantly constrict the airways in a young child. This can be especially dangerous for children with asthma.

Long-term exposure to air pollution can cause chronic inflammation. In response, the body will attempt to wall off the damaged parts of the lungs, creating tissue that's less pliable than healthy tissue. That, Balmes says, explains why decreased lung function like that seen in the Children's Health Study comes about.

"It's basically a scarring process," he says.

### **Reducing risks at schools**

Angelo Bellomo, head of the Office of Environmental Health and Safety for the Los Angeles Unified School District, says his office is taking the dangers posed by freeway pollution seriously.

"We've got to do everything we can do that is within our power to reduce that risk," he says.

As a start, his office has begun taking ultra-fine particles, which were not previously considered, into account when analyzing new locations for schools.

There are more than 70 district campuses within 500 feet of freeways, housing more than 60,000 students. Bellomo's office is compiling a list that ranks the schools by level of risk based on the number of students, the number of years students spend at the school, distance to freeways and the volume of diesel trucks that travel the nearby freeways.

The office will be developing a range of options and associated costs for upgrades to existing schools that would reduce school occupants' exposure to nearby sources of air pollution. Its report is due at the beginning of March.

Bellomo says his office will be looking at all options, including some promising new filtration technologies.

He admits that the school district can't do much to reduce the risks of air pollution when children are outside, but he aims to reduce the risks indoors enough so as to offset the outdoor exposure.

The district will do what it can, Bellomo says, but the most effective way to reduce the risk from freeway pollution for children would be for state and federal regulators to enact rules that reduce pollution at the source.

Angela Beach, 41, of Sherman Oaks, will be following the district's progress.

Her 6-year-old son, who suffers from chronic asthma, attends Hesby Oaks School, a recently reopened campus in Encino that is within 500 feet of the 101 Freeway. Firmament Avenue, a bit of greenbelt and a sound wall are all that stand between the athletic fields and the constant rush of cars on the 101 and 405 interchange.

Beach says her son's asthma was well controlled when he was in preschool. He didn't have trouble playing outside like all the other children.

But now, she says, "he just can't do it."

The effects of the pollution near the freeway aren't just physical for her son, Beach says. He doesn't understand why he can't play at school. He gets frustrated and angry when he has to abandon basketball practice because he can't get the air he needs. Beach has had to explain to his coach that it isn't that he doesn't want to play, it's that he's isn't able to.

Beach says her daughter, who is 8 and does not have asthma, has also commented on the changes on her body since she started at her new school, even though the issue of air quality is never discussed with her. She comes home from school, Beach says, and tells her mother how

she struggles on the playground, complaining, "It's harder here," comparing Hesby to her previous school, Sherman Oaks Elementary, which is just shy of a mile from the 101 and 405 freeways.

Beach wants the district to do all it can with filtration systems at Hesby and other schools. She is also lobbying the city and school district to plant trees behind Hesby because some research has shown that they could absorb some of the pollution that is flowing into the outdoor hallways and lunchroom of the campus.

"These," Beach says, "are problems that affect the lives of every child, forever."

## **Commission OKs L.A. port expansion Backers cite 'green' elements, but homeowners and environmentalists raise various concerns.**

By Louis Sahagun, Los Angeles Times Staff Writer  
L.A. Times, Friday, December 7, 2007

The Los Angeles Harbor Commission on Thursday approved a controversial proposal to increase ship calls by 30% at one of the West Coast's largest shipping terminals and add 1,800 daily truck trips to an area already struggling to cope with some of Southern California's most polluted air.

About 200 people attended the commission hearing at Banning's Landing Community Center in Wilmington.

The panel voted 4 to 0 to certify the environmental impact report for the \$1.5-billion upgrade at the TraPac Terminal.

Public testimony on the matter stretched more than six hours.

"This is the best thing that's happened here in two years," said Geraldine Knatz, executive director of the Port of Los Angeles.

"We're on our way. We're going to do it. We're going to clean it up," she said with a broad grin.

Andy Mardesich, president of the San Pedro and Peninsula Homeowners Coalition, was not impressed.

"This EIR continues to conduct port business in the very same manner that it always has," he testified, "and that, my friends, is with a resolute dedication to conduct commerce without conscience."

The commission's action elated business leaders led by Los Angeles Area Chamber of Commerce President Gary Toebben, who had strongly endorsed the project.

He predicted that the expanded terminal would create as many as 6,000 new jobs, generate \$200 million a year in tax revenue and provide a template for green-lighting at least 15 port expansion projects long delayed by other environmental challenges.

"If it fails," Toebben said before the vote, "it will be a dramatic failure for the concept of green growth at the ports."

The proposal would require various measures aimed at combating pollution in the Los Angeles and Long Beach port complex, the largest fixed source of air pollution in Southern California. For example, diesel-powered cranes would have to be replaced with less-polluting electrical cranes.

Some port projects have been held up since 2001, when the Los Angeles City Council approved plans for a 174-acre terminal for China Shipping Container Lines Co., prompting lawsuits by environmental groups that wanted assurances that environmental reviews would be thorough.

That suit ended in 2003 with the port and city announcing an unusual \$60-million settlement with the environmental groups. Most of the money will go to a wide array of projects to reduce air pollution.

In an effort to avoid confrontations over the TraPac project, port authorities spent more than four years developing its environmental impact report.

In her comments before the board Thursday, Knatz said: "Last January, port management and staff agreed on five important things this organization had to achieve in 2007. No. 1 on our list was 'deliver an EIR to the board that you could feel good about certifying.' We believe we have done that."

But attorneys representing the National Resources Defense Council and concerned local residents said the report tucked potentially damaging information about the project's environmental impacts into its back pages.

For example, the report acknowledges in Appendix D that air pollution will increase in the short term while the project is under construction.

"No one has ever agreed to an increase in emissions in the short term," said Janet Schaaf-Gunter of the homeowners coalition. "Increasing emissions is not growing green."

Over time, however, the project will generate significantly less in dangerous air particulates and other emissions than there would have been without the "green" mitigation measures.

But port authorities surprised environmentalists in attendance by announcing that they have no means of curbing anticipated increases of greenhouse gases from the project, including carbon dioxide.

Environmentalists were also distressed that the board had approved a massive expansion before the port's Clean Air Action Plan is fully implemented.

Although the adjacent ports of Los Angeles and Long Beach agreed in November to scrap old diesel rigs and replace them with newer, cleaner trucks, they have yet to develop a means of enforcing the ban, intended to help slash port-related pollution linked to 2,400 premature deaths in the region a year.

"They put the cart before the horse," said Adrian Martinez, an attorney with the National Resources Defense Council, one of eight groups represented in a letter of concern delivered Wednesday to Ralph G. Appy, the Port of Los Angeles' director of environmental management.

On Thursday, Los Angeles Councilwoman Janice Hahn, whose district includes the port, urged the board to advance the TraPac project but "to be bold" and amend the EIR to require extra environmental protections.

She wants a more aggressive timeline to require use of low-sulfur fuel in diesel-powered vessels and on-dock electrical power to eliminate idling in port.

"Certify this EIR today for the community of Wilmington," she said, "but also amend it to protect the health of the community of Wilmington and all of Los Angeles."

In Knatz's argument for approval, she said the particulars could be worked out later.

Schaaf-Gunter compared Knatz's promise to "the check is in the mail."

However, Knatz said a lawsuit challenging TraPac's environmental impacts would only delay realization of Los Angeles Mayor Antonio Villaraigosa's call for "green growth" at the nation's busiest port.

"That would be a darn shame," she said.

In a related matter, Villaraigosa and state Atty. Gen. Jerry Brown Jr. were expected to announce today an agreement to ease future terminal expansions by constructing solar panels to provide a clean source of energy for the ports and thus reduce harmful emission.

## **Four new sites to be monitored for air quality**

### **By Marla Cone, Los Angeles Times Staff Writer**

L.A. Times, Saturday, December 8, 2007

In the wake of wildfires that caused unhealthy air from the mountains to the sea, the region's air quality board Friday expanded monitoring that allows the public immediate access to local smoke conditions.

At a cost of \$225,000, the South Coast Air Quality Management District will add four new sites to the existing 14 that continuously report levels of airborne particulates, plus four mobile stations that can be deployed to smoky areas. The new sites will be Santa Clarita, Mission Viejo, Crestline and Temecula.

The data are automatically recorded and immediately available to the public through the AQMD website, informing residents whether it is safe to go outdoors or exercise. AQMD officials said they responded to thousands of calls and web inquiries from concerned residents during the October fires.

The AQMD board Friday also honored 27 school districts, for taking precautions to protect children from the poor air quality during the fires.

### **Trees may help fight pollution**

L.A. Times, Monday, December 10, 2007

Can trees help fight smog? Thomas Cahill, a professor of physics and atmospheric sciences at UC Davis, has results suggesting they can reduce levels of ultra-fine particle pollution near freeways.

He has found that in windy conditions, trees along the side of a freeway can help mix the air and dilute the concentration of ultra-fine particles. In calm conditions, trees seem able to capture the particles, preventing them from traveling to nearby homes or schools.

Cahill says that once ultra-fine particles stick to the leaves of trees, they will not blow off. Instead, they will remain on the tree until the leaves drop or they are washed away in the rain.

He says that other researchers have not been interested in looking at trees as mitigation for ultra-fine particles because older research had shown that trees could not block *fine* particles (which are about 25 times larger than ultra-fine particles) from blowing off roadways.

Cahill says it's important to use the right trees to block ultra-fine particles. Some trees may not absorb enough particles. Others emit chemicals that can contribute to ozone formation. Trees with lots of needles, such as redwoods and deodar cedars, he says, are best.

### **Smog-Eating Cement**

By Lia Miller

N.Y. Times, Sunday, December 9, 2007

This year a new weapon against smog was introduced in the United States: cement. Called TX Active, it was developed by the Italian company Italcementi. Enrico Borgarello, Italcementi's head of research and development, says the product can literally "kill" pollution.

The cement's chemical composition is enhanced with titanium dioxide, which under the right conditions can neutralize some harmful pollutants. When exposed to sunlight or ultraviolet light, the titanium dioxide is "activated," Borgarello says, and pollutants that come in contact with the surface of the cement are oxidized. Hazardous nitrogen oxides and sulfur oxides, for example, are transformed into harmless nitrates or sulfates, which simply rinse off the building with rainwater. This also keeps it especially clean.

Italcementi developed the cement for the architect [Richard Meier](#)

[http://topics.nytimes.com/top/reference/timestopics/people/m/richard\\_meier/index.html?inline=ny](http://topics.nytimes.com/top/reference/timestopics/people/m/richard_meier/index.html?inline=ny)

t-per>, who wanted a very white material for his Jubilee Church in Rome. Titanium dioxide, commonly used to make paints bright white, was added to the standard cement's mix. It was only later that Italcementi realized that TX Active had pollution-busting properties. For instance, in Bergamo, where Italcementi is based, a stretch of road downtown was coated with a layer of TX Active. Borgarello says that residents reported better-smelling air within 4.5 square miles. The company says their research shows that if 15 percent of the surface area of Milan were covered in TX Active, air pollution would be reduced by 50 percent.

Thomas Cahill, an atmospheric scientist at the University of California, Davis, is skeptical of the full extent of the company's claims. He cautions that the "benefits, while they might be real in limited cases, are not a 'cure' for pollution."

Borgarello says that he envisions TX Active as an agent of change for air quality - and for cement's reputation as an uninspired, antienvironmental material. "You destroy the green, and you put a building in with cement," he says. "Now we put this material in, and we are contributing to quality of life."

## **Do your part to breathe easier, indoors and out**

**Protective measures include checking the air quality, keeping the windows closed and driving less often.**

By Erin Cline Davis, Special to The Times  
L.A. Times, Monday, December 10, 2007

If you live in L.A., there's really no avoiding air pollution. But there are a few things you can do to protect yourself and your family from its harmful effects, according to the Environmental Protection Agency.

\* Plan activities based on the air quality.

Experts advise that children and adults limit outdoor activities on days when air pollution levels are high. The Air Quality Index can be used as a guide. This is calculated each day by the EPA for the five major air pollutants that are regulated by the Clean Air Act: ground-level ozone, fine particulate matter, carbon monoxide, sulfur dioxide and nitrogen dioxide. The AQI often will be included in the local weather report. You can also find the AQI for your area at [www.airnow.gov](http://www.airnow.gov).

The individual pollutant with the highest value determines the AQI value for the day. When the AQI for one of these pollutants is above 100, state and local agencies are required to report which groups of people are at heightened risk.

For example, if the AQI for particulate matter is 150, people with heart or lung disease, older adults and children will be advised to reduce prolonged or heavy exertion.

When the AQI reaches 300, the air is considered hazardous to all groups.

On days when the AQI indicates unhealthful levels of air pollutants in your area, avoid strenuous exercise outdoors. Take a walk instead of a jog to reduce the amount of air you are inhaling, or take your routine indoors to the gym or simply walk around the mall.

People with heart or lung disease should be especially careful, limiting their activities and exposure to outdoor air at even lower levels of pollution than the general population.

\* Keep the indoor air clean.

If you take steps to keep the indoor air quality good, staying inside and avoiding outdoor activities can help reduce your exposure to air pollution.

Keep doors and windows closed to limit the amount of outside air pollution that makes its way inside.

Use standard air filters: these can remove larger particles from the air, although they are not effective at removing ultra-fine particles or toxic gases. Replacing air filters with electrostatic drop-

in filters, available at hardware stores, may help with ultra-fine particles, according to preliminary research from the laboratory of UC Davis professor Thomas Cahill.

And don't smoke or allow smoking in your home. Researchers have found that the body responds to cigarette smoke and particle pollution in the same way.

\* Do your part to reduce pollution.

When levels of ozone or particulate matter are predicted to reach unhealthful levels, everyone can help improve the air quality by using their cars less frequently.

It will also help if people conserve electricity; refuel cars and trucks after dusk; limit engine idling; use household chemicals in ways that keep evaporation to a minimum, or try to delay using them until air quality improves.

When particle pollution is high, reduce or eliminate fireplace and wood stove use; avoid using gas-powered lawn and garden equipment.

Barbecues are out too: According to the lung health advocacy group Breathe California of Los Angeles County, smoke, airborne ash and particulate matter from barbecues are just as toxic as smoke from wildfires.

## **Western Communities Seek Mining Reform**

By Judith Kohler, The Associated Press

In the Washington Post, Contra Costa Times and other papers, Sunday, December 9, 2007

DENVER -- Towns throughout the Rocky Mountain West that oppose mines near water supplies and scenic areas are backing efforts to revamp a federal law regulating hard-rock mining that's changed little since Ulysses S. Grant was president.

A bill passed by the U.S. House in November would impose the first-ever federal royalties on gold, silver, copper and other metals mines, beef up environmental controls and give federal agencies the ability to say "No" to a mine that would irreparably harm the environment.

For many, that last part is the heart of the bill. Under the 1872 law, federal agencies can scrutinize a company's plan and require environmental safeguards. But they can't decide, as they can with oil and gas drilling, that no development should occur in a certain spot.

The bill, H.R. 2262, the Hardrock Mining and Reclamation Act of 2007, faces a rougher time in the Senate. It would allow local, state and tribal governments to petition the federal government to withdraw certain lands from the filing of new mining claims.

Industry officials say they don't oppose updating the law, or even charging royalties. But they insist that the House bill's fees would be punitive and that provisions allowing denial of mining claims would hurt the industry. Prices for many of the metals covered by the hard-rock mining law \_ gold, copper, uranium, molybdenum \_ have surged in recent years as worldwide demand has increased.

"Let's don't literally kill the golden goose that's supplying our country with the metals and minerals we need," said Luke Popovich, spokesman for the National Mining Association in Washington.

But proponents say it's past time to overhaul a law originally intended to encourage settlement of the West.

"It's the last of the great dinosaurs from the 1800s," said Roger Flynn, director of the Colorado-based law firm Western Mining Action Project.

Ray Carroll, a Pima County supervisor in Arizona, described the 1872 law "as having one arm tied behind your back."

Pima County and local governments have passed resolutions against a copper mine proposed by Augusta Resource Corp. in the Santa Rita Mountains southeast of Tucson because of concerns about water and [air quality](#) and potential impacts on tourism.

Sen. Ken Salazar, D-Colo., supports mining reform that includes a so-called Good Samaritan provision that would protect groups or companies willing to clean up abandoned mines from legal liability under the federal Clean Water Act.

There are about 500,000 abandoned mines nationwide, some dating to the 1800s, according to federal statistics. Lead, arsenic and other metals from some of the mines have contaminated lakes and streams.

Cody Wertz, Salazar's spokesman, said Salazar is working with others on a version of the bill that can pass the Senate. "Royalties is one of the areas where they're trying to find some compromise," Wertz said.

Since 1872, according to the Washington-based environmental group Earthworks, at least \$245 billion worth of gold, silver, copper, uranium and other metals have been mined on public lands with nothing going to taxpayers.

Popovich said the proposed royalty of 4 percent of gross revenue on existing operations and 8 percent on new mines would be among the highest worldwide in a country with some of the highest wages and costs.

Industry officials and Senate Majority Leader Harry Reid, D-Nev., prefer Nevada's system, which charges royalties on net income.

The 1872 law also allowed people to patent \_ or buy \_ public land for mining at the rock-bottom prices of \$2.50 to \$5 an acre. There's been a congressional moratorium on patents since the mid-1990s, and the House bill would permanently eliminate them.

For Flynn, the crux of the bill is authorizing federal agencies to balance other values \_ the environment, economics \_ with mining. Currently, hard-rock mining trumps all other uses, he said.

That's how Crested Butte Mayor Alan Bernholtz sees it. Flynn's law firm represented the town, Gunnison County and the High Country Citizens Alliance in challenging a proposed molybdenum mine on the summit of Mount Emmons. The peak, also called the Red Lady for the color of its rocks, towers over the ski community of Crested Butte in western Colorado.

Bernholtz said mining is no longer a good fit with the area's tourist-based economy. He's also concerned about environmental impacts, including drinking water sources.

Federal courts rejected the lawsuit, which challenged the sale of federal land on the mountain to private companies. The 10th U.S. Circuit Court of Appeals in Denver ruled that only people with a competing claim to ownership can challenge such sales, and the U.S. Supreme Court declined to hear the case.

"The last thing we want to do is scar it, hurt it, taint it," Keith Larsen, chief executive and chairman of U.S. Energy Corp., said of Mount Emmons.

His company, based in Riverton, Wyo., is in the "very, very early stages" of plans for the 155 acres acquired from the federal government. Larsen said he believes the molybdenum can be mined in an environmentally sensitive way while generating jobs. And he said he fears the House bill will send mining companies to other countries in search of minerals and metals.

"If you kill mining in the U.S., we're going to be more dependent on foreign sources for what we use," Larsen said. "I see chrome and (molybdenum) bikes in the bike shops in Crested Butte."

## **Broad Energy Bill Passed by House Car Mileage, Renewable Power Addressed**

By Jonathan Weisman and Steven Mufson  
Washington Post, Friday, December 7, 2007

The House yesterday brushed aside a new White House veto threat and handily approved a comprehensive energy bill that would raise automobile fuel-efficiency standards for the first time in 32 years and require increased use of renewable energy sources to generate electricity.

The 235 to 181 vote sends the measure to the Senate today. There, Republicans hope to strip it of tax increases on the oil industry and the renewable-source requirement before a final version goes to President Bush. The White House objects to the bill on multiple fronts, including the prospect of tax boosts on oil companies, saying Bush would veto it.

But with energy prices soaring, lawmakers from both parties expressed strong support for fuel-efficiency standards, which Congress has not changed since the end of the muscle-car era in the mid-1970s. House Majority Leader Steny H. Hoyer (D-Md.) called the package "nothing less than our nation's declaration of independence from foreign sources of energy."

Even House Minority Leader John A. Boehner (R-Ohio) -- who assails the measure as a "no-energy" bill and as a tax increase that would raise, not lower, energy costs -- lauded the CAFE (corporate average fuel efficiency) standards as a good and reasonable compromise.

Rep. Charlie Dent (R-Pa.), said: "There is a real appetite to increase CAFE standards. The only question has been how much and how fast." He added: "Everybody understands we need to give Detroit a nudge. We just don't want to push them off a cliff."

Fourteen Republicans voted for the bill. Seven Democrats opposed it.

"In the end, I voted with my heart," said Rep. Mark Steven Kirk (R-Ill.), a Navy reservist, who backed the bill. "I'm out of the Navy, but still in the Navy, and I want instability in the Persian Gulf to no longer be a problem for the Pentagon. I really think this will help."

Under the measure, auto manufacturers' vehicle fleets would have to average 35 miles per gallon by 2020, a 40 percent increase over the current requirement. By that same deadline, 15 percent of the electricity generated by the nation's utilities would have to come from renewable energy sources, such as solar and wind power, as well as biomass.

The measure would provide tax incentives to bring about a sevenfold increase in the use of ethanol as a motor fuel by 2022, when a required 36 billion gallons of it would be on the market each year. Two-thirds of those gallons would have to be "cellulosic" -- derived from feedstock such as prairie grass and wood chips, or other non-corn-based biofuels.

The bill also includes appliance and light-bulb standards that would effectively phase out, by the middle of the next decade, the incandescent bulb invented by Thomas Edison.

To finance tax incentives for hybrid cars, ethanol production and renewable-energy development, the bill includes \$21 billion in revenue increases, including a rollback of \$13.5 billion in tax breaks for the five largest oil companies.

Not included in the energy bill is a clause that would limit the ability of the Environmental Protection Agency to set standards for emissions from vehicle tailpipes. In April, the Supreme Court ruled that carbon dioxide is a pollutant subject to regulation under the Clean Air Act. The EPA must now issue regulations. The agency is weighing a waiver application that would allow California and a dozen other states to set their own standards.

Automakers and their allies want to make sure that, in the name of reducing greenhouse gases, the EPA does not issue even more demanding fuel-efficiency regulations.

The regulatory issue was singled out by the Bush administration yesterday. A statement of policy from the Office of Management and Budget complained that the energy bill "leaves ambiguous the role" of the EPA. The administration wants the Transportation Department, which traditionally has been more sympathetic to automakers than has the EPA, to have the final say over fuel efficiency.

Critics of the bill took aim at almost every component besides the fuel-efficiency standards. Rep. Joe L. Barton (R-Tex.) said the biofuels target would set a mandate "that can't be met." Others said the renewable-source standard would put an unfair burden on Southeastern states, which are not considered good places for the generation of wind power. Supporters of the bill said, however, that those states are good sites for solar power plants.

Some of the bill's supporters were not enthusiastic about various parts of it.

"It will come as no surprise to anyone in this body that I have some reservations -- to put it mildly -- about how this legislation was assembled. Many have been complicit in the curious process that has yielded an imperfect product," said House Energy and Commerce Committee Chairman John D. Dingell (D-Mich.). "But it is probably the best product achievable."

But environmentalists and those who think that oil imports compromise U.S. national security were enthusiastic.

"Congress hasn't changed fuel-efficiency standards since the age of the eight-track tape player," said Jeremy Symons, director of the National Wildlife Federation's program on global warming. "From the point of view of solving the climate crisis and advancing the clean-energy economy, this is a big down payment on action."

For House Speaker Nancy Pelosi (D-Calif.), passage of the bill was a hard-fought triumph that took nearly a year to secure. In addition to the broad popularity of the measure's fuel-efficiency standards, the promotion of ethanol won the legislation the allegiance of farm-state lawmakers from both parties.

"We will send our energy dollars to the Middle West and not the Middle East," Pelosi said on the House floor.

But she had to beat back challenges from the House's senior member, Dingell, who has long opposed fuel-efficiency mandates on his home-state auto industry. Democrats on Dingell's committee complained bitterly that Pelosi's handpicked negotiators largely circumvented them as the deal was put together.

Finally, Pelosi had to tamp down a threatened revolt by conservative "Blue Dog" Democrats, who were angered by tax increases in the bill that could endanger their political careers.

In that sense, the triumph could be short-lived. Senate Majority Leader Harry M. Reid (D-Nev.) has called for a vote today to break off debate on the energy bill and move it to final passage. Senate Democratic leaders expressed strong support for the measure and will push hard for the 60 votes needed to break a threatened filibuster.

"We've got a chance, and America is watching," said Senate Majority Whip Richard J. Durbin (D-Ill.). "They know what the price of gasoline is, what the price of a barrel of oil has gone up to, and they know that global warming is a reality. They expect the Congress to move forward on energy."

The Senate vote is expected to be close. Reid has summoned the chamber's four Democratic presidential candidates from the campaign trail for a motion to defeat a threatened filibuster, but if the Senate cannot muster the 60 votes needed, portions of the bill could be removed. These sections include many of the tax measures and, perhaps, the renewable-energy requirement on utilities.

## **2 top polluters oppose caps in Bali**

By ZAKKI HAKIM , Associated Press Writer  
in the Modesto Bee, Sunday, December 09, 2007

BALI, Indonesia - The world's top two polluters, the U.S. and China, say they are not ready to commit to mandatory caps on greenhouse gases.

But that's not a worry to the organizers of this month's U.N. climate conference, who say they only want to jump-start the world's talks toward a new climate accord.

"This meeting is not about delivering a fully negotiated climate change deal, but it is to set the wheels in motion," the U.N. climate chief, Yvo de Boer, said Sunday.

Presidents, prime ministers and environmental ministers prepared to join discussions on how to head off the impacts of rising temperatures, from rising oceans to deadly droughts and diseases.

"Reaching a conclusion even in two years is going to be very ambitious, let alone trying to achieve that kind of result in two weeks," de Boer said.

The main negotiating text for the Dec. 3-14 meeting on the Indonesian island of Bali mentions targets for reducing the amount of pollutants pumped into the atmosphere, but in a nonbinding way. The text was obtained by The Associated Press on Saturday.

Its preamble notes the widely accepted view that industrial nations' emissions should be cut by 25 percent to 40 percent below 1990 levels by 2020, and that global emissions must be slashed to half of 2000 levels by mid-century.

There is little chance those numbers will make it into the final document, de Boer said, but they will more than likely spark renewed debate at the Bali talks, which are meant to launch a two-year negotiation for a post-Kyoto Protocol agreement.

Delegates will, among other things, decide in the next week what issues to include in a "Bali roadmap," including likely references to the importance of helping the most vulnerable nations adapt, and the need to provide developing countries with the technical know-how they need to reduce emission.

As for mandatory caps, de Boer said, "I really hope that that is a discussion that will be taken up toward the end of that two years rather than here."

The Kyoto pact, which was rejected by the United States, commits three dozen industrial countries that signed on to cut emissions by an average of 5 percent below 1990 levels in the next five years.

One of the reasons Washington did not sign on was because the pact did not set targets for fast-developing countries like China. The two nations are the largest emitters of climate-changing gases, though scientists do not always agree which tops the list.

The chief U.S. negotiator said Washington would come up with its own plan to cut global-warming gases by mid-2008, and would not commit to mandatory caps in the coming days.

"We're not ready to do that here," said Harlan Watson, whose country favors a more voluntary approach to cuts.

That process of U.S.-led talks was inaugurated last September by President Bush, who invited 16 other "major economies" such as the Europeans, Japan, China and India, to Washington to discuss a future international program of cutbacks in carbon dioxide and other heat-trapping emissions.

Watson said the final decision would likely be announced at a "leaders" meeting in the middle of next year.

Environmentalists accuse the Bush administration of using those parallel talks to subvert the long-running U.N. negotiations and the spirit of the binding Kyoto Protocol.

China, which is increasingly turning to coal-powered electricity plants and factories to help fuel its booming economy, has also stood firm in saying it would not agree to binding targets. It says the West is responsible for rising temperatures, because it has been pumping climate-changing gases into the air for centuries.

"China is in the process of industrialization and there is a need for economic growth to meet the basic needs of the people and fight against poverty," said Su Wei, a top climate expert for the Chinese government and member of its Bali delegation.

## **CHINA RISES BLOG: Air pollution in Beijing a constant concern**

By Tim Johnson , McClatchy Newspapers  
Modesto Bee, Friday, December 7, 2007

BEIJING - One recurring subject among Westerners living in Beijing, at least in my circle of friends, is whether we're harming our kids by choosing to live in a polluted environment.

Beijing is severely polluted. Call me ethnocentric but my experience is that most Chinese have no idea how severe the pollution is. They've rarely or never been outside of China, and they've grown accustomed to the haze and smog. We Westerners are not. Yet we choose to live here, often for very good job reasons, even enjoying ourselves greatly. And our kids' health may suffer in the process. It's not something most parents want to dwell on.

I spent the morning with Kenneth A. Rahn, an atmospheric chemist retired from the University of Rhode Island. He's working with Tsinghua University in Beijing, China's top university in the sciences, to study air pollution.

We discussed the dry air, wind movements in Central Asia, tiny suspended particulate matter, and other factors aggravating the pollution. Then I found myself blurting out the question: How bad is it for my family to live here?

He began by describing the general conditions of air pollution in northern China, saying the blanket of aerosol pollutants stretches not just over urban areas but vast regions stretching hundreds of miles away.

"When you fly out of Beijing, all you see is brown everywhere," Rahn said. "The levels of most things - ozone, particulates and gases - are six to seven times higher than what we are used to in the West."

Arriving, many foreigners are surprised at the number of smokers in Beijing. One wag even suggests that smoking through a filtered cigarette is better than breathing the air. News reports sometimes say that living in Beijing is like smoking a pack of cigarettes a day, but Rahn said he couldn't make such a comparison.

"It's not going to help your health to live in Beijing. That's for sure," he said, discussing the lethargy many foreigners feel when arriving for the first time. "People talk about 'Beijing crud.' After a week, your joie de vivre is completely blow. You don't feel enthusiastic about stuff. ... You don't sleep so well."

I went to see Rahn partly because of a posting on a blog that suggested environmental protection officials might be fudging numbers so that Beijing can achieve its vaunted target of 245 "blue sky" days this year.

Rahn said he didn't think officials had had "fun" with the numbers but he scoffed at the concept of "blue sky" days.

"They take what is really a bad condition and give it a good name," he said. "The concept is crazy. ... 'Blue sky' days in Beijing are not really blue. They are various shades of gray."

He also dismissed the test in mid-August when Beijing officials forced some one million cars off the road for three days. "The scientists who have looked at the data all agree that there were no detectable changes from the auto experiment," he said.

Much bigger factors are at play on the air pollution than the cars on the road, he said, and when it comes down to the Olympic Games next summer, there is little authorities can do except hope that a northern wind comes along and blows the smog away.

"What are you going to do? You're going to pray to the Mongolian weather Gods and hope for Mongolian air," he said.

[Modesto Bee Editorial, Sunday, December 9, 2007:](#)

### **Valley takes a seat at the table**

An era is ending at the Great Valley Center. In days, the first think tank dedicated to the valley will name a new president to replace founder Carol Whiteside. At the same time, a new era already has begun for the valley -- an era of broad regional cooperation and, yes, influence.

Not long ago, the only thing that united the San Joaquin Valley's eight counties was agriculture. Now, representatives from the valley sit in the councils of movers, shakers and moneymakers.

We're part of discussions on divvying up state resources. We've taken a seat at the table, no longer content just to bring the food.

The reason? A lot of people recognize that shared problems require shared solutions. As our leaders reach across county lines for those solutions, they invariably begin to play more decisive roles. Such as:

Transportation corridor. Southern California wanted all of the \$2.1 billion for improving freight movement through the state. It's doubtful the Bay Area alone could have stood up to Los Angeles, but the valley joined in, the pot was sweetened to \$3 billion, and a significant portion will come to Northern California.

High-speed rail. After a slow start, high-speed rail is becoming a more palatable alternative to air travel. Its track always has been destined to go through the valley, but few stops were planned. South Bay proponents wanted to ignore every valley city north of Merced and take the track over Pacheco Pass. Valley cities wanted track to at least go through Modesto to Stockton. Last week, the valley contingent told the High Speed Rail Commission that it was sticking together. The train either served the entire San Joaquin Valley or the valley wasn't interested.

Where's the water? The heart of the state's water system always has been the Sacramento-San Joaquin Delta. It often has been ignored, but with fish die-offs, court orders, drought and climate change, water is becoming more scarce and more valuable. Most see a two-pronged solution: building two more dams and improving flow through the delta. The state needs the valley's help. The valley hasn't yet flexed its muscles, but it can and it must.

"All of a sudden we're at the table and it's a big difference," Whiteside said. "The fact is we're demanding a share of the state's resources come into the valley; now the pie has to be divided differently, and the people who have always had their predictable piece have to share differently."

Gov. Schwarzenegger helped forge this regional consciousness. He funded the Partnership for the San Joaquin Valley, working on a 50-year timeline to address major issues. He also kicked off the Blueprint process, which set up panels to deal with 10 problems, from air pollution to traffic to water.

But little gets fixed in Sacramento. Real solutions are developed where they'll work. That's where Whiteside, the former Modesto mayor, came in. She opened the Great Valley Center in Modesto in 1997, working to create an identity for the Central Valley, from Redding to Bakersfield. The center helps facilitate the Partnership and Blueprint processes.

"You don't do a 50-year plan for a 50,000-square-mile region and do it easily," said Partnership lead executive Ashley Swearingin. "What's really interesting, and very, very encouraging, is that ... instead of being irritated and arguing about who's in charge of which piece of work, people are just moving forward."

Kirk Lindsey, a Modesto trucking executive, has a seat at two important tables. As a California Transportation Commission member, he was instrumental in helping the valley secure funding for Highway 99 improvements. As a member of the High Speed Rail Commission, he helped the valley hold firm on its demands for valley access.

"It's really important to the valley that, no matter the decision, the valley sticks together," Lindsey said. "This sets the table. ... There's been a lot of work we've done together."

Said Swearingin: "We're a player now. We've been elevated from not on the radar to on it."

What happens when a new governor takes office, Whiteside retires and Lindsey moves on?

"Leaders like Kirk and Carol have opened the door for the valley," Swearingin said. "The rest of the valley has to go through that door. We'll never achieve our full potential as a region if we're going to rely on one or two persons. ... We're trying to knit together a fabric that cannot be torn apart if one or two persons are not in the equation."

Where are those people? "Getting the business community involved is critically important," Whiteside said. So is getting elected representatives.

Swearengin feels it's up to all of us: "We've moved this effort to transform the valley from being dependent on one person or one thing to a large network of people. We need the GVC to be there and be strong, but this work will continue."

It must.

## **Regional Topics**

Some problems can invite regional solutions; others resist. A look at how regional approaches are working on some of the valley's thorniest issues:

### **SUCCESS STORIES**

**Transportation:** "This is a no-brainer," said Ashley Swearengin, lead executive with the Partnership for the San Joaquin Valley. Notable success have been \$1 billion for improving Highway 99 and tying the valley to the Northern California Transportation Corridor.

**Work-force development:** Communities compete ferociously for employers. But Stanislaus County's Workforce Alliance is spearheading a regional program to assess job seekers in seven areas, then grant certificates showing their job-readiness and giving employers confidence in hiring them. So far, 5,000 job seekers have gotten certificates; the program will be exported to the entire region.

**Energy development:** The San Joaquin Valley Clean Energy Organization was formed this year. All valley utility providers, UC Merced, Stanislaus State, Fresno State, a consortium of community colleges, the farm bureau, several private firms and unions are on board. Their goal is to make the valley a clean technology center. Great Valley Center also has partnered with California Public Utilities Commission and PG&E on a conservation program to provide energy audits, rebates and incentives.

**Health care:** UC Merced is trying to establish a 21st-century medical school. The partnership has thrown its weight behind the proposal and it is moving forward with telemedicine projects.

**Housing:** The San Joaquin Valley Housing Trust was recently formed to help create affordable housing in smaller communities. Trust helps provide resources otherwise unavailable. Other efforts involve better home and neighborhood design concepts.

**Air quality:** Our air is improving with lower particulate counts and less noxious components. Work by the region often supplements that done by the San Joaquin Valley Air Pollution Control District. Unfortunately, our region remains in extreme nonattainment and much more must be done.

**Communication:** The world now moves at laser speed. While valley cities are keeping up, rural areas lag. The California Emerging Technology Foundation is trying to identify where broadband capacity does not exist, then areas that can be targeted.

### **STILL TO BE ADDRESSED**

**Open space:** Ag land can't be saved in little pieces; farmers need large swaths for a viable business. Coordinating goals and standards is a good idea, but land-use decisions are entirely local. More coordination and planning is needed.

**Drug abuse:** The partnership has helped develop a multijurisdictional network for law enforcement. Meth arrests have gone down, but the drug remains a scourge.

**Water:** This one's tough; always has been. Valley residents are distrustful of any changes in water allocation. But Great Valley Center President Carol Whiteside notes that water agencies in large urban areas have formed umbrella groups such as the Metropolitan Water District to help promote goals.

Education: Closing the valley's "achievement gap" is the goal. By aligning resources and sharing programs through county offices, the hope is that duplication will be eliminated. This problem has so many moving parts, isolating even one is difficult. Creating a college-going culture is proving difficult.

Eight counties of the San Joaquin Valley: San Joaquin, Stanislaus, Merced, Madera, Fresno, Tulare, Kings, Kern.

[Merced Sun-Star Editorial, Monday, Dec. 10, 2007:](#)

### **Our View: Bush slams brakes on fuel efficiency**

#### **Congress must overcome threatened veto of bill to raise gas mileage on cars, trucks**

What looked like a historic breakthrough on fuel economy standards this week has become in the last few days a desperate struggle by polluting industries and the Bush administration to stop California and other states from regulating greenhouse gas emissions.

In a statement issued late this week, the White House made it clear the president was unlikely to sign the energy bill with its tougher fuel economy rules. Among other objections, Bush administration officials complained that the House energy bill "leaves ambiguous the role of the Environmental Protection Agency in regulating fuel economy."

Ambiguity over EPA's role is probably not what bothers the White House.

The bill lacks a provision that would overturn a U.S. Supreme Court decision announced earlier this year affirming EPA's authority to regulate greenhouse gases emitted from tailpipes. That decision freed 17 states, including California, to regulate auto pollution that contributes to global warming.

The White House was hoping the new energy bill would give car makers what they haven't been able to achieve in court: the ability to stop California and other states from regulating automobile greenhouse gas pollution.

A joint letter to the U.S. Senate issued Friday from some of the country's leading producers of greenhouse gases, including the American Gas Association, National Association of Manufacturers, National Mining Association, National Petrochemical and Refiners Association and the U.S. Chamber of Commerce, is quite clear about the goal. It states that "the energy legislation must contain explicit language clarifying that nothing in this bill can be construed as triggering the regulation of CO<sub>2</sub> or any other greenhouse gas under the Clean Air Act."

To stop states from regulating greenhouse gases, the White House and its allies in industry are willing to kill the energy bill and its fuel-efficiency improvements.

With gas at the pump going for well over \$3 a gallon, House leaders agreed to raise the average fuel-efficiency standards from 25 miles per gallon today to 35 mpg by 2020, the biggest boost in 32 years.

The new standard would save the country 1.1 billion barrels of oil per day by 2020. That's equivalent to half of the oil the United States imports from the Persian Gulf.

More fuel-efficient automobiles would save consumers an estimated \$22 billion by 2020. The legislation would prevent the release of more than 190 million metric tons of global warming pollution, the equivalent of taking 28 million cars and trucks off the road this year.

The White House and its industry allies would jettison these significant benefits. Congress must not let them.

While improved fuel economy is important for this nation, the need to slow global warming damaging the planet is vital as well. The White House has stubbornly refused to lead on this issue, so the states, with California at the forefront, have moved forward on their own.

Congress must not let the president stand in their way.

[Bakersfield Californian, Editorial, Friday, Dec. 7, 2007:](#)

## **Squeeze more miles from cars**

Here we go again. American automakers say they can't comply with gas-mileage targets established by Congress because it's just too much, too fast, too ambitious.

We're all familiar with Detroit's "can't-do" attitude. U.S. automakers fought against mandatory seat belts in the 1960s and standard driver's-side air bags in the 1980s.

They opposed the Clean Air Act of 1970, claiming the mandates would force "manufacturers ... to shut down," according to one industry organization. An industry executive testifying before a Senate committee in 1974 whined that by 1979 new fuel economy standards would "restrict the industry to producing subcompact-size cars."

Auto execs claimed that further emissions reductions required in the 1990 Clean Air Act would ruin them. Congress enacted it anyway, and Detroit enjoyed a decade of record profits.

U.S. automakers have lost their credibility. When Detroit starts complaining about challenging new gas-mileage standards, you have to wonder who they think they're fooling.

Last summer, the U.S. Senate signed a bill that would force automakers to reach 35 mpg by 2020, no matter what their combination of cars and trucks. For companies like Chrysler, whose lineup is 70 percent trucks, the mandate will indeed be a challenge.

European automakers have already met the so-called CAFE (corporate average fuel economy) standards, but then they don't manufacture the same high percentages of trucks and minivans, and many rely almost exclusively on 4-cylinder engines, which don't perform as well in the trucks favored by many U.S. buyers.

Clearly, U.S. automakers will have to employ some innovative thinking. Remember innovative thinking?

In a nation that prides itself on being one of the world's technological leaders, complaining about impossible fuel efficiency standards is like punting on second down.

As it is, the federal government's CAFE standards are lax. The 9th U.S. Circuit Court of Appeals has come down forcefully on the government for its lenient fuel economy standards for light trucks. The court said the CAFE standards now in place, which went into effect in the spring 2006, need to be rewritten, and it rejected the 2008-2011 CAFE numbers for light trucks that are already on paper. The National Highway Traffic Safety Administration has been ordered to toughen up the rules.

Eleven states, including California, sued over the lax standards set for light trucks: 2 percent increases in fuel economy each year, mandating an increase from 22.5 mpg in 2008 to 24 mpg by 2012.

With \$4-per-gallon gasoline right around the corner -- *at least that's what consumers are expecting* -- the time to start taking big steps in fuel efficiency is now. Better mpg ratings are not the entire answer, of course. In fact, improved mpg is only a small part of the answer.

Fuel conservation, improved public transportation infrastructure and a coherent federal energy policy are bigger pieces of the puzzle. But automakers need to be on board -- now and in the years ahead. We won't hold our breath.

[Bakersfield Californian, Commentary, Saturday, Dec. 8, 2007:](#)

## **Community Voices: We can reduce global warming**

BY ANTHONY WESTERLING AND YIHU CHEN, UC Merced

*This is the final in a three-part series of Community Voices articles written by UC Merced professors regarding global warming and the research being done at the new Central Valley university campus.*

Solutions to climate change and its problems, while challenging, can indeed be achieved. Scientific researchers have an important role to play in developing and analyzing these solutions, which will impact the lives of all Californians.

Perhaps the most important way we can mitigate our impact on the climate is reducing fossil fuel use. Our colleagues at UC Merced are developing innovative, clean energy solutions like solar collectors that we can turn to for our energy needs.

As a campus, we are advocating for smart development around our academic facilities to reduce sprawl and carbon footprints. We will help plan and evaluate efficient regional infrastructure options like high-speed rail. University-level research can contribute to the engineering of these kinds of developments.

Most mitigation options require lifestyle choices that differ from what we are accustomed to. We hope that our research about vulnerabilities to climate change will help motivate our lifestyle changes that lead to a more sustainable future.

Another important way for research to contribute to climate change solutions is by providing the best and most recent research results about climate change impacts that we can offer to decision makers and other stakeholders. Even with very aggressive mitigation efforts, we will have to adapt to some degree of climate change in coming decades due to future effects of past and current greenhouse gas emissions.

We are already assessing the impact of climate change and development scenarios on wildfires in the state, informing fire and land management decisions. We are analyzing the European Union's emissions trading program, seeking answers for questions about possible links to increased electricity prices and who ends up making money from emissions trading.

California has the most aggressive climate change policy in the nation. Under Assembly Bill 32, the Global Warming Solutions Act of 2006, California has set aggressive targets for greenhouse gas emissions reductions, to 1990 levels by 2020. Research and education are essential for identifying, developing and implementing solutions to climate change. UC Merced and our sister campuses in the state are key partners, supporting the efforts of business and government.

California is fortunate to have excellent scientific resources in its public and private universities as a consequence of more than a century of sustained public and private investment in higher education and research. In an era when every state-funded program must seriously compete for funding from the Legislature and from private donors, we must emphasize that supporting university-level research is inseparable from supporting good solutions for global climate change. The importance of climate change research reaches far beyond the boundaries of the university campus.

This pursuit matters deeply for all of us and for future generations.

*Anthony Westerling and Yihsu Chen are affiliated with the University of California Merced's schools of engineering, social sciences, humanities and arts, and the university's Sierra Nevada Research Institute.*

[Note: The following clip in Spanish discusses the opinion on the environmental discrimination towards Barrio Logan in San Diego. The areas that are affected by high levels of environmental contamination are in areas that are populated by low-income, ethnic groups with low-political participation. For more information, contact Claudia Encinas at \(559\) 230-5851.](#)

## **Discriminación Ambiental**

By Alejandro Maciel

Impacto USA, Thursday, December 06, 2007

El reportaje de esta edición, dedicado a la lucha contra la contaminación que emprendió desde hace casi una década la comunidad de Logan, en la ciudad de San Diego, tiene como objetivo mostrar que si existen alternativas para mejorar la calidad del aire que respiran nuestros hijos.

El caso de Barrio Logan, es el típico ejemplo de una comunidad de bajos recursos e inmigrante, que no es atendida por las autoridades y que es víctima de lo que se ha dado en llamar "discriminación ambiental".

El término, aunque extraño, es cierto. Los mayores niveles de contaminación ambiental se encuentran, curiosamente, en áreas habitadas por diferentes grupos étnicos y con bajos recursos y bajos niveles de participación política.

El reportaje, logrado con el apoyo de la Fundación California Wellness, muestra la forma en que esa comunidad de unió para hacerse escuchar por las autoridades.

El ejemplo es aplicable perfectamente a cientos de vecindarios en Los Angeles y otras partes de California, que son ignoradas por las autoridades.

Es tiempo de que la gente haga escuchar su voz y haga valer su voto.

[Note: The following clip in Spanish discusses the worsening of Southern California's air quality and how it's the region with the highest ozone levels in the country. For more information, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Empeora la calificación del aire en el sur de California**

Noticiero Latino

Radio Bilingüe, Friday, December 07, 2007

La región del sur de California empeoró en sus calificaciones sobre la calidad del aire que respiran sus residentes, de acuerdo con una apreciación de seis condados.

La Asociación de Gobiernos del Sur de California bajó de "C" a "D" la calificación en cuanto a la calidad del aire en la región, de por sí la más contaminada en Estados Unidos.

Representantes regionales aseguraron que el sur de California tiene los niveles más elevados de ozono en el país.

La referida asociación estimó que la zona requiere de mayor control a la contaminación por parte del gobierno federal para cumplir metas propuestas hacia el año 2014.

El 52 por ciento de personas expuestas a contaminación del aire en el país vive en esta zona.

[Note: The following clip in Spanish discusses the search by San Joaquin Valley Air Pollution Control District for 13 members to join the Environmental Justice Advisory Group. For more information, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Mejorando el aire que respiramos**

**El Distrito para el Control de la Contaminación del Aire del Valle busca incorporar asesores.**

By Eduardo Stanley

El Sol, Monday, December 10, 2007

VISALIA - La agencia encargada del control de calidad del aire que respiramos en el Valle está buscando 13 asesores para formar su Grupo Asesor de Justicia Ambiental.

"Es parte de la estrategia del Distrito y esperamos así poder tener mejores relaciones con las comunidades del Valle", dijo Maricela Velásquez, encargada de comunicaciones de la agencia.

Las organizaciones y activistas en favor del medio ambiente han presionado para tener mayor representación dentro de las agencias dedicadas al control de la calidad ambiental y, en particular, que la voz de las comunidades más marginadas sea escuchada.

En el Valle, esta voz es la de grupos latinos, negros y asiáticos, que por razones culturales no se expresan en este sentido.

La creación del Grupo Asesor podría representar una excelente oportunidad para que esta voz sea por fin escuchada.

"Será una gran oportunidad para tener relaciones más profundas con la comunidad y repasar programas de control de calidad del aire", comentó Velásquez, quien recordó que el Distrito cubre ocho condados: San Joaquín, Stanislaus, Merced, Madera, Fresno, Kings, Tulare y porciones del Valle del condado de Kern.

"Nos gustaría tener un representante de cada condado", afirmó Velásquez, quien reconoció que piensa que podría haber dificultades para lograr representantes del Condado de San Joaquín, posiblemente debido a la poca presencia de grupos ambientalistas ahí.

"Nos gustaría tener gente con experiencia e interés, los activistas tienen experiencia y podrían aportar mucho".

El Distrito otorga licencias de operación a empresas que buscan producir en el Valle. Pero antes de otorgar dichas licencias, la agencia debe estudiar qué y cómo trabajará dicha empresa para evitar contaminación ambiental.

El aire del Valle de San Joaquín es considerado uno de los más contaminados del país y son muchas las enfermedades generadas a causa del mismo, como el asma, que afecta casi sin excepción a los niños.

Algunas licencias otorgadas en el pasado fueron fuente de controversia entre el Distrito y organizaciones ambientalistas, quienes acusaron a éste de favorecer a las empresas, a pesar de su potencial capacidad contaminante.

De acuerdo a Velásquez, el Grupo Asesor también podría ayudar en estas circunstancias.

Las funciones de este grupo se destacan en el recuadro aparte. Los interesados en registrarse como candidatos deben completar una solicitud y enviarla antes del 14 de diciembre al Distrito.

#### **Grupo Asesor de Justicia Ambiental**

- Ocho miembros, uno de cada condado dentro del Valle de San Joaquín;
- Dos de los miembros serán propietarios étnicos de pequeñas empresas y;
- Tres miembros serán miembros del Comité Asesor de Ciudadanos del Distrito (CAC), uno representando cada uno de los tres grupos de interés de CAC.
- Tener la experiencia y el interés en representar comunidades étnicas y/o de bajos ingresos;
- Ser habitante del Valle de San Joaquín.

La solicitud de EJAG debe ser entregada a la oficina del Distrito: 1990 E. Gettysburg Ave., Fresno, CA 93726 y debe ser recibida no más tarde a las 5 p.m. Viernes, 14 de Diciembre de 2007.

Más información: Maricela Velásquez, (559) 230-5849.