

## Former Air Board officials say Schwarzenegger interfered

By SAMANTHA YOUNG - Associated Press Writer

Sacramento Bee, L.A. Daily News, S.F. Chronicle and other papers, July 6, 2007

SACRAMENTO -- SACRAMENTO - Gov. Arnold Schwarzenegger portrays himself as a global environmental leader, but that image was tarnished Friday as two former state air pollution officials testified about an administration they said is working to weaken global warming initiatives.

Schwarzenegger's top aides have meddled in the day-to-day affairs of the state Air Resources Board, compromising its independence and integrity even as the Republican governor was traveling the world promoting the state's landmark global warming law, according to its former chairman, Robert Sawyer, and past executive director Catherine Witherspoon.

"To say it was schizophrenic is to be kind. It was absolutely appalling," Witherspoon testified Friday before the Assembly Natural Resources Committee. "Never before has a governor interfered so much."

Her testimony came nearly two weeks after Schwarzenegger unexpectedly fired Sawyer, saying the panel needed new leadership to navigate the complex implementation of the 2006 global warming law. Witherspoon resigned July 2 in protest.

Their accounts Friday painted an unflattering portrait of political infighting between key officials in the governor's office, lawmakers and the air board. They said the governor did not meet once with the air board's chairman during Sawyer's 18-month tenure, that his staff issued orders to a board that is supposed to be independent and science-based, and issued at least one directive to award a competitive taxpayer grant to an automotive company.

Missing from the four-hour hearing were the Schwarzenegger aides Sawyer said were behind the offensive and inappropriate contact with the board in the past six months. Republican lawmakers also skipped the hearing.

Committee Chairwoman Loni Hancock, D-Berkeley, said lawmakers may subpoena Schwarzenegger Chief of Staff Susan Kennedy and Cabinet Secretary Dan Dunmoyer to force their testimony.

The administration instead sent a deputy and a former undersecretary of the California Environmental Protection Agency, Eileen Tutt and Dan Skopec, both of whom complained that Witherspoon and Sawyer had mischaracterized the "coordinating role" of the governor's office. Skopec said administration officials were concerned Sawyer tried to rush global warming initiatives without a full analysis of their economic impact.

"The characterizations that were made deserve to be in the fiction section of any bookstore," said Skopec, who until June 29 oversaw global warming policy at the state EPA.

Democrats said neither Skopec nor Tutt could answer for the governor's aides. Several expressed frustration that Schwarzenegger was not being accountable to the public.

"It demonstrates a lack of respect for the House that authored AB32," said Assembly Speaker Fabian Nunez, D-Los Angeles. "I was hoping we could have one hearing on this issue and deal with it. I think the committee is going to want to dig more and more into this issue."

Schwarzenegger spokesman Adam Mendelsohn said Democrats were engaging in "a political drill" that would not solve any problems. Schwarzenegger this week nominated former state

Resources Secretary Mary Nichols as the board's new chairwoman. Her nomination requires approval from the state Senate.

Fueling the public personnel dispute is a yearlong philosophical debate between the governor and Democrats in the Legislature over how best to implement the 2006 global warming law.

Democrats wrote the law with a clear directive that the air board focus on regulations to cap greenhouse gases from the state's major industries. But the governor has sought to speed up a provision in the law that allows the board to study a market approach in which companies could trade, buy and sell carbon credits.

The law requires California to reduce its greenhouse gases by about 25 percent by 2020.

"The fundamental underlying issue is the tension between the Legislature about what tools we should use," Skopec said. "We recognize there needs to be a myriad of tools."

Among the allegations Friday were that the governor's office demanded that Sawyer fire Witherspoon, instructed the board to limit regulations on global warming and lobbied for a competitive grant to Tesla Motors. He said he refused to follow those orders.

"It seems to me I was being too independent and not carrying out the wishes of the governor's staff and that was why I was fired," Sawyer said. "It really comes down to the chief of staff controlling the Air Resources Board."

Witherspoon, a 22-year employee, described what she said was unprecedented pressure from a governor's office to sway the board on pending air pollution and toxin rules on behalf of industry.

To restore the board's autonomy, Hancock said she would craft legislation giving board members a fixed term similar those on the California Coastal Commission. Air board members currently serve at the pleasure of the governor.

Others also suggested the board needed more members with scientific expertise, that the legislature be involved in appointments, and that communication between the board and the executive branch be made public.

"The responsibility is so great and the oversight so important that representatives appointed by the Assembly and Senate should sit at the table," said Assemblyman Pedro Nava, D-Santa Barbara, who served on the coastal commission from 1997 to 2004.

However, administration aides were cool to the idea.

"Term appointments will dramatically change how the board works," Tutt said. "I think this notion of independence is closely tied to leadership. There were leadership issues at the Air Resources Board."

### **Ex-official of air board says pressure was intense Governor's office accused of 'interference' on emissions**

Matthew Yi, Chronicle Sacramento Bureau  
S.F. Chronicle, Saturday, July 7, 2007

Sacramento -- A former executive officer of the California Air Resources Board told state lawmakers Friday that the governor's office has unleashed a "cascade of interference" to dissuade the air board from aggressively implementing plans to fight global warming.

Catherine Witherspoon, who resigned Monday, testified at an emergency oversight hearing called by Assembly Speaker Fabian Núñez, D-Los Angeles. After the departure of the air board's top two officials, Núñez convened the hearing to question the officials as well as Gov. Arnold Schwarzenegger's top aides.

The air board has been tapped to implement programs to meet the state's target of cutting greenhouse gas emissions 25 percent by 2020. The agency also has wide discretion on policies affecting such issues as the mileage of cars, the types of fuels used to power vehicles, and even how construction companies mix their concrete.

The air board has been in turmoil since last week, when Schwarzenegger fired board Chairman Robert Sawyer. Sawyer says he lost his position after ignoring an administration staff member's phone call and then trying to enact more than the three pollution-saving measures that the governor's office had approved. His departure was followed by Witherspoon's resignation.

The governor quickly found Sawyer's replacement, appointing Mary Nichols, a longtime environmental lawyer who served as the air board's chairwoman three decades ago under Gov. Jerry Brown.

On Friday, Witherspoon and Sawyer were two of four witnesses called to testify at the hearing at the Capitol. The committee also requested Schwarzenegger Chief of Staff Susan Kennedy and Cabinet Secretary Dan Dunmoyer to participate, but they did not attend.

The administration instead sent a deputy secretary of the California Environmental Protection Agency and a former undersecretary of the same agency who quit last week to start a consulting business.

Núñez said he was disappointed by the absence of Kennedy and Dunmoyer.

"I was very bothered by it. It's not only disrespectful, but they didn't even bring their A-team today," he said.

Sawyer testified Friday that he had delivered a letter to Schwarzenegger before the hearing that said the governor's "staff has interjected itself in a manner that has compromised the independence and integrity of the board."

Witherspoon said that she routinely received calls from the governor's top aides -- including Kennedy and Dunmoyer.

"We'd even get calls during our regulatory hearings with specific instructions on what to do," she said.

The pressure from the administration seemed to intensify in the past year, Witherspoon said.

"It's been a cascade of interference," she said.

In many ways, Schwarzenegger has been both the "best and the worst governor that we've ever had," Witherspoon said.

"He's empowered the board to act, he's signed terrific legislation, he authorized budget requests. But then he wants to have his staff decide all of the implementing details, and that's just not feasible," she said.

But Dan Skopec, who was the undersecretary of the California Environmental Protection Agency until he left the agency last week to start his own consulting firm, denied the administration tried to put undue pressure on the air board.

"I think the characterizations that were made should be in the fiction section of any bookstore," Skopec said.

That comment seemed to anger Núñez, who interrupted, saying: "You are on the record as saying this is more fiction than fact."

Skopec said the level of interference as portrayed by Sawyer and Witherspoon is "more fiction than fact." He added that such communication was simply a result of a close coordination between the governor's office, Cal EPA and the air board.

Eileen Tutt, deputy secretary of Cal EPA, also said she was unaware of any meddling from the governor's office.

Adam Mendelsohn, Schwarzenegger's deputy chief of staff for communications, said after the hearing that Witherspoon's comments had no merit.

"This is someone who has spent the last five days besmirching the administration with conjecture and hearsay," he said.

Mendelsohn also said the administration's calls to the air board are no different than the calls that legislators make to the agency.

"Why weren't people asking about legislators or legislative staff calling and putting pressure on the Air Resources Board?" he said.

After the hearing, Assemblywoman Loni Hancock, D-Berkeley, who chairs the Natural Resources Committee, said she plans to hold additional hearings and might even seek to use the Legislature's subpoena powers to compel Schwarzenegger's top aides to testify.

"The big unanswered question is, did the governor know that they were (pressuring the air board)? Did the governor approve of them doing it, or did the governor order them to do it?" she said.

Hancock also said she will consider introducing bills to ensure the air board has greater independence, such as requiring the Legislature to appoint some of the members of the 11-member board.

Currently, the governor appoints all 11 members without official limits to their terms. Hancock said she also would like to pursue the idea of setting definite terms for the board positions.

## **Democrats accuse governor of bullying air panel Schwarzenegger's top aides hindered efforts to curb greenhouse gases, former board members say.**

By Evan Halper, Times Staff Writer

L.A. Times, Bakersfield Californian, Saturday, July 7, 2007

SACRAMENTO — Democratic lawmakers charged the Schwarzenegger administration Friday with bullying the state's air board into softening enforcement of environmental laws, as two former top regulators testified that the governor's chief deputies routinely pressured them not to push ahead with policies that industry found objectionable.

At a hearing of the Assembly Committee on Natural Resources, the legislators attacked the aides at the center of the allegations, Chief of Staff Susan Kennedy and Cabinet Secretary Dan Dunmoyer, for refusing to testify. Committee Chairwoman Loni Hancock (D-Berkeley) warned that she may try to force their appearance through subpoenas as her committee continues to investigate the implementation of California's landmark law to curb greenhouse gases.

The controversy at the state Air Resources Board, a regulatory body appointed by the governor but meant to work independently, has tarnished the governor's image as an environmental crusader and widened the rift between him and Democratic leaders over how to move forward in the effort to curb global warming.

"The pressure has been relentless, and it has all run one way," Catherine Witherspoon, a 22-year veteran of the board, told committee members. She said the administration's resistance to the board's efforts to curb global warming and improve air quality moved her to quit her post as executive director Monday. " 'Slow down. Do less. Go easier on industry.... ' Nothing was off-limits. We'd even get calls during our regulatory hearings with specific instructions on what to do."

She said administration officials went so far as to bar the board from making some of its own hiring decisions.

Witherspoon quit days after the governor fired the head of the board, Robert F. Sawyer. Sawyer provided the committee with a transcript of a voicemail from Dunmoyer directing him not to push the board to pass specific actions intended to curb greenhouse gas emissions.

Sawyer also shared a letter he sent to Schwarzenegger after he was fired.

"Your staff has interjected itself in a manner that has compromised the independence and integrity of this board," the letter said. "Your staff does not have sufficient expertise or experience in, or understanding of, the science, technology, economics or legal aspects of air pollution control to direct the Air Resources Board in its work."

Sawyer's testimony also painted the picture of a governor who, despite relishing his international status as an environmental icon in speeches and media interviews, has been detached from the day-to-day work of cleaning up the environment. Sawyer, who ran the board for 18 months, said the governor did not once meet with him.

On Tuesday, Schwarzenegger personally introduced environmental lawyer Mary Nichols as Sawyer's replacement — a move, given Nichols' past work for Democrats, that was meant to quell concerns about the direction of the governor's policies. Administration officials also spread the word that Sawyer was fired not for moving too quickly to enforce state laws but because he was not tough enough.

Dan Skopec, who left his job as a Cal/EPA undersecretary Friday to become a private consultant, called the meddling described by Witherspoon and Sawyer "fiction."

Skopec, who was testifying on behalf the administration, said it did not bully the board but merely tried to work together with it to coordinate implementation of the global warming bill, AB 32, as well as air quality laws.

"I don't think that coordination is inappropriate," he said. Skopec noted that some of the actions Sawyer and Witherspoon were endorsing were opposed by the air board's staff.

Democrats said Skopec was in no position to accuse Sawyer and Witherspoon of lying because he was not involved in the conversations between them and administration officials. They also grew angry when he refused to tell the committee who in the administration asked him to testify and what he talked about with those officials before the hearing.

"This is the stuff we have come to expect from the Bush-Cheney administration," Assemblyman Jared Huffman (D-San Rafael) said.

No Republican legislators attended the hearing, leaving Skopec and Eileen Tutt, an assistant secretary at Cal/EPA who appeared along with him, little relief from the steady battering by 17 Democrats over the course of nearly four hours. GOP legislators opposed the global warming bill, and their frustration with that and other Schwarzenegger policies has made them reluctant to step up on the governor's behalf in recent months.

Schwarzenegger administration spokesman Adam Mendelsohn dismissed the hearing as "a political drill."

"This is a board appointed by the governor, and ultimately the administration is held accountable for whether it is successful or not," he said of the accusations of meddling. "It would be a disservice to the people of California if the administration were not working closely with the Air Resources Board."

Assembly Speaker Fabian Nuñez (D-Los Angeles) accused the administration of stonewalling. He said sending Skopec to answer the charges leveled by Witherspoon and Sawyer was unacceptable, and he too suggested subpoenas of higher-ranking administration officials maybe forthcoming.

"I was hoping we could have one hearing on this issue, deal with what happened and move forward," he said. "At this point, I can't tell you that is the case."

Nuñez also called for reinforcing the independence of the board by having members appointed by the governor for a fixed term, taking away the ability of administrations to fire board members at will.

He also proposed making all communication between administration officials and board members or staff public record.

Mendelsohn said the governor does not support either move. "It really is unfortunate that Air Resources Board is being politicized," Mendelsohn said.

### **Lawmaker advocates greater independence for state air board**

By The Associated Press - Samantha Young

Madera Tribune and Contra Costa Times, July 7, 2007

SACRAMENTO - The head of the Assembly's Natural Resources Committee said Thursday that she's considering introducing a bill to give members of California's air board fixed terms in office, saying that would allow them to implement the state's landmark global warming law without fear of political retribution.

Assemblywoman Loni Hancock, D-Berkeley, discussed her idea in a telephone interview with The Associated Press a day before her committee was scheduled to hold a hearing on Gov. Arnold Schwarzenegger's decision to fire the chairman of the Air Resources Board.

The 11 members of the board are appointed by the governor and can be removed by him at any time.

"The question here is not who is sitting in the chair, but can that person execute their best judgment," Hancock said.

The board came under scrutiny after former chairman Robert Sawyer and the ARB's executive director, Catherine Witherspoon, complained that the governor's aides inappropriately lobbied board members and asked staff to weaken pending regulations.

Witherspoon, who resigned Monday, also criticized the Legislature for pressuring the board.

The fallout exposed a philosophical rift between a business-friendly Schwarzenegger administration and a board whose leaders said California must act more quickly to reduce greenhouse gas emissions.

In a June 22 letter, Schwarzenegger told Sawyer, a professor emeritus in air quality science at the University of California, Berkeley, that the board needed new leadership to address the

complexity of global warming.

The governor also criticized the board for not being aggressive enough in addressing air pollution in the Central Valley.

Schwarzenegger appointed former state Resources Secretary Mary Nichols, 62, on Tuesday to replace Sawyer, returning her to a post she held from 1978 to 1983. The Senate Rules Committee has scheduled a hearing July 12 to consider her nomination, which needs Senate approval.

Hancock said Democrats want to strengthen the board's independence as it implements the 2006 global warming law. That law requires the board to impose regulations on industry to reduce greenhouse gas emissions an estimated 25 percent by 2020.

Hancock said she favors giving regulators fixed terms similar to their counterparts at the California Coastal Commission, a panel which often makes controversial land-use decisions.

"I think it would be an excellent idea," Sawyer said. "The governor's staff couldn't dictate what the board does on individual items, which is what they were attempting to do."

Since the agency's creation in the 1968, lawmakers have often suggested reshaping the board, including abolishing it or assigning its members staggered terms.

Nichols said Thursday that giving board members fixed terms would not be among her priorities, adding she believes she will have "sufficient independence" from the governor's office.

"I think a board of 11 members with fixed terms would be difficult to work with," said Nichols, who was the first person to chair the board under former Gov. Jerry Brown. She also served as resources secretary under former Gov. Gray Davis.

The makeup of the board is just one of many issues expected to be raised at Friday's legislative hearing.

The board has been caught in the middle of a year-old spat between the governor and the Democratic-dominated Legislature about the best way to lower emissions.

Schwarzenegger supports a market-based program where industries could buy, sell and trade emission allowances to meet their obligations. Democrats favor a more stringent approach where industries would have to meet their individual goals.

Both Sawyer and Witherspoon are expected to testify before the Assembly Natural Resources Committee on Friday.

Schwarzenegger said Tuesday that he would not allow his chief of staff, Susan Kennedy, and cabinet secretary, Dan Dunmoyer, to testify. Both aides were identified as being among those who lobbied the board on the governor's behalf.

"It's unprecedented in this administration to send staffers to a legislative hearing," spokesman Aaron McLearn said Thursday.

### **Valley's heat wave eases up**

By Gerald Carroll, Staff writer

Visalia Times-Delta, Monday, July 9, 2007

Summer's first heat wave has come and gone through the Visalia area weather forecasters said Sunday.

"Temperatures only reached 98 today for Visalia," said Jim Dudley of the National Weather Service's Hanford office. "For all practical purposes the heat wave is over."

A high-pressure dome that had moved slightly westward from Arizona and Nevada was the primary cause for 100-degree highs locally on Thursday and Friday, Dudley said.

"That high pressure area has moved back over Arizona and is now headed further east," Dudley said.

Dudley said that Tuesday and Wednesday could see thunderstorms in the Sierra region.

"These will probably have moisture that will get all the way to the ground, but we don't know how much," Dudley said.

Regardless of moisture content, any thunderstorm activity means that lightning could strike in the mountains, triggering fires.

Accuweather's forecast calls for a high of 99 today in Visalia, falling off to 98 on Tuesday and 95 on Wednesday.

Despite the letup of 100-degree temperatures, air quality in Tulare remains dismal, according to figures released by the San Joaquin Valley Air Pollution District. Today's forecast from the district rate Tulare County air as unhealthful for sensitive groups because of excess ozone content.

Air quality received an orange rating. A rating of red triggers a Spare the Air day, meaning that the district calls for all businesses and residents to reduce as many air-polluting activities as they can.

A major fire burning north of Mt. Whitney could produce smoke that might well funnel into the Central Valley pending wind conditions, Dudley said, worsening air quality.

### **The trouble with ethanol**

#### **It's touted as a 'clean' energy source, but some say it will increase smog**

By Kevin McCusker, Staff writer

Visalia Times-Delta and Tulare Advance-Register, Saturday, July 7, 2007

Ethanol is often touted as the renewable energy source of the future, but scientists who have studied the possible effect of wide-scale ethanol use say the alternative fuel has some serious drawbacks.

One Stanford University scientist goes so far as to say that ethanol will kill people.

The federal government committed \$5.8 billion to expanding ethanol use as part of the Energy Policy Act of 2005. The California Air Resources Board is handing out grant money to be used for opening ethanol fueling stations - including 20 in the Sacramento area - to establish a pilot retail market.

Ethanol is already in use. It is added to gasoline to boost octane, which helps gasoline burn cleaner by boosting oxygen. California has recently approved increasing the percentage of ethanol added to regular unleaded gasoline from 5.7 percent to 10 percent.

Ethanol replaced methyl tertiary butyl ether as a gasoline additive in California, per Gov. Gray Davis' executive order in 1999, because of concern about MTBE contamination of ground water.

The alternative-fuel known as E85 is a blend of 85 percent ethanol and 15 percent gasoline.

There are ethanol-production facilities in Goshen and Pixley, with a combined annual output of 65 million gallons. An ethanol fueling station is scheduled to open, with grant money from the Air Resources Board, in Tulare.

The ethanol push is well under way, and it could mean big business in a choice agricultural area like Tulare County.

Ethanol is an alcohol commonly made from corn or sugar cane. Its use as a fuel for internal-combustion engines actually goes back to the 19th century.

Because of its lower carbon dioxide emission when burned, ethanol is viewed as a possible replacement for gasoline. The burning of gasoline as a transit fuel is considered the largest contributor to rising levels of carbon dioxide in the atmosphere, and lowering carbon dioxide emissions is expected to help reduce rising global temperatures.

But as a viable alternative to gasoline, Stanford professor Mark Jacobson says, ethanol is a strange choice.

A 2005 study by the Wisconsin Department of Natural Resources found that using 10 percent ethanol as a gasoline additive would compound existing ozone-pollution problems in that state. According to a study Jacobson released in April, switching from gasoline and diesel to E85 would increase ground-level ozone pollution - commonly called smog - and result in a 4 percent increase in ozone-related deaths, hospitalization and asthma nationwide.

The increase would be as high as 9 percent in the Los Angeles area, the smoggiest air basin in the country, the study projects. More than 1,200 people die from smog-related causes a year in Los Angeles, and that would rise by another 120 deaths per year by 2020, according to Jacobson's study.

That's bad news for Tulare County residents. The Visalia-Tulare-Porterville metro area has the seventh worst ozone pollution in the country, according to a survey released earlier this year by the American Lung Association.

But ethanol proponents say Jacobson's study is flawed. The study assumes the complete conversion of the nation's vehicles from gasoline to E85, with the resulting air quality predicted out to 2020.

Jacobson's critics say complete conversion of the nation's vehicles from gasoline to ethanol is an unlikely scenario, and that the expanded time frame of the study leads to uncertainty in the predicted results.

"Dr. Jacobson is a well recognized critic of ethanol," Michelle Kautz of the National Ethanol Vehicle Coalition said in an e-mail. "He does not feel that ethanol is clean and renewable ... [and his] E85 report is an attempt to buttress his personal opinion with scientific analysis."

Jacobson's critics, including Kautz, have accused him of being a shill for the oil industry.

"[Critics of the study] tried to link me to the oil companies," Jacobson said. "We didn't take money from the oil companies. We didn't get money from any companies."

Jacobson says his model allows for improvements in emissions control and shows that ethanol represents a continuing health risk at best, and an increased health risk at worst.

"Compared to gasoline, it's going to be the same or worse," Jacobson said. "It's not going to be any improvement. That should be alarming in itself."

According to the American Lung Association, air pollution causes 60,000 premature deaths a year.

The federal Environmental Protection Agency recently lowered the standard for vehicle ozone-factor emissions to 75,000 parts per billion. The goal is to reduce air pollution.

The problem is that the new standard is still high enough to be unhealthful.

"Under 80,000 parts per billion is standard, but 35,000 parts per billion has been shown to cause death," Jacobson said. "It doesn't eliminate death from air pollution."

Although switching from gasoline to E85 could keep emissions within the federal standard, Jacobson says, that doesn't really address the air-pollution problem and the resulting health effects.

"[Gasoline and ethanol] can both be below the ambient standard, and one will still be worse than the other," Jacobson said. "One will cause more death and hospitalization."

### **Here's a quick primer about ethanol and related terms**

- Ethanol - An alcohol commonly made from corn or sugar cane. Its use as a fuel for internal-combustion engines goes back to the 19th century. It is currently used in California as an additive in gasoline.

The state recently approved increasing the blend for regular unleaded gasoline from 5.7 percent to 10 percent ethanol.

- E85 - An ethanol fuel blend that includes 85 percent ethanol and 15 percent gasoline. Proponents say it burns cleaner because it produces less carbon dioxide when it burns, meaning it contributes less to global warming.

Derived from biomass, it is renewable, unlike oil. Proponents view it as a means to end reliance on foreign oil.

Opponents say it is not the best option as an oil alternative because it still emits pollutants when burned, and some say it will increase the level of harmful ground-level ozone.

It is less efficient than gasoline, offering about 35 percent less potential energy per gallon, according to the National Highway Traffic Safety Administration.

E85 is readily available in some parts of the country, such as the Midwest, but hard to come by in California. According to the federal Department of Energy, there are three E85 fueling stations in California, and only one of those, in San Diego, is open for public use.

- Flex-fuel vehicles - Vehicles that can run on gasoline, ethanol or any blend of the two. Two years ago, there were 250,000 flex-fuel vehicles in California, according to a 2005 report by Pat Perez, transportation fuels officer for the California Energy Commission.

Thirty-four flex-fuel model cars, pickups, sport-utility vehicles, vans and minivans are made by Ford, Mercury, Lincoln, Chevrolet, Chrysler, Dodge, Mercedes, GMC, Nissan, Jeep, Saturn, Buick and Pontiac. If you do not have a flex-fuel vehicle, you should not put E85 in your tank.

- Ground-level ozone - A molecule of three atoms of oxygen linked together. It occurs naturally in the upper atmosphere.

The ozone layer protects the earth by filtering out ultraviolet radiation. It also is a respiratory irritant that can damage lung tissue and has been linked to respiratory infections and asthma.

Ground-level ozone, smog, is formed from nitrogen oxides, hydrocarbons and sunlight, so levels of ground-level ozone increase in hot weather.

According to the U.S. Environmental Protection Agency's Office of Mobile Sources, half of the nitrogen oxides and hydrocarbons in a typical urban area come from transit sources such as cars, trucks and buses and off-highway mobile sources such as construction vehicles and boats.

### **Assembly hearing on air board 'incomplete,' Florez says**

Bakersfield Californian, Saturday, July 7, 2007

Sen. Dean Florez, D-Shafter, said an Assembly hearing on Friday about the Air Resources Board was "incomplete" because it overlooked the board's vote regarding the Central Valley.

The Assembly hearing was aimed at discussing recent changes with the board. Executive Director Catherine Witherspoon resigned from the board and Chairman Robert Sawyer was fired in June.

The departures of Witherspoon and Sawyer are based on the Air Resources Board recently voting to postpone ozone attainment for the Central Valley for another 11 years, according to Florez. Florez wrote one person talked about this issue.

"Those of us who do care about valley air quality would like to see the Schwarzenegger administration on the record," Florez said in a written statement. "We want to know that an issue so critical for so many is not being used as political cover for board manipulation."

### **Air quality takes a dive**

#### **July 4 fireworks leave haze over Kern County**

By Kevin Gerrity

Bakersfield Californian, Friday, July 6, 2007

The fierce smoke and fumes from Fourth of July fireworks contributed to air stagnation and increased health risks as particulate levels rose, according to the San Joaquin Valley Air Pollution Control District.

The air quality index was predicted to reach 174 Thursday. That's a dangerous level that poses health risks to all residents, said Gary Arcemont, a meteorologist with the San Joaquin Valley Air Pollution Control District.

That reading may dip today, Arcemont said, but it still could threaten people with sensitive conditions such as asthma, lung disorders and heart disease.

Air officials said Thursday that Kern County residents should expect the smog to remain stagnant for the next few days.

"The fireworks really did it," said Bob Lerude, director of the Kern County Department of Parks and Recreation. "As I was driving into work, it was like a haze all over downtown. It was sitting pretty low."

In explaining the air quality index, Arcemont said, a "zero" reading is good, whereas a reading of 75 is moderate. As the levels surge into the 100s and higher, he said, the health risks are greater.

Arcemont said the air pollution control district declare a "Spare the Air" day for Thursday and today, urging residents to limit their outdoor activities, especially during the afternoon and evening hours as the smog reaches its highest levels.

The district advises people on such days to carpool, run all errands at one time, avoid using gas-powered lawn equipment, use water-based paints and solvents instead of oil-based products and use electric briquette igniters instead of lighter fluid.

### **Heat, poor air spell bad news**

#### **The weather is scorching, air is unhealthy and a high-pressure system is making it worse.**

By Denny Boyles / The Fresno Bee

Fresno Bee, Friday, July 6, 2007

Mother Nature has thrown a triple threat at the Central Valley this week -- scorching weather, poor air quality and a high-pressure system that's working like the lid of a Dutch oven, holding in all the ingredients that spell trouble for some residents.

Thursday was the hottest day of the year so far, with triple-digit highs in every city between Merced and Bakersfield. The high for the day was 110, close to the record mark of 112 mark set in 1991.

The high temperature for the day came about the same time as a power outage that shut down air conditioners and lights for nearly 4,000 residents near Herndon and Polk avenues in Fresno.

Pacific Gas & Electric Co. spokesman David Eisenhauer said the power failed at 3 p.m. and was restored about 4:30 p.m. The cause of that outage was not clear.

By 7 p.m., there were 39 separate outages around the greater Fresno area, affecting about 2,700 customers.

Most, more than 2,500, were in an area bordered by Copper and Nees avenues, First Street and the San Joaquin River. That outage was caused by equipment failure, according to PG&E.

The heat was not good news for residents already dealing with high levels of ozone and bad air made worse by smoke from Fourth of July fireworks that lingered in the hot, still air.

Conditions were serious enough that health and air quality professionals alike were warning residents to limit their outdoor activities.

"We already had bad air quality, and now the heat is causing lots of problems as well," said Dr. A.M. Aminian, a Fresno allergist. "Those who have respiratory problems, in particular, will suffer because they lose so much water from respiration and perspiration, which makes it even harder to breathe."

The San Joaquin Valley Air Pollution Control District said Thursday that air in the region was particularly bad following Fourth of July celebrations, which put 10 times the normal amount of particulate matter into the air.

"Right now, the air quality forecast is unhealthy for sensitive groups in Fresno County, and unhealthy for everyone in Tulare and Kern counties," said Gary Arcemont, a meteorologist with the district. "Part of the problem is that we have high ozone levels right now from emissions, and the high-pressure system means our air is stagnant, so nothing is blowing out of the area."

Arcemont said the particulate readings, which are 24-hour averages, were expected to return to normal today and Saturday. Temperatures were also forecast to stay above 100 until at least Monday.

In response to the heat, cities across the Valley have opened cooling centers to help residents, and air quality monitors have issued warnings telling those who are sensitive to poor air to remain indoors and limit their physical activity if they have to be outside.

"It's especially important for those with allergy problems to not be outdoors between noon and 7 p.m.," Aminian said. "Whatever they need to do, it needs to be done in the morning, or late evening."

Aminian also offered advice for those who plan to do physical training in extreme temperatures.

"Don't do it," Aminian said. "People think it makes them tougher to train when it is hot, or the air is bad. That's a very bad notion. They are really exposing themselves to heat injuries, or putting themselves at risk of respiratory problems."

### **Group advocates keeping dairy cows indoors, installing waste collectors**

Merced Sun-Star, Fresno Bee and other papers, July 7, 2007

FRESNO — San Joaquin Valley dairies should keep cows in enclosed barns and use special waste collectors to reduce air pollution, say critics of existing dairy air standards.

The Fresno Healthy Dairy Commission, an advocacy group including doctors, business and religious leaders, says dairies cause harmful emissions in Fresno County, which has some of the nation's worst air pollution. The group said Friday a proposed county dairy ordinance needs tougher air quality regulations.

The commission cited recommendations for enclosing dairy barns and cattle waste in a report it requested from the California Institute for Rural Studies, based at the University of California, Davis.

Those standards should be included in a new county dairy and feedlot ordinance being drafted by the county, the group said. A meeting on the proposed ordinance is set for Monday.

The recommendations proposed by the institute would add about three cents to the cost of a gallon of milk, said Lisa Kresge, the study's co-author.

County planner Brian Ross said not all the protections requested by advocates are beneficial, so they shouldn't be required of all dairies. However, Ross said the county could require some dairies to enclose cows and their waste as a requirement of the permitting process.

Fresno County Farm Bureau Executive Director Ryan Jacobsen said advocates' proposals are impractical.

For instance, he said, cows couldn't survive the heat in enclosed barns.

## **Ethanol just a lot of hot air State's `flex-fuel' vehicles still have no way to fill up**

BY KIMBERLY KINDY, San Jose Mercury News  
L.A. Daily News, Tri-Valley Herald, July 7, 2007

Gov. Arnold Schwarzenegger has sunk more than \$17million over the past two years into a state fleet of 1,138 environmentally friendly cars and trucks that have traveled a collective 10 million miles and burned more than 413,202 gallons of gas.

But the "flex fuel" vehicles have not used one drop of high-grade ethanol - the fuel that promised to turn the fleet into clean-burning driving machines - because the vehicles have no access to ethanol pumping stations. There was none when the Chevrolet Impala sedans and Silverado trucks were purchased, and none is scheduled to open until December 2009.

Even worse, the flex-fuel vehicles are churning out more smog and greenhouse gases than many vehicles in the state's standard fleet. For every 15,000 miles traveled, for instance, the flex-fuel Impala releases an average 8.5tons of greenhouse gases compared with 7.3tons from the Ford Focus it replaced, federal officials said.

As a result, energy experts question whether the administration's zest to look "green" has come at the expense of real environmental progress.

"This is about California politicians wanting to be leaders in alternative energy. They just jump on whatever is sexy. Right now, it's ethanol,"

said Severin Borenstein, director of the University of California Energy Institute, which is working with the administration to reduce greenhouse gases.

"However, ethanol, particularly from corn, is not a likely fuel source for California."

### **Midwest haul**

Part of the problem is that ethanol is made primarily from corn grown in the Midwest, which has to be hauled to the West Coast in gas-guzzling tankers or diesel-powered trains. That alone nearly cancels its clean-air benefits in California.

But the state is pressing ahead anyway. The General Services Department plans to open competitive bidding next month for companies that can provide E85 - the blend of 85percent ethanol and 15percent gasoline the flex-fuel vehicles use - to a single station near the Capitol.

Officials could not estimate how many of the light-duty cars and trucks would be close enough to use the station, but nearly half the fleet is based hundreds of miles away.

Rob Cook, deputy director of the Department of General Services, acknowledged that some of the standard fleet generates less pollution than the flex-fuel vehicles. However, the state also thinks it must buy alternative vehicles to create demand for cleaner-burning fuels.

"I wish there was some silver bullet solution out there, but there isn't," Cook said. "We are buying the alternative-fuel vehicles that are out there, and feel there is a benefit to being able to use them while we wait for E85 to become available."

#### Methanol plan stalls

Although the flex-fuel fleet isn't using alternative fuel, the purchases are being trumpeted as an eco-success story. The General Services Department Web site ([www.workinggreen.dgs.ca.gov](http://www.workinggreen.dgs.ca.gov)) says the vehicles are helping to advance "the governor's goal of reducing petroleum consumption."

Four managers were given awards for their work on the flex-fuel project. They keep the glass trophies in their cubicles about a mile from the Capitol, the site of four previous failures that have cost taxpayers tens of millions of dollars.

In 1981, the state started buying cars that ran exclusively on M85 - a blend of 85percent methanol and 15percent gasoline - although there were no M85 pumps at the time.

Six years later, the state successfully pushed for the design of a flex-fuel model that could run solely on gas. The fleet was expanded to 460 cars, and the state brokered sales of 2,000 more in the private market.

The idea was that California would take the lead, create demand for methanol and that supply would soon follow.

"We are the laboratory for the world," then-California Energy Commission Chairman Chuck Imbrecht said at the time.

When the free-market system didn't produce methanol stations, the state stepped in to help finance construction of 50 pumps. In the end, the state abandoned the effort, and the remaining fleet ran only on gas.

#### Futile efforts

Over the next 15 years, state officials invested at least \$60million - not including the cost of staff time or consultants - in a series of alternative-fuel efforts.

They bought passenger cars that ran on electricity, propane and compressed natural gas.

Each time, fueling stations were built. Each time, the efforts failed.

As a result, General Services in 2004 banned the purchase of eco-friendly vehicles unless they could run on "alternative fuels currently available in California," records show.

That policy was rescinded just 11 months before the state bought its new flex-fuel vehicles - with no E85 available.

"We thought we could get the fuel industry to move if we didn't buy the cars," said Rick Slama, General Services' alternative-fuel vehicle manager, conceding both approaches have been troublesome. "It's a chicken-or-egg scenario. Which needs to come first?"

A state-funded effort is now under way to build E85 stations. There is one public E85 station - but it's in San Diego, and no vehicle in the state fleet has ever used it.

"The same thing happens every time," said Bob Sonnenfelt, president of the Northern California-based Public Fleet Supervisors Association and manager of Oakland's municipal fleet.

"The infrastructure isn't there to support the vehicles. The program dies, like it did with methanol, and they start another one."

`Out of order'

The latest fumbles have also left the state with an ailing natural gas station in Sacramento - completed in 2005 at a cost of more than \$1 million - that occasionally feeds about half of the state's fleet of 1,250 CNG-fueled vehicles.

The station's equipment broke six months ago. A cardboard "Out of Order" sign was taped to the pump until the Mercury News asked about the timing of repairs.

There is no scheduled date for the station's reopening, Cook said.

Meanwhile, state employees park their CNG cars in rows by the old pump, where they are filled with regular gas by state attendants.

"The state should not be in the business of designing fueling stations," Cook said. "It's not what we do. It's not our core competency.

"The industry that builds fueling stations should be doing this."

Despite the state's history, clean-air advocates are enthusiastic about Schwarzenegger's worldwide reputation as a "green" governor, which earned him a spread last year in Vanity Fair magazine and a stint this spring on the MTV reality show "Pimp My Ride," in which a 1965 Chevy Impala was converted to run on biodiesel fuel.

Terry Tamminen, the governor's key energy adviser, said Schwarzenegger's green message will take hold because he's signed an executive order and new laws at a time when both gas prices and climate change are bolstering citizens' concerns.

The centerpiece of Schwarzenegger's clean-air reforms is the world's first low-carbon fuel standard, which requires that the amount of carbon released into the air from auto fuels be reduced at least 10 percent by 2020.

Tamminen said by the time that deadline rolls around, skeptics will see that Schwarzenegger has used the power of his office differently than his predecessors.

Not everyone is as certain.

"There are a lot of these big, bravado moments. They put out an executive order, or pass a law, but they don't follow through with the commitment," said S. David Freeman, former energy adviser to President Jimmy Carter.

"The journey to energy independence requires real, substantive change."

Green facade

The green facade of California's vehicle fleet is emblematic of what's happening nationwide.

To understand how that occurred, just consider the Energy Policy Act of 1992, which requires that 75 percent of new purchases for light-vehicle fleets be alternative-fuel vehicles.

California is considered a "model state," said Linda Bluestein, a regulatory specialist for the U.S. Department of Energy program, which tracks state fleet purchases.

But that success is focused exclusively on purchasing cars that could be green. The law doesn't require that state vehicles actually use alternative fuels.

The law, which sets far stricter standards for the federal passenger fleet, hasn't done much to green those vehicles either.

By 2005, that fleet - which includes 102,725 cars and trucks - was supposed to use 51 percent or more cleaner-burning fuel. Instead, the cars and trucks used just 2.6 percent, U.S. Environmental Protection Agency records show.

It's not what the general public hears.

Much like California's Department of General Services, President George W. Bush has issued multiple news releases about his efforts to replace federal vehicles with those powered by propane, natural gas and high-grade ethanol.

Film clips and photos show Bush posing by cars of the future. A White House press release hails the fleet as contributing to "the reduction of petroleum consumption."

None discloses that the fleet is violating a federal law that requires them to move away from heavy use of gasoline. Federal officials confirmed that their fleet has been out of compliance for two years.

Tyson Slocum, director of Public Citizen's Energy Program, called the state and federal practices shameful.

"This is nothing but self-serving propaganda," said Slocum, whose Washington D.C.-based group is the largest consumer advocacy group in the nation.

"Government is engaging in a campaign to deliberately mislead people. They are making claims that the government is taking the lead on greening our transportation system, when in reality nothing has changed."

### **New Visalia Biofuels Plant in Works Altra Biofuels Will Do Cellulose-Based R&D Here** Valley Voice Newspaper, July 9, 2007

*Visalia* - Owners of the Goshen ethanol plant, Altra Biofuels, are buying about 100 acres across Highway 99 from the Visalia Airport to build a cellulose-based ethanol plant with its first phase as a research and development facility. "We will be doing R and D work using feedstock from a crop being harvested this fall," says company spokesman Will Gardenswartz. He says Altra is working on a partnership with an unnamed biotech company to grow and test crops like switchgrass that can— with the right enzymes—unlock the sugar from the woody fiber of the plant that can produce ethanol. The Visalia R and D facility will test these energy crops as well as waste from existing crops grown in the valley, says Gardenswartz. "We picked this location in part because there are so much feedstock and such high crop yields in the valley," he notes. The company is buying the acreage from Visalian Kent Kaulfuss who owns Wood Industries with a greenwaste and landscaping materials yard on the site—a business that will continue at this location. Kaulfuss says building an ethanol plant based on the use of waste cellulose "has been a long time dream of ours" in any case. The land had been under contract several years ago to be sold to Pacific Ethanol who decided to buy elsewhere eventually. Still the site has an existing permit from the county that dates to 1993 for an R and D biomass facility that is still in place —just what Altra will be developing.

Altra's plan for the site is to do the smaller R and D process to make ethanol from waste or a dedicated energy crop first in a lab on the site and then in a smaller 10 to 15 million gallon plant, says Gardenswartz, and finally into a full scale operation some years down the road. To go beyond the R and D stage, the company would need to do a full EIR.

Unlike their Goshen plant that depends on supplies of corn from the Midwest as feedstock, the Visalia plant would enjoy a local waste and energy crop source eventually reducing the cost of making the biofuel that is now blended in gasoline all across the nation. In California, the governor just mandated that fuel in California may be blended at 10% ethanol requiring some 600 million more gallons for California.

Altra Biofuels partner Larry Gross told the Voice that, "We are very excited about our new research facility in Visalia, given the fact this is the perfect place to work on cellulosic ethanol." He points to the fact that it is located in the middle of California next to the number one through four biggest ag counties in the US. In addition, he says, "We are excited to be working with Kent Kaulfuss a long time advocate of the cellulosic process." He says this is attractive in part because Kaulfuss's wood chipping company, Wood Industries, brings in 450,000 tons a day of greenwaste that later can be used to test their research process on.

### **Witnessing a Revolution**

"This really is a revolution we are witnessing," says Gardenswartz and part of this revolution is happening at Visalia's doorsteps.

Gardenswartz says the Goshen plant, the first major biofuel plant in the state, is increasing its production over its original 25 mmg production level running 24 hours now rated at 31 million gallons. He says the company is considering no longer firing the boilers with natural gas but with a pelletized plant waste product that would reduce the carbon footprint of the Goshen plant no longer needing fossil fuel as a heat source.

Gardenswartz says the Visalia deal should close next month.

Altra Biofuel is one of several new biofuel makers that have sprung up in California with funding from private investors including well known entrepreneur Vinod Khosla who is also an investor in Cilion who has several plants in the permitting stage in California and actually headquartered in Goshen with partner Kevin Kruse of Western Milling.

Altra Biofuels other partners are L.A. investors including Kleiner, Perkins, Caulfield and Byers, Angeleno Group, Omninet Private Equity and Sage Capital Partners. The company has five projects either built or in the works some in the Midwest.

Ethanol production has been dominated by production facilities that make the biofuel from the ears of corn which require plantings of millions of acres of grain corn. But experts agree that as technology improves, more ethanol can be squeezed out of biomass at both a higher yield and at lower cost. The government has been funding research to make this happen sooner than later and the research on an enzyme used to "unlock" the sugar used to make the ethanol has been carried out by the company that Altra is talking to about partnering and testing the process in Visalia.

Gardenswartz says Altra is applying for R and D money from the Department of Energy for the effort. He notes that Senate just approved more monies for this process considering desire for energy independence in the US.

One study suggests that applying cellulosic technologies to a combination of agricultural waste (e.g., corn stover and other energy crops, such as switchgrass, sorghum and miscanthus) that US gasoline demand could be met on 50 million acres of prairie land or about 10% of the US total.

The Visalia location enjoys proximity not just to field crops but the City of Visalia's wastewater treatment plant that can be tapped for methane as well as water that could be used for steam. A state-of-the-art ethanol plant nearby could end up reducing the city costs in cleaning water as well as the use of waste, say sources.

So far the county and city have been contacted by the proponents in a preliminary way.

## **Wis. ethanol project runs into trouble**

By RYAN J. FOLEY

In the Fresno Bee, N.Y., Times and other papers, Monday, July 9, 2007

Farmer David Rundahl looks around a field of pine trees and weeds on the edge of this western Wisconsin city and sees the perfect location for an ethanol plant.

He points to nearby railroad tracks and Interstate 90 - ideal for shipping corn and fuel, making some farmers rich and reducing the country's dependence on foreign oil.

But the \$115 million project proposed by Rundahl and others might come at a high price: Sparta's largest employer, a dairy processor located less than a half-mile down the tracks, is threatening to leave along with its 350 jobs if the plant is built. That would be an economic blow to Sparta, a town of 9,000 in the heart of dairy country.

Century Foods International, a subsidiary of Hormel Foods Corp., says its dairy-based food products would be contaminated by the ethanol plant's pollution. Worried workers and others opposed to the location are trying to kill the project.

While many towns have faced similar fights as ethanol plants pop up across the Midwest, Mayor John Sund Jr. said nobody's seen anything quite like this.

"It's a real mess," Sund said.

The City Council earlier this year approved permits to allow an investment group to begin construction, but the city acknowledged it made procedural errors in approving them after Century Foods filed a lawsuit challenging the process. That required the council to start from scratch.

The council recently re-approved the annexation of 82 acres for the site. Later this month, it will consider whether to allow the land to be rezoned from agricultural use to heavy manufacturing. In August, the council could give final approval by granting a conditional use permit for the plant.

Meanwhile, the Wisconsin Department of Natural Resources has issued a permit for construction and initial operation of the plant, saying its emissions will meet regulatory standards.

With the stakes high, both sides are waging lobbying campaigns and have hired competing scientists, public relations experts and lawyers.

Construction would begin in the fall and the plant could be running by spring 2009, Rundahl said. The plant would create about 40 jobs and buy enough corn from area farmers to make 55 million gallons of ethanol per year.

"I think we can all live together here," he said. "This is going to be good for everybody."

Century Foods President Tom Miskowski said the threat to leave town is real but politicians refuse to listen.

Hormel, the Austin, Minn.-based maker of Spam, bought the company in 2003. Century Foods makes dairy-based ingredients, imitation cheese, candy and beverages at four plants in Sparta. The factory near the ethanol plant site makes nutritional products containing whey proteins, often used by bodybuilders.

Scientists hired by Century Foods concluded the ethanol plant's air emissions could change the flavor and color of the products. They conducted experiments in which they simulated the process called agglomeration, which involves allowing air in the plant through roof vents to ensure powders dry properly.

"If the air that we bring in is contaminated, it's going to be an issue for our products," Miskowski said. "We cannot manufacture tainted food products."

But a retired University of Wisconsin-Madison professor hired by the investors concluded the ethanol plant posed little to no threat, particularly if Century Foods added equipment to clean the air.

Rundahl points to that study as he argues Hormel's threat isn't serious.

"They are using their employees as a shield," he said. "They are making too much money here to leave."

Critics want the project moved miles out of town, but Rundahl said investors have put too much time and money into the location they consider ideal.

Other residents say the plant would increase pollution and traffic and destroy the scenery of the nearby parks, lake and golf course. Their group, called Friends of Sparta, filed a petition with more than 1,000 signatures opposing the location and published ads in the local newspaper.

"I don't think people can imagine what this mammoth 80-acre parasite sitting there is going to look like," said Dan Fanning, the group's leader. "It's going to change the complexion of this part of the city drastically."

Sund, a retired banker elected mayor in April, is undecided but doubts a compromise is possible. "Both parties have their heels dug right up to their hips," he said. "And there's not much give and take on either side."

### **Sanger gives its cyclists a boost**

**City has painted more than 4 miles of bike lanes linking schools, parks to city's core.**

By Pablo Lopez / The Fresno Bee

Fresno Bee, Sunday, July 8, 2007

Rick Oliva rides his bicycle to work in Sanger because it costs too much to drive his car -- and the city just made it easier for him and other cyclists.

Sanger has painted more than four miles of bike lanes on several major streets to link schools, parks and neighborhoods to the city's core. The idea is to help revitalize the downtown, keep residents healthy and reduce air pollution, officials said.

City planner Larry Lihosit said Sanger is ideal for bicyclists because it is mostly flat. In addition, U.S. Census Bureau data show that hundreds of people in the community bike to work, and the number appears to be growing, he said.

Oliva said he began riding his bicycle to work at Gong's Market once gas prices topped \$3 a gallon. His two-mile trip takes about 10 minutes.

"It's fun riding a bike," said Oliva, 20. "And every time I get off the bike, I feel good, because I'm staying in shape."

A few kinks still need to be worked out. Police Chief Tom Klose said he has some concerns about the proximity of the bike lanes to the adjacent car lanes, which have become narrower to accommodate the cyclists.

The bike lanes are 6 feet wide and painted 8 feet from the curb to allow cars to park.

In addition, Klose said he is worried about the winter's fog season when bicyclists will be hard to see.

"It's a hot topic around town," Klose said. "We'll have to wait and see what happens."

But on the whole, people in the community seem excited, said Mayor Michael Montelongo.

The City Council worked with city staff and consultant Steve Samuelian to get a state grant of \$47,126 to create the bike lanes, Montelongo said. The city pitched in \$5,236.

Sanger was a candidate for the grant because, according to U.S. Census Bureau data, many residents can't afford to purchase vehicles, so they must depend on other modes of transportation.

The Census Bureau data also showed that Sanger's population in 2000 was 18,931 -- and 389, or 2.1%, rode a bicycle to work, Lihosit said. Today, the city has 23,289 residents.

There were 119 applicants for the state funding of bicycle projects, said David Priebe of the California Department of Transportation. Sanger's project was among 28 that were funded.

The new bike lanes offer riders two north-south routes and five east-west routes.

Montelongo said the bike routes fit into the City Council's commitment to building parks and sidewalks.

"We want a green Sanger," Montelongo said.

"The bike lanes offer safe transportation for everyone."

The city hired Goshen-based Safety Striping Service Inc. to paint the white striping with a mixture of light-colored silica sand, titanium dioxide, glass beads and resin.

The glass beads and resin make the marks reflective and easier to see, Lihosit said.

While regular white paint lasts a few months before it begins to fade, Lihosit said the mixture the city used, called thermoplastic, should last seven to 10 years.

Bicyclist Ricky Castillo, 50, said the new bike routes are convenient. His favorite route takes him to a downtown park at Fifth Street and Academy Avenue, where other bicyclists kick back in the shade.

Ellen Vasquez, 53, also likes the bike lanes, especially the route near her home at P and 10th streets that takes her to the stores downtown.

"It beats walking," she said.

## **Warming strikes a note in China**

### **A growing middle class seeing dangers of pollution**

Robert Collier, Chronicle Staff Writer

S.F. Chronicle, Sunday, July 8, 2007

Shanghai -- Millions of Chinese got their first exposure to Western-style environmentalism Saturday when the Live Earth concert played to a nation whose stunning economic boom is becoming a global-warming nightmare.

The concert location in Shanghai was the most visually spectacular of the Live Earth sites around the world -- at the foot of the Oriental Pearl Tower, an ultra-modern, 1,535-foot-tall structure that resembles a colossal spaceship hovering over the city.

As the tower's colored lights illuminated the swirling mists of a thunderstorm in garish, candy hues, the event fairly screamed out to be called a harbinger of the future. Just what sort of future, however, is far from clear.

The big question for China -- along with the other nations hosting Live Earth concerts -- is whether the event will spur support for meaningful action to cut energy use and, in so doing, reduce the greenhouse gas emissions that contribute to global warming.

In China, the stakes are far higher than elsewhere.

International studies have shown that China has overtaken the United States as the world's leading source of greenhouse gases and that its emissions are rising at a rate that far outstrips any potential cutbacks by wealthy nations.

But China's leaders so far have refused to consider binding limits for the country's emissions, saying that wealthy nations should bear all responsibility for cutbacks. And among the Chinese public, which is rapidly gaining the trappings of prosperity, there has been little support for going green -- until now.

"We're seeing a new level of public engagement on the environment and climate change," said Li Lin, director of conservation strategy for the Chinese branch of Worldwide Fund for Nature, one of the local co-sponsors of the Shanghai event.

Market research firms say their surveys have found rising consumer interest in the environment and public health.

"The Chinese, especially the young, are coming up on environmental concern in quite a big way," said P.T. Black, president of Jigsaw International, a Shanghai firm that does market research throughout China for major multinational corporations.

Black said that recent surveys his firm has conducted among middle-class, urban Chinese youth show an unmet market niche for products and ideas that are linked to environmental protection.

"It's still not hip or trendy, but people are becoming more confident in asking, 'Why is the sky so gray? Why is the water so dirty, and the food so unsafe?' It's not like the United States -- the yuppie sort of Whole Earth, reduced-consumption, simple-life kind of stuff," he said. "They still want economic development, but they want to develop better, smarter, cleaner."

Some concert attendees said that the message, not the music, drew them to come.

"Some people just want to watch soap operas on TV, but I think people will start thinking about this," said Ying Ying, a 22-year-old recent university graduate. "Global warming is a problem for us Chinese, too, not just Americans or rich countries."

Although Shanghai's concert was broadcast on regional television and on a national music cable channel, it received little advance publicity -- a possible sign that the government was divided over whether to allow foreign-funded environmentalism to gain a potentially destabilizing foothold among the public.

Overall, the issue of global warming has received little attention in the Chinese media. When it does get coverage, it is often portrayed as a purely Western problem, thus echoing the defiant stance of Chinese diplomats who say a poor nation like China should not be required to cut its emissions.

Despite this official hard line, there is growing evidence that top government leaders in Beijing are convinced that their country's severe environmental problems can no longer be accepted as a necessary byproduct of economic growth.

Last week, the government's top environmental official, Zhou Shengxian, chief of the State Environmental Protection Administration, accused provincial and municipal authorities of protecting industrial polluters who turned rivers into "sticky glue."

Zhou said discontent with pollution has caused rising numbers of "mass incidents" -- the official euphemism for riots, demonstrations and collective petitions.

Even the location of the Live Earth concert was highly symbolic for the Chinese government. The Oriental Pearl Tower is a major draw for domestic Chinese tourists and a source of pride for the nation, seen as a declaration to the world of China's destiny as an economic superpower. Permission to use the site for major events rests with the highest levels of power in Beijing.

If Live Earth's message could get traction anywhere in China, it would be in Shanghai. The city of 19 million is China's business capital, and is its most prosperous, outward-looking and liberal city.

Shanghai has China's best system of mass transit, and is the only city to actively discourage car ownership by limiting license plates, which are auctioned each month at an average cost of 40,000 yuan -- about \$5,260.

But like all other Chinese cities, the air is a smoggy, brownish pea soup that burns the lungs and causes many visitors to cough painfully.

Even for Shanghai residents who did not attend Saturday's concert, the subject of global warming provides plenty of food for thought.

On Friday, the subject was hotly debated by a group of students gathered at a cafe near Shanghai Jiao Tong University, one of the nation's most elite educational institutions. In what may be a sign of how global warming will play out in domestic Chinese politics, the students saw it as a policy issue affecting the local quality of life, more than as a planet-wide challenge.

"The government has built many parks recently, and it has cleaned the air somewhat here in Shanghai," said Lin Likang, a pony-tailed junior. "So we can do something on global warming. We want to live in a nicer, cleaner environment."

Huang Chenxi, also a junior, agreed.

"We are not poor anymore, so we can use our skills to reduce emissions," she said. "This is about our future life."

### **RMP: Funds for racetrack promised, not yet in bank Vice president says investors are big groups; won't name them specifically.**

By CORINNE REILLY, Merced Sun-Star  
July 7, 2007

Riverside Motorsports Park officials don't yet have the estimated \$250 million it will cost to build the racing complex, but hold written commitments from investors who will pay for the construction, RMP vice president of operations Mark Melville said Friday.

"If you ask me if we have the money in the bank, I'd say 'no.' But do we have commitments from investment groups who will fund it? I'd say 'yes,'" Melville said in a phone interview.

He declined to name any of RMP's investors, or say exactly how many plan to fund the eight-venue racing complex.

"It's a lot of folks in a lot of groups," said Melville. "And they're some pretty big groups, but I can't say who ... It will all come out in due time, but until they start funding it, it's not up to me to say."

Melville said he doesn't have the written commitments to fund RMP in his possession, and therefore couldn't provide copies of them. He said the documents are held by Stone and Youngberg, LLC, a San Francisco-based investment firm that's charged with raising the millions of dollars to build the track.

Calls to Steve Nasser and Neal Sebbard, who are handling RMP's account with Stone and Youngberg, weren't returned Friday.

Melville is one of RMP's three remaining executives. RMP CEO John Condren and RMP spokeswoman Jeanne Harper — who is Condren's wife — have previously declined to discuss the company's financials. Neither returned phone calls Friday.

Earlier this year, Kenny Shepherd, a NASCAR driver and former board member of the company, said that Condren told his business partners early on that the money to build RMP was "in the bank." Condren fired Shepherd and a handful of other board members in December, a day after the Board of Supervisors approved RMP's controversial plan.

Melville said RMP has made "significant" progress in the last seven months toward its groundbreaking. He said the company now is completing engineering plans for the park's tracks, grandstands and infrastructure, as well as for the nearby road improvements RMP has promised.

Last week the company submitted paperwork outlining its basic agreement with Merced County over how it plans to run the racetrack, how it proposes to improve nearby roads, and how it will pay the county for the countless hours county staff have spent reviewing RMP's plans, said senior county planner James Holland.

Holland said county officials are now reviewing the paperwork — termed a development agreement — before it goes before the Board of Supervisors for approval. Holland said he couldn't estimate how long that might take.

County officials wouldn't release the development agreement, saying it isn't public in its current draft format.

The development agreement is just one of many hurdles RMP still has to clear. The most substantial document RMP must submit before breaking ground is a detailed site plan outlining all the park's physical specifications — from the size and exact location of each structure in the park to what color paint will be used. Melville said RMP is now working on it.

Also still required are a finalized plan to manage traffic to the raceway, agreements with the county over the park's water use and approval from the Central Valley Regional Water Quality Control Board, said Holland.

"In other words, they've got a lot left to do," he said.

And then there are the lawsuits.

In January, four groups — the California Farm Bureau Federation, the San Joaquin Raptor Rescue Center, Protect Our Water, and Citizens for the Protection of Merced County Resources — filed suit against Merced County to stop RMP.

All the groups claim the county violated the California Environmental Quality Act because it failed to adequately evaluate noise, traffic, pollution and agricultural impacts the track could bring. RMP is designed to cover 1,200 acres of productive farmland near Castle Airport.

While the case is progressing — a 25,000-page official record was filed in the matter last month — no arguments have been heard, said Katherine Hart, a Sacramento-based attorney who is representing the county in the case.

Melville said he expects the first arguments in the case will be made by October. He said RMP is confident the lawsuits won't stop plans for the racetrack from becoming a reality.

"I know there are a lot of naysayers out there, but I know this is still a good project and it's still going to happen," said Melville.

RMP officials initially planned to open the racing complex by 2008. Melville said Friday the company now hopes to break ground by the middle of next year.

The project was first proposed in 2003. Before its approval — and even since — RMP's plan has sparked contentious debate among local residents. While supporters say it will mean sorely needed entertainment and economic opportunities, others say the environmental damage it will bring is too much for the county to bear.

## 'Virtual' Meeting Takes Up Climate Ideas

By BETH FOUHY, The Associated Press

Washington Post and Contra Costa Times, July 6, 2007

NEW YORK -- Democrat **Error! Hyperlink reference not valid.** endorsed the use of a carbon auction to reduce air pollution, one of several ideas offered by presidential candidates at a forum on global warming.

All the major Democratic contenders participated in the "virtual" town hall meeting sponsored by the activist group MoveOn. The forum was held in conjunction with Saturday's Live Earth concerts, organized by former Vice President Al Gore to draw attention to climate change.

The candidates took questions from MoveOn members about how they would combat global warming, and their recorded answers were sent to 1,300 MoveOn-sponsored house parties across the country to be viewed after the Live Earth shows. Members were asked to go online after listening to the candidates and cast their vote for the best plan.

The Democrats offered conflicting views on the so-called cap and trade system used by European countries to control emissions. Environmental regulators set caps on how much pollution a power plant or other business can emit into the atmosphere. Those that exceed the cap must buy or trade for additional capacity, generally from plants that have taken steps to reduce their emissions and have extra capacity.

Obama, an Illinois senator, said that system was flawed because polluters were granted emission permits for free. He advocated an auction system, where businesses would have to pay for the right to pollute; money raised through the auction would fund research and development on alternative energy.

"We're getting the ... investment in creating a market for clean technologies," Obama said of a carbon auction. "But we're also generating billions of dollars we can devote each and every year to a Manhattan Project on clean energy."

Hillary Rodham Clinton said she was "intrigued" by the carbon auction system but stopped short of endorsing it. She called global warming a "moral and ethical" issue and urged U.S. leadership on the issue.

Chris Dodd promoted his plan to tax polluters for their carbon emissions, a proposal that has drawn praise from many environmentalists. Such a tax would bring in \$50 billion to be invested in clean technologies, he said.

[Orange County Register Editorial, July 9, 2007](#)

### **Today's editorial: Who's blowing smoke?**

**State smog fighters say governor pressured them to go easy on industry.**

Saving the world from global warming is proving to be a tad more complicated than Gov. Arnold Schwarzenegger and the Legislature may have expected.

Last year both were gleefully self-congratulatory over the adoption and signing of Assembly Bill 32, which Democrat Assembly Speaker Fabian Nuñez immodestly calls the "gold standard" to control greenhouse gas emissions, believed by some to cause a threatening increase in atmospheric temperatures. For those who believe man will be able to significantly influence nature's climate change, it was a landmark event.

Now the state is stumbling along with the more mundane and inevitable adoption and implementation of regulations to enforce AB32. As in most bureaucratic processes, it's untidy and influenced by myriad factions inside and outside government.

Over the past two weeks the governor fired Air Resources Board Chairman Robert Sawyer, which was followed by the resignation of the smog-fighting agency's Executive Director Catherine

Witherspoon. Both claim their departure resulted from a clash between their desire to protect the environment and public health versus the governor's preference to accommodate industry when adopting regulations.

Those characterizations probably are exaggerated. But the controversy does lie in differing philosophies. Sawyer and Witherspoon prefer conventional command and control, the kind of centralized management that presumes all wisdom resides in the halls of government.

Mr. Schwarzenegger prefers what he terms a more market-oriented approach, relying more on coercive contrivances, such as a "cap and trade" system to allow alleged polluters to buy the right to continue polluting from companies that have reduced their pollution. Of the two, Mr. Schwarzenegger's is the less obnoxious, but not by much.

The governor last week appointed long-time environmental activist attorney Mary Nichols as the new ARB chairman, and Nuñez and Assembly colleagues held a hearing to roundly condemn the governor for "interfering" with the agency, a rather disingenuous complaint regarding an executive branch agency.

We're unpersuaded that increasing amounts of carbon dioxide in the atmosphere pose a threat larger than the recognized natural warming trends, especially given new evidence from UC Irvine that simple soot could be the major culprit in Arctic warming, a much easier concern to fix, or even that the natural gas contributes to increased temperatures. This issue has "proceed with caution" written all over it.

If any good can come from the squabbling, it may be that Draconian regulations are somewhat delayed. Maybe that will give everyone time to review the recent study from the Palo Alto-based Electric Power Research Institute that put the cost to the state's economy at \$100 billion to \$500 billion over the next 50 years, no matter which option government decides on to reduce greenhouse gas emissions.

[Fresno Bee editorial, Monday, July 9, 2007:](#)

### **It's not easy being green**

#### **Schwarzenegger dodges key questions on agency.**

Gov. Arnold Schwarzenegger needed to do something quick to quell furor over his staff's interactions with the California Air Resources Board.

So, just a few days after he fired the board's chair, the governor somehow convinced Mary D. Nichols that she could replace Robert Sawyer and not face the same kind of micro-meddling that Sawyer endured.

According to administration officials, Sawyer lost his job when Schwarzenegger was angered by CARB's decision to approve an 11-year delay sought by the San Joaquin Valley air district to meet federal smog standards.

But on Thursday, speaking in a conference call to editorial writers from around the state, Nichols basically signed on to that decision.

"I don't think that even if California wanted to reconsider, we would be allowed to do so. I don't think it's actually a choice that we have, unfortunately," she said.

We don't agree. But having said that, Nichols is a solid choice to run CARB. She handled the job well during the administration of Gov. Jerry Brown. She also oversaw the U.S. Environmental Protection Agency's air programs during the Clinton administration, and then served as Gov. Gray Davis' Resources Secretary.

With such bosses, Nichols has surely encountered and tolerated some level of micro-meddling. The question now is whether she will face an even higher level with Schwarzenegger's inner circle, and whether she will be able to stand up to it.

Nichols must develop a strong personal relationship with Schwarzenegger to survive. She will need to speak directly with the governor when others in administration try to undermine his stated support for a 50% reduction in air pollution.

That's been happening for months as the air board tries to finalize a proposal to clean up diesel soot from construction equipment.

Along with the construction industry, administration officials in the Business, Transportation and Housing Agency have helped delay the adoption of those rules. Transportation officials have also lobbied against a Senate proposal that would encourage firms seeking state construction bond funds to use the cleanest available equipment.

It's funny: None of those officials have lost their job yet for backsliding on environmental protections, as Sawyer ostensibly did. Why is that?

At Tuesday's press conference to introduce Nichols, Schwarzenegger also signaled he wouldn't make his chief of staff, Susan Kennedy, and Cabinet Secretary Dan Dunmoyer available to an Assembly committee that held a hearing on the air board blowup Friday.

Schwarzenegger said that Assembly Speaker Fabián Núñez or anyone could come down to his cigar tent and ask questions. The governor clearly doesn't get it: More backdoor dealings and smoke-filled rooms will not clear up the fog factor that surrounds his environmental record.

[S.F. Chronicle editorial, Friday, July 6, 2007:](#)  
**Global warming and political heat**

NOW COMES the hard part, governor. Pushing through a momentous law to control global warming made history -- and magazine covers. But putting the broad outlines into detailed rules is loaded with risks and hard choices.

This week, Gov. Arnold Schwarzenegger worked to smooth over a dispute on clean-air rules, but the results weren't pretty. The final ending -- a new head of the California Air Resources Board with a deep-green resume -- brought peace and accolades, but the next step by the powerful rule-making board will be more closely watched than ever.

The furor comes down to a divide over controlling climate-change gases blamed for heating global temperatures. Schwarzenegger favors a cap-and-trade market that lets polluters buy credits from cleaner-operating companies. The approach, in theory, could apply to fuel ingredients, truck fleets or methane-spewing dairy herds: make the prime offenders pay while the good guys make out. It's market friendly and carries the implication that fewer rules are necessary, both pluses for a pro-business governor.

Critics, who think this path is too permissive, want industry-wide regulations that would bring down gas emissions. The state's landmark law passed last year leans heavily on the air board, which has cranked out detailed positions on tailpipe-pollution limits and cleaner-burning gas. The state is ready for fresh rule-making, this side argues.

The divide played out when the governor fired his appointed head of the air board, Robert Sawyer, which in turn led executive director, Catherine Witherspoon, to quit. More than ever, the panel is the front-line decider on virtually all the key issues in the global-warming fight: pollution controls, engine design, fuel ingredients and even auto paint and air-conditioning chemicals.

Sawyer was shown the door because he wanted to push beyond three "early action" greenhouse-gas measures and add several more. The state is facing a 2010 deadline to show results in shaving down emissions, principally from carbon dioxide.

Sawyer's intentions, and the message it sent about future measures, was too much. Schwarzenegger showed him the door and Witherspoon soon followed.

The governor wasted no time in putting out the fire he'd started. He recruited Mary Nichols, whose distinguished career includes stints with the Bill Clinton and Jerry Brown teams, to restore order -- and public support for his pet cause.

The result is a puzzle. It's hard to say the governor caved to business, which is worried about costly fixes and red-tape regulations, by bringing in Nichols. Nor can environmentalists say that a string of future decisions -- such as limits on largely unregulated construction equipment - will go against them. Nichols has a admirable record as both a creator of a cap-and-trade program that reduced utility emissions that caused acid rain. She's also a past chair of the air board.

But the governor clearly is willing to dip into the Sacramento machinery, if he wants. The two departures of top air-board leaders show he is watching closely and won't cede power easily.

When the state Legislature and governor teamed to pass the climate-change legislation last year, many thought the job of curbing emissions was over. But the hard work of tamping down greenhouse gases was left to a little-known state panel and its leaders.

Now the first effects are being felt. Climate change is anything but a safe subject in Sacramento.

[L.A. Times editorial, Friday, July 6, 2007:](#)

### **Destructive construction**

#### **Diesel exhaust from heavy machinery is a lethal source of pollution. It's time to clean it up.**

IF YOU'RE ANYWHERE NEAR a construction site, try not to breathe. The 112,000 tractors, excavators, backhoes and other construction machines in California are the state's second-largest source of diesel pollution, killing an estimated 1,100 people a year and sickening many thousands more.

It's a big problem, and requires an ambitious solution. In fact, a proposal from the state Air Resources Board to force contractors to retrofit or replace old, dirty diesel engines would dwarf every other air toxics control measure state regulators have produced, as would its price tag — the board puts it at \$3 billion, while construction industry officials say it's at least three times that amount. After years of effort to draft it, a vote on the regulation in May was tabled amid heavy resistance, not only from the construction industry but from municipal governments, fire departments and even the California Department of Transportation, which fears it would boost the costs of new roads and other public infrastructure.

Meanwhile, the air board has been thrown into disarray, in part because of the construction equipment measure. Chairman Robert F. Sawyer was fired by Gov. Arnold Schwarzenegger last week, and Executive Director Catherine Witherspoon resigned Monday; both say their efforts to crack down harder on polluters were undermined by the governor's office.

The board's new rules would undoubtedly increase the already soaring cost of construction. They also would decrease the number of bidders on large infrastructure projects and could hurt some smaller contractors. But the air board says most companies would pass the costs on to customers, which should minimize business failures, while the overall cost of construction in California should rise by just 0.3%. And the building industry is hardly suffering. Commercial and industrial construction in California has been skyrocketing since 2004, and state voters have approved \$20 billion in infrastructure bonds that will fatten contractors' wallets — and kill untold

numbers of people absent a crackdown on dirty equipment.

Environmentalists have roasted the air board for being too slow to meet federal air-quality standards or cut greenhouse gases, but the problem appears to be higher up. Schwarzenegger's green veneer tends to crack any time an environmental initiative encounters strong resistance from the business lobby. It's possible to be both pro-business and pro-environment, but when those values conflict, one has to make painful choices — choices that the governor all too often tries to duck. Cleaning up is expensive, and polluters are going to have to foot the bill. If Schwarzenegger is serious about fighting pollution, he should publicly back the construction-equipment rules.

[in the Tri-Valley Herald, Fresno Bee Editorial, July 9, 2007](#)

### **Pass the solar bill**

ANYONE who has visited Hawaii with any frequency has probably taken a shower with water warmed by a solar-powered water heater. Because of its combination of plentiful sunshine and high energy prices, Hawaii promotes and subsidizes this clean form of water heating more than any other state.

Most of California has more sunny days than Hawaii, but as yet the state hasn't seen the light of solar water heaters. Only about 1,000 of them are installed statewide.

That could change dramatically if lawmakers approve Assembly Bill 1470, which would help homeowners reduce the costs of heating water with the rays of the sun.

AB1470, by Assemblyman Jared Huffman, D-San Rafael, would set a small surcharge on gas bills to generate \$250 million over 10 years. Combined with a federal tax credit, this pool of funding would help homeowners halve the cost of installing solar water heaters.

Such installations now cost roughly \$4,000 to \$6,000 per home and pay for themselves, in reduced utility bills, in about 20 years. If Huffman's bill were to be enacted, homeowners could install solar water heaters at a cost of \$2,000 to \$3,000 per home and have the units pay for themselves in as little as 10 years. More solar means [less air pollution](#), fewer greenhouse gases and more protection against gyrations in wholesale energy prices.

Of course, making solar more viable also means that gas producers and some utilities may lose some business.

This appears to be a main reason that Sempra Energy, parent of the Southern California Gas Company, is opposing Huffman's bill. (To its credit, Pacific Gas and Electric is supportive).

AB1470 has passed the Assembly, but could face a tough ride in the Senate. We'll be watching to which senators warm up to this worthy legislation, and which ones are carrying Sempra's cold water.

Fresno Bee, Editorial

[Tri-Valley Herald Editorial, July 8, 2007](#)

### **Governor in middle of air board mess**

WHILE GOV. Arnold Schwarzenegger parades around the country and the globe on his crusade to curb harmful gas emissions, his administration is doing the complete opposite to help California's construction industry.

According to a report in the Los Angeles Times, Schwarzenegger's aides are successfully fending off implementation of tough new air-quality rules. The report states that in public hearings and private negotiations, administration transportation officials are working to slow a planned

crackdown by regulators on aging diesel construction work, whose machinery is a major source of greenhouse gases.

In this situation, Schwarzenegger would find himself in a bind. The construction industry is a major donor of his, and it complained that aggressive rules were too tough. Furthermore, the industry is obviously a vital cog for the state's economy and well-being. So those transportation officials may have eased things for the governor as they successfully lobbied the Air Resources Board appointed by the governor to delay voting on draft regulations dealing with polluters.

Since then, things have become sticky. Schwarzenegger fired the air board chairman, and the board's executive officer quit. Both officials say they were frustrated by administration meddling in the diesel construction equipment crackdown and the implementation of landmark legislation to curb global warming — which the governor himself signed into law last year. Schwarzenegger accused the board of not being aggressive enough in addressing air pollution in the Central Valley.

The governor saw a heat wave coming from the state Legislature and he nominated a new chair for the air board — a former top aide to Gov. Gray Davis and former air board chair who just happened to be working closely with Schwarzenegger's chief of staff, Susan Kennedy.

Meanwhile, Assembly Speaker Fabian Nunez called a hearing Friday to talk with the players involved, but only the air board members who recently left showed up to reiterate how Schwarzenegger interfered. Nunez asked for two Schwarzenegger aides to appear, but with little surprise, they respectfully declined. Nunez is considering subpoenas for the aides; what information he gets is anyone's guess.

Obviously, this has become quite messy and needs to be cleaned up fast. We have to get past finger-pointing and posturing, we need facts as to why the new air quality rules have stalled, who is involved, and how can we get the process moving again. Assemblywoman Loni Hancock, D-Berkeley, suggests giving air board members fixed terms to avoid political retribution, which could've helped in this situation. But that also opens a debate whether board members seeking terms would become more open to outside influences.

In the meantime, we suggest the construction industry can better suit its time and California's time by turning the funds it's using to lobby air boards toward ways of complying with the new rules. We feel that if it shows it's making good on its end, the construction industry could be cut some breaks down the road.

If the governor and his administration is involved with helping the construction industry avoid the air quality crackdown, it will be a disturbing chapter in a perceived breakthrough year politically for Schwarzenegger. And, if true, it may take quite some time to forget.

[Editorial in Merced-Sun Star, July 6, 2007](#)

### **Our View: Governor needs to clear the air**

**We'll likely never know the details surrounding the firing of the state air board chairman.**

Gov. Arnold Schwarzenegger needed to do something quick to quell furor over his staff's interactions with the California Air Resources Board.

So, just a few working days after he fired the air board's chair, the governor somehow convinced Mary D. Nichols that she could replace Robert Sawyer and not face the same kind of micro-meddling that Sawyer endured.

Nichols is a solid choice to run CARB. She handled the job well during the administration of Gov. Jerry Brown. She also oversaw the U.S. Environmental Protection Agency's air programs during the Clinton administration, and then served as Gov. Gray Davis' Resources Secretary.

With such bosses, Nichols has surely encountered and tolerated some level of micro-meddling. The obvious question now is whether she will face an even higher level with Schwarzenegger's inner circle, and whether she will be able to stand up to it.

Nichols must develop a strong personal relationship with Schwarzenegger to survive. She will need to speak directly with the governor when others in the administration try to undermine his stated support for 50 percent reduction in air pollution.

That's been happening for months as the air board tries to finalize a proposal to clean up diesel soot from construction equipment. Along with the construction industry, administration officials in the Business, Transportation and Housing Agency have helped delay the adoption of those rules. Transportation officials have also lobbied against a Senate proposal that would encourage firms seeking state construction bond funds to use the cleanest available equipment.

It's funny: None of those officials has lost his or her job yet for backsliding on environmental protections. Why is that? According to administration officials, Sawyer lost his job when Schwarzenegger learned that the air board chair had agreed to seek an 11-year delay from the EPA for the San Joaquin Valley to meet federal smog standards. This was an appalling decision, but we remain unconvinced that Sawyer made it solely on the basis of science (as some of his supporters suggest) or without trying to alert the governor (as some in the administration claim). It seems much more likely that Sawyer ran it up the flagpole, or was actively pressured to seek the delay.

Unfortunately, Californians who care about air quality probably will never learn the sequence of events. At Tuesday's press conference, Schwarzenegger trotted out Nichols and seemed determined not to hang around for any tough questions. He also signaled he wouldn't make his chief of staff, Susan Kennedy, and Cabinet Secretary Dan Dunmoyer available to an Assembly committee that has scheduled a hearing today on the air board blowup.

Schwarzenegger said that Assembly Speaker Fabian Núñez or anyone could come down to his cigar tent and ask questions. The governor clearly doesn't get it: More backdoor dealings and smoke-filled rooms will not clear up the fog factor that surrounds his environmental record.

[Sacramento Bee, Commentary, July 8, 2007](#)

### **Daniel Weintraub: Science alone can't guide air pollution decisions**

Gov. Arnold Schwarzenegger's recent sacking of Robert Sawyer, the state's top air pollution regulator, has prompted critics to demand that the governor defer to scientists to make decisions about mitigating the effect of human industrial activity on the air we breathe. Sawyer is a respected UC Berkeley professor of environmental and energy science who did not want to take direction from the governor or his staff.

In at least one case, involving smog in the San Joaquin Valley, Schwarzenegger says he wanted to move faster than Sawyer, chairman of the California Air Resources Board, was willing to go. In another case, involving implementation of the state's global warming bill, Sawyer was pushing to move more quickly than the governor's staff thought was wise.

But whether Schwarzenegger wanted to go faster or slow the pace of regulation, it is a comfortable myth to think that these kinds of decisions can be left to science alone.

Regulating pollution is not only about science. It is also about economics. And scientists, no matter how smart or educated they may be, are not necessarily the best people to tell us how their findings should be weighed against the other needs of society.

If the state really wanted to fight smog, for instance, it could ban the private automobile. But no one (or almost no one) is recommending such a thing. The reason: The car is an integral part of our lives, and without it, the economy would grind to a halt. Millions of people would be far worse off, even if a few might live longer if they were not exposed to the tailpipe exhausts that cars emit.

Banning the car is an extreme example. But the point is that nearly every regulatory decision involves trade-offs that science alone cannot resolve.

The air board is now pondering, for example, whether to give construction companies more time to comply with a regulation requiring them to reduce the particulate matter created when they burn diesel fuel in their off-road heavy equipment.

The science is pretty clear. It tells us that diesel exhaust is dangerous. When you breathe it, the tiny particles lodge in your lungs and can cause cancer and other illnesses. The Air Resources Board's own studies estimate that construction equipment causes about 700 premature deaths every year in California.

But the industry says moving too quickly to reduce that deadly pollution would force them to junk their current fleet of bulldozers, loaders and graders, driving up the cost of construction and potentially forcing some of them out of business. They want to phase the new rule in more slowly so that they can replace their old, heavy polluters as they wear out naturally.

Picking the date by which that transition must be complete is not about science. The science tells us only that the machines are hazardous to our health. If that were the only issue, you would ban all diesel engines today. But in the real world, someone must take that information and balance it against whatever harm might come from spending more money on construction, thus leaving less money for all of our other priorities. Or against the effect of losing an important piece of our construction industry if smaller firms, weighed down by the higher costs, go under.

In another tough call, the air board recently agreed to seek an extension for the San Joaquin Valley to come into compliance with federal smog rules. The reason: The board concluded that the air is so dirty around Fresno that no reasonable amount of regulation, given current technology, would allow the region to reach the goals set for it in the time allowed. Again, while there is science at the heart of that decision, it is mostly about economics, about how much dislocation regulators are willing to cause in pursuit of cleaner air.

Then there is global warming, which has rapidly become the biggest environmental issue of our time. Although some prominent scientists still believe that the research is unclear, there is a large, nearly universal consensus that humans are causing the earth's atmosphere to warm, with potentially disastrous consequences.

But even if you accept that the scientific case is closed, that is only the beginning of the debate about what to do. We are not going to stop burning carbon overnight. So the question becomes: Which sources of greenhouse gases should we reduce, and when? Are we willing to pay more for our electricity, if that's necessary, or for our cars, or for cement? If so, how much more? Science cannot answer those questions. They are questions of economics, and ultimately politics.

If Schwarzenegger can be faulted, it is for not making a strong enough case in public for the need to balance these competing priorities. He likes to say we can have it all -- a cleaner environment and a stronger economy. In the long run, that might be true. But many of decisions to get us there do cause economic harm in the short term. The governor should be willing to acknowledge that, and to publicly defend any actions he takes to reduce that damage.

[Letter to the Fresno Bee, Monday, July 9, 2007:](#)

### **'Very real problem'**

Has anyone even heard of "the smog" in England? In the late 1940s and early 1950s, "the smog" (very dense particulates) was so thick a person could not see or travel through it at times. People wore masks, handkerchiefs, goggles and protective clothing to filter out "the smog."

Does the air quality in Fresno have to become that bad to get the Valley air district board and appointed officials to pay attention to this very real problem?

Maybe we should all breathe the words "the smog" louder and get started cleaning our air before 2014. It's happened before. Do not let it happen again.

*Carolyn Hamilton, Fresno*

[Letter to the Fresno Bee, Sunday, July 8, 2007:](#)

### **Fireworks pollution**

How about adding fireworks, along with the cows giving off gas, to the list of causes for global warming and air pollution. They smell the same.

Perhaps it's not the cows giving off gas, but that one firecracker bang which will prevent the Valley from receiving \$2.8 billion in federal highway funds. Finally, does the Fourth of July ever land on a Spare the Air Day, or are there no Spare the Air Days on July 4?

*Gerald Kroeker, Fresno*

[Column in Washington Post, July 8, 2007](#)

### **To Save the World, Start With a Major Hot-Air Source**

By Warren Brown

My mornings, including weekends and holidays, begin with reading online editions of Automotive News ( <http://www.autonews.com>), one of the nation's top automotive industry trade journals.

And no reading is complete without checking the wicked wit and wisdom of Edward Lapham, the executive editor of Automotive News, who also is a longtime friend and occasional mentor.

Naturally, I was interested in Lapham's take on the Senate's most recent abuse of logic -- the passage of a bill that demands increased fuel economy from automobile manufacturers without demanding a single contribution from American consumers for energy conservation.

We've discussed that silly approach many times in this space. But Lapham's view merits further mention.

"Now that the Senate's energy bill has set some parameters for the types of vehicles Americans will and won't be able to drive, it's time to take the battle to halt global warming and reduce our dependency on imported oil to the next level," he wrote in a column June 26.

"We need to cut back on how much we drive," Lapham said. "Let's start by making every office worker work at home one day a week."

By Lapham's estimates, based on an admittedly liberal analysis of Bureau of Labor Statistics numbers, up to 50 million of the 132 million gainfully employed adults in the United States are laboring in jobs that can be done without driving to a downtown office or to an exurban or suburban plant or business park.

Allowing those employees to work at home a day or so every week could dramatically reduce the annual number of vehicle miles driven in the United States -- thus, also reducing traffic congestion, air pollution and the waste of billions of gallons of gasoline, Lapham said.

As usual, Lapham was setting us up for a kicker: his belief that a government that decides it can tell us what kinds of cars to buy might also get the idea that it can limit how far we can live from our jobs, the sizes of the houses we can occupy, etc.

Lapham's argument might constitute "overreaching," which is something Democrats and Republicans in Washington often accuse each other of doing. (That's funny when you think about it. Neither side ever accuses the other of "overachieving," or caring too much about constituents,

or anything like that.) But, whether or not you agree with Lapham, he has a point about reducing commuter fuel use through encouraging more work at home.

Consider Washington.

What do we do in Washington that can't be done outside of an office building on a laptop or a desktop computer conveniently located at home?

Not much.

Washington is a word factory. We generate trillions of words annually.

We drive to Capitol Hill, often in fuel-inefficient taxicabs and limousines, to make laws, or to argue against making laws, or to lobby for amendments -- words, words and more words.

We have meetings to discuss what was said in previous meetings, what will be said in future meetings and what finally will be distilled from all of those meetings to be put into position papers or other reports -- words.

We then leak those papers and reports to the media, who in turn crank up their word-creating and processing machines. And we do all of this in buildings that require heating and cooling, and that have garages that shelter cars and trucks, relatively few of which are used in carpooling.

We use all of that energy for the greater glory of words, most of which, as evidenced by repeatedly shoddy congressional behavior on the matter of a truly comprehensive national energy policy, are forgotten as soon as final election ballots are counted.

So, I agree with Lapham. It seems to me that all of that hot air can be blown without burning gasoline and blowing it through the tailpipes of vehicles steadily moving in and out of Washington carrying people to produce and process more words.

We can start with Congress. How much energy is consumed every day on Capitol Hill, where impassioned orations on some supposedly important issue, about which not much will be done anyway, often are given to empty chambers? Why not mandate that Congress and Capitol Hill be shut down, say, six or nine months annually? That would save more than fuel. Considering what Congress actually gets done in a year, it would increase congressional productivity -- more work derived from meeting fewer days and using less fuel to transport members to meetings and keep the lights burning in Capitol Hill offices.

It's worth a try.

## **Dry, smoky Fourth ignites fireworks debate**

Bakersfield Californian, Saturday, July 7, 2007

What do you think of fireworks:

Blogger Travis Ford wrote this in a What's Crackin blog:

Driving home through a disgusting and dense smoke-filled air (from one side of town completely to the other) I started to wonder: Why are fireworks even allowed in Kern County?

I hear of other towns and counties where fireworks are banned with the exception of four to five permits given out to large "Bakersfield College-like" events, and amazingly people are happy with out mass riots breaking out in the streets.

I know good ole B-town is set in its ways, but with us consistently in the top two to three for worst air quality in the nation, one of the highest accounts of asthma in the country and fire danger at an all-time high, why don't we just say enough?

I would happily take my family to one of the country clubs or the college, have them put on the vent for free, and what they'd lose in tickets sales will be more than made up with concessions or advertising in program, signage, etc.

Here are some of the replies at [bakersfield.com](http://bakersfield.com).

Some years ago many of us were calling attention to thousands of trucks polluting the San Joaquin Valley with Highway 99 the main contributor to such pollution. But given the economic factors the trucks and pollution only worsened.

As to July 4, it becomes an even more difficult thing to deal with because for many the fireworks are a symbol of patriotism.

--Posted by samheath on July 5

I totally agree with you.

My wife suffers from cystic fibrosis and this time of year is the worst for her. I am stunned that in such a dry year that fireworks are even allowed in the first place.

In my little neighborhood alone, more illegal fireworks were fired off than can be counted.

I know the task force was swamped and I commend their efforts.

However, it did not seem to work. They still shot them off, still irritated those around them and still fired them well past midnight.

To protect individuals with health problems, like my wife and her co-worker who has asthma, they should be banned. To protect our air quality, they should be banned.

To protect innocent individuals from getting injured from idiots illegally shooting them, they should be banned. To fully appreciate the patriotic symbolism of this country, they should be banned and only fired off by responsible, trained individuals in large "Bakersfield college-type" shows.

--Posted by cmckenna36 on July 5

Sign me up for an outright ban. The "Talk Force" was a joke, as usual, in preventing illegal fireworks from being prominently set off throughout Bakersfield. You've got to love that today (July 5) is a government-mandated Spare the Air day here in the area. You could not breathe outside last night without ingesting copious amounts of charcoal, nitrogen and cordite.

A person could just wave an ice cream cone in the air to get that smoky dipped flavor of residue particulates that truly satisfies a sophisticated palate. You could call it a Carbon Crusty-Freeze. Yums!

--Posted by adampayne on July 5

Sign me up for a ban, but I'm a crabby middle-aged person who is scrimping to pay car insurance for my teen driver, send her off to college.

I don't fit in with my neighbors who are dazzled by shiny, loud things they pay upwards of \$100 for, while their kids get free lunch that I've paid for.

Our street is completely littered this morning, the air quality is more horrible than usual.

I don't even bother calling the PD and Fire Department anymore.

This should be a great holiday celebration but we dread it.

--Posted by midmannered1 on July 5

[Bakersfield Californian, Commentary, Sunday, July 8, 2007:](#)

**Price: Time to pull the plug on street fireworks?**

BY ROBERT PRICE, Californian columnist

I must have blown up \$300 worth of "safe and sane" fireworks on the Fourth of July -- my own and the donated explosives that friends brought to our little front-lawn party.

We had eight-inch-tall, shrieking things that sounded like fingernails on a chalkboard, amplified by a factor of 40. Small, skittering, unpredictable things that darted across the asphalt like neon rodents. Substantial, brick-sized things that spewed smoke and sparks like a car-battery fire.

It was about quarter till 10 when I pointed to the pile of still-unexploded explosives and asked the assembled mob of wild 11-year-olds if they'd had enough. "No! Keep going!" they shouted, and for an instant the cover illustration from "Lord of the Flies" flashed before my eyes.

It was at that moment, amid the blue-gray haze of the battlefield, that I came to a realization: Street fireworks aren't as much fun as they used to be. What with burning your fingers, yelling at the kids to put their shoes back on and worrying about those fluorescent spinners careening under a neighbor's gas tank -- who needs it anymore? The whole thing is getting a little old. Or maybe just I am.

But seriously: Is it time to do what every other responsible California county has done and pull the plug on street fireworks? Maybe so. And I'm not asking merely because I have to get up and go to work every July 5 that doesn't fall on a weekend.

We demand prompt, efficient, cost-effective work by public safety people, as well we should, and then we condone one night of do-it-yourself detonation, with the fire department serving as municipal baby-sitter. We abide this arrangement for several nights, actually. From the time fireworks go on sale until the kids use up their last bag of smoke bombs sometime next week, the danger of fire in this tinderbox-dry county is considerably higher than it has to be.

Over the three-day period ending Thursday, the Bakersfield Fire Department sent out 33 fireworks enforcement teams, investigated 346 fireworks-related incidents -- including six suspected arson cases -- issued 81 citations, made eight arrests and confiscated a half-ton of illegal fireworks. Nobody blew off any fingers, though, as has happened before. At least not in Kern County, as far as we know.

As if the threat of accidental or intentional fire-starting wasn't enough, we also subjected dogs and cats to their annual night of terror. Some people still may be scanning the trees in their neighborhood for their missing cats.

[The Fourth also casts a sulfuric cloud over a place that already has some of the worst air in the nation, and at perhaps the worst possible time of year to do so.](#)

Some will argue that the Fourth is just one big, intensive Darwinian laboratory. Want to reduce your hands to a pair of stumps? Go ahead, they're your fingers. Trouble is, bystanders' fingers, toes and eyeballs get involved once in a while, especially when people start modifying fireworks. I think Darwin addresses that somewhere too.

What, you may ask, will we do without street fireworks? Eat more hot dogs, drink more beer. Play a couple more games of volleyball. Bust out that the croquet set we never seem to get around to opening. Have a political debate -- the Fourth is, after all, a patriotic holiday. Or, with bombs no longer bursting in air throughout the night, go to bed.

We also should be able to find good vantage points to watch the fireworks at Bakersfield College or one of the many places around Kern County that have lower-atmosphere shows.

The people at my front-lawn gathering could see the aerial show at a nearby country club without any problem. Of course, the kids weren't watching any of it. They weren't even watching the \$20 Mega-Monster I'd just lit for their benefit. They were too busy rooting around, looking for the next bomb to ignite. Makes you wonder if it's *the idea* of having retail pyrotechnics, rather than the pyrotechnics themselves, that thrills them most.

The only good reason to continue to allow consumer pyrotechnics is that fireworks stands are a good source of income for the nonprofits that have the good fortune to possess annual permits.

I don't have a good answer for that. Maybe, with all the overtime pay local fire departments will save in a post-pyrotechnic world, local governments can write some donation checks. OK, probably not.

But I do know that at a quarter till 10 last Wednesday I would've rather been in the backyard with a cold one, solving the world's problems, than in the front yard with a hot one, creating more of them.

[Bakersfield Californian, Letters to the Editor, Sunday, July 8, 2007:](#)

### **Firework onslaught**

So here it is. It is July 4th at 9:50 p.m. The outside temperature is 94 degrees. The "air quality" is "unhealthy for all categories." I live in one those predominantly white, upper middle-class neighborhoods, behind closed gates that provide really poor security.

All around me, it sounds something like the assault on Hue City or Khe Sanh in 1968. Across White Lane, it sounds like a routine firefight between the street gangs during a Salinas drive-by. I wonder how terrifying this must be in other parts of our city.

Tomorrow, the shelter will be overrun with dogs and cats that freaked during the artillery onslaught. Hopefully, none of our firefighters or police officers will be injured during this insane melee.

When is the City Council going to listen up and follow the solid, well thought out advice of Bakersfield Fire Chief Ron Frazee, and put an end to this madness? It is way past time that this outrageous onslaught be outlawed in this city. There is nothing about this noise and air pollution than equates to "Life as it should be." This is the worst case scenario of compromising our lifestyle with additional air pollution; noise pollution and public safety jeopardy.

It is time to eliminate the "fundraiser" of fireworks sales and eliminate this scourge. And perhaps, when the City Council gets this squared away, they can do something about "leaf blowers" and their resulting dust and noise pollution from our fine city.

A. RILEY PARKER, Bakersfield

### **Cost of fireworks**

Has an honest accounting of the cost of fireworks to the taxpayers been reported in the media? What is the true cost for fire and emergency personnel overtime? What does it cost us for respiratory illness? What does it cost in private property damage?

Kern County supervisors and city officials seem to turn a blind eye to the bad air days. The air is and has been in the unhealthful range most of the time for weeks now. How come we can't burn wood in our fireplaces on bad air days in the winter and then turn around and allow major polluting on July 4th? Could fireworks fall under the second-hand smoke laws that disallow smoking of tobacco in public buildings?

The Air Resources Board should never have given an extension to Kern County on meeting air quality. Arvin, where is your voice in this? Most of the fireworks smoke from Bakersfield went in your direction. You must have artificial lungs.

Non-profit agencies say the sale of fireworks is a major source of money for their programs. Until fireworks are banned, why not have them pay for fire and emergency personnel overtime, emergency room staffing, property damage, etc.? We taxpayers pay enough. It's time for our county and city officials to clear the air instead of listening to the non-profit lobby.

-- JOHN SIERCKS, Bakersfield