

Judge rejects carmakers' emission suit

By DAVE GRAM , Associated Press Writer

in the Modesto Bee and Contra Costa Times, Thursday, September 13, 2007

MONTPELIER, Vt. — Vermont and several other states scored a victory on Wednesday in their battle to get automakers to comply with rules aimed at reducing global warming.

A federal judge ruled that states can regulate greenhouse gas emissions from vehicles, rejecting automakers' claims that federal law pre-empts state rules and that technology can't be developed to meet them.

"There is no question that the GHG (greenhouse gas) regulations present great challenges to automakers," Judge William Sessions III, sitting in the U.S. District Court in Burlington, wrote at the conclusion of his 240-page decision.

He added, "History suggests that the ingenuity of the industry, once put in gear, responds admirably to most technological challenges. In light of the public statements of industry representatives, (the) history of compliance with previous technological challenges, and the state of the record, the court remains unconvinced automakers cannot meet the challenges of Vermont and California's GHG regulations."

During a 16-day trial that concluded in May, auto industry executives testified that the regulations - adopted by California and 11 other states and pending in three others - would not stop global warming but would impose devastating new costs on the industry.

Slated to start phasing in as of 2009, the limits would require a 30 percent reduction in carbon dioxide emissions from cars and trucks by 2016, a standard the car makers have maintained would require average fuel economy standards for cars and the lightest category of trucks of 43.7 miles per gallon.

For the rules to take effect, the Environmental Protection Agency still must grant a waiver applied for by California under the federal Clean Air Act. California has won several such waivers in the past, allowing it to set up more stringent vehicle anti-pollution standards than the federal government's and then for other states to piggyback on them.

David Doniger, senior climate lawyer with the Natural Resources Defense Council, one of several environmental groups that sided with Vermont, said the waiver request was given a big boost by an April 2 U.S. Supreme Court decision saying carbon dioxide was a pollutant worthy of regulation.

Doniger said the EPA could deny the waiver if it finds that achieving the carbon reduction standard was not technically feasible. But he said automakers "threw everything they had," providing copious documents and experts to try to persuade the judge that was the case, and he didn't buy it.

Gov. Jim Douglas hailed the court's ruling. "We were up against a very strong adversary in the auto industry, but the law and the facts were clearly on our side," he said. "Most of Vermont's greenhouse gas emissions are from motor vehicles, so if we're going to reduce our carbon footprint, we need to set high but achievable standards for automobiles."

Dave McCurdy, president and CEO of a main plaintiff in the Vermont suit, the Alliance of Automobile Manufacturers, said in a statement, "It makes sense that only the federal government can regulate fuel economy. Automakers support improving fuel economy standards nationally, rather than piecemeal, and will continue to work with the Congress, NHTSA (National Highway Traffic Safety Administration) and EPA to reduce our oil dependence while increasing fuel economy."

McCurdy said his group may appeal the decision.

Automakers maintained that cutting carbon requires improving fuel economy, since carbon emissions are proportional to the amount of gasoline burned. And they said fuel economy, under a 1975 federal law, is solely under the jurisdiction of the U.S. Department of Transportation.

The states argued that they can regulate carbon emissions as a tailpipe pollutant under the Clean Air Act.

California upped the ante in 2005 by adding carbon dioxide to its list of regulated tailpipe emissions. Other states were required either to apply the enhanced California rules or revert to the federal standard.

Automakers filed suit in California, Vermont and Rhode Island. Vermont's case was the first to go to trial, after a federal judge in California put a similar case there on hold pending the outcome of the April U.S. Supreme Court decision.

Vermont Attorney General William Sorrell, whose office represented the state in the trial, called the ruling "a major victory. They (automakers) will appeal, probably. But for folks who are concerned about global warming and environmental quality in this country and in the world, this was a good day."

A hearing is set for Oct. 22 in a similar case in California. But Matt Pawa, a lawyer who represented three national environmental groups in the Vermont trial, said the Vermont ruling makes it likely the California case will be dismissed.

"The persuasiveness of Judge Sessions' decision, we expect, should carry the day" in California, Pawa said.

He called the ruling "a historic win for the planet, for Vermont, for the cause to curtail global warming, and for the right of states to set more stringent limits on all kinds of pollution, including greenhouse gas emission standards."

States gain sway on emissions curbs

A federal judge in a suit by automakers against Vermont bolsters California's effort to limit pollutants.

By Marc Lifsher and Janet Wilson, Los Angeles Times Staff Writers
L.A. Times, Thursday, September 13, 2007

California's efforts to combat global warming with tough restrictions on tailpipe emissions got a boost Wednesday from a federal judge, who upheld states' right to require that vehicles emit far fewer pollutants.

The judge, ruling in a lawsuit filed by automakers against Vermont, said that that state's emissions standards -- which are based on those outlined in a 2002 California law -- weren't "sufficiently draconian" to usurp the federal government's right to set fuel economy standards.

U.S. District Judge William K. Sessions III said he was confident that manufacturers could build cleaner cars.

"History suggests," he said in his decision, "that the ingenuity of the industry once put in gear responds admirably to most technological challenges."

A similar suit filed by carmakers against California is awaiting trial in federal court in Fresno. State

officials and their environmental allies said they were confident they would win now that Sessions had handed down a 240-page decision studded with sophisticated scientific and engineering arguments dismissing carmakers' claims.

The relatively new emissions rules in California, Vermont and a dozen other states focus on limiting the release of carbon dioxide and other so-called greenhouse gases that contribute to rising global temperatures.

The rules' implementation could boost the average fuel economy of gasoline-powered cars to an estimated 43.5 mpg in 2016 from 27.5 mpg today, according to James Tripp, an attorney with Environmental Defense, one of the parties in the Vermont and California lawsuits.

The domestic and foreign auto companies that filed the suits in Vermont and California said in a statement that they were "weighing their options, including an appeal."

Kim Custer, the communications director for the Assn. of International Automobile Manufacturers, which includes Toyota, Nissan, Honda and other foreign firms, said the association was worried that the country could "end up with a patchwork of different regulations as more and more states opt for the California regulations."

California Gov. Arnold Schwarzenegger called the Vermont ruling an "important victory in the fight against global warming." The governor and state Atty. Gen. Jerry Brown have vowed to sue the U.S. Environmental Protection Agency if it doesn't give California the waiver needed to set its stringent emissions rules in motion. The state requested the waiver in 2005.

"The EPA is in an unconscionable stall," Brown said Wednesday. "It's crystal clear that they must act favorably on California's petition."

EPA Administrator Stephen L. Johnson will make a final determination on the California waiver request by the end of this year, an agency spokeswoman said.

In the meantime, the auto industry should "stop wasting millions on legal fees and start paying their engineers to build these cars to be cleaner," said David Bookbinder, the head of the Sierra Club's climate change program and a lawyer in the Vermont case.

Bookbinder predicted that the judge in the California case would decide that "another full trial is ridiculous."

Those sentiments were echoed in a letter sent Wednesday to six auto-company chief executives from Schwarzenegger and the governors of New York, Massachusetts, Pennsylvania and nine other states. The letter asked the companies to "withdraw your legal challenges to clean vehicle standards and begin working with us to meet our joint obligations to begin reversing the threat of global warming."

In the Vermont case, the automakers' argument was the same as it is in California: Only the federal government can set fuel-efficiency standards and, indirectly, carbon-emission standards for cars and light trucks.

Congress has deemed California -- which historically has been in the forefront in the fight against air pollution -- the only state that can devise emissions rules that differ from federal standards. Vermont and other states have the right to follow the tighter California standards, if the Environmental Protection Agency approves California's regulations.

The EPA until recently claimed it had no authority under the Clean Air Act to regulate greenhouse gas pollution. But the U.S. Supreme Court knocked down that contention in an April 2 decision involving a suit filed by Massachusetts and other states against the Bush administration.

"The Supreme Court recognized for the first time the phenomenon of global warming and its potentially catastrophic effects upon our environment," Judge Sessions said in his decision Wednesday. He concluded that the EPA, and by extension California, "has the authority to monitor and regulate such emissions."

Environmentalists are hoping that the automakers' two recent losses will prompt the federal judge in Fresno to uphold California's ambitious efforts.

"A defeat in California would be a third strike for automakers and would bring an end to their three-year-long legal battle to block the California standard," said Patricia Monahan of the Union of Concerned Scientists.

Study: Pollution raises exercise risks

By LINDA A. JOHNSON, Associated Press Writer

in the Modesto Bee and Contra Costa Times, Thursday, September 13, 2007

People with heart disease may want to steer clear of heavy traffic when exercising or simply take their workout indoors to avoid breathing polluted air.

Exercising in areas with high levels of diesel exhaust and microscopic soot particles is especially risky for people with heart disease, according to the first study in which heart patients were directly exposed to pollution.

European researchers found that brief exposure to diluted diesel exhaust during exercise reduced a key anticlotting substance in the blood and worsened exercise-induced ischemia, or insufficient flow of blood and oxygen to the heart - changes that can trigger a heart attack and even death.

"We now have evidence that being exposed to diesel fuel during exercise will cause cardiac ischemia and that if you have heart disease, it can only make things worse," said Dr. Abraham Sanders, a lung specialist at New York-Presbyterian Hospital who was not involved in the study.

The results have big implications: About 16 million Americans have heart disease, according to the American Heart Association. In addition, people with asthma, bronchitis and chronic obstructive pulmonary disease also should use caution and avoid polluted air when exercising, Sanders recommended. But heart and respiratory patients should keep exercising regularly because it is so beneficial to overall health, doctors stress.

Numerous studies have shown a link between short-term and long-term exposure to air pollution and higher rates of hospitalizations and deaths due to poor blood supply to the heart, abnormal heart rhythms, gradual heart failure and stroke.

This study adds to that knowledge about how air pollution harms people and aims to show what pollution is doing in the body, information that might eventually give clues for preventing such problems, said Dr. Howard M. Kipen, director of clinical research at Rutgers University's Environmental and Occupational Health Sciences Institute.

"It's quite amazing, what they found," but not a surprise, he said. Still, "most doctors aren't aware that little bits of pollution can cause heart attacks."

The European study was reported in Thursday's New England Journal of Medicine.

Researchers in Sweden and the United Kingdom tested 20 men aged about 60 who had survived a heart attack at least six months earlier, had blockages cleared and propped open with a stent, and were getting treatment to prevent a second heart attack. The researchers noted they only tested men with stable heart disease and good tolerance for exercise, and monitored each closely to ensure none suffered any health problems.

On two separate occasions, each man was put in an enclosed chamber for an hour and exposed to either diluted diesel exhaust or clean, filtered air. They rode an exercise bike for two 15-minute periods and rested in between. The men had electrodes attached to their bodies to monitor the heart's electrical activity, like what happens in a standard heart stress test.

While exercising and exposed to diesel exhaust, the men experienced drops in the heart's electrical activity two to six times greater than when they were breathing filtered air. Those reductions indicated the heart muscles were not getting enough blood.

While diesel exhaust contains many harmful chemicals, the researchers said they believe that particulates in the exhaust are the main harm to the heart patients.

A 2000 study in six U.S. cities found the strongest association between risk of death in heart patients and air pollution exposure was for microscopic air particulates, such as those in diesel exhaust.

The European researchers noted particulate concentrations can regularly hit 300 micrograms per cubic meter - the level to which the study participants were exposed - in heavy traffic, workplaces such as factories and refineries and in the world's largest cities. Levels of some of the pollutants in the diesel exhaust were far above the limits recommended by the World Health Organization, they noted.

This study only included men, but Sanders said he thinks the findings probably apply to women. A recent report from the federal Women's Health Initiative found exercise in polluted environments causes a temporary reduction in blood flow to the heart muscle.

In an editorial, Dr. Murray A. Mittleman of Beth Israel Deaconess Medical Center in Boston wrote, "these findings may represent the tip of an iceberg" on how spikes in air pollution levels affect cardiovascular risk.

Kipen said his institute also studies health effects of diesel exhaust, generally on healthy people under age 45, but they use a more natural setting rather than an exposure chamber.

"We put them in a car and drive them around on the (New Jersey) turnpike at rush hour for two hours," Kipen said.

Bottom of Form

SSJID's goal: Power independence

New solar initiative may free homeowners

Dennis Wyatt - Managing Editor

Manteca Bulletin, Wednesday, September 12, 2007

South San Joaquin Irrigation District is about to launch its third venture aimed at helping PG&E customers in Manteca, Ripon, and Escalon reduce their electricity costs.

As dirt was being tossed for a 1.9-megawatt solar energy farm adjacent to the South County Surface Water Treatment Plant on Tuesday near Woodward Reservoir, SunTechnics and SSJID were already putting together a plan that could ultimately free residents of the need to buy electrical energy.

In a nutshell, SSJID will work to gather together interested homeowners in groups of perhaps 20 to install solar generation equipment at each location. Sun Technics Regional Sales Manager Eric Bakke said in doing so it will significantly reduce installation costs.

"It (solar energy generation for homes) is a positive cash flow from day one," Bakke said.

The goal is to roll out a program by the end of the year to group interested homeowners who want to reduce their power costs by going solar.

Bakke added that new technology and lower costs have made it feasible for positive cash flow from the first month a residential solar installation is put in place.

That means the loan payment is less than what the average monthly electricity cost has been for a house before converting to solar panels that have a guaranteed life of 20 to 25 years. Not only is the monthly cost less but as PG&E raises rates - 4.1 percent on January for residential uses - power generation cost with solar remain constant. Eventually the system is paid off and the homeowner is essentially getting their power for free.

If the program takes off and SSJID eventually takes over the retail system from PG&E and imposes 15 percent across the board rate cuts that they will have less customers to sell electricity to or to collect money from. That, however, is exactly what SSJID wants.

"Selling electricity is a business for utilities such as PG&E," said SSJID Power Systems Manager Jeff Shields. "The way we look at it, we are here to supply heat, light and horsepower needs and not to sell you electrons."

That is the same philosophy SSJID used to partner with BPL Global for the EasyGreen load management program that more than 1,200 households in Manteca have signed up for so far. By controlling air conditioning units remotely by wireless technology when load demand peaks, participating households are able to save up to \$300 a year if they go for the program that keeps the temperature at 78 degrees and \$600 if they opt for the 84 degrees.

Not only do homeowners, and not SSJID, pocket the savings but the irrigation district has paid incentives in the form of \$75 Visa gift cards to encourage Manteca households to sign up. SSJID is also covering the cost of the equipment and installation.

Tuesday's groundbreaking of the \$12.8 million solar energy farm on Dodds Road 16 miles northeast of Manteca is the other initiative that SSJID has undertaken to reduce power consumption by harnessing renewable energy that does not generate [air pollution](#). It will have 11,040 solar panels that will track the sun to provide all of the electricity needed to power the water treatment plant serving Manteca, Tracy, and Lathrop.

"This is done at no risk to the cities," said SSJID General Manager Steve Stroud. "The worst that could happen is they end up paying PG&E for the power to run the plant which is what they are doing now."

The SSJID has structured it to eliminate the outside possibility that the solar farm may not produce as expected. As highly unlikely as that is, the district wanted to provide an ironclad guarantee that cities won't be impacted.

The three cities actually are expected to see power costs go down almost immediately since a new PG&E rate hike will go into effect on Jan. 1 the day after the deadline for the solar farm is scheduled to go on-line.

Part of the SunTechnics deal is to get the solar farm operating by Dec. 31 so the third party investor - Morgan-Stanley Greenrock - which is leasing the land, paying for the solar farm, and selling electricity back to SSJID - can take advantage of upwards of \$8 million in federal and state tax credits this calendar year. They are also investing on an accelerated seven-year depreciation schedule. Unlike tax deductions that are taken off income before taxes are factored into the equation, tax credits are the same as cash

When the system is paid off, most of the treatment plant's power costs will then go away as well.

SSJID was unable to take advantage of the tax credits since they are a governmental agency.

After 10 years, the district would have the option to buy the complex.

Congressman Jerry McNerney, D-Pleasanton, was in attendance at the groundbreaking. He's made renewable energy power such as solar one of his signature issue.

"It is a little surprising," McNerney admitted to see the Manteca portion of his district arguably more aggressive when it comes to pursuing solar power options that portions that are west of the Altamont Pass in an area that has traditionally been painted as extensively friendly to the environment.

"I'm just thrilled to see projects like this," he added.

McNerney also was impressed with the pending SSJID-Sun Technics effort to group homeowners together to drive down the price installing free-standing solar residential energy systems.

"Farmers are very good stewards of the land," McNerney said reference to the fact the SSJID board is run by five men - four of which make their living in agriculture. "They don't want to see the land that they depend upon to make a living damaged."

The solar farm, which will generate the equivalent of the power needs of 600 homes, will reduce **air pollution** by:

- 4.1 million pounds of carbon dioxide.
- 34,900 pounds of sulfur dioxide.
- 15,000 pounds of nitrogen dioxide.

Changes in fires clear valley skies

Written by Staff report

Patterson Irrigator, Wednesday, Sept. 12, 2007

A 47,760-acre fire in the hills southwest of Patterson finally was extinguished early Tuesday, after burning more than a week.

The Lick Fire, started Sept. 3 by a blaze in a burn barrel that got out of control burned in Henry Coe State Park, helped sour air quality in the Central Valley to the east.

Meanwhile, the massive Moonlight Fire in Plumas National Forest, which caused the bulk of the valley's air quality problems, continued to cause wreckage Tuesday, consuming more than 63,000 acres.

However, the smoke, which had been hanging over the Central Valley, was instead blowing east into the Nevada area.

"We're not seeing an impact from the Moonlight Fire," said San Joaquin Valley Unified Air Pollution Control District spokeswoman Maricela Velasquez.

Still, she said, some smoke could remain in parts of the valley, and valley residents could see more problems in if the wind direction changes.

The Moonlight Fire was only 28 percent contained as of Tuesday.

Meanwhile, local firefighters at the Lick Fire have all returned home, said Division Chief Jeff Gregory of the West Stanislaus Fire Protection District.

The district sent one firefighter from Newman, and five firefighters from the Patterson Fire Department to battle the blaze.

Poor air quality causes schedule changes

Enterprise Staff

Selma Enterprise, Wednesday, Sept. 12, 2007 (11 a.m.)

The environment has caused extra headaches for local athletic directors.

In the first week of the high school football season, game times were changed due to the heat advisory.

Last Friday night, poor air quality, caused by a large wildfire in Northern California, forced more changes in football schedules.

At Kingsburg High School, Athletic Director Doug Davis announced that the junior varsity game started an hour later than originally scheduled. Davis said that he was getting plenty of calls on the status of Saturday's Kingsburg Early Season Cross County Invitational, which was not effected by the bad air.

"We are going to move the Kingsburg High School Athletic Department to Hawaii," joked Davis.

Selma High School's junior varsity football contest was canceled, as all junior varsity contests were in Fresno, Clovis and Central unified districts.

The game was originally rescheduled for Monday at 4 p.m. in Fresno. But Fresno Unified School officials did not allow McLane to play the contest, according to Selma High School Athletic Director Randy Esraelian early Monday afternoon.

Two of the three area youth football leagues had their games canceled on Saturday. The Selma Bandits did not play in the Central Valley Youth Football League while the Kingsburg Lions were idle in the Tri County Youth Football League.

In Fowler, the junior varsity game start was pushed back to 7 p.m. and a running clock was used.

A large wildfire in northern California continued to send a smoke plume through the Valley, prompting local air-pollution officials to urge schools to postpone outdoor athletic activity throughout Friday and possible into the weekend.

Through a letter dated Friday to all County Offices of Education and multiple Valley school districts, the Valley Air District strongly recommended that schools postpone all outdoor activity, including sports, in areas where smoke can be seen or smelled until the smoke dissipates, which could occur over the weekend.

Thanks to a relatively clean summer ozone season, current pollution levels in the Valley had not reached the trigger level for a mandatory federal Stage One Alert. Yet, the Valley Air District took preventative actions to prohibit local emissions such as all agricultural burning and is requesting that the general public postpone activities that generate air pollution. The Valley Air District is also advising the public to avoid prolonged or intense exposure to the smoke.

"Due to the adverse health effects that can be attributed to smoke, such as the aggravation of heart and lung diseases and asthma, we are strongly urging schools and residents to take steps to avoid exposure in those areas where smoke is present," stated said Seyed Sadredin, the Air District's Executive Director/Air Pollution Control Officer.

The smoke plume from the Moonlight Fire in Plumas County (northeastern California) and the Lick Fire in Henry Coe State Park (Santa Clara County) is impacting air quality in the San Joaquin Valley Air Basin. At 8 a.m. Friday, smoke was impacting the Fresno Metro area to the greatest degree and other parts of the San Joaquin Valley are being impacted to a lesser degree. The 8 a.m. PM2.5 (fine particle) concentration at Clovis was 184 ug/m3 (the current PM2.5 standard is 65 ug/m3). At 8 a.m., satellite images indicated the plume from the Moonlight Fire had changed

direction (since yesterday) and is now moving to the east over Nevada. Smoke from the Lick Fire was pooling over the Central San Joaquin Valley. Stagnant conditions were forecast to continue Friday and over the weekend. Residents of the San Joaquin Valley air basin are advised to take precautions to limit health effects from the smoke. If residents are smelling smoke, then they are likely being impacted by smoke health effects.

Smoke is made up of a complex mixture of gases and fine particles produced when wood and other organic matter burn. The biggest health threat from smoke comes from fine particles. These microscopic particles can get into your eyes and respiratory system, where they can cause health problems such as burning eyes, runny nose, and illnesses such as bronchitis.

Two Allensworth-area dairies won't be built

By Sentinel Staff

Hanford Sentinel, Wednesday, Sept. 12, 2007

ALLENSWORTH -- The state has agreed to pay \$3.5 million to a Tulare County farmer to prevent two [large dairies](#) from being built near a park that pays tribute to a black community founded by a freed slave.

Under the agreement reached Monday, the state Department of Parks and Recreation will pay Sam Etchegaray to guarantee that he won't build dairies near Colonel Allensworth State Historic Park.

Etchegaray will still own the land and can continue farming it, but he will be barred from running "any type of animal operation" on the two parcels he had targeted for dairies. The bill requires final approval by the state Public Works Board.

"(Monday's) agreement protects the cultural and historical significance of Allensworth State Park, while at the same time respecting private property rights," Gov. Arnold Schwarzenegger said in a statement.

The park, which historians and black leaders consider sacred ground, is named after Col. Allen Allensworth, who founded the town in 1908. Allensworth became the only California town founded and operated by blacks.

Black leaders statewide have spent more than a year lobbying against the dairies. Earlier this year, Attorney General Jerry Brown filed a lawsuit and Assembly Member Wilmer Amina Carter, D-Rialto, introduced a bill to block feeding operations near the park.

Park bill held for now

By Jake Henshaw, Sacramento Bureau

Visalia Times-Delta and Tulare Advance-Register, Thursday, Sept. 13, 2007

SACRAMENTO - The debate over the protection - and future - of Col. Allensworth State Historic Park will be back next year, Assemblywoman Wilmer Amina Carter, D-Rialto, promised Wednesday.

Carter said she plans to keep her bill alive to keep dairies at least 2 1/2 miles from the park, but will be working with state and local officials to consider other ways to protect the historic site.

Her measure, Assembly Bill 576, is one vote away from going to the governor.

But Carter said she decided to delay a final vote after the governor reached a \$3.5 million agreement with land owner Sam Etchegaray to buy an easement that would end his plans for a dairy near one side of the park.

Carter and other critics of the proposed dairy claimed it would generate odors, flies and water pollution that would undermine the park's operation.

"The immediate threat is gone," Carter said. "I am really very thankful to the governor."

But she took credit for forcing the agreement.

"There's no doubt that my legislation was the hammer that sealed the deal," she said.

Carter said she is interested in protecting the park on all sides from possible future developments.

Tulare County supervisors are considering the creation of a "mitigation zone" on the north and west sides of the park where [dairies and other large animal operations would be banned](#).

Carter said Gov. Arnold Schwarzenegger's administration, the Assembly speaker's office and the Legislative Black Caucus have pledged to work with the Tulare County Board of Supervisors on economic development opportunities near the park.

The first-term legislator said she and other supporters want to develop other agricultural and commercial enterprises that could include restaurants and hotels for visitors who now must go elsewhere for these services.

The park was created to preserve the state's only African-American community, founded in 1908 by Col. Allen Allensworth, a black Civil War veteran.

Carter said she has talked with Schwarzenegger about development around the park and is convinced that the attention generated by the proposed dairy and her bill provide an opportunity to protect the park and improve its future prospects.

"It is our time in history to do something about it," she said.

Legislature's session ends in rush of bills

By James P. Sweeney, COPLEYS NEWS SERVICE

In the San Diego Union-Tribune, Thursday, Sept. 13, 2007

SACRAMENTO - In a final flurry, weary lawmakers sent the governor measures to ban smoking in cars with children, outlaw "patient dumping" and reduce college fees for illegal immigrants before adjourning this year's regular session early yesterday.

But Gov. Arnold Schwarzenegger's top priorities - health care coverage for all Californians, expanding the state's water system and overhauling the way political districts are drawn - were left for another day, to the frustration of the administration and many lawmakers.

Negotiations on health care and water will resume soon in special sessions that could continue through the fall. But talks on redistricting appeared to be finished for the year.

Assembly Speaker Fabian Núñez, D-Los Angeles, who has been highlighting legislative performance to build support for a ballot measure to restructure term limits, said too much time was lost to a seven-week budget stalemate.

"The one thing that threw a wrench into the 2007 session was the budget impasse," Núñez said. "Beyond that, I think this has been a pretty good legislative year. We set the bar pretty high."

Núñez said lawmakers still have an opportunity in the special sessions to deliver one or two major accomplishments.

"We've come a long way on health care reform," he said. "When we turn the corner on these special sessions, I think we're going to have something to point to."

Midway through the grueling final night, Democrats' disappointment was compounded by the governor's veto of a measure that authorized a statewide advisory vote on the Iraq war. The measure, which critics said was aimed at increasing Democratic turnout in the Feb. 5 presidential primary and help the term-limit measure, was carried by Senate President Pro Tempore Don Perata, D-Oakland. If voters approve the term-limit measure, Perata and Núñez are among the termed-out legislative leaders who would be allowed to run for re-election next year.

The car-smoking measure, SB 7, succeeded where past legislation had failed.

"Times have changed, and I think the public just embraces this now in a way that they didn't before," said Sen. Jenny Oropeza, D-Carson, who sponsored the bill.

The measure also may have been aided by another round of public health warnings about the dangers of secondhand smoke. [The California Air Resources Board recently declared secondhand smoke a toxic air contaminant](#), and the surgeon general warned that there is no safe level of exposure.

Motorists caught smoking while driving or parked with anyone younger than 18 inside could be fined \$100. A person driving could only be fined if pulled over for another reason, Oropeza said.

The Republican governor, a cigar smoker with a record of support for children's programs, has not taken a position on the measure, a spokeswoman said.

Parents and those who transport children also may have to provide booster seats for children who have been out of car seats for a while. Lawmakers passed AB 881, which would force children to use booster seats until age 8, unless they are at least 4 feet 9 inches tall.

The existing law requires children to ride in a booster or child car seat until they are 6 years old or 60 pounds. The latest measure by Assemblyman Gene Mullin, D-South San Francisco, would take effect July 1 if signed into law. Violators would face a \$100 fine. Schwarzenegger, however, vetoed a similar measure last year.

In response to reports of hospitals dropping off poor, often homeless patients at public care facilities, lawmakers approved a measure that would impose fines starting at \$150,000 for the practice, known as patient dumping.

Hospitals would be barred from transporting patients anywhere other than their home without the patient's consent, unless the move is a "lawful transfer" to another health facility. Sen. Gil Cedillo, D-Los Angeles, carried the bill, SB 275, for the Los Angeles City Attorney's Office.

Cedillo also wrote SB 1, which would make illegal immigrants who graduate from California high schools eligible for in-state tuition and financial aid at the University of California, California State University and state community college systems.

"Providing illegal immigrants with taxpayer-funded fee waivers and financial aid is offensive to the millions of legal immigrants in California who have worked hard and played by the rules," Assembly Minority Leader Mike Villines, R-Clovis, said in denouncing the bill's passage.

Schwarzenegger rejected similar legislation last year and likewise is expected to veto SB 1.

An additional measure sent to the governor would require restaurant chains with 14 or more outlets to add nutritional information to their menus. The information would have to include the number of calories, grams of saturated and trans fats, carbohydrates and milligrams of sodium.

The bill, SB 120 by Sen. Alex Padilla, D-Pacoima, is aimed at curbing obesity and diabetes. It passed late Tuesday, the same day a New York judge threw out a similar law.

As often happens, the waning hours produced surprises that dominated sideline chatter in both chambers.

Núñez raised eyebrows when he rewrote a Senate bill to make the wealthy developer of an entertainment and hotel complex planned for downtown Los Angeles eligible for public bond funds.

Affordable-housing advocates said voters approved the money to finance housing for the homeless, seniors and battered women. Instead, the legislation would make Anschutz Entertainment Group, owner of the Staples Center, eligible for grants from a \$2.8 billion housing bond issue approved last year.

In another matter, the session's adjournment just before 3:30 a.m. dealt a stinging defeat to one of the state's most powerful special interests, the union that represents California prison guards.

Unable to persuade the Schwarzenegger administration to agree to what it wants in a new contract, the California Correctional Peace Officers Association pushed a bill that would have given its members a 10 percent raise over two years. While the union and its lobbyists were trying to sort out confusion over late amendments to the bill, lawmakers gavelled the session to a close.

[Modesto Bee Editorial, Thursday, September 13, 2007](#)

Valley air quality board needs more members

A bill headed to the governor's desk would -- at long last -- expand the membership of the governing board of the valley's air district. The governor should sign it.

Senate Bill 719, written by Sen. Mike Machado, D-Linden, passed the Assembly on Monday. Earlier, it was approved by the Senate. It took several tries to get this reform through the Legislature, but the effort was worth it.

The bill would add two representatives of large valley cities and, more important, two medical experts appointed by the governor to the board of the San Joaquin Valley Air Pollution Control District.

Gov. Schwarzenegger hasn't indicated how he views the bill, but it was just a couple of months ago that he signaled, in strong terms, his unhappiness with the status quo in the valley, and in particular with regard to the air district board's proposal to delay cleanup of the valley's air until 2024.

And upsetting the status quo is what this bill is all about. The air district board has been dominated from the beginning by eight representatives -- out of 11 -- from county boards of supervisors. The remaining three seats are rotated among the valley's cities, large and small.

That lineup, largely beholden to established interests in agriculture and industry, more often than not has been an obstacle to progress in the fight to clean the air, rather than an aggressive agent for needed changes.

It also has led to the largest cities often being unrepresented in the deliberations and decisions of the air district board.

That will change if Schwarzenegger signs the bill. The board would grow to 15 members, and always would include at least two members from cities in the eight-county district with more than 100,000 residents. Those are Fresno, Modesto, Stockton, Visalia and Bakersfield.

The greater impact could come from the medical experts who would be appointed by the governor. One would have to be a physician with expertise in the health impacts of air pollution; the other would be required to have medical or scientific expertise in air pollution.

Farm and business interests lobbied strongly against the bill, as they had in its earlier incarnations. One of their misleading claims is that the board would be controlled by outsiders. It wouldn't. Thirteen members would be valley elected officials and the two medical experts must be valley residents.

The governor has a chance to move the ball forward in addressing air pollution in the valley. We urge him to do so by signing SB 719.

[Merced Sun-Star Editorial, Thursday, September 13, 2007](#)

Our View: Truck policy spurs questions

A pilot program allowing Mexican semis to roam freely in the United States still has a lot of issues to iron out

A pilot program that allows Mexican trucks full access to American highways has prompted a barrage of protest. Some of the objections are reasonable, others seem rooted in baser motives.

There are reasonable questions about the safety of Mexican trucks and the rules governing Mexican drivers. Mexican drivers, for instance, aren't required to rest as often as American drivers. They might have to follow American rules once in this country, but what's to prevent them, critics ask, from arriving at the U.S border already tired and then continuing to drive across this country? Another concern is whether Mexican trucks will further foul the air in sensitive regions. Mexican trucks are older, on average, than their U.S. counterparts, and older diesel engines are much more polluting.

Many American truckers -- especially those who operate as independent contractors -- are worried that Mexican trucking companies will undercut wages, thus endangering American jobs.

The pilot program, which got under way this week, has also sparked anti-immigration forces into loud protests. In some cases, that appears to be little more than paranoia tinged with racism.

But concerns about safety, the environment and the impact on American jobs are real and will have to be addressed as this one-year program advances.

The official report on the program from the inspector general of the federal Department of Transportation says the agency has taken the proper steps to ensure that Mexican trucks operate safely. DOT's Federal Motor Carrier Safety Administration plans to go beyond statutory requirements and will check every truck that enters from Mexico for safety. A similar effort is made with trucks crossing from Canada, which have had full access to American roads for years.

That sounds good, but will that rigorous examination always be possible? There is always a danger that budget cuts, for instance, could cause the department to cut back on such inspections in the future.

And will the federal government later try to shift the responsibility -- and the cost -- to overburdened border states already impacted by the federal failure to secure the borders? One of the conditions of the North American Free Trade Agreement, which was passed in 1994, requires that all roads in the United States, Mexico and Canada be open to carriers from all three countries. The United States has delayed opening the roads to Mexican trucking firms until now.

We support free trade, but it must also be fair. In addition, free trade should not come at the expense of safety and the environment.

Participants in such arrangements as NAFTA should pull themselves up to the highest standards, not hew to the level of the lowest common denominator.

The pilot program is a good idea, if it gives us answers to all these questions. Some of the concerns about Mexican trucks are easy to dismiss. Others are serious and cannot be ignored.

[Letters to the Fresno Bee, Thursday, Sept. 13, 2007:](#)

'Victory for all'

Your article regarding the passage of the Valley air board [Sept. 11] bill suggests that it was merely a "victory for environmentalists."

Do Bee writers breathe Valley air? I know I do. In fact, I am pretty sure we all do, including the 60% of Valley children who have some form of asthma. This is a victory for all Valley residents.

Dru Zachmeyer, Fresno

'A giant fraud'

Recently it should have become evident that the air quality concerns in Fresno and the south Valley are a giant fraud. A forest fire in Plumas County, 200 miles to the north has such an effect on us -- how about the pollution from the Bay Area, where does that go?

It's time to dismantle the air quality board in our area and spend the money on something that matters, instead of welfare for bureaucrats who want to tell us that we are the problem. Some people will say anything to keep their jobs.

John Vukson, Fresno

[Visalia Times-Delta and Tulare Advance-Register, Editorial, Thursday, Sept. 13, 2007:](#)

Allensworth ending should be applauded

This week's compromise over protecting the integrity of Col. Allen Allensworth State Historic Park was a wise move that should protect the positions of all interested parties.

On Monday the state agreed to buy the dairy rights of property owner Sam Etchegaray adjacent to the park to guarantee that the park would be protected by a buffer zone. Etchegaray had proposed building two large dairies near the park. The proposal needs to be ratified by the Legislature.

Tuesday, Tulare County gave its blessing by proposing a two-mile buffer zone around the park, providing further assurance that the historic park commemorating the West's only self-sufficient settlement founded and operated by African-Americans would remain inviolate, at least from dairies or other livestock operations. Some other development will be permitted, but Allensworth supporters need not worry that their shrine to African-American history will be marred by odors, flies, unsightly views or polluted air and water.

The compromise is to be applauded, because for most of this year, it had looked hopeless, with three lawsuits in the wings, a series of protests, recriminations from both sides and further threats against policymakers no matter how it turned out.

Etchegaray had been working on his proposal for nearly 10 years. He had proposed two dairies, one of 3,500 head and another for 4,000 head, on two parts of his 2,691 acres east and northeast of the park, and just south of parts of the Pixley National Wildlife Refuge.

When the county approved a permit for the dairies, African-Americans from throughout California protested. They feared that the state historic park would be ruined by its proximity to large dairy operations.

Allensworth not only honors one of the most respected and well-known African-American leaders of the 19th century, it commemorates the independent community that thrived there around the turn of the century. African-Americans owned the property and businesses and operated the town as a utopia. Water problems as well as the intrusion of the railroad led to Allensworth's decline, and the town all but dried up in the 1930s.

The site is sacred ground to African Americans today, carrying the same significance as national historic sites such as Jamestown, Va., and Plymouth, Mass.

State lawmakers introduced legislation to protect the park, and local officials protested interference from Sacramento. The controversy threatened to boil over in the Capitol.

This week's compromise allows everyone to claim victory.

- Etchegaray receives additional value for his property.
- Allensworth supporters get protection for their site, for now. We still think they should lobby for better things for Allensworth. This might be only the beginning.
- Gov. Arnold Schwarzenegger escapes from a nasty political dilemma - does he anger African-Americans or his Republican supporters?

- Tulare County allows itself to save face that it still retains local control.

Now everybody can back off the lawsuits and the protests.

Tulare County needs to draw a lesson from this episode: It might have control over the area around Allensworth, but it needs to be responsible about exercising that control. It should promote the town and the historic site and do what it can to preserve this monument to freedom and independence.

Tulare County residents need to recognize that some places in our Valley also belong to others far away. We are used to sharing "our" natural wonders such as Mt. Whitney and the giant sequoia groves. We should also be willing to share the rich historical and cultural traditions that have been the foundry in which were forged the principles that define us.

This was a good solution for Allensworth, but not the final one: That will come when we appreciate Col. Allen Allensworth State Historic Park as a Tulare County treasure as dear as General Sherman, Mineral King and Mt. Whitney, and take the tangible steps to protect it.

[Bakersfield Californian, Letter to the Editor, Thursday, Sept. 13, 2007:](#)

Focus on air, not PR

After reading the article "Air district's findings 'biased,' professor says," I believe the air district is focused more on how they're perceived as a regulatory agency than what the truth is.

Telling the public that the air is 80 percent better is giving the impression that we don't have far to go to make the air 100 percent clean.

Professor de Leeuw's statistics give the public a more realistic view of how hard we're going to have to work and how much has to change so our children can have clean air to breath.

I was offended by the air district's executive director, Seyed Sadredin's, comment that Arvin's air isn't getting worse and the smog season is almost over.

Arvin has the worst ozone in our nation. Nobody knows what the wintertime air pollution of particulate matter is in Arvin because the air district hasn't given Arvin a monitor that measures particulate matter.

PM 2.5 are the smallest particles of soot, dust and tiny droplets of toxic liquid that get suspended in the air we breath and are lodged into our lungs and cause serious respiratory problems. The PM 2.5 season is about to begin.

The air district needs to spend less money on public relations to improve their image and more money on the number of air monitors they place, and the data should be presented realistically so we can all know what needs to be done to clean everyone's air. There is no time or money to waste with misrepresentative PR.

-- LINDA MacKAY, Lebec