

California ahead of the pack - or out on a limb

A proposal to limit greenhouse gas emissions from cars could run into a serious roadblock from auto industry.

By Pat Brennan

The Orange County Register, Tuesday, July 6, 2004

California could become the first state in the nation to take up the fight against global warming.

But the state will likely have to take on automakers first. And much of the argument could hinge on one important question: Are greenhouse gases really air pollution?

Air-quality activists and the state Air Resources Board give an emphatic "yes!"

The state's proposed greenhouse gas regulation, announced last month, is mainly aimed at reducing carbon dioxide, believed by many scientists to be a major contributor to global warming.

But the air board, which sets smog rules mainly for cars and trucks, as well as activists, say the same elements that help form carbon dioxide also can cause health problems.

"One of the things global warming does is make smog worse," said David Doniger, an attorney with the Natural Resources Defense Council in Washington, D.C. "Almost anything kicked into the air from vehicles, power plants, human, industrialized, modern civilization qualifies as air pollution."

Automakers disagree. Because limiting greenhouse gases from cars also would mean burning less gasoline, they believe California is, in reality, attempting to set a fuel-economy standard.

That would fall outside the state's legal authority.

"States cannot set their own fuel-economy standards," said Eron Shosteck of the Alliance of Automobile Manufacturers, a national trade group. "The only way to control carbon dioxide emissions is to either make cars smaller or less powerful."

California leads way in air-quality regulations

If the proposed rule passes in its present form, it would require changes in car manufacturing starting in 2009. The air board staff says much of the technology already exists, though today it is often used to enhance performance rather than reduce greenhouse-gas emissions. Adjustments in fuel-injection systems, transmissions, valve timing and other engine-related functions, as well as air conditioning, all are mentioned as potential ways to reduce greenhouse emissions in an air board staff report on the proposed rule.

California has plenty of experience blazing new trails in air-quality regulation.

The state began trying to cut auto emissions in 1947 - a full seven years before the federal government got around to it.

By the time the federal Clean Air Act came into being in 1967, the state's history of smog control earned it a special privilege no other state enjoys: the right to pass its own auto emission rules.

The federal government, however, reserved for itself the exclusive right to set fuel-economy standards.

So the question - are California's greenhouse rules about pollution or fuel economy? - looms large on the public-policy horizon.

The case could be fought out in court, or through the chain of meetings and hearings that are a typical part of the bureaucratic rule-making process. It's too early to tell just how the debate will play out.

Automakers are submitting comments, which are being accepted through July 7 to the Air Rescues Board, on its proposal.

Public workshops, meanwhile, begin today on elements of the proposal. The workshops will focus on so-called "environmental justice" issues - whether greenhouse gases, including precursor pollutants that cause health problems, have an outsized effect on low-income or minority communities.

"Our position is, greenhouse gases do increase ground-level ozone," said Jerry Martin, spokesman for the Air Resources Board. "Ground-level ozone has been identified as air pollution."

Snap judgment might suggest that California is tilting at windmills with its new regulations, trying to fight a global problem without having jurisdiction over even a single country.

That is, until numbers and history are taken into account.

The state's economy is often compared to that of a good-sized country.

Automakers fear states going it alone

In the past, when California has decided to go it alone to control auto emissions, some manufacturers created a special line of cars just for marketing in the Golden State.

Others, perhaps seeing the writing on the drafting board, simply changed all their cars to meet the new standards.

And states such as New York have been so impressed, they have simply adopted California's standards.

In other words, the state's influence on the nation as a whole is far out of proportion to other states when it comes to air-quality control.

Still, cutting greenhouse gas emissions is a major departure, even for California.

One of the automakers' main fears is a "state-by-state patchwork quilt of varying fuel economy regulations," Shostek said. "It would drive up costs to consumers."

Doniger, of the Natural Resources Defense Council, is among the attorneys arguing in a separate case that the George W. Bush administration is wrong in contending that global warming is outside the purview of the Clean Air Act.

Doniger said he believes the state will prevail and add to its list of trail-blazing air quality rules.

"California has very strong legal rights," he said. "And we have very strong legal arguments in the state's behalf."

Clean air vs. cows: See you in court

By Gretchen Wenner, Californian staff writer
Bakersfield Californian, Tuesday, July 6, 2004

The outcome of a court battle between the dairy industry and air pollution officials could have a dramatic impact on local air quality.

That's because some 10 new dairies are possibly headed to Kern County, adding more than 100,000 milk cows to an estimated 297,000 already here.

And there's no way to say this nicely: That's an awful lot of cow pies stinking up some already messy air.

Air district officials say there's more to worry about than nasty smells. Emissions from manure, they say, are a significant source of pollution in the local air basin.

A new law that took effect July 1 requires large dairies to get air pollution permits.

It also means new dairies -- including any in Kern County -- would have to install the best pollution-limiting equipment on the market.

But such technology is expensive, costing possibly millions of dollars for each dairy. Industry groups want to wait for studies now under way at two universities before they invest huge sums in gear that might not work.

Last week, dairy groups lost the first round when a Fresno judge declined the industry's bid to temporarily wiggle out of the rule requiring existing dairies to apply for air permit applications. Some 350 valley dairies meet the size requirement of 1,954 or more cows, air officials say.

The legislation, part of a package affecting all agriculture operations, was spearheaded by state Sen. Dean Florez. The Shafter Democrat believes the rules will help clean the valley's dirty air.

Dairy officials haven't given up. They plan to take the matter to trial.

The two sides are currently scheduled to meet again in a Fresno courtroom in September.

Michael Marsh, chief executive of Western United Dairymen, which filed the suit along with the Alliance of Western Milk Producers, said the industry isn't opposed to running air-friendly operations.

Rather, dairymen object to what they consider faulty science.

Essentially, Marsh said, the law may require dairy farmers to install millions of dollars worth of technology when no one yet knows how much good the equipment will really do.

"Dairies want to do their part cleaning up the air," Marsh said. "At the same time, we don't want to be forced to implement technology that does nothing while the air stays bad."

Part of the problem is current pollution estimates are based on testing done in the 1930s.

But air district officials say it's still valid.

The data "has been peer reviewed many, many times over intervening years," said Dave Warner, a permit official with the San Joaquin Valley Air Pollution Control District.

The permits will help the air district inventory how many cattle are roaming around the valley, he said, which will help in drafting future regulations.

And the equipment requirements for new dairies are "stiff" measures that could significantly cut emissions.

Warner said that in one smog-forming category, the so-called "volatile organic compounds," dairies are "potentially the No. 1 source" of emissions in the valley.

Half of those emissions could be eliminated if dairies install "digesters" that turn manure into electricity, he said.

Such measures would be required with the new law.

UC dairy center will face hurdles

Ultimate goal is for a 1,000-cow research facility

By Marty Burlison, Staff writer

Visalia Times-Delta, Tuesday, July 6, 2004, and Tulare Advance-Register, Monday, July 5, 2004

TULARE -- Before it has cows, the California Dairy Technology Center in Tulare will have a classroom.

Technically, it's a 4,200-square-foot Consumer Education Pavilion. And it will open next spring alongside the University of California, Davis, School of Veterinary Medicine on Laspina Street.

The pavilion, where students and community members will examine food quality and safety issues, represents the first phase of a project that organizers expect to result in a 1,000-cow research and teaching dairy.

When will the dairy take shape?

"My goal is to have something there by the time I die," said Larry Dutto, dean of academic services at Visalia's College of the Sequoias -- one of three project partners.

Actually, he hopes to see it in three to five years, Dutto said. But he acknowledges being frustrated by the pace of a project that has been in the works for a decade.

Among the hurdles: environmental concerns that led to a moratorium on dairy construction.

"Every day you read about air pollution problems," Dutto said. "Those are the kinds of things that will slow down the process."

Money also is an issue. The entire project, dairy included, is expected to cost at least \$7 million, and the money raised so far, much of it donated by dairy industry leaders, comes to about half that.

For now, the California Dairy Technology Center will have to make do with technology. The education pavilion, paid for with a \$1 million grant from the U.S. Department of Agriculture and a \$145,000 contribution from COS, will feature videoconferencing equipment and a 60-seat, multipurpose conference area.

The facility will serve the UC Davis school, COS and the project's third partner, the Tulare Joint Union High School District, when completed in 10 months.

"The consumer pavilion is a step in the right direction," Dutto said. "We're excited about that."

Brenda Hastings, assistant director of the UC Davis Veterinary Medicine Teaching and Research Center in Tulare, said students and the community will benefit.

"We will provide teaching, research and service opportunities to students, from high school to junior college to veterinary students," she said. "[And we'll] provide a way to let the community know and the dairy industry know what kind of research is being done here."

Refinery accident brings health alert

By Cecilia M. Vega

S.F. Chronicle, Monday, July 5, 2004

A broken boiler at the Tesoro Golden Eagle Refinery near Martinez caused Contra Costa County health officials to warn nearby residents suffering from respiratory ailments to consider staying indoors Sunday afternoon.

There were no reports of injuries or illness.

Paul Andrews, a county hazardous materials specialist, said the broken boiler meant that carbon monoxide and other chemicals flowed directly into a smokestack and into the air rather than being processed first by the boiler. The emission produced an odor and dark smoke.

Andrews said he did not know how long it would take to fix the boiler.

'Compass' Points to New Direction for Growth

Regional plan offers fewer suburbs, more high-density housing on transit lines

By Caitlin Liu, Times Staff Writer

LA Times, July 4, 2004

The plan is named "compass" because it is intended to direct Southern California's growth for the next 25 years.

Under the proposal, more than 100 clusters of high-density development would be built along the region's transit corridors, neighborhoods would become more pedestrian friendly and more employers would locate near where people live.

While some hailed the "compass" plan by the Southern California Assn. of Governments as a visionary approach to solving the region's traffic and housing woes, others predicted implementing it would be an uphill battle.

The sweeping blueprint, which SCAG officials unveiled last week, was unanimously adopted by the agency's regional council of more than 50 elected officials.

But decisions about implementing specific projects would be made by individual city councils.

Even if a city's SCAG representative agrees in concept with high-density development for the region, positions can shift once politicians start courting voters back home.

"Most cities do everything they can to decrease density. They hit developers over the head," said Montclair Councilman Bill Ruh. "You'll hear people say, 'This is a fine plan, but it's not appropriate for my community . not in my backyard.' "

In a 100-page report, SCAG outlines the need for the plan: The region's population is projected to grow by 6.3 million, to 22.9 million, by 2030, with most of the increase coming from births by families already here. If the region stays on its current course, traffic congestion in some areas would more than triple, [air quality would worsen](#), the cost of transporting goods would increase and the region's economy would suffer, SCAG officials say.

Academics and urban planners say a key way to improve mobility in a metropolitan area is to integrate transportation with land-use planning - a central element in SCAG's effort.

But they also note that benefits typically come only after significant effort. Zoning laws often must change city by city, and substantial investment by private developers would have to be made project by project.

Although SCAG officials say the plan would alter only 2% of the region's streetscape, that would still be too much for some to bear.

"The public is not going to stand for high-density tenements," said Gerald A. Silver, president of Homeowners of Encino, echoing the view of many community leaders and antigrowth activists. SCAG officials "can lead a horse to water, but they can't get it to drink."

But officials at SCAG - a planning consortium for Los Angeles, Orange, Ventura, Riverside, San Bernardino and Imperial counties - say public sentiment may be shifting.

With the region's sky-high real estate prices, many new buyers can afford only condos. The Southland's traffic congestion - the worst in the nation - has also made people reconsider suburban living, when it means several hours of daily freeway commuting.

"I think that resistance [to high-density development] will be less and less over time," said Mark Pisano, executive director of SCAG. "The market is moving in this direction."

SCAG planners view all subway, light-rail and Metrolink stations as potential sites for new mixed-use development. The plan also would encourage so-called "infill" development - building housing on scattered sites in already urbanized areas.

Such trends are already occurring in Los Angeles, where the city and the Metropolitan Transportation Authority have been working on developing mixed-use sites within walking distance of Metro Red Line subway stations.

"You can either plan for growth or not plan for growth. It's going to happen anyway," said Los Angeles City Councilman Eric Garcetti. "SCAG is our envisioning body. It sets a bar as to where we should be."

A few cities - notably Santa Monica and Pasadena - have already undertaken such high-density

development, and others are taking note of their success. Covina is redeveloping its downtown with new housing alongside or above restaurants and shops.

"We like it. It melds well with the community, and it makes for a more commuter-friendly environment," said Covina Mayor Kevin Stapleton.

In a way, cities such as Covina are simply returning to tradition. Long before tracts of single-family homes sprang up across the Southland in the 1950s and 1960s, cities had mixed-use, pedestrian-friendly downtowns, and many people relied on transit.

In the coming year, Covina expects to add more than 100 housing units downtown, including 82 lofts near a Metrolink station. The city is also considering changing zoning laws - which limit downtown development to 22 units an acre - making it up to 50% higher, Stapleton said.

Using Covina as an example, SCAG officials say, they will work in the next 12 months to persuade other cities to adopt the plan.

"There are some good ideas in the plan. How it gets implemented remains to be seen," said Otto Kroutil, director of development for Ontario. "How do you encourage local communities to make regionally responsible decisions? It's very, very difficult. People are a little leery of losing local control."

Give the EPA an earful

S.F. Chronicle editorial, Tuesday, July 6, 2004

The U.S. Environmental Protection Agency reported last week that 99 million Americans breathe filthy air, laden with soot and other particles that can cause respiratory sicknesses and premature death.

It was one of several reports within a week filled with unsettling data about pollutants, man-made toxins and the nation's air quality. One report found that 2002 levels of toxic chemical emissions had risen 5 percent in a year.

The increase hardly surprised environmentalists, given the Bush administration's persistent opposition to attempts to curb airborne contaminants. Among other things, the White House has relaxed regulations that would have required coal plants to modernize their equipment to reduce pollution and has challenged anti-smog initiatives by several states.

So the EPA's announcement to reconsider its "new source review" -- the 2003 rule that exempted industrial plants from installing emission control devices -- is welcome.

The rule, exempting upgrades unless they exceed 20 percent of the cost of the plant, was heavily criticized because it actually allows old, dirty factories that already belch tons of pollution to expand and spew even more. That's why several states sued to stop it, and in December a federal court stalled its implementation.

Admittedly, the EPA still believes the rule is "justified" but is delaying its final decision until January and allowing 60 days for public comment.

"It's a procedural move that they hope will give them cover in court," said Sierra Club spokesman Eric Antebi. "They haven't changed their goal. They say they're listening, but there's no reason to believe they are."

But maybe the court is. The EPA has opened the door for input and, with air pollution causing 5,000 premature deaths and 80,000 asthma cases a year, the public shouldn't miss this rare chance to give it.

Send comments to the EPA, Room B 108, EPA West Building, 1301 Constitution Ave., Washington, DC 20460; or e-mail to kennedy.chandra@epa.gov <<mailto:kennedy.chandra@epa.gov>>.

'Car-dealer bashing'

[Letter to the Fresno Bee, July 3, 2004](#)

Your June 28 article, "Smog plan to benefit car sellers: Auto dealers stand to save millions on tests" is totally inaccurate as it relates to new car dealers making money as a result of the governor's budget proposal to exempt 4-year-old and newer used vehicles from current law that requires all used vehicles to be smog tested prior to sale.

The proposal will not save dealers a dime because the cost of performing a smog test on a used vehicle is passed through to the vehicle purchaser by way of separately itemized emission charges. The average smog check inspection and test currently costs a used-car purchaser about \$50 plus \$8.25 for the state-mandated smog certificate fee. If the governor's proposal is enacted, the seller of a used vehicle that is 4 model years old or newer (regardless of whether the vehicle is sold by a dealer or a private party) will no longer have to smog test such a vehicle or charge the buyer for the test -- which equates to a real consumer savings of approximately \$50 per vehicle.

New car dealers will not profit from the law change and will most likely lose money in the long run because they will be performing fewer smog check tests but will still have to maintain expensive smog-check equipment and employ qualified smog-check technicians in order to perform emissions warranty work.

Too bad that the so-called consumer advocates quoted in your article are more interested in car-dealer bashing than protecting consumers against costly and unnecessary smog checks. It's also too bad that The Bee bought their story -- hook, line and sinker.

Peter Welch President
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