

## **Pesticides help farmers but can hurt neighbors**

By Natalie Garcia, Staff writer

Tulare Advance-Register, Monday, Aug. 21, and Visalia Times-Delta, Saturday, Aug. 19, 2006

Pesticide drift has long been a lurking menace in small communities in the Valley, where residents often live next to or on agricultural land.

When applied correctly, pesticides protect crops from harmful insects, fungi and encroaching plants, and the vast majority of the time they stay out of range of humans.

But sometimes, if an applicator misses the mark, the results can be disastrous for nearby residents whose communities are blanketed in toxic chemicals.

In 2005, an advocacy group called Pesticide Action Network conducted a study in Lindsay to monitor the drift of the pesticide chlorpyrifos.

Chlorpyrifos, a neurotoxic insecticide, has been banned for residential use by the Environmental Protection Agency since 2000 because of concerns over its health risks to children. It is still widely used in agriculture.

Luis Medellin and his family live in Lindsay near several orange groves. He said they have all experienced strong headaches, nausea, rashes and vomiting following the application of pesticides to the trees.

Medellin wants the government to increase the distance required between pesticide applications and residential areas.

"[We want] buffer zones a quarter-mile away from parks, homes, schools, businesses, anywhere where kids play and adults go," Medellin said.

### **'Drifted on'**

According to the Lindsay study, of the 321 people surveyed, 41 percent said they had been "drifted on" and more than half of those said they had been drifted on two to five times.

"I think it's unscientific," said Allen Ishida, Tulare County supervisor who represents the Lindsay area. "We had made an agreement [with the group] that the [state Department of Pesticide Regulation] would investigate their findings and talk about what they found, but they released their information to the media before they gave it to the DPR."

Margaret Reeves, a senior scientist for the Pesticide Action Network, said the Lindsay study was in fact very scientific.

The instrument used to gather samples from the air, called a "drift catcher," was designed with great care and knowledge, Reeves said.

"The apparatus was designed by Pesticide Action Network scientists modeled after the air monitoring device used by the California Air Resources Board," Reeves said. "There is no credible criticism of this device."

She said that community members were trained and certified by Pesticide Action Network scientists to gather samples that were then frozen and sent to their lab at the University of California, Berkeley for analysis.

Reeves also said that the DPR received the results of the study a few days before it was released to the public on July 18, 2006.

### **Mixed concerns**

Ishida said he didn't consider pesticide drift a major problem in Tulare County, and he also said no one has ever directly raised concerns to him about it.

"The county has a right to farm, and when people move out near agriculture, that is part of the price you pay by living close to farms," Ishida said.

Ishida said the board of supervisors would consider rezoning residential areas that are near farm land if they received scientific information that would warrant changes.

He said the majority of drift affects people while they are driving by while fields are being sprayed.

"They are relatively safe in their cars," he said. As for serious incidents such as in Earlimart, "It's like airplane crashes - it's operator error."

The Lindsay study cites long-term effects from asthma to interfering with the development of children's nervous systems.

"It's really important that these pesticides are used correctly so these drifts do not occur," said Kevin Hamilton, who ran the asthma program at Community Medical Center in Fresno for 16 years. "Most of these chemicals are neurotoxins. From a long-term standpoint, a person's nervous system can be damaged for life."

### **Expert assessment**

Hamilton is also a registered respiratory therapist and member of the Central Valley Air Quality Group and Medical Advocates for Healthy Air.

He said common symptoms of exposure to pesticides include nausea, dizziness, tremors, shakiness and feeling disoriented.

"What's difficult is these symptoms can be confused with other causes," he said.

Almost 20 years ago, before he knew anything about pesticides, he was drifted on.

"I was drifted on back in '87 east of Fresno, my wife and I," he said. "Our car was just engulfed in a cloud of some really nasty-smelling pesticides. I just opened the window and just drove fast."

Hamilton didn't think to contact the authorities.

"I didn't know to report it to anyone," he said. "We felt sick, nauseated, our hands were shaking - it was terrible."

Hamilton could have reported the incident to the county agricultural commissioner's office, the government agency responsible at the local level for investigating and enforcing pesticide use violations.

But since he did not know that at the time, he did not report it.

### **Pesticides mostly OK**

"Ninety-nine percent of the time, [applications of pesticides] go OK," said Bill Deavours, Tulare County deputy agriculture commissioner. "The ag side really does try. They really don't want to be a problem."

In 2005, Deavours said the county investigated 31 complaints of pesticide drift in Tulare County: 22 to property and nine to people.

"Of those nine, one of those nine resulted in a civil penalty action that resulted in a fine of \$1,450," he said.

The fine is paid to the county, for a violation of pesticide regulation, not to the person affected.

Because of community outrage of pesticide drift, such as an incident in Earlimart in 1999, steps have been taken to compensate innocent bystanders of pesticide drift.

State Sen. Dean Florez of Fresno carried legislation, Senate Bill 391, that holds the responsible party liable for the out-of-pocket medical expenses to victims of drift. Gov. Schwarzenegger signed the bill in 2004.

Teresa DeAnda, the Central Valley representative for Californians for Pesticide Reform, feels more should be done. She wants local government to make developers pay to further ensure public health.

"Since these developers are buying land and putting houses right next to farm land, they should have to pay for buffer zones," DeAnda said. "In the past we've had these terrible situations in these small, rural communities mostly with farmer workers who are in poverty, but with these new communities with more affluent people - it's going to hit the fan."

## **Council may OK packing plant**

### **City Council hires consultant to conduct study**

By Jillian Daley, Staff writer

Tulare Advance-Register, Saturday, Aug. 19, 2006

Businessman Rod Bolcao plans to put a meat packing plant in Tulare that would generate 350 jobs, but the plant is not a go yet.

"Things are not totally rock solid," he said. "Hopefully, they will be shortly."

His Western Pacific Meat Packing plant would be on 67 acres in the northeast corner of Enterprise Street and Paige Avenue if negotiations with Tulare city officials are successful and the Tulare City Council approves it.

The Council approved hiring a consultant Tuesday to do a \$101,833 study of the environmental impact - the effects on traffic and air quality - of a zone change for 83 acres the city owns in that area. The zone would go from public lands, a classification for city services such as waste and fire, to heavy industrial, which includes manufacturing and packing plants.

The Council will likely vote on whether to approve the project in November or December, said Mark Kielty, Tulare planning and building department director. City officials began discussing the plans with Bolcao about seven months ago.

The plant would help Tulare foster national and international business relationships, Kielty said.

The products are "probably going to be shipped around the world," he said.

But there is still much to do - including drawing plans and getting maps approved.

### **New plans**

The project would take one year to build once all permits are in place, Bolcao said. It was valued at \$32 million when it was proposed to be built near Goshen, but rising construction costs could increase the cost to \$40 million or more.

A lawsuit filed in 2001 concerning the company and other businesses' water use

in the area halted construction plans for the Goshen project. Bolcao plans to sell the 55 acres he bought one mile north of Goshen for the project.

"I fought with that thing and got no place," Bolcao said.

He said so far Tulare has welcomed him, and his business could be a good for the city. In its first year, the business would bring in 250 jobs, he said. But at full capacity, he expects it to offer 350 full-time jobs.

Bolcao, an Ontario resident, also owns Chino Livestock Market in Chino.

He and the proposed chief executive officer for Western Pacific, Tony Brady of Dallas, plan to move to Tulare to manage the meat packing business.

Tulare Redevelopment Director Bob Nance said another small business is also looking at locating to the city's land in that area, adding a few more jobs, and there is still land left to sell. The city stands to benefit from the property tax dollars of the companies that build on the land.

"I think Tulare is about to come into its own," he said.

The Tulare Wastewater Treatment Plant is at the project site now, as is a swath of agricultural land, which the city leases to Ron Clark of Clarklind Farms. Clark tends the cotton crop that grows near the treatment plant. It's just a small piece of the 3,000 acres he manages.

"What the city does with the land is their business, but as long as there's farmland out there, I'll farm it," he said.

Jeff and Cherie Crivelli run Jeff Crivelli Farming & Harvesting to the west of the land.

"Obviously, I want more jobs for the community, but I want to make sure [the proposed plant is] not going to cause me any more grief," Jeff Crivelli said. "If you put 350 employees out there, you're going to get a lot more traffic."

### **It's not a road without landscaping**

By RICHARD T. ESTRADA - BEE STAFF WRITER

Modesto Bee, Monday, August 21, 2006

Its pavement is even and unbroken. Its intersections are spacious and well-marked. Its access to adjacent streets is well-designed. Its line of sight is clear.

It appears to be a well-designed road, capable of carrying a hefty load and the sort of street many Modestans are yearning to use.

And it is, if a roadway is nothing more than the stretch of pavement between two shoulders.

Kristin Olsen expects more.

"Road quality extends beyond the pavement," the Modesto city councilwoman said. "A road project should not be accepted as complete unless both pavement and landscaping are in place."

Yet many roads across Modesto, and Highway 99 interchanges that deliver drivers to the city, are dry, barren or weed infested.

"When I have friends from the Bay Area, they talk about their trip to the desert because of the dirt and weeds they drive past," said Jerald Taylor, who moved from Oakland in 1994. "It was like this when I got here, and I kept thinking it would change."

Sidewalks, streetlights, trees and flowers cost money, though, and city officials say there's too little cash to fix the roads, let alone for nonessential amenities.

The city should be spending \$15.5 million a year just to maintain the current condition of its roads, according to a 2002 report. In the four years since, it has spent an annual average of \$6.8million.

"That is what the City Council is providing, and we can only do the projects that we have money for," said Firoz Vohra, deputy director of public works.

The city's plan to expand Pelandale Avenue to six lanes, for example, doesn't provide money for landscaping. Vohra said he has applied for money to landscape the median of the expressway, but it hasn't been OK'd.

The council was shocked to learn in July that landscaping the three-mile stretch of Pelandale would cost \$8.6 million — almost as much as the \$9.4 million to add four lanes. The price was blamed on the high cost of concrete and the labor required to grade and landscape the stretch.

"That's preposterous," Olsen said. "The full road project ... should have been built to completion when the subdivisions started going up, on the developer's dollar."

Olsen said she and her peers on the council need to give landscape a higher priority: "We must not settle for mediocrity. There are countless examples of where landscaped roads have not been required because of poor planning and low standards. People at City Hall have settled for the basics, for mediocrity, for too long."

Olsen cited numerous examples of how work could be done:

When a housing or commercial project is built, sidewalks, landscaping and other attractive features should be required in addition to roads.

When streets are rebuilt, sidewalks and landscaping should be part of the project. Money could come from capital improvement project fund — which pays for street repairs — park funds or [air-quality grants](#).

When labor is needed, use low-risk inmate crews.

Public-private partnerships also are an option, pooling money to make it stretch more.

"The city needs to be creative and thorough at looking for dollars for these projects," she said.

## **Going Nowhere**

### **Despite years of warnings, our roadways continue to strain under more traffic**

By MICHAEL G. MOONEY

Modesto Bee, Monday, August 21, 2006

The story of roads in Stanislaus County is filled with missed opportunities, poor planning, political turf battles and an appalling lack of vision.

Now for the bad news.

Unless someone figures out a way to overcome that record, there's every reason to believe things will get worse — more bottlenecks, more potholes, more backups and delays, longer commute times and more accidents.

Back in 1991, when Firoz Vohra was Modesto's traffic operations manager, he made these observations:

"The Briggsmore overpass is a problem, a big problem," Vohra said. "But if you think the Briggsmore overpass is bad, wait and see what Standiford and Pelandale look like in 10 years. They will be worse. Both will have high volumes of traffic. And there is no room for widening. Sisk (Road) is so close to the offramps."

Fifteen years later, Vohra is Modesto's deputy director of public works and still trying to figure out how to solve similar problems throughout the city.

"More people continue to come to Modesto, and that is putting pressure on our roads," Vohra said recently. "We are facing serious street issues, and if we had the money, the answer would be to rebuild those streets. We need a new source of funds or we're going to see even more problems."

The past 30 or so years have been filled with similar warnings about a host of streets, overpasses and intersections. Yet, traffic keeps growing and streets keep crumbling.

So, how to fix this mess?

The Bee spoke with former Modesto Mayor Carol Whiteside, former Stanislaus County Supervisor Paul Caruso and former Modesto City Councilman Denny Jackman.

The interviews are part of a three-day report on the state of Stanislaus County's roads, from congestion that jams up commutes to potholes that threaten car alignments.

Whiteside, Caruso and Jackman have invested considerable time and energy on city and county transportation and land-use issues over the past 20 years.

"We have not done a very good job in transportation," Caruso said. "We made some mistakes, some poor planning decisions. We never connected the dots."

SJ County has been a leader

Unlike San Joaquin County to the north, Stanislaus County has been unable to secure state and federal money needed to move major projects off the drawing board.

For example, in 1994 the California Department of Transportation started work on a \$15 million expansion of the Manteca Bypass two years ahead of schedule. San Joaquin County used road tax money to front the state the cash to add two lanes to the 6.5-mile road once known as blood alley.

Meanwhile, Stanislaus County's Oakdale Bypass has been talked about for almost a half century. The project now is estimated to cost \$100 million, and state funding has been scant in recent years.

"They (San Joaquin) had the leadership early," Caruso said, "and we didn't. They had definite plans and we didn't. In the early 1990s, we had eight projects on the board. That turned out to be a mistake."

That list included a Stanislaus County Expressway linking 24 existing and planned fast-traffic roads. A basic system could be built for about \$365 million, with the entire system running from \$900 million to \$1.1 billion, according to estimates in 1990.

On down that list: improving routes in and around Modesto, down to Turlock and out to Highway 132; a Patterson-Turlock link, completion of Highway 132; and Oakdale and Riverbank improvements.

"We should have prioritized our projects and really pushed for the top two or three," Caruso said.

Whiteside, now president of the Modesto-based Great Valley Center, said part of the county's difficulties with transportation and land-use planning can be attributed to its ambivalence toward growth.

"Some people see (transportation improvements) as necessary for future economic development," she said. "Others see it as something that will attract or induce growth."

Many people in the county, Whiteside continued, "are reluctant to understand and really deal with the impact of growth."

Jackman agreed with Whiteside, but said that attitude is starting to change. People are starting to realize that growth is going to happen, and officials need to deal with it, he said.

He continued: "I'm not so sure we're dead in the water. It's because we got a later start on this (transportation) tax thing that we're facing a more dire situation."

Jackman said the county's politically conservative nature has made it more difficult to win support for tax increases, with the exception of the county's extra sales tax for libraries and some school bonds.

But people should not fear a transportation tax such as the half-cent measure that will appear on November's ballot, he said, because it's a contract that ensures the money will be used as intended.

"Any sales tax is regressive," he said, "and the person paying it (usually) doesn't get a good return. But the money from this (transportation) tax will stay right here. We'll reap the benefits on an almost daily basis."

Money raised from the tax increase would provide a pool needed to provide seed money to gain federal or state funding for road improvements.

#### Political turf battles

All three agreed that in the past, however, cities have bickered among themselves, as well as with the county, over priorities. As recently as last month, for example, the Oakdale City Council refused to endorse the transportation tax. The reason: The council asked for a specific timeline for the Oakdale Bypass, and that request was dismissed, said Steve Kyte, interim city manager.

"Dysfunction is part of the problem," Whiteside said. "There have been far too few statesmen and far too many people playing what I call 'petty power politics.'"

In the past, Whiteside said too many local leaders have put parochial interests ahead of projects that would have provided countywide or regional benefits.

Caruso also cited past political turf battles as one of the roadblocks to an improved transportation system.

"We have been unable to work together for a common purpose," he said. "The thing that astounds me is that no matter what the issue — transportation, water, air quality — everybody looks for somebody else to do it. It (finding solutions) can't happen unless it's done collectively."

Caruso said the county and its leaders need vision: "Let's look ahead 50 years."

Instead, city and county governments are so consumed with day-to-day problems that they never take the time to step back.

"When I was on the board," Caruso said, "we were always putting out fires. Someone would say, 'When are we going to start planning for the future?' The answer was, 'Never. We're too busy putting out fires.'"

Whiteside said everyone needs to be on the same page. The county, its cities and the people who live here must reach a consensus.

Growth is a given — the question, Whiteside said, is how to deal with it.

"People need to have a sense of what's going to happen and what's going to be needed," she said. "We ought to have a 20-year plan or a 25-year plan. You don't have to do it all at once. But everything you do should move you closer to the goals in your plan."

Sticking to the plan, Whiteside, Caruso and Jackman agreed, might be more difficult than developing it.

All three noted that it has been difficult for city and county governments to just say "no." Granting exceptions to rules, planning or otherwise, they said, can undermine your original goal.

Briggsmore Avenue through Modesto, for example, was planned to be an urban expressway with very limited access.

"Remember when the gasoline tax was supposed to pay for all our transportation needs?" Jackman asked. "Then they (state and federal government) started using it for other purposes."

Jackman said the days of the state or the federal government fully funding transportation projects are long gone.

"The question is, are we going to stay in the same scenario we've been in, repeating the same things we've done in the past," Jackman asked. "We can choose to do nothing or make a contract with ourselves to make the changes we need to make."

## **Government Wins Round in Pollution Fight**

By John Heilprin, Associated Press Writer

In the Washington Post and S.F. Chronicle, Thursday, August 17, 2006

WASHINGTON (AP) -- The government won a round Thursday in a long-running dispute over how much authority it has to force industrial plants to cut air pollution.

Its victory over Cinergy Corp. in a federal appeals court in Chicago could help the Supreme Court decide the issue in a similar case this fall.

The Supreme Court's decision — which is shaping up as a test of the Bush and Clinton administrations' competing legal approaches for cutting air pollution — would affect up to 17,000 industrial plants and the unhealthy air breathed by 160 million Americans.

The facilities are major sources of nitrogen oxides and sulfur dioxide, which contribute to smog, acid rain, soot and other fine particles that lodge in people's lungs and cause asthma and other respiratory ailments.

The Cinergy case turned on whether its power plants could spew more pollutants into the air when they modernized to operate for longer hours. The Environmental Protection Agency said

no, because Cinergy should have gone through a federal permit process, and the 7th U.S. Circuit Court of Appeals in Chicago agreed.

"Cinergy's suggested interpretation, besides not conforming well to the language of the regulation ... would elude the permit requirement," Circuit Judge Richard Posner wrote for a three-judge panel of the federal appeals court.

The Cinergy case is one of the lawsuits the Clinton administration filed in 1999 against electric utilities in the Midwest and South. The government contended that 51 aging, coal-burning power plants in 10 states, primarily in the Ohio Valley and the South, illegally polluted for two decades.

The cases were attempts to enforce a neglected and red tape-laden 1977 provision of the Clean Air Act. It requires a company to get a federal permit and install costly pollution controls when modernizing a facility and significantly increasing emissions.

A month before President Clinton left office in 2001, Cinergy agreed to settle its case and spend \$1.4 billion to reduce air pollution at 10 coal-fired power plants in Ohio, Indiana and Kentucky. But soon after President Bush took office and said his administration would review the Clinton-era enforcement cases, Cinergy backed out of the agreement.

Earlier this year, the Supreme Court took the unusual step of agreeing to an environmental group's request that it take up a related case.

The court accepted Environmental Defense's request that it hear a case involving Duke Energy Corp., based in Charlotte, N.C., over the same issue as the Cinergy case. Duke Energy acquired Cinergy in April.

Duke Energy spokesman Pete Sheffield said the company was disappointed by the ruling but now expects the Supreme Court to resolve the courts' competing views on the Clean Air Act. Regardless of the ruling, he said, the company will spend \$2.4 billion through 2008 to reduce air pollution from more than a dozen coal-burning plants in the Midwest and Southeast.

In the Duke case, the 4th U.S. Circuit Court of Appeals, in Richmond, Va., concluded the opposite of what Posner wrote. Posner took aim at that court Thursday.

"In so ruling, the Fourth Circuit stepped out of its bounds," Posner wrote. "But in any event, the argument's premise is incorrect."

Vickie Patton, an Environmental Defense attorney, said the Cinergy ruling will be pivotal, since it comes from one of the most influential federal court of appeals.

She said the Chicago court's decision sends "a powerful signal that it is time to address the serious human health and environmental impacts of coal-fired power plants."

After Duke won, the Justice Department asked the 4th Circuit to reconsider. But the Bush administration then asked the Supreme Court not to overturn the favorable ruling for Duke. Solicitor General Paul Clement explained that EPA had responded by issuing new regulations.

Those regulations were struck in March by the U.S. Court of Appeals for the District of Columbia Circuit, which said the Bush administration had resorted to "a Humpty Dumpty" interpretation of the law that contradicted Congress' intent.

## **Automaker aims to bring clean cars to the masses**

By Michael Kanellos, for News.com

In the N.Y. Times, Monday, August 21, 2006

SANTA ROSA, Calif.--ZAP CEO Steven Schneider is right: People do notice you more when you drive an unusual car.

During a 15-minute test drive of the company's all-electric Xebra car, nearly every pedestrian downtown here stopped and turned as we passed by. There was the elderly couple with their mouths slightly open and the two guys in their 30s in the park who pretended not to look. A group at the corner switched from staring at the cars and scooters arrayed in the lobby of ZAP's headquarters to watch a Xebra in action.

Granted, two guys in their 20s laughed at the pink, egg-shaped car with three wheels. But the two 12-year-olds with a mom loved it.

"It's cool," said one of the kids, who asked for a tour of ZAP's lobby. Unfortunately, because the company had so much tourist traffic that it cramped productivity, the lobby is open only one afternoon a week.

"So when you asked how we're going to attract customers, this is how. At his age, you might hop on a scooter. The next step is a motorcycle. When he can drive, it's natural to think of an electric car,"

Schneider said. "Americans are constantly striving for recognition in their automobiles. It's the American way. When you are in America, you buy cars to get recognized, and we think about getting from point A to point B later."

Although the company has been around for several years, ZAP (which stands for Zero Air Pollution) is well-positioned to catch the next revolution in transportation, Schneider asserts. High gas prices, combined with fears about global warming, are prompting interest in electric and ethanol cars.

At the same time, battery technology, design and other aspects of clean cars are evolving, so that consumers in the relatively near future won't have to make too many compromises, according to Schneider. The Xebra, for instance, gets charged through a regular wall socket and doesn't need an ornate charger, like General Motors' now defunct electric car.

In the second quarter, which ended in June, ZAP reported revenue of \$4.4 million, up from just under a million for the same period a year ago. (The company, however, lost \$2.8 million in the recent quarter.)

"When you are in America, you buy cars to get recognized, and we think about getting from point A to point B later." --Steven Schneider, CEO, ZAP

Right now, the price-performance ratio of clean cars doesn't match well against conventional cars. The Xebra tops out at 40 miles per hour and sort of feels like a slightly souped-up golf cart. Future models, however, will come with nickel-metal-hydrate or lithium ion batteries, which will improve acceleration, speed and driving range. Tesla Motors has already shown off a lithium ion battery sports car that can go from zero to 60 miles per hour in four seconds, but it costs \$90,000.

A test case will come next year when ZAP rolls out the Obvio, an all-ethanol car that the company plans to make in its Brazil factory. The car has four wheels, sports 175 horsepower (similar to a 2007 Mini Cooper S), seats three, and can go zero to 60mph in about five or six seconds, according to Schneider. For sportiness, the gas pedal and brake are flip-flops and the glove compartment is a detachable backpack.

"This is where green car meets muscle car," he said, showing off the prototype.

If anything, ZAP is trying to ensure that price won't be a barrier to clean cars. The basic Xebra, which came out a few weeks ago, sells for around \$9,000. It's the first car sold in the U.S. that is made in China, Schneider said.

The Obvio will sell for around \$14,000 when it debuts in 2007. The company also sells all-terrain vehicles, various electric scooters, and a gas car that gets 50 miles an hour, making it cleaner than other gas cars. (Action film star Rutger Hauer owns one of the company's gas Smart Cars.)

Gary Starr founded ZAP in 1994. While he was attending the University of California at Davis during the 1970s gas crunch, he became convinced that Americans had to move away from gasoline-powered cars.

"The single best thing you can do for the environment is drive an electric car," Starr said. Not only do cars produce air pollution, they are also the single biggest source of water pollution, he added.

Although big car companies are now showing interest in alternative energy vehicles, these companies won't dominate the new generation of cars, Starr said.

"No covered wagon company became a major car company, and typewriter companies didn't take over the computer industry," he said, except IBM, which made computers before the Selectric typewriter.

Schneider, meanwhile, spent several years in the dorky end of the car business. He sold the Le Car, the squat mini-car that Renault tried to make big in the United States. Years later, he built a booming business out of buying Volkswagen Beetles in Mexico, the last place VW made them, taking them apart and then remanufacturing them for sale in the U.S.

He put an electric engine in one and was going to sell it as the Lightning Bug, but VW then killed off production of Beetles in Mexico. The Lightning Bug, however, led him to Starr. In 2002, he joined ZAP.

"It's a wonderful experience driving an electric car. It's silent. There's not choppiness when shifting gears. I'm not a big golfer or anything, but the few times I went to play golf the best part was cruising around in the golf carts," Schneider said. "It makes driving fun."

At the moment, electric cars, at least inexpensive ones, need work. While the Xebra can go 40mph, it takes awhile to get up to top speed. Flooring it, I cranked it up to 30mph, but it took about six seconds. The battery charge lasts for about 40 miles. The performance and range, however, will increase with better batteries. Currently, the Xebra runs on a lead acid battery.

But I do have to admit, I smiled the whole time I was driving it.

"This is a second car or even a third car," Schneider said. Ninety percent of all car trips in the U.S. are under 21 miles, and most of the time the driver never cranks up the car past 40 miles an hour, he added. Thus, a market could exist for cheap commuter cars.

By contrast, the scooters are a different story. The Zappy 3 picks up quickly and turns well. It is also much easier to learn to drive and seems to be faster than a Segway. The Zappy 3 costs only \$700, far less than the thousands that Segways cost.

May buyers of the scooters are big fans. Ken and Diana Ackerman, who were visiting ZAP's warehouse, have bought 20 ZAP scooters for residents of their trailer park in Calistoga, Calif. "We ride every night at 7 p.m.," Diana said. The riders, some of whom are around 80 years old, will soon participate in a parade.

The Zappy 3 is supposed to top out at 15 miles an hour. Schneider, who lives on a hill, recently took a Zappy up to 40mph, but wiped out and broke four ribs and some other parts. "I took it way past its capabilities," he admitted.

[Editorial in the Modesto Bee, August 21, 2006](#)

**Private-public teamwork creates pedestrian oasis**

What can cooperation accomplish? The answer is on display at Rotary Centennial Junction, a quarter-mile of abandoned railbed turned into an attractive greenbelt and picnic area. It is nearing completion on the east side of the Roseburg Square shopping center in central Modesto.

The ribbon-cutting ceremony will be Saturday at 10 a.m., but neighborhood residents already are starting to enjoy the little oasis created by teamwork among service clubs and between those clubs and local government.

The five Rotary Clubs in Modesto combined efforts on the park as a project to mark the 100th anniversary of Rotary. Hence the name, Rotary Centennial Junction.

This plaza is part of a much bigger project, a 4.2-mile trail that ultimately will stretch from downtown to Bangs Avenue, at the north edge of the city. This trail follows the route of the former Tidewater Southern branch of Union Pacific. The overall project is referred to as the Virginia Corridor because the railroad ran alongside Virginia Avenue through the college neighborhood.

City Manager George Britton said the Rotary contribution represents a fine example of the community asking the city, "'What can we do with you,' not 'what can you do for us?'"

It isn't the only example of that private-public collaboration. In 1999, the city had to remove playground equipment at a number of parks because it was deemed dangerous. At eight parks around the city, new equipment has been installed with the helping hands of teens who were pursuing their Eagle Scout badges.

Churches and other organizations also have contributed to park improvements through an initiative known as Park Partners. It dates back to 1997.

Parks, Recreation and Neighborhoods Department Director Jim Niskanen said the involvement of citizen groups also has helped the city qualify for state and federal dollars that it otherwise might not have received. [The San Joaquin Valley Air Pollution Control District also has provided a grant for the bike path because of its potential for encouraging people to commute by pedal power.](#)

So while the Rotary project is only the stretch between Roseburg and Orangeburg avenues, the city has gotten money to take the trail to College Avenue and on to Granger Avenue. Ultimately, it is expected to be a \$20.5million endeavor that won't be done for many more years.

But a significant step has been achieved because caring people worked together.

[The articles below address energy, global warming and other environment-related issues.](#)

### **Global-warming bill generates political heat**

#### **Clean-tech push exposes rift within business community**

By Michael Gardner, COPLEY NEWS SERVICE

Published in the San Diego Union-Tribune, August 21, 2006

SACRAMENTO – Californians could eventually see subtle and dramatic innovations in grocery stores, new-car showrooms and kitchens if Republican Gov. Arnold Schwarzenegger and leading Democrats agree on legislation aimed at slowing global warming.

Venture capitalists and entrepreneurs say a commitment from the state to regulate greenhouse gases would send a confidence-building signal to the marketplace, spurring a clean-tech revolution on par with the surge in high-tech and biotech that has helped drive California's economy.

"Sustainable technologies are the next big thing. This is really the mother of all markets," said John Doerr, a billionaire who helped launch Google, Intuit and the Segway scooter.

Unlike Doerr and other entrepreneurs who stand to make money off state-ordered clean technology, industries such as cement makers, utilities and manufacturers remain worried about emissions caps. The California Chamber of Commerce has warned that additional regulations would lead to a spike in energy prices and job losses.

"By placing an arbitrary carbon-emissions cap on California employers, we would be encouraging them to leave our state and take jobs to countries or states that do not impose caps," said Allan Zaremberg, president of the state Chamber of Commerce. "When employers move to other global locations, they may produce even more carbon emissions."

On Thursday, the Senate Appropriations Committee approved the legislation, Assembly Bill 32.

Most researchers agree that unchecked greenhouse gases, primarily carbon dioxide, could disrupt global climate patterns, threaten crops, raise the risk of forest fires and shrink Sierra snowpacks that hold water for millions of Southern Californians. However, a few skeptics say the climate shifts have little to do with human emissions and may be part of historic weather patterns.

Schwarzenegger has made the issue a centerpiece of his environmental agenda as he runs for re-election, proposing a rollback of emissions to 1990 levels by 2020.

Schwarzenegger's push puts him at odds with the state Chamber of Commerce, one of his closest allies. But other business interests are eager to see the measure pass, convinced that state regulations will prod demand for their energy-saving products, from hybrid cars to solar panels.

Doerr, who led a contingent of investors and entrepreneurs on a Capitol lobbying trip last week, said Californians should not be surprised to see big and small changes.

"Seven years ago, there was no Google. That's how fast Californians can change the world," Doerr said.

Grocery stores already are starting to adapt by putting goods such as milk and eggs behind doors instead of in open refrigeration units. Time-of-use metering, common on farms and in other industries, may come to the kitchen and laundry room as power companies seek to discourage the use of large appliances by charging more during periods of peak energy demand.

California already has moved to push car makers to curb greenhouse gas emissions in their fleets starting with the 2009 models. Demand for hybrids such as the Toyota Prius and Honda Civic continues to outstrip production.

Moreover, said entrepreneur Felix Kramer, state-required reductions from all industries would spark investment interest in his venture, a hybrid car that plugs into a wall socket and gets the equivalent of 100 miles per gallon of gas.

"It's important to have a long-term market and stable demand. That's what we need," Kramer said. "The legislation and regulations will provide that."

The endorsement of leading entrepreneurs with a stake in clean-air technologies has helped shift the debate and has handed business-friendly Democrats a reason to support the legislation in an election year.

"It's bringing new voices to the fight. When you have new voices, it makes good political sense to exercise them," said Ann Notthoff, state advocacy director for the Natural Resources Defense Council.

Schwarzenegger appears confident that a compromise bill will reach his desk before the Legislature ends its session for the year by the end of the month.

"There will be some environmentalists who say this is not perfect and there will be other people in the business community who will say this is not perfect," Schwarzenegger said Wednesday. "For

us, the challenge is to prove that we can protect the environment and also protect the economy at the same time."

That may be impossible, economist Margo Thorning said. She argued that fuel prices will soar as utilities and refiners recoup their investment in reducing emissions. In turn, consumers and businesses will squeeze their spending to pay higher energy bills.

"People don't have unlimited resources," Thorning said.

However, a recent study by the University of California Berkeley concluded that California's economy will see a net gain in jobs amid an injection of new investment in technology.

Although Democrats and the governor are in agreement on a broad framework, they remain split on three major points: how much industry should be allowed to buy pollution credits elsewhere to meet required targets, what powers to grant a regulatory agency and how to temporarily relieve businesses of obligations in a natural or economic disaster.

Environmentalists say California is positioned to show the way nationally, leading to lowered expenses as more technology comes to the market.

"The entire country is looking to California to lead," said Jim Marston, an Environmental Defense attorney involved in global warming issues nationally.

Business generally agrees on that point. But Kevin Fay, who represents a consortium of large corporations that included DuPont, Boeing and General Electric, called the legislation "a big gamble."

"No economy this size," Fay said, "has gone it alone in the world."

## **What do emission caps mean for California?**

By Samantha Young, Associated Press Writer  
In the Fresno Bee, Saturday, August 19, 2006

SACRAMENTO (AP) - California Portland Cement Co. had planned to build more plants this year but put its expansion on hold as it awaits a decision by state lawmakers that the company says could force it to cut production.

Cement manufacturers represent just one of several industries that would be required to reduce the amount of greenhouse gases they emit under a bill that would make California the first state in the nation to impose such regulations on businesses.

The bill has set off a sharp debate in California over the need to balance environmental goals with the concerns of businesses that say such rules are too costly and technologically difficult.

Unlike other industries, which might be able to comply by implementing energy-efficient practices or using alternative fuels, much of the carbon dioxide emitted by cement plants is a byproduct of the chemical process.

"That's just the way cement is made," said Rick Patton, a vice president of the Glendora-based company. "If you limit the amount of carbon dioxide that can be produced, what you're doing is limiting the amount of cement that can be produced."

The dilemma for the cement industry is among the unknowns of how, and even if, California can realistically scale back heat-trapping gases above reductions it already has achieved through previous regulations.

Business leaders and researchers are divided over whether aggressive caps on industrial emissions are attainable and, if so, at what cost.

California already has been lowering its output of the greenhouse gases through a combination of energy efficient programs, alternative fuels and renewable power initiatives.

But the state also is the 12th largest emitter of greenhouse gases in the world. Gov. Arnold Schwarzenegger has championed climate-change legislation, but has asked for business-friendly amendments on the current bill, which could be put to a vote in the Senate this week.

If the governor eventually signs a compromise bill, the regulations would surpass efforts in the Northeast, where seven states have announced regulations to cap and trade emissions from power plants.

The bill also would put California in step with countries that pledged to reduce their greenhouse emissions under the 1997 Kyoto Protocol, to which the U.S. is not a party. California's emission target for 2020, for example, would bring the state in line with today's per capital carbon dioxide emissions in Germany, the world's third largest economy.

"We're halfway there. We can easily do this," said the bill's joint author, Assemblywoman Fran Pavley, D-Agoura Hills. "California can become the leader in new technologies and alternative fuels."

For the nation's most populous state, the stakes are high. Scientists warn that warmer weather could bring more flooding, lead to water shortages because of a smaller and faster-melting snowpack in the Sierra Nevada, promote coastal erosion from rising sea levels, and cause extreme heat waves, more intense wildfires and worse air quality.

"I don't see this as much as a responsibility as an obligation to do something and take leadership in making sure that we protect our planet," said Assembly Speaker Fabian Nunez, D-Los Angeles, who is negotiating with Schwarzenegger over the governor's proposed amendments. "We know this is a real problem, and yet we have not done what we need to do."

But some business leaders say states should be careful not to rush into piecemeal regulations that could hamstring the economy.

California should wait for the international community to come up with proven, low-cost strategies for reducing greenhouse gases, said Kevin Fay, executive director of the pro-business International Climate Change Partnership in Virginia. Remedies, he said, are still in their infancy.

"In a global environment, the atmosphere doesn't care where the reductions come from," said Fay. "This is best advised at the global level."

Many experts agree that combating global warming should be a national priority - if not an international effort - but emission caps imposed on industries in California ultimately could become the foundation for regulations in other states, said Judi Greenwald, director of innovative solutions at The Pew Center on Global Climate Change, a nonprofit, nonpartisan group based in Arlington, Va.

"A lot of people are watching what California is doing," said Greenwald, who noted that California's 2004 law to reduce tailpipe emissions from cars and light trucks has been adopted by 10 other states.

California businesses are divided over whether they can realistically meet the bill's mandatory reductions, both financially and technologically.

The measure would require utilities, oil and gas refineries, and manufacturers such as cement plants to reduce greenhouse gas emissions over the next 14 years so the state can return to 1990 levels.

Linda Adams, secretary of the California Environmental Protection Agency, describes the task as an aggressive target. The goal would be to reduce greenhouse gases by 174 million tons per year, or the equivalent of the annual emissions from 43 coal-fire plants.

What it might cost the state to reach those targets is a matter of dispute.

A study by a team of economists at the University of California, Berkley has projected that an emission cap - coupled with market-based programs designed to give industries other ways to meet their emission goals - would add \$59 billion to the state economy and 17,000 jobs.

That would be gained through fuel efficiency savings, use of clean energy and a boom in new technology that advocates compare to the Silicon Valley's tech boom in the late 1990s, the study said.

The California Chamber of Commerce, however, has labeled the measure a job-killer bill, saying the mandates will drive businesses out of state and increase energy costs for Californians. Companies that already made significant greenhouse gas reductions - but whose industry as a whole would face the new regulations - are negotiating for exemptions in the bill.

Officials at Pacific Gas & Electric Co., the state's largest utility, say it has implemented energy-efficient practices and technologies that have lowered emissions from its plants around the nation to 1 percent over the last 30 years.

"We do not want our customers to carry an undue burden because of reductions required of other utilities," PG&E spokeswoman Darlene Chiu said.

In an effort to make state emission targets more palatable for California businesses, Schwarzenegger is insisting that the bill include market-based mechanisms. That approach would be similar to one used in Europe, which allows businesses to trade, bank, offset or auction emission credits in order to meet the mandates. As written, the bill authorizes the state to consider such a program.

Schwarzenegger also is pushing for a "safety valve" that would allow the state to delay the enforcement of the caps if there was a natural disaster or unforeseen emergency.

"We can't have a California-only approach for a global problem," Adams said.

But Nunez and Pavley have been skeptical. They question how the state might verify that a California company was making adequate emission reductions at a plant in, say, India to meet its California goals.

## **California's emissions bill**

### **Some businesses are chafing at proposed restrictions**

By Samantha Young, Associated Press

Published in the LA Daily News

August 19, 2006

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## **Energy's not an issue in ethanol-rich Brazil**

### **Long relationship with fuel paying off in oil-thirsty world**

By Monte Reel, THE WASHINGTON POST

Published in the San Diego Union-Tribune

August 21, 2006

SAO PAULO, Brazil – Record oil prices have made the world's energy landscape a darkly foreboding place this year, inhospitable to optimism and celebration. Except in Brazil.

It has been something of a banner year here, full of milestones. The government predicts that for the first time in its history, Brazil will achieve energy equilibrium, exporting as much oil as it imports. The production of sugar cane-based ethanol is expected to reach an all-time high. And just three years after the introduction here of flex-fuel vehicles – cars that run on either ethanol or gasoline – several major automakers predict that such vehicles will represent 100 percent of their production by the end of the year, eliminating gas-only models.

Pull up to most service stations in this country of 185 million people and you will find fuel pumps offering three choices: ethanol, gasoline or premium gasoline. The labels are slightly misleading: The gasoline varieties are blends that contain at least 20 percent ethanol. The pure ethanol is usually significantly cheaper – 53 cents per liter (about \$2 per gallon), compared with about 99 cents per liter for gasoline (\$3.74 per gallon) in Sao Paulo last week.

"I buy gasoline only if I can't get anything else," said Alexandre Rigueirra, 28, a Sao Paulo taxi driver who modified his flex-fuel Chevrolet to also use natural gas, which is sold at many locations throughout the country. "Gasoline is always the last option."

Since President Bush this year emphasized ethanol as one possible solution to U.S. oil dependence, Brazil has become a destination of choice for curious U.S. lawmakers and venture capitalists searching for a crystal ball in which to glimpse America's future. Ethanol is not solely responsible for Brazil's newfound energy independence – domestic oil exploration has exploded in recent years – but it has replaced about 40 percent of the country's gasoline consumption, according to Caio Carvalho, an analyst with Cambridge Energy Research Associates in Rio de Janeiro.

"It's amazing how sharply the level of interest in our experience here has jumped in recent months," said Eduardo Pereira de Carvalho, president of Sao Paulo's sugar cane producers union. "We receive visiting politicians from the U.S., and we get invitations to speak to the Senate Foreign Relations Committee and to leaders of investment funds. They know that Brazil's ethanol program exists, but beyond that, most of them have very little information about our actual experience."

That experience has been a sometimes painful 30-year evolution, marked by plenty of foresight and numerous false starts. It was born of a uniquely Brazilian political and economic environment, but industry analysts say it nevertheless provides lessons for a fledgling U.S. ethanol program already on pace to dethrone Brazil's as the largest in the world.

Brazil's military dictatorship launched the national ethanol program in 1975, when about 90 percent of its fuel consumption depended on foreign oil. The government offered subsidies to sugar cane growers and forced service stations in every town of at least 1,500 people to install ethanol pumps. By the early 1980s, almost all new cars sold in Brazil ran on 100 percent ethanol.

But as the decade progressed and the military government was replaced by democracy, oil prices plummeted and the subsidies granted to ethanol producers were eliminated. Sugar-processing plants turned from ethanol to edible sugar, creating a shortage of supplies at service stations. The auto industry, which had dedicated itself to ethanol-only cars, stopped producing them almost entirely.

"It was as if from one day to the next, the people who had ethanol cars had a problem on their hands, because no one wanted to buy them," said Henry Joseph Jr., head of the engineering program for Volkswagen of Brazil. "Ethanol cars went all the way from more than 90 percent of sales to less than 1 percent."

Through it all, the Center for Sugarcane Technology in Sao Paulo state – a research facility created in the early 1970s and funded by the sugar industry – continued working to improve efficiency in ethanol production by tinkering with almost everything from the genetic structure of sugar cane varieties to the industrial components of extraction. By the time oil prices began to rise steadily in the early years of this decade, ethanol producers had reduced production costs of a liter of ethanol from about 60 cents to about 20 cents.

Surrounded by fields of sugar cane that stretch in all directions, the center today boasts nearly 300 scientists, led by a research and development manager, Jaime Finguerut. Although he said the sugar growers recoiled when their subsidies were taken away, the move ultimately forced the industry to become more efficient. The subsidies offered U.S. farmers might be their own worst enemy, he suggested.

"A protected agriculture industry doesn't mean it's an efficient one, but if you have lots of money available for research, you can find good solutions," said Finguerut, who began working at the center in 1979. "We didn't have that investment money, and we went through some very tough steps to eventually arrive at a better situation."

Because most service stations still offered ethanol at the pumps to serve the remaining ethanol-burning cars from the industry's early days, ethanol suddenly seemed economically viable again by early 2003. That's when Volkswagen introduced the first flex-fuel vehicle to the Brazilian market, and other companies – including General Motors and Ford – eventually followed suit.

Some of those same companies are preparing to attempt a similar, though perhaps less extensive, transformation in the United States. Ford announced this year that it was scrapping plans to expand its fleet of gasoline-electric hybrids to focus instead on increasing flex-fuel production.

Recent studies in the United States have suggested that the entire American corn crop would provide enough fuel to replace only about 12 percent of U.S. gasoline demand. To help plug that potential gap, some in the United States have advocated importing ethanol from Brazil. Though Brazil provides about 5 percent of U.S. ethanol, a duty of 54 cents per gallon – a measure designed to protect American farmers – makes a large-scale trade relationship unlikely.

Comparing sugar cane ethanol with corn-based fuel in terms of the reduction of carbon dioxide and greenhouse gases is one that Brazilians such as Carvalho, of the producers union, love to make. The ethanol extracted from corn yields only about 15 percent to 25 percent more fuel than the fossil fuels that were used to produce it. In Brazil, according to industry studies, the sugar-based ethanol yields about 830 percent more.

However, many experts in all aspects of Brazil's industry agree that the future of ethanol resides neither in sugar nor corn, but in cellulosic ethanol, a biofuel that theoretically could be extracted from almost anything from switch grass to scrap paper. The United States is leading research into developing cellulosic technology, and the Energy Department this month announced it was dedicating \$250 million for two new research centers dedicated to the cause.

## **Scientists Add Years to Ozone Recovery**

By ELIANE ENGELER, The Associated Press

Published in the Washington Post and SF Chronicle

Friday, August 18, 2006; 10:47 PM

GENEVA -- The atmosphere will take up to 15 years longer than previously expected to recover from pollution and repair its ozone hole over the southern hemisphere, the United Nations' weather organization said Friday.

Thinning in the ozone layer \_ due to chemical compounds leaked from refrigerators, air conditioners and other devices \_ exposes the Earth to harmful solar rays. Too much ultraviolet radiation can cause skin cancer and destroy tiny plants at the beginning of the food chain.

Scientists said Friday it would take until 2065, instead of 2050 as previously expected, for the ozone layer to recover and the hole over the Antarctic to close.

"The Antarctic ozone hole has not become more severe since the late 1990s, but large ozone holes are expected to occur for decades to come," ozone specialist Geir Braathen told reporters in summarizing a new report by the World Meteorological Organization and the U.N. Environment Program. The report will be released next year.

The ozone hole, a thinner-than-normal area in the upper stratosphere's radiation-absorbing gases, has formed each year since the mid-1980s at the end of the Antarctic winter in August, and generally is at its biggest in late September.

Experts said they extended the projected recovery because chlorofluorocarbons, or CFCs, would continue to leak into the atmosphere from air conditioners, aerosol spray cans and other equipment for years to come.

But there was cause for celebration, they said, noting a decline in CFCs in the first two atmospheric layers above Earth.

"The level of ozone-depleting substances continues to decline from its 1992-1994 peak in the troposphere and the late 1990s peak in the stratosphere," WMO secretary-general Michel Jarraud said in a statement.

Less of these chemicals are used every year, he said, after 180 countries in 1997 committed to reducing CFCs under the Montreal Protocol.

"This shows that the Montreal Protocol is effective and is working," he said.

Last year, the ozone hole reached about 10 million square miles on Sept. 20 \_ just below its largest size in 2003 of about 11.2 million square miles, WMO experts said.