

## **California's demand for federal emissions decision only part of the solution**

in the Stockton Record, Friday, November 16, 2007

Gov. Arnold Schwarzenegger is getting serious about greenhouse gas emissions.

Schwarzenegger announced Nov. 8 that California and 14 other states are suing the Environmental Protection Agency in an attempt to force agency officials to make a decision on California's plan to establish vehicle-emission standards that are more stringent than current federal rules.

Schwarzenegger told U.S. automakers to "get off your butt" and said if the federal government doesn't do something soon, "We sue again, and sue again, and sue again."

After two years, agency officials have yet to approve California's request for a carbon-emissions standards waiver, something that's always been granted in the past. Schwarzenegger is tired of waiting.

If California's waiver is granted, officials in 12 other states are ready to seek similar exemptions. Stephen Johnson, administrator of the EPA, has said a ruling will be issued by the end of the year,

The Bush administration has avoided interfering with the auto industry, whose leaders insist on a national standard, saying meeting state-by-state emissions rules is too costly.

The Bush administration relies on market conditions to dictate the pace of new technological developments in emission controls.

While much of the world acknowledges climate change and global warming, American officials have ignored the Kyoto Protocol, recently influencing Canadian Prime Minister Stephen Harper to pull out of it and support Bush's approach.

Schwarzenegger has additional motivation because, by law, emissions must be reduced 25 percent by 2020 in California.

Mary Nichols, chairwoman of the Air Resources Board, has said that can't happen without tighter restrictions.

A 25 percent reduction is unrealistic. To reduce carbon dioxide levels so substantially, state officials will need to factor in rapid transit, industrial needs, local land-use policies and, even, an increase in gasoline taxes.

Those are politically complicated issues, and Californians already pay the highest gas taxes in the nation.

Without a balanced approach that encourages lifestyle changes and prompts new business practices, toxic emissions only will increase.

Even if federal officials grant California's waiver, that only would represent a partial solution.

Effective governance still requires tough decisions that are made by determined leaders. At least Schwarzenegger is trying.

### **Teaming up**

San Joaquin Valley Air Pollution Control District officials have joined their California counterparts in suing the Environmental Protection Agency for failing to grant their request to set greenhouse gas emission standards for California.

They argue state-imposed regulations would result in a much-needed reduction in carbon dioxide levels in the Valley.

## **State board OKs air cleanup plan**

### **Critics say measures not enough for valley**

BY STACEY SHEPARD, Californian staff writer

Bakersfield Californian, Friday, Nov. 16, 2007

State officials approved a strengthened air cleanup plan for the valley Thursday amid protests and dismay from clean air advocates and health officials who say the measure needed more teeth.

"You could have done so much more to protect the health of the valley citizens," said Daniela Simunovic, a community organizer with the Delano office of the Center on Race, Poverty and the Environment.

After the state Air Resources Board's approval of the plan, Simunovic submitted to the board's clerk what she called "jellyfish awards" meant to be given to board members and staff for "having no spine" in standing up for the health of valley residents.

Mary Nichols, the board's recently appointed chairwoman, said she disagreed with Simunovic's assertions. The board "will continue the conversation" on how to speed up the plan's timeline, Nichols said.

The smog cleanup plan was tentatively approved by the board in June with provisions that a task force look for additional reduction of smog-forming emissions and report the findings in November.

The smog plan has been controversial since it was first proposed by the San Joaquin Valley Air Pollution Control District because it delays the deadline to meet federal air standards from 2013 to 2024.

Valley air district officials who drafted the plan said they left no stone unturned in trying to find ways to clean the air sooner.

Critics have said all along that the plan could be stronger.

The state task force's findings, released last week, landed somewhere in the middle.

Additional reductions had been found, the report said, but won't be enough to bring the entire valley into attainment by 2024.

By further tightening rules on diesel trucks and farm equipment -- sources regulated by the state - - 90 percent of the valley will have clean air by 2018, the report said.

But it will still take until 2024 for the most polluted cities and towns -- including Arvin -- to have clean air, it concluded.

The additional reductions that were found "leaves everybody with the sense that with a little more time, more is possible," said Tim Carmichael, senior policy director with the Coalition for Clean Air.

In approving the plan Thursday, members of the Air Resources Board agreed to continue working with the valley air district to find more ways to bring the valley into attainment before 2024.

## **Local briefs**

### **Wood burning banned in Kings and Kern counties**

Fresno Bee, Friday, Nov. 16, 2007

Air authorities have ordered a ban today on wood burning in fireplaces and wood stoves in Kings and Kern counties.

Tiny bits of dust, soot and chemical specks have reached unhealthy levels in both counties because of a stable weather pattern that has trapped particle pollution throughout the region.

The San Joaquin Valley Air Pollution Control District also is asking people to voluntarily refrain from wood burning in Fresno, Tulare, Madera, Merced, Stanislaus and San Joaquin counties.

State will push to clean up Valley ozone by 2017

State officials said Thursday they will push to clean up the San Joaquin Valley's ozone by 2017, but the legal completion target remains 2024.

The California Air Resources Board in June approved the Valley's cleanup plan with the controversial 2024 deadline. The board then formed a state-led task force to study the plan after activists complained it was not aggressive enough.

On Thursday, resources board staffers in the task force reported additional pollution reductions had been identified, but not enough to move up the legal completion date.

The plan now will be sent to the U.S. Environmental Protection Agency, which will have up to 18 months to study and approve it. But the process does not interrupt rules and pollution reductions.

## **Sheriff's Department adds two buses to transport fleet**

Bakersfield Californian, Friday, Nov. 16, 2007

The Kern County Sheriff's Department has two new prisoner transportation buses.

The new buses are equipped with fuel-efficient diesel engines that comply with clean-air regulations and will reduce maintenance costs of the existing fleet of vehicles, a Sheriff's Department news release said. The department operates eight large buses, five medium-capacity buses and 16 vans. The new buses cost just under \$1 million and are expected to last more than 15 years, the news release said.

## **Valley air district sues federal government**

By Eiji Yamashita

Hanford Sentinel, Thursday, Nov. 15, 2007

FRESNO -- California's legal fight against the federal government over the global-warming dispute now has moral support from the Central Valley.

The San Joaquin Valley Air Pollution Control District on Wednesday filed a lawsuit against the federal Environmental Protection Agency, demanding the EPA allow the state to limit greenhouse gas emissions from vehicles.

Valley air officials' action follows the state's move last week to sue the federal government to force a decision on its request filed nearly two years ago to enforce standards tougher than those of the federal government.

Both lawsuits, filed in federal court in Washington, D.C., ask a judge to order the EPA to rule on the request immediately. A denial could lead to more lawsuits, said Jamie Holt, Valley air district spokeswoman.

"We've filed a suit primarily because mobile sources are a large part of the problem in our Valley," Holt said. "Unless we can control greenhouse gases, it's going to be very difficult to do what we want to do."

So far the air district is the only regional agency to file a suit in support of the state.

The Valley has a high stake in the outcome of the state's lawsuit, as it remains home to some of the worst air pollution in the country.

"The San Joaquin Valley's challenge in meeting state and federal clean-air standards is unmatched by any other region in the state," Sayed Sadredin, executive director of the Valley air district, stated. "Action by the EPA on this matter will yield much-needed reductions in greenhouse gases, as well as smog-causing pollutants, which are a major public health concern for the Valley."

The federal Clean Air Act allows California to regulate air pollution more strictly than the federal government, but only if the EPA grants a waiver. The agency has not acted on the greenhouse gas emissions law since the state submitted its request in December 2005.

In a recent media report, EPA officials have been quoted as saying the agency had noted in June that it would make a decision by the end of this year.

The recent lawsuit means an escalation in the philosophical dispute between Gov. Arnold Schwarzenegger and the Bush administration over a law that would force automakers to adopt new technology starting with the 2009 models.

The restrictions California seeks call for reducing tailpipe emissions 30 percent below the 2002 levels by 2016.

In Wednesday's statement to the press, Sadredin stressed the expected effects of climate change on California and immediate changes in weather patterns such as more heat waves and low snowpack.

"The Valley depends heavily on agriculture for its economy and has developed agricultural practices based on the last several decades of weather patterns," Sadredin said. "Unanticipated and large fluctuations in these patterns could have a devastating effect on the Valley's economy."

## **State orders harbor boats to switch to cleaner engines**

Charles Burrell, Chronicle Staff Writer  
S.F. Chronicle, Friday, November 16, 2007

California took a pioneering step toward cleaner air Thursday, requiring that certain high-polluting harbor craft - ferries, excursion boats, tugs and tow boats - be fitted with cleaner engines within the next two to eight years.

Air Resources Board officials believe California is the first state to adopt such a measure for harbor boats, which typically employ high-polluting diesel engines. Although the four types of boats to be regulated account for only about 15 percent of the state's 4,200 harbor craft, they represent about 50 percent of harmful emissions, according to the air board. The new rule does not apply to recreational boats or oceangoing vessels.

Regulators said the rules will cut harmful diesel soot and some smog-forming emissions by 40 to 50 percent by 2015. The board estimates that about 90 premature deaths are associated with commercial harbor craft emissions each year in California.

Ferry operators in the Bay Area seemed generally supportive, or at least accepting, of the new rule, while operators of excursion craft and tug boats complained of the burdensome expense of replacing the engines by the measure's deadlines. Friends of the Earth and other environmental groups had pushed for strict rules and deadlines.

Generally, the final deadline for ferries in the Bay Area to replace the older engines will be Dec. 31, 2014, while owners of the other vessels have until Dec. 31, 2016. Cleaner engines will be required by 2022.

The specific timetable for meeting the new rules varies according to the age of the engine, type of craft and location. The ports of Long Beach and Los Angeles have accelerated deadlines because of serious air-quality problems there, said air board spokeswoman Karen Caesar.

Boat owners who meet deadlines early may qualify for state funds to pay for 50 percent or more of the cost, Caesar said.

The cost of replacing the engines will vary with each craft, but state officials estimate that complying with the new rules will cost operators \$140 million.

"The purpose of the regulation is to improve the air quality of the (surrounding) communities," said Cheri Rainforth, the air board's manager of control strategy.

Mary Curry, spokeswoman for Golden Gate Ferry, said the agency has already upgraded three ferries and has plans to replace engines in the other two well in advance of the deadlines. In addition, Curry said, passage of the new regulation provides the specifications that the agency needed to proceed with building its new 499-passenger ferry.

Carolyn Horgan, vice president of operations for the Bay Area's Blue & Gold Fleet, which operates 13 excursion and ferry craft, said, "We agree that the old engines should be removed. It's going to be difficult economically, but we're aware of it and we're going to plan for it."

San Francisco's Hornblower, which operates about 30 boats in the state, including 14 in San Francisco Bay, was less welcoming. Spokeswoman Tegan Firth said the regulations should not be the same for all craft. "We don't think they're necessarily being applied fairly across the board."

She said that the company's five high-use tour boats to Alcatraz Island already have the cleanest-burning engines available, but that imposing equally strict requirements on some of its older, less used ships will have a serious financial impact.

She noted that the company operates John Wayne's former private yacht. "It would be unfortunate if this legislation made us take that boat out of service," she said.

Jason Lewis, a vice president for American Waterways Operators, a trade association for tugboats, towboats and barges, said the regulations need more flexible deadlines for smaller businesses and for those who would have to replace many engines at once.

He also said the expense of meeting the new rules could leave some smaller ports with less service. "The companies right now are really looking to determine if the benefits of doing business in a market like San Diego outweigh the cost."

## **California air board orders harbor boats to replace dirty engines**

By SAMANTHA YOUNG - Associated Press Writer

In the Merced Sun-Star, Contra Costa Times and the Modesto Bee, Thursday, November 15, 2007

SACRAMENTO State air regulators voted Thursday to reduce diesel pollution at California's ports by ordering ferries, party boats and tug boats to replace their old engines.

An estimated 600 vessels must begin replacing engines that produce emissions linked to asthma, bronchitis, heart disease and cancer.

Although the vessels make up just 15 percent of harbor traffic, they generate about half of all harbor emissions. The new rules mark the first time the vessels' emissions will be regulated by the state.

"The impact of the operations of these harbor craft is most directly on people who live closer to the harbor. And in every area that I know where there is a harbor, that tends to be low income and frequently communities of color," Air Resources Board chairwoman Mary Nichols said. "So there are real direct public health impacts."

The board approved the mandatory engine replacements on a unanimous vote but declined to accelerate the timeline as some environmental groups had requested.

At the center of the dispute was whether faster replacement of engines would improve state air quality over the long term.

Environmental groups had asked the air board to accelerate the timeline by two years and shorten the life of the vessels' engines from 13 to 15 years.

"They could have done more to protect public health," said Tim Carmichael, policy director at the Coalition for Clean Air. "There would have been significantly less pollution."

A board analysis concluded that an accelerated timeline would have forced vessels to replace engines before a less polluting model comes on the market in 2013. So while replacing engines sooner might get quick emission reductions, it actually would increase the amount of pollution in the long-term because the cleanest engines wouldn't be used, said Todd Sterling, an air pollution specialist for the board.

There were exceptions, however.

State regulators strengthened the rule for commercial ferries, saying they should abide by a faster timeline because they carry thousands of passengers every day.

"I kind of compare this to the school bus issue - very low use, but those that are on those buses are exposed," board member Dorene D'Adamo said.

In Southern California, new engines also will be replaced sooner because the region must meet looming federal air quality standards.

An Air Resources Board study shows that commercial harbor craft are the third highest source of diesel soot emissions at the ports of Los Angeles and Long Beach.

Beginning in 2009, the oldest and highest-use vessels must begin replacing engines. Vessel owners would not have to replace more than a quarter of their fleet in any one year.

By the time the regulation is fully implemented in 2025, regulators estimate the amount of diesel particulate matter emitted from these vessels would be cut by 75 percent. Nitrogen oxides will be cut by up to 60 percent.

The harbor regulation does not cover recreational, fishing, police, government or oceangoing vessels, but new boats must have the cleaner engines.

## **Governor interjects for state ag industry**

By Elizabeth Larson

Capital Press, Friday, November 16, 2007

The farm bill and its importance to California recently led Gov. Arnold Schwarzenegger to add his own voice to the debate.

On Nov. 7 Schwarzenegger sent a letter to Senate Committee on Agriculture Chairman Tom Harkin and Ranking Member Saxby Chambliss outlining five priorities for both the state and the nation - specialty crops, nutrition, conservation, invasive species and renewable energy.

"The size and diversity of California agriculture reflects the state of our nation's agriculture and a farm bill that benefits California is also one that benefits the nation," Schwarzenegger wrote.

Joel Nelsen, president of California Citrus Mutual, said Schwarzenegger's letter shows he has a clear understanding of California agriculture's concerns in the farm bill debate.

"He hit a home run there," Nelsen said. "He's got a good team there that have been very active on behalf of California agriculture."

Jack King, manager of the California Farm Bureau's national affairs division said the Farm Bureau also agrees with the governor's conservation emphasis, particularly on the Environmental Quality Incentives Program subprogram to address [air pollution](#). It's a "forward thinking" way of spending conservation money to deal with regulatory issues such as [air quality](#), which is important to the Farm Bureau, King said.

Points not specifically included on Schwarzenegger's list, said King, are research, which the Farm Bureau itself high emphasizes on matters such as pests and mechanization.

"We think a lot of our ability to be competitive in world markets will rest in research monies," King said.

Invasive species and renewable energy also are on the Farm Bureau's list of issues, but don't come in as high as they do for Schwarzenegger, he said.

The Farm Bureau also is looking at all commodities, not just specialty crops, King said. That's because of the inequity that California experiences with commodity funding.

Commodities, he said, get less attention in California than elsewhere across the country because of the state's diversity. While 13 percent of U.S. ag production is located in California, King said the state only gets about 2 percent of the money Congress spends on commodities through the farm bill. At the same time, California has some of the nation's greatest regulatory challenges and costs.

In June, Schwarzenegger and the other governors of the "Big Four" states - Texas, Florida and New York - sent Harkin and Chambliss a similar letter advocating for farm bill priorities.

That letter listed six priorities, some of which are echoed in the most recent letter: specialty crops, invasive species, crop insurance, conservation, nutrition and organic agriculture. Left out was the call for renewable energy.

### **Schwarzenegger's letter**

**Specialty crops:** In his letter to the Senate on the farm bill Gov. Arnold Schwarzenegger emphasizes increased marketing for specialty crops - which include nurseries, winegrapes, fruits and vegetables, and nuts.

He urges the Senate to maintain the more than \$200 million increase for specialty crops in the Market Access Program. California, said Schwarzenegger, produces two-thirds of the fruit exports, three-fifths of the nation's vegetable exports and nearly all tree nut exports.

**Nutrition:** The Food Stamp Program, said Schwarzenegger, is necessary to promote healthy eating, and reduce obesity and diet-related chronic illness. States need flexibility "to develop and implement system that enable a greater number of eligible individuals to receive food stamps."

Many households that are eligible do not participate, and some outdated limits make undermine states' ability for outreach, delivery and service expansion.

Expanding the successful Fresh Fruit and Vegetable Snack Program and Senior Farmers' Market Program, Schwarzenegger said, will benefit both farmers and those who use the service.

**Conservation:** Schwarzenegger said the commitment to the environment and conservation is critical. He urges Harkin and Chambliss to provide the funding necessary to preserve working farms, forests and rangelands, and improve agricultural stewardship.

He suggests the Environmental Quality Incentives Program should contain a \$150 million subprogram to address air pollution, and said the Conservation Title should authorize the Grasslands Reserve Program to conserve five million acres over the life of the farm bill.

Since 2002 California has underwritten protecting more than 150,000 acres of rangelands, but the state needs more federal support.

Invasive species: New invasive species threaten California's production, said Schwarzenegger. "Investments in early pest and disease detection programs that fund state and local activities are critical to our nation's protection."

Homeland Security has failed to maintain agricultural quarantine inspections, said Schwarzenegger, which should be the nation's "front line of defense" against foreign pest threats. He suggests the program be transferred back to the U.S. Department of Agriculture.

He also asks for a Mediterranean fruit fly rearing and containment facility in Hawaii to benefit the entire nation.

Renewable energy: Schwarzenegger said the farm bill should increase the investment in renewable fuels. Biomass resources as possible fuel sources are largely untapped, said Schwarzenegger, due to the lack of availability for technological investment.

"Of highest importance are investments in advanced biomass production, cellulosic ethanol from agricultural wastes and forest residuals and biofuel processing facilities," he wrote.

California strongly supports increasing funds to the Rural Energy for America Program and Biomass Research and Development Program, as well as investments for biorefineries.

## **Truck, SUV mileage standards thrown out by U.S. appeals court**

Matthew Yi, Chronicle Sacramento Bureau  
S.F. Chronicle, Friday, November 16, 2007

Sacramento - -- The Ninth U.S. Circuit Court of Appeals ordered a federal transportation agency on Thursday to rewrite its fuel economy standards for many SUVs, minivans and light trucks, arguing that the new rules are inadequate in part because they fail to properly assess the risk of global warming.

The decision is a huge win for several environmental groups and 11 states, including California, that argued that the National Highway Traffic Safety Administration's new fuel economy standards ignored the effects of carbon dioxide emissions.

The panel also concluded that the agency failed to address why light trucks are allowed to pollute more than passenger cars. And it said the new rules should have included heavier trucks that are used as commuter vehicles.

The decision was the most recent example of growing pressure on the Bush administration to require automobile makers to sell more fuel-efficient vehicles.

Last week, Gov. Arnold Schwarzenegger filed a separate lawsuit against the U.S. Environmental Protection Agency to force the agency to grant a federal waiver for California that would require automakers to revamp their product lineup with more fuel-efficient cars and trucks starting next year. Fourteen other states have petitioned to join that lawsuit.

Under existing rules, certain SUVs, minivans and light trucks are required to achieve an average 22.2 mpg for 2007 models. The new standards, announced in March 2006, would have upped that requirement to 24.1 mpg by 2011.

But the Center for Biological Diversity initiated the petition to the federal appeals court a month later, arguing that a 38 mpg benchmark can be readily achieved by 2015.

Thursday's "court decision is a rebuke to the Bush administration and its refusal to make meaningful steps to reduce global warming pollution from our automobiles," said Pat Gallagher, director of environmental law at the Sierra Club. "The decision tells the National Highway Traffic Safety Administration that it can't monkey the numbers when it sets fuel economy standards by ignoring the cost of carbon emissions."

The Sierra Club was one of more than a dozen environmental groups and states that joined the lawsuit.

On Thursday, White House officials already were eyeing a possible appeal.

"We're in the process of reviewing the decision and will consider all our options," said Charles Miller, a spokesman for the Justice Department's civil division.

Brian Nowicki, the climate policy director for the Center for Biological Diversity, said much of the fuel savings they propose can be achieved by implementing existing technologies.

One example is the new Honda Odyssey minivan, which saves gasoline by shutting down some cylinders in the engine when cruising at high speeds.

"The ruling is not just a token or symbolic win. The fossil fuels burnt and the greenhouse gases emitted by these vehicles are a huge portion that's contributing to global warming, and this ruling will be striking at some of that," Nowicki said.

Dave McCurdy, president and chief executive officer of the Automobile Manufacturers Alliance, an industry trade group, said while more new models contain such fuel-saving technologies, the industry needs adequate lead time to integrate these technologies in all vehicles.

McCurdy defended the 2006 standards as the largest fuel economy increases since the federal government began setting mileage standards more than three decades ago. He added that automakers already have planned their product lines through 2011 with those guidelines in mind.

"Any further changes to the program would only delay the progress that manufacturers have made toward increasing fleet-wide fuel economy," he said in a written statement.

## **Ruling may drive tighter fuel standards**

**The federal appeals court decision targets a loophole that lets top-selling sport utility vehicles get fewer miles per gallon than passenger cars.**

By Marc Lifsher, Los Angeles Times Staff Writer  
L.A. Times, Friday, November 16, 2007

The Bush administration must write tougher fuel economy regulations for sport utility vehicles, minivans and pickup trucks that take into account greenhouse gas pollution, a federal appeals court ruled Thursday.

The decision by judges of the U.S. 9th Circuit Court of Appeals targeted a loophole that lets the top-selling vehicles, including Chevrolet Tahoe and Ford Expedition, get fewer miles per gallon of fuel than passenger cars.

It was the third ruling this year by a federal court to bolster contentions from state governments and environmental groups that the president and federal regulators haven't been doing enough to battle climate change.

The lawsuit was brought by California, 10 other states and the cities of New York and Washington against the National Highway Traffic Safety Administration, the agency charged with setting

vehicle mileage requirements.

The complaint challenged as "trivial" an increase in mileage for so-called light trucks, announced in March 2006, to 23.5 miles per gallon by 2010. Automakers currently are required to achieve average fuel economy of 22.2 mpg for the popular vehicles, which account for 53% of new auto sales in the U.S. Passenger cars are required to get about five more miles per gallon than SUVs and light trucks.

"This is a stunning rebuke to the Bush administration and its failed energy policy and hopefully will send a message that we need to continue now to take strong action against dangerous foreign oil dependence and against global warming," California Atty. Gen. Jerry Brown said.

The decision, if it stands, also "will mean savings for every car driver in America" because they'll be able to drive farther on a gallon of gasoline, Brown said.

He predicted that the decisions this year by the U.S. Supreme Court, a U.S. District Court judge in Vermont and the Court of Appeals in San Francisco would send a signal to Congress to set stricter mileage standards on all U.S. passenger cars and light trucks.

In June, the Senate approved a bill to raise average mileage for all vehicles to 35 mpg by 2020. The measure is before the House of Representatives.

Automakers, in a statement responding to the appeals court ruling, said they "support aggressive fuel economy increases" between now and 2022. But the president of the Alliance of American Automobile Manufacturers, Dave McCurdy, urged federal officials not to change current fuel economy standards for SUVs, minivans and light trucks that would be built during the 2008-11 model years.

"Any further changes to the program would only delay the progress that manufacturers have made toward increasing fleet-wide fuel economy," McCurdy said.

A spokesman for the Bush administration, Charles Miller of the Department of Justice, declined to comment on the decision, other than to say that his agency was reviewing the decision and discussing options.

If no appeal is forthcoming, the National Highway Traffic Safety Administration would be forced to scrap the current fuel economy standards for light trucks and write new rules that provide the "maximum feasible" fuel savings, the appeals court said. The agency also would be required to consider first-ever fuel economy requirements on heavy pickup trucks, weighing 8,500 to 10,000 pounds.

In their ruling, the appeals court judges noted that federal regulators didn't present a convincing case for putting SUVs and other light trucks in a different category from passenger cars when setting fuel economy standards.

"NHTSA's decision runs counter to the evidence showing that SUVs, vans and pickup trucks are manufactured primarily for the purpose of transporting passengers and are generally not used for off-highway operation," they said.

The ruling by the appeals court justices in San Francisco is philosophically in line with a landmark January decision by the U.S. Supreme Court that carbon dioxide and other so-called greenhouse gases that contribute to global warming can be regulated by the U.S. Environmental Protection Agency under the Clean Air Act.

A district court judge in Burlington, Vt., built upon that decision in April when he ruled that the Clean Air Act allows California to set car tailpipe emission regulations that exceed federal rules to

combat climate change. Other states, such as Vermont, are free to copy California's stricter laws, the judge said.

A lawsuit brought by automakers against the state of California over its car emission rules is set for a hearing Monday in U.S. District Court in Fresno.

Gov. Arnold Schwarzenegger has sued the Bush administration, demanding that a judge force the head of the U.S. Environmental Protection Agency to rule on a request from California to set its own limits on greenhouse gas emissions.

Schwarzenegger, who was in Los Angeles to tout alternative fuel vehicles at the Los Angeles Auto Show, called the 9th Circuit Court of Appeals decision a win for both environmentalists and consumers.

"Clearly, automobile companies have the capability to produce environmentally friendly cars and today's court ruling underscores the need for the federal government to step in and provide the extra push necessary to make these vehicles widespread," the governor said.

The intense legal scrimmaging and series of rulings favoring environmentalists underscores that even generally conservative judges are concluding that "global warming can't be ignored," said David Doniger, an attorney for the Natural Resources Defense Council, which is involved in a number of the lawsuits.

Though it's early to cite a definitive trend, it's clear that "we're beginning to see more solicitude in the courts for arguments on the environment," said Carl Tobias, a federal court scholar at the University of Richmond School of Law. The courts are beginning to consistently find fault with the way the business-friendly Bush administration is enforcing environmental laws, he said.

## **Court Rebukes Bush Fuel Economy Plan**

from the Associated Press

in the Merced Sun-Star and Modesto Bee, Friday, November 16, 2007

SAN FRANCISCO (AP) - A federal appeals court sharply rejected the Bush administration's new pollution standards 'for most sport utility vehicles, pickup trucks and vans and ordered regulators Thursday to draft a new plan that's tougher on auto emissions. The 9th U.S. Circuit Court of Appeals ruled that the National Highway Traffic Safety Administration failed to address why the so-called light trucks are allowed to pollute more than passenger cars and didn't properly assess greenhouse gas emissions when it set new minimum miles-per-gallon requirements for models in 2008 to 2011.

## **Smog sensors targeting vehicles in O.C.**

**The remote monitoring program measures emission levels. The owners of gross polluters will be offered aid.**

By Jennifer Delson, Los Angeles Times Staff Writer

L.A. Times, Friday, November 16, 2007

Big Brother is watching your car.

The South Coast Air Quality Management District is targeting vehicles in Orange County this week, using remote smog sensors to nab gross polluters -- about 10% of all vehicles on Southland roadways.

AQMD officials said that because those vehicles create 50% of the smog, the state would help

the owners with repair costs or pay them to scrap the vehicles.

The sensors measure emissions by projecting beams of infrared and ultraviolet light across a roadway, such as a freeway onramp. As a vehicle passes by, its tailpipe emissions absorb some of the light, and a computer calculates the pollution level. At the same time, a camera captures the license plate.

This is the first time Orange County roads have been checked by the AQMD. The district began monitoring in Los Angeles and Riverside counties over the summer.

Gross-polluting vehicles emit 100 times more pollution than average vehicles, typically because of maintenance problems or someone having tampered with the exhaust or emission systems. They aren't necessarily old cars.

The AQMD will send letters to the owners of the polluting vehicles, offering them \$500 to help with repairs, or \$1,000 to scrap the vehicle. Low-income motorists willing to replace their cars with a low-emission model can get \$2,000.

More than 3,000 letters had been sent by Oct. 30, with more than 300 motorists responding.

"We are hoping that people will respond and take advantage of the program," said AQMD spokeswoman Tina Cherry. "We haven't seen a response as high as we would like, but we hope it will pick up."

Remote-sensing devices date to the 1980s. They can measure a vehicle's tailpipe emissions of hydrocarbons, carbon monoxide and nitrogen oxide in less than one second.

## **US, China working on biofuels pact**

By JOE McDONALD - Associated Press Writer  
in the Merced Sun-Star, Friday, November 16, 2007

BEIJING The United States and China are working on a pact to promote use of ethanol and other biofuels to reduce greenhouse gas emissions and could announce an agreement as early as next month, an American official said Friday.

The agreement would call for cooperation in research, producing crops for fuel and other areas, said Alexander Karsner, an assistant U.S. energy secretary. He was in Beijing for talks with Chinese officials on promoting use of renewable energy sources.

The United States and China are the world's biggest oil consumers and producers of carbon dioxide and other gases that scientists say trap the sun's heat and are raising global temperatures.

Karsner said he and Chinese officials talked about a meeting next month in Indonesia of environment officials from 80 countries to discuss a replacement for the Kyoto Protocol on emissions reductions. He said he did not bring up Washington's insistence that Beijing, a major emissions source, accept binding limits. China has rejected emissions caps but says it will try to curb gas production.

A biofuels agreement could be announced at the Dec. 12 meeting of the Strategic Economic Dialogue, a high-level U.S.-Chinese forum on trade and other issues, Karsner said. He declined to give details, saying they still are being discussed.

It would be Washington's first such pact in Asia, following similar agreements with Brazil and Sweden, Karsner told reporters.

"China is a natural, as would be India, to enhance cooperation on biofuels," he said.

China has promoted wind power and other alternative energy in hopes of reducing environmental damage from heavy use of coal and oil to fuel its booming economy. The communist government also wants to curb reliance on imported energy, which it sees as a strategic weakness.

China already is the third-largest producer of biofuels after the United States and Brazil, which account for 80 percent of global production, according to Karsner.

## **Mendota looks at sunny side of project**

By Sandra Velázquez

Vida en el Valle, Wednesday, November 14, 2007

MENDOTA -- Besides its fields of cantaloupes, watermelons, cauliflowers and tomatoes, the city of Mendota will now be able to boast of having a solar plant, which, they hope, will be the largest in the state of California.

Last Wednesday, Mendota Mayor Robert Silva announced the city has approved the construction of a "solar farm" in the city, which will be up and running by the spring of 2009.

The plant, which will be built by Cleantech America, a company with an office in San Francisco, will generate photovoltaic solar energy and sell it to a private energy company.

The photovoltaic conversion is a process in which solar energy is transformed into electricity.

Silva admitted he was happy that Mendota was chosen to have this solar plant build, which "is perfect for us, we want to improve the quality of our air, generate jobs for our families and securing our supply of electricity by becoming self sufficient."

Silva said the plant will also be beneficial to the environment as well as providing economic and educational benefits to the Central Valley.

"We are officially welcoming any 'green' businesses here in Mendota looking to settle and grow in Central California," he said.

The electricity generated through solar panels, which Cleantech America demonstrated briefly during the event, will go directly to a PG&E substation in Mendota. PG&E signed a long-term contract to buy the energy produced by the solar plant.

Jeff Smith, a representative of PG&E said that this is a project they are looking to implement in other cities and in the future the company will look for alternative forms of energy.

"Mendota will become a model city in western Fresno County," he added.

Mendota City Manager Gabriel González said the city only had one chance to attract Cleantech America and Mendota did it, thanks to him, according to the mayor and several city officials.

González said he was very optimistic about the building of the plant and said, among other things, that it will help change Mendota's image and will generate jobs. "Individuals will be able to have full time employment all year and not by season as it happens in the agriculture industry."

For a city located in the heart of the most agricultural county in the world, as is Fresno County, the building of a solar plant means change for the community, according to Joseph Riofrío, a long-time Mendota councilmember.

"This is the first step in changing the purely agricultural image of the city," said Riofrío.

There will be job opportunities to work on the panels, which they calculate will take up to a year to complete.

The site where the plant will be built lies next to PG&E's installations in Mendota.

The city rented the land to Cleantech America, which will donate \$20,000 for vocational and training programs for employees working in the plant and toward the maintenance of solar energy.

"Oil is now at \$100 a barrel and one day we are going to pay \$4 per gallon of gasoline, so this is a project that will provide another way of producing clean energy, without contaminating our air and at the same time setting an example" for others to follow suit, said Riofrio.

Assemblymember Juan Arámbula, D-Fresno, suggested that in the future Mendota might become the solar capital of California.

[Letter to the Fresno Bee, Friday, Nov. 16, 2007:](#)

### **We can make changes**

I was pleased to see you give front-page importance to the story that Americans could reduce global warming and improve their health by such simple steps as walking to school and cutting down on red meat (Nov. 12). Sadly, you sabotaged the effect by including lines such as the small changes are "unlikely to happen" and "changing people's habits is very hard."

Much more meaningful and useful than using these comfortable excuses would have been a discussion of what measures would motivate the small lifestyle changes that offer such "huge payoffs" to health and the environment.

Changing people's habits is not hard. We know how to do it -- by making the old behavior more unpleasant, difficult, unpopular and costly, while making the desired behavior more comfortable, easy, respected and inexpensive. Present policies actually subsidize and encourage our destructive habits.

There are many things that would encourage the simple changes your article said offer huge benefits for the planet and for American health, but at this point, we do not even openly discuss what those things are. Instead, we say "it will never happen" and "changing people's habits is hard." We can do it; the question is will we?

*Jan Balcom, Prather*

[Note: The following clip in Spanish discusses the lawsuit filed by the Valley Air District against EPA. For more information, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Demanda a Washington, autoridades ambientales del Valle de San Joaquín**

Noticiero Latino

Radio Bilingüe, Thursday, November 15, 2007

Las autoridades ambientales del Valle de San Joaquín consideran que ese retraso a California afecta directamente el control de contaminación en su región.

La Oficina Distrital de Control de la Contaminación del Aire del Valle de San Joaquín demandó al gobierno federal por aletargar un permiso para que California ponga en vigor una ley que impone límites de deterioro del aire a la industria automotriz.

Aunque por las mismas razones, la demanda de esa oficina regional contra la Agencia federal de Protección Ambiental es adicional a otra que interpuso California y que la apoyan 14 estados en el país.

Las autoridades ambientales del Valle de San Joaquín consideran que ese retraso a California afecta directamente el control de contaminación en su región.

El Valle es la segunda zona del país con la peor calidad del aire después de Los Ángeles.