

Lawsuit attacks strictest air rules

Dealers, carmakers claim 2009 exhaust emissions requirements too harsh

by Jerry Bier - Fresno Bee

[Wednesday, Dec. 8, in the Fresno Bee and Modesto Bee](#)

FRESNO — More than a dozen San Joaquin Valley auto dealers and an alliance of manufacturers filed a lawsuit Tuesday in federal court here to block implementation of what are being called the world's toughest vehicle emission standards.

The state regulations, set to take effect with the 2009 model year, would limit so-called greenhouse gases. The rules are expected to cut exhaust emissions from cars and light trucks by 25 percent, and from sport utility vehicles and larger trucks by 18 percent.

In the lawsuit, the dealers and the Alliance of Automobile Manufacturers say the rules will do little to combat pollution and will drive up the cost of cars and trucks in California. In particular, the rules will hurt farming in the valley, where trucks need more horsepower and towing capacity, they said.

The alliance contends that the regulations — theoretically aimed at emissions control — would instead mostly affect fuel economy, which is regulated by the federal government.

"Federal law is designed to ensure a consistent fuel economy program across the country," Fred Webber, president and chief executive of the manufacturers alliance, said after the complaint was filed.

Fresno lawyer Timothy Jones, representing the plaintiffs, said: "We're trying to make sure the whole process and integrity is preserved."

The lawsuit asks a judge to overturn the regulations.

U.S. District Court in Fresno is where previous legal challenges also have attacked California's clean air efforts, the most stringent in the nation.

The lawsuit, which names California Air Resources Board Executive Officer Catherine E. Witherspoon as the sole defendant, states that the reduction of carbon dioxide, a greenhouse gas, will have a minimal effect on global warming, the target of the regulations.

"Because greenhouse gases disperse evenly in the atmosphere, any rule that CARB might adopt applicable to new motor vehicles sold in this state will have no more than a trivial effect in reducing the concentration of greenhouse gas emissions in the upper atmosphere above California, much less the national or global atmosphere," the lawsuit states.

David Doniger, an attorney for the Natural Resources Defense Council and head of a legal team that supports the California standards, said the state is well within its rights to adopt the regulations.

"This is about using better technology in engines, transmissions and other vehicle components to control the air pollution that causes global warming," Doniger said. "Consumers will save money because these emission-control technologies also save fuel. But California is regulating air pollution, not setting fuel economy standards."

Jerry Martin, a spokesman for the Air Resources Board, said officials had not seen the lawsuit, but the manufacturers' arguments are basically the same as when the regulations were adopted.

"This is an emission-control rule," Martin said, "to control emissions that increase global warming and ground-level pollution — look at the Central Valley."

Louise Bedsworth, senior vehicle analyst with the Union of Concerned Scientists, which has supported the tougher rules, said carmakers "risk alienating one of their biggest customers — California."

"It's too bad they don't put their resources into making this rule work. They're recycling the same old arguments."

Bedsworth said environmental groups had collected 50,000 letters from people asking the carmakers not to sue.

Jim Marston, a lawyer for Environmental Defense, a national association boasting 400,000 members, also attacked the lawsuit.

"If GM, Daimler-Chrysler, Toyota and Ford are going to survive, they have got to wake up to their responsibilities and design vehicles that emit less greenhouse gas pollution," he said. "It's especially disappointing to see Ford and Toyota filing suit, since they have been positioning themselves as environmentally sensitive manufacturers."

Governor's team supports regs

The regulations gained approval in September despite vigorous opposition by auto industry officials, who argued that the state board did not have the authority to adopt such sweeping regulations, that they could not be met by existing technology, and that they unfairly targeted California, which produces less than 1percent of the world's greenhouse gases.

Those arguments are repeated in the lawsuit.

Gov. Davis signed the regulations, and they have the support of Gov. Schwarzenegger's environmental protection secretary, Terry Tamminen. Tamminen said he and Schwarzenegger believe California should do its part to reduce pollution.

State officials said they expected the rules to eventually raise the price of new cars by about \$1,000. The auto industry has estimated the increase at about \$3,000.

The Alliance of Automobile Manufacturers includes BMW of North America, DaimlerChrysler Corp., Ford Motor Co., General Motors Corp., Mazda North American Operations, Mitsubishi Motor Sales of America, Porsche Cars North America, Toyota Motor North America and Volkswagen of America.

Automakers sue to toss smog law

Jane Kay, Chronicle Environment Writer

[Wednesday, Dec. 8, San Francisco Chronicle](#)

The country's biggest automakers filed a lawsuit Tuesday against the California Air Resources Board, making good on their threat to try to overturn an innovative law that curbs tailpipe gases linked to global warming.

The Alliance of Automobile Manufacturers and some Central Valley car dealers filed the lawsuit Tuesday in U.S. District Court in Fresno. The suit charges that the law limiting carbon dioxide and other so-called greenhouse gases from new cars, light trucks and SUVs pre-empts federal law setting fuel- economy standards.

"There's no other way to eliminate carbon dioxide than to make a car combust less fuel," said Eron Shosteck, spokesman for Ford Motor Co., General Motors, BMW Group, DaimlerChrysler, Toyota and four others. "This is fuel economy. Period. Fuel economy and CO2 emissions are synonymous."

The 72-page lawsuit relies on the key arguments advanced by the auto industry in the debate over the nation's first law to control such emissions from passenger vehicles -- that the law will do little to improve health while increasing cost and limiting selection in the marketplace.

The law requires that new vehicles' emissions of heat-trapping gases be cut by one-third by 2016. Scientists say the accumulation of these gases in the atmosphere is creating the effect of a greenhouse.

"Global warming heats up the surface temperature of Earth and can result in higher (ground-level) ozone concentrations that can affect public health," said Jerry Martin, spokesman for the air board. "We see this as another emission rule, like our other emission rules, designed to protect the public health from air pollution."

In addition to requiring cutbacks on carbon dioxide, Martin said the law also controlled nitrous oxide, methane and hydrofluorocarbons, three gases that are "1,000 times more damaging" in their global warming effects.

The state maintains that the federal Clean Air Act specifically allows California to set air pollution standards, which then may be followed by other states. Seven other states already have passed similar laws or have them in the works.

The state has also joined 11 other states in a suit challenging a U.S. Environmental Protection Agency decision not to regulate carbon dioxide as an air pollutant. The law to curb tailpipe emissions was approved by the state Legislature in 2002. The state air board adopted the regulations to implement the law in September, and the law is to go into effect in 2006. The phase-in of new models starts in 2009.

State officials, who hadn't yet reviewed the suit and couldn't comment on it, have argued that the law isn't aimed at changing fuel-economy standards --

although they agree that the improvements that will be required in transmissions, engines and other components will save on fuel.

On Tuesday, California Controller Steve Westly joined with New York Comptroller Alan Hevesi in criticizing the automakers -- which included Mazda, Volkswagen, Porsche and Mitsubishi Motors -- for spending money to fight the law instead of investing in cutting-edge technology.

Westly points out that he and his colleague sit on the boards of their state employee and teacher pension funds, which he says invest about \$2 billion in stocks in the suing companies. CalPERS alone has \$832 million in investments in the automakers.

Both controllers say they intend to use those funds as leverage to bring industry representatives to the table next month for discussions.

Conservation groups expressed disappointment over the suit, saying they had hoped the auto companies would recognize the consumer demand for clean cars.

"It's especially disappointing to see Ford and Toyota filing suit, since they've been positioning themselves as environmentally sensitive manufacturers," said Jim Marston, attorney for Environmental Defense.

Coincidentally, the Union of Concerned Scientists released its biannual ranking of automakers Tuesday and -- based on analyses completed in October, and without knowledge of the lawsuit -- named Honda as the world's greenest automaker.

"Honda chose not to sue California today," said Jason Mark, the group's director of clean vehicles, "and we hope they use their engineers to comply and not their lawyers to fight the law."

Automakers sue over California's tough vehicle-emissions rules

JULIANA BARBASSA, Associated Press Writer

[Wednesday, Dec. 8, San Francisco Chronicle](#)

FRESNO, Calif. (AP) -- Automobile manufacturers sued to block the world's toughest vehicle emissions standards, adopted by California regulators in September to cut greenhouse gases.

The manufacturers argued in their lawsuit filed Tuesday that the standards, which could set a precedent for other states, must by law be the responsibility of the federal government.

"Federal law is designed to ensure a consistent fuel economy program across the country," Fred Webber, president and chief executive of the Alliance of Automobile Manufacturers, said in announcing the lawsuit.

The suit had been expected ever since the regulations were adopted, but officials with the California Air Resources Board said they had not seen the charges as of Tuesday afternoon, and wouldn't offer immediate comment.

The alliance and several automobile dealers in California's San Joaquin Valley argued in the lawsuit that only the National Highway Traffic Safety Administration has the authority to set fuel economy standards. The automaker's group represents the world's largest car companies: BMW Group, DaimlerChrysler AG, Ford Motor Co., General Motors Corp., Mitsubishi Motors, Mazda, Porsche, Volkswagen and Toyota Motor Co.

State regulators sidestepped the issue by regulating carbon dioxide emissions, not fuel economy. But the alliance argues that "carbon dioxide and fuel economy are synonymous," noting the U.S. Environmental Protection Agency uses carbon dioxide emissions to gauge the vehicles' fuel efficiency.

By setting more stringent rules, California's air board pre-empted the federal Clean Air Act and violated a federal law forbidding states from regulating fuel economy standards, the suit claims.

It also says the federal government has effectively regulated tailpipe emissions, increasing the fuel efficiency of passenger cars by nearly 100 percent over the last 25 years.

But national advocacy groups protested the suit, which they said was an attack on the right of states to protect their population from the effects of dirty air.

"That's what this suit is about -- air pollution, not fuel economy," said David Doniger, policy director for the Natural Resources Defense Council's Climate Center.

The regulations are scheduled to be phased in beginning in 2009. The California Air Resources Board estimates they would cut exhaust emissions in cars and light trucks by 25 percent and in larger trucks and SUVs by 18 percent.

Seven other states have taken steps to emulate California's regulations -- New York, New Jersey, Connecticut, Massachusetts, Maine, Vermont and Rhode Island. Together with California, they represent one quarter of American car sales.

Under the new rules, these states would require automakers to use better air conditioners, more efficient transmissions and smaller engines. Manufacturers argued the result is a hypothetical vehicle that doesn't exist and can't practically be built.

Companies could solve the problem by improving the technology in engines and transmissions instead of filing expensive lawsuits, Doniger said.

"We wish they would lock up their lawyers and set their engineers loose," he said.

The alliance said complying with the California standards would increase the cost of a new vehicle an average of \$3,000. It also said the regulations would reduce consumer choices because manufacturers would likely dump vehicles with higher emissions, such as full-size pickups with large engines. Air regulators estimated the cost at about \$1,000 per vehicle.

Consumers already can choose from more than 30 vehicles that achieve more than 30 miles per gallon, the alliance noted, but aren't buying them.

Responding to the suit, California Controller Steve Westly said he would ask board members in the biggest U.S. pension fund, the California Public Employees' Retirement System, to pressure auto manufacturers to stop fighting the new emissions standards.

With more than \$800 million invested in car manufacturers, Westly said the pension fund board members have a vested interest in the companies' performance -- and they believe ignoring global concerns about the effects of greenhouse gases is a mistake in the long run.

This suit's argument is similar to other challenges to clean air policies filed in Fresno's federal court.

In 2002, a Fresno federal judge barred California from demanding that 10 percent of cars sold here after this year produce zero emissions.

The California Air Resources Board changed its requirements, allowing manufacturers to comply with the regulations by selling hybrid cars that get at least 30 percent more miles per gallon than required by federal fuel-efficiency standards.

Study Blasts Carmakers on Carbon Dioxide

[Wednesday, Dec. 8, Associated Press](#)

Automakers are generally doing a poor job in lowering emissions that contribute to global warming, despite continued success in reducing pollution that causes smog, an environmental group said Tuesday.

Japanese manufacturers again made the cleanest-burning vehicles, according to the Union of Concerned Scientists' biennial report, which focused on the 2003 vehicles from the six largest automakers in the U.S. market in terms of sales.

Honda Motor Co. got the highest overall rank in the report, with its Honda vehicles producing less than half the smog-forming pollution of the industry average. **General Motors** Corp. had the worst overall ranking, with a fleet that generated a third more smog-producing pollution than average.

Nissan Motor Co. ranked second-best overall and **Toyota Motor** Corp. was third, followed by **Ford Motor** Co. and **DaimlerChrysler**. Nissan and DaimlerChrysler moved up from their positions in the group's report two years ago.

The group said Nissan had the largest improvement in reducing carbon dioxide, key among the greenhouse gases that many scientists believe are causing the Earth to become warmer. Nissan registered the second-largest improvement in reducing smog-forming pollution. DaimlerChrysler showed a modest improvement in the fuel economy of its trucks, which make up a substantial portion of its sales.

The six automakers produce more than 90% of vehicle emissions in the United States, the group said.

David Friedman, research director of the Union of Concerned Scientists' Clean Vehicles Program and an author of the report, said anti-smog regulations had forced automakers to improve smog emissions. But carbon dioxide emissions haven't shown much improvement.

Drugs May Offer Shield From Pollution's Harm

Researchers find that two types of medications taken for high blood pressure can apparently block the deadly effects of air contaminants

By Marla Cone

[Wednesday, Dec. 8, Los Angeles Times](#)

Medications commonly prescribed for people with high blood pressure may protect them from the potentially deadly effects of air pollution, according to a new study that examined hundreds of older men.

Numerous studies have shown that people die more often from heart attacks, strokes and other cardiovascular problems on smoggy and sooty days. But Harvard University researchers have found that two types of drugs, calcium channel blockers and beta blockers, apparently can shield the effects of the pollutants.

The scientists reported that calcium channel blockers "had the most profound effect" on preventing air pollution from disrupting heart rates, according to the study published in this week's online journal *Environmental Health Perspectives*. Widely used for two decades, the medications, such as Procardia and Cardizem, are prescribed for high blood pressure and some cardiac problems. Beta blockers, prescribed for the same conditions, also were protective but less so.

Epidemiologists believe that fine particles of soot, mostly from diesel exhaust and factories, and ozone, the main ingredient of smog, can interfere with the nervous system's control over variations in heart rates. People with low heart rate variability are considered prone to heart attacks.

The team at Harvard's School of Public Health, led by Dr. Sung Kyun Park, examined 497 men - average age 72 - from the Boston area, comparing their heart functions to air pollution levels recorded nearby. The scientists reported that on days when ozone and fine particle pollution increased, the men had lower readings for heart rate variability; there was less of an effect on those taking the medications.

Dr. Henry Gong, a USC professor of medicine who specializes in the health effects of air pollutants, said it was plausible that the medications could shield people from all causes of heart rate problems, including air pollution. But scientists would have to compare people taking the drugs who were breathing purified air with those breathing polluted air to offer more substantial evidence, he said.

Because the lungs and heart work together, experts theorize that when tiny particles are inhaled, they inflame the lungs, triggering a neurological response in the heart. The calcium blocker medications, designed to stop calcium from reaching heart cells and allow blood to flow more freely to the heart, also may block that unwanted neurological response.

Dozens of studies conducted worldwide have shown that deaths and hospitalizations from heart attacks, strokes, asthma attacks and other diseases increase when concentrations of fine particles and ozone rise. Researchers at Yale and Johns Hopkins universities recently calculated that ozone causes several thousand more deaths throughout the United States each year.

Studies, including the new Harvard one, also have found that diabetics are at high risk because the pollutants alter their heart rates.

Health experts welcomed the news that commonly prescribed medications might protect the millions of people who are most vulnerable to air pollution. But they say that efforts must continue to combat particulates and smog. Levels of the pollutants in the Boston area where the heart study was conducted were considerably lower than in Southern California.

About 100 million Americans live in areas that violate federal health standards for ozone, and about 20 million live in areas that exceed particulate standards, according to the Environmental Protection Agency. But numerous studies have found increased deaths even in areas that are not considered highly polluted.

Judge Rules in Favor of Kings County Compost

[Wednesday, Dec. 8, Valley Voice](#)

Kettleman City - Kings County Superior Court Judge Louis Bissig ruled in favor of Westlake Farms plan to operate a biosolids composting plant on land they own near Kettleman City. The case was decided November 10 on a suit brought by the Center for Race, Poverty and the Environment and others challenging adequacy of an environmental study the county approved back in April.

The facility will consist of some 1000 acres that will accept Class B biosolids from LA County that includes biosolids from waste water treatment plants, ag and urban greenwaste.

Westlake plans to sell 14,500 acres to the County Sanitation District of Los Angeles and they will actually operate the composting facility leasing back the land to Westlake that will use the

material as fertilizer and soil amendment. Some of that material will be sold as well. The material would be approved only for non-food crops.

Judge Bissig found the impacts on air quality were adequately analyzed in the EIR noting that the composting facility will help provide an alternative to the burning of ag waste in the valley set to be outlawed by 2010 here.

Regarding the mitigation of particulate matter from the project the judge said the county agreed that the impacts might be significant but that it should be approved due to economic and social benefits the project brings.

The project promises to hire 130 employees - most of them full time.

The judge also found the county acted properly in not recirculating the EIR, adequately assessed the project's cumulative impacts and project alternatives.

Finally the judge addressed the issue of restoration of the Tulare Lake wetlands sought by some of the opponents.

The judge suggested that the "project does not disturb any riparian land, rivers, streams, water courses or wetlands." But land west of the project is being considered for future restoration.

He sums up by saying the petitioners have failed to establish that the project is not consistent with the county general plan.

Kings County Supervisor Tony Oliveira told the Voice that "both the county and Westlake spent the time to design and engineer this project that will put people back to work" at Westlake Farms.

Westlake owner Ceil Howe said he felt relieved at the judge's decision but noted that "the opponents have at least 45 to 60 days to appeal" if they wish. Howe says in the meantime they are applying for several more permits they need to get operational - a process that will take a few more months anyway.

If there is an appeal the matter could take a lot longer of course. Howe says he would "visit with our partner" on the project to see if they might want to move forward anyway shouldering some risk in case of the success of an appeal.

He says he hopes that "the Sanitation District could be making compost within a year."

Howe says one benefit for the valley will be that the new facility will need tons of green waste and wood chips to mix with LA biosolids to allow it to bulk up and aerate inside the big building and outdoors where the compost will be stored. "This will provide a place farmers can bring their wood chips instead of burning their orchards in the open field," says Howe.

Kings Supervisor Tony Oliveira - who has been critical of other land spreading projects involving sludge - says he believes "Farm Bureau and farmers out there will support this" in part because the days of ag burning are numbered. Oliveira says he sees this project as a sign "that Westlake Farms will go back into business" - from the past few years when long time employees were laid off and much of the land laid fallow.

The enclosed composting facility would process up to half a million wet tons of biosludge mixed with 400,000 tons of green waste. The sewer sludge would be trucked in from the County Sanitation District of Los Angeles County made of 78 cities in LA County.

"We will lessen the emissions that can escape in the atmosphere as it is mixed inside the building with filters," says Howe noting that a visit to a similar facility in Pennsylvania that the smell was "virtually nonexistent to a farm boy."

Howe says Westlake Farms is farming a small portion of what they have historically tilled exiting the cotton business in 2002. "We use to have 20,000 acres of cotton and now we have none. We used to farm 45,000 acres of wheat and now we have about 10,000 acres."

"Now I see how they say California is not business friendly when we have spent so much time and money for nothing. It has been a frustrating experience."

Focus on renewable energy could mean boon for Valley By Valerie McLain, staff writer
[Wednesday, Dec. 8, The \(Fresno\) Business Journal](#)

The pat on the back will need to wait.

The state managed to keep the lights during the dog days of summer, but a new draft report released this month by the California Energy Commission shows the state's energy reserves may run out by 2008.

That means the state will need to pour resources into renewable energy, update transmission lines and move to install meters that charge a higher rate for consumption during peak hours.

According to California Energy Commission data, 65 percent of the state's megawatts are produced in plants that were built before 1980. The plants run the gamut from the 2150-megawatt San Onofre Nuclear Power plant near San Diego built in 1968, to Redding's 611-megawatt Shasta Dam built in 1944.

A megawatt is roughly enough electricity to power 700 homes.

But aging power plants could take as much as 9,000 megawatts out of the system within the next few years. With a growing population and increased demand, state officials are hoping to bridge the gap using renewable resources such as biomass, solar and wind powered plants.

"I think the economics are turning around somewhat," said John Geesman, a presiding member of the California Energy Commission at a recent hearing in Fresno. "I think we are going to see a lot more of our waste being used as electricity."

Gov. Arnold Schwarzenegger has directed the state's investor-owned utilities to move their portfolios toward producing 20 percent of their electricity from renewables.

Here in the Valley, officials are hoping that technology will help turn plant and animal wastes—including dairy wastes and sewage sludge—into fuels. The goal: simultaneously clean up the environment and produce electricity for a rapidly growing population.

"Many of us have been dreaming of one day crossing that bridge," said Jim Boyd, an associate member of the Commission, "and for us, these wastes are really renewable sources for electricity. Unfortunately so many of the good things have problems with economics."

According to the Commission's report, 80 percent of the state's current renewables such as wind and solar are located in Southern California. Yet even though Southern California has significant potential, the transmission infrastructure is not available to deliver renewable resources to other parts of the state. If viable technology can be adopted to turn organic waste into fuel, it could make the Valley a major player in the statewide rush toward so-called "green" energy sources.

"We are very concerned with climate change, air quality problems and water quality problems," Boyd said. "California still directs a great deal of waste into landfills."

"There's a lot of opportunity here. It could breathe new life into the agricultural community."

But while initiatives like the push toward green energy have been met with praise from both sides of the aisle, the Commission's recommendation to impose time-sensitive meters on the state's electricity customers may not be met with the same open arms.

The Commission is recommending the state implement a full-scale rollout of advanced metering systems that offer "dynamic rate offerings." That rate would change depending on whether the electricity is used during peak hours.

The system has been discussed since the statewide energy crisis in 2000.

"This would be principally for our largest customers at first so they can see the real costs of operating during those peak hours," Geesman said. "We all recognize that the price we see on our utility bill is not the actual cost per hour. I think if you were able to see the actual costs hour by hour it will affect your usage pattern."

"It's a fairly momentous decision, but it is time to make that decision, and we need to have done so by 2005."

The energy commission will be considering the adoption of the draft recommendations in November.

Carmakers May Test Exhaust Law

Companies prepare suit that would challenge California's authority to force them to reduce emissions linked to global warming.

By Miguel Bustillo and John O'Dell - Times Staff Writers

[Tuesday, Dec. 7, Los Angeles Times](#)

Automobile manufacturers are preparing to sue California, perhaps as early as this week, in an attempt to derail a pioneering state law that seeks to force the companies to reduce tailpipe emissions of heat-trapping gases linked to global warming.

Representatives of two major automakers confirmed Monday that a coalition of companies has decided to file a lawsuit that would challenge the state's legal authority to force the reductions from carmakers.

One company official from a domestic automaker who had been briefed on the lawsuit described it as "imminent." However, a representative of a Japanese automaker cautioned that the suit may not be filed until January.

Car companies and an automobile industry trade group repeatedly have argued that the California law - which requires a nearly 30% cut in greenhouse gas emissions from all passenger vehicles sold in the state by 2016 - sets a new fuel efficiency standard, which only the federal government has the power to do.

The easiest known way to reduce exhaust of carbon dioxide and other heat-trapping gases is to build cars and trucks that burn less fuel. State officials concede that the new rule probably will lead to more fuel-efficient cars and trucks elsewhere.

Still, the rule-makers maintain that they are regulating only air pollution, not fuel economy, as the auto industry contends.

A spokeswoman for the Alliance of Automobile Manufacturers, a trade group of leading carmakers that includes General Motors, Toyota and Volkswagen, said the group was still deciding whether to sue.

"We are still considering our options and I am not going to predict when and if we might do something," said spokeswoman Gloria Bergquist.

State officials said they hoped to avert a legal dispute.

"We hope that we and the automakers can work out our differences and find some common ground," said California Air Resources Board spokesman Jerry Martin. "We have been doing our best to work with them in hopes of avoiding a lawsuit."

Environmental groups said they hoped that automakers, some of which have tried to cultivate a "greener" image in recent years, would consider polls in California showing that the public supports the greenhouse gas rule. But they acknowledged that they expected a legal showdown.

"They can choose whether to innovate or litigate. We were hoping that leaders in that industry would recognize that the public wants cleaner cars. But it looks as if they are choosing to draw a hard line in California," said David Doniger, a senior attorney at the Natural Resources Defense Council and head of a legal team of environmentalists that plans to help defend the rule.

The first regulation of its kind in the world, California's greenhouse gas rule is being closely watched around the globe. A number of states, including New York, Massachusetts and New Jersey, have indicated that they would like to adopt similar regulations. Canada also has discussed developing a similar standard modeled in part on the California requirement. As a result, auto industry experts said, the state rule could lead to major changes in cars sold throughout North America.

The technology needed to reduce tailpipe emissions of greenhouse gases already exists and is in use in many cars. State officials have cited innovations currently in use that can reduce exhaust, including continuously variable transmissions that shift to find the most efficient gear, engines that shut off cylinders when they are not needed and air-conditioning systems that use alternative coolants.

However, the technology costs more, and requiring it on all California cars and trucks will undoubtedly raise prices. State officials estimate that the average car would cost about \$1,000 more by the time the rule is fully implemented in 2016. Car company representatives estimated that the increase would be three times that.

David Cole, chairman of the nonprofit Center for Automotive Research in Ann Arbor, Mich., said car companies were worried that tougher requirements would force them to build vehicles with smaller engines that were less able to tow trailers and boats. Cole and other automotive industry experts said the expected filing of the suit should lead to more frank talks between California and automakers, which have largely avoided discussing their differences with state regulators.

"The car companies see this as an unfair tax on their consumers because it will add to the cost of vehicles and detract from the utility that consumers have come to expect," Cole said.

In addition to arguing that California is attempting to set a new fuel-economy standard, car companies have maintained that the state is overstepping its legal authority by regulating carbon dioxide as a pollutant.

Under the Clean Air Act, California is the only state that can set air pollution standards stronger than those imposed by the federal government. Other states are then free to follow California's standards. Many have done so.

However, the Bush administration ruled last year that it did not consider carbon dioxide a pollutant under the Clean Air Act. A number of states, including California, have challenged the U.S. Environmental Protection Agency decision in court.

State officials also maintain that they can regulate carbon dioxide even if the federal government chooses not to do so.

Pact a Reprieve for Shell Refinery

Pollution limits will be altered so the firm can run the Bakersfield site through March 31 with more time for sale talks.

By Elizabeth Douglass

[Tues, Dec. 7, Los Angeles Times](#)

Shell Oil Co. and federal officials have agreed to modify pollution limits so the company can keep running its Bakersfield refinery through March 31 and have more time to negotiate with a "short list" of potential buyers, Shell said Monday.

The amended environmental agreement represents another reprieve for a facility Shell had planned to close Oct. 1.

The company granted its first stay of execution in August in the midst of antitrust investigations, fuel supply worries and political pressure.

Shell said it would keep the Bakersfield facility open through the end of this year. And it pledged to continue operations in Bakersfield for an additional three months - through March 31 - if it won a waiver of certain emissions limits contained in a 2001 consent agreement between the oil company, the Environmental Protection Agency and the Justice Department.

On Monday, Shell said it got the necessary dispensation on nitrogen oxide emissions.

The accord with the federal officials, which must be approved by a federal judge in Texas, would ease layoff worries for many of the 250 employees at the relatively small refinery, which produces 2% of California's gasoline supply and 6% of its diesel. It also would keep alive the possibility that a buyer could step in to save the facility and stop car-dependent California from losing badly needed fuel-production capacity.

Shell said discussions with potential buyers were continuing but wouldn't identify the bidders or give a deadline for a sale agreement. However, the company made clear that it intended to close the refinery March 31 if it couldn't strike a deal to sell it.

"We are pleased to be in a position to extend operations at the Bakersfield facility," Lynn Laverty Elsenhans, president of Shell Oil Products US, said in a statement. "Extending operations at the Bakersfield plant would help with transition issues, should a new owner emerge from the sales process."

State officials and others have been pressuring the company to sell the refinery instead of closing it. They say shuttering the Bakersfield plant would worsen the state's chronic fuel supply troubles and lift prices at the pump.

Tom Dresslar, spokesman for Atty. Gen. Bill Lockyer, praised the emissions agreement and the extra time it would provide for fuel production and negotiations with potential buyers. But he added that "the real prize is a sales transaction that will keep it open for the long term."

Lockyer, who secured the postponement from Shell in August, continues to push for a sale. "We're hopeful that Shell can reach an agreement with a qualified buyer that will keep the refinery open and spare California drivers even higher pump prices than they pay now," Dresslar said.

Under the modified environmental agreement announced Monday, Shell can exceed emissions limits for the first three months of 2005. In exchange, Shell said it agreed to meet other emission reduction deadlines more than three years earlier than required under the 2001 settlement.

The original agreement called for Shell to reduce total nitrogen oxide emissions from a list of refineries by Dec. 31, 2004, and make further reductions by Dec. 31, 2008. The agreement was one of several pacts between federal regulators and refiners accused of illegally polluting the air.

The Bakersfield refinery had already reached its required emissions reductions, Shell said. The firm had been relying on the closure of the Bakersfield plant to meet required overall emissions reductions at all of its refineries by the end of 2004.

A spokesman for the Environmental Protection Agency referred questions on the matter to the Justice Department. Justice Department officials didn't return a call seeking comment.

Automakers criticized over emissions

Tuesday, Dec. 7, from Associated Press, in the New York Times

WASHINGTON (AP) -- Japanese manufacturers continue to make the cleanest-burning vehicles, but automakers are generally doing a poor job in lowering emissions that contribute to global warming, an environmental group said Tuesday.

Honda Motor Co. got the highest rank in the Union of Concerned Scientists' biennial report, which focused on 2003 vehicles from the six largest automakers in the U.S. market in terms of sales.

Honda vehicles produced less than half the pollution of the industry average, the report said. General Motors Corp. ranked lowest, with a fleet that produced a third more pollution than average.

Nissan Motor Co. ranked second and Toyota Motor Corp. was third, followed by Ford Motor Co. and DaimlerChrysler AG. Nissan and DaimlerChrysler moved up from their positions in the group's 2002 report.

The group said Nissan had the largest improvement in reducing the greenhouse gas emissions that many scientists, including the Concerned Scientists, believe are causing the Earth to become warmer. Nissan registered the second-largest improvement in reducing smog. DaimlerChrysler showed a modest improvement in the fuel economy of its trucks, which make up a substantial portion of its sales.

The six automakers produce more than 90 percent of emissions in the United States, the group said. Researchers measured performance on two types of emissions -- smog-forming pollution and carbon dioxide, the main greenhouse gas linked to global warming -- and ranked automakers according to an average of the two.

David Friedman, research director of the Union of Concerned Scientists' Clean Vehicles Program and an author of the report, said federal and state anti-smog regulations have forced automakers to improve smog emissions. But carbon dioxide emissions haven't shown much improvement.

"In terms of heat-trapping gas emissions, automakers have been running in place for almost the last 20 years," Friedman said. "The industry is more or less ignoring global warming when you look at the products they're putting on the road."

Friedman said Honda has been a leader in reducing carbon dioxide emissions but is falling behind as its truck sales increase without improved technology.

GM moved from the best of the Big Three in the group's 2000 report to the worst. GM was the only automaker whose vehicles emitted more smog and carbon dioxide emissions in the 2003 model year than two years earlier, the report said.

GM spokeswoman Joanne Krell said the report doesn't take into account the mix of vehicles each company offers. For example, Honda has no trucks that compare in size to GM's largest models, like the huge Hummer H2, with a curb weight of more than three tons.

Friedman responded that even when compared to other companies with large fleets, GM is behind.

"It's not about what you sell. It's what you put into those trucks," Friedman said.

"DaimlerChrysler sells more trucks than GM, but beat them out because they make cleaner trucks."

Krell also said the Environmental Protection Agency has rated some GM vehicles highly for fuel efficiency, including the Chevrolet Malibu Maxx, which is the best in its class in 2005. The company also delivered a fleet of hybrid buses to Seattle earlier this year.

“We're pleased that we are noted for having some very fuel-efficient products,” Krell said.

The Union of Concerned Scientists, an environmental group formed nearly 40 years ago, said it would like to see automakers devote more of their marketing efforts to green vehicles and support federal and state environmental laws.

U.S. Firmly Anti - Kyoto as U.N. Climate Talks Start

[Tuesday, Dec. 7, Reuters](#)

BUENOS AIRES, Argentina (Reuters) - The United States showed no signs of budging in its opposition to the Kyoto protocol Monday as U.N. climate change talks began, a month after President Bush's reelection and Russia's ratification of the agreement.

The U.S. government said it had “chosen a different path” from Kyoto, but vowed to work against global warming by slowing greenhouse gas emissions, investing in climate science and technology and cooperating internationally.

Bush withdrew in 2001 from the 128-nation Kyoto protocol, which seeks to cut carbon dioxide emissions by five percent from 1990 levels by 2012. He argued it was too expensive and wrongly excluded developing nations.

Of the large industrialized countries, only the United States and Australia have refused to join the U.N. effort. But they account for around one-third of global emissions. The Australian government says ratifying Kyoto would hike power prices and cost the country jobs.

Scientists predict the rise in temperatures will accelerate melting glaciers and polar ice caps, leading to a rise in sea levels, extreme weather like heat waves, the spread of tropical diseases and the collapse of forests, coral reefs and farming.

“Efforts to address climate change will only be sustainable if they also serve a larger purpose of fostering prosperity and well-being for citizens around the globe,” Harlan Watson, alternate head of the U.S. delegation, told the Buenos Aires conference to the parties, known as COP 10.

Russia's ratification has created the most optimistic mood in years among environmentalists since it allows Kyoto to go into effect in February with a seven-year delay.

KYOTO ENTERS INTO FORCE

“The fact that the Kyoto protocol enters into force really gives much more strength to this debate,” Joke Waller-Hunter, executive secretary for the U.N. framework convention on climate change, told Reuters.

No major targets are expected from Buenos Aires. Rather, it is an opportunity for countries to begin discussing a timetable to define how much climate change the world can handle.

The conference has drawn 6,000 delegates from 194 countries, and environmental ministers from 80 countries will meet in the final days of COP 10, from Dec. 15-17.

But the United States' refusal to sign hangs over the 12-day meeting.

“It is a fantasy to try to mitigate climate change without the participation of the United States,” said Juan Carlos Villalonga, director of campaigns at Greenpeace Argentina.

Miguel Rementeria, an Argentine environmental activist, said he harbors no hopes of a shift in U.S. policy.

“The big businesses that back Bush don't want it and that won't change,” Rementeria said.

To drive home the point of climatic changes, Greenpeace built a giant ark on Buenos Aires' main avenue where some 2,000 people lined up Monday to take temporary refuge.

But even Kyoto's backers say its provisions are not enough to reverse global warming and it is essential to get developing nations -- notably China, India and Brazil -- on board.

The Buenos Aires talks will touch on the participation of these countries in curbing emissions after Kyoto runs out in 2012. China, now an industrial powerhouse, is the second biggest producer of emissions behind the United States but is much lower on a per capita basis.

The European Union and some environmental groups want to limit any global temperature rise to 2.0 Celsius (3.6F). Temperatures have risen by 0.6 C since the late 1800s.

CDF urges caution in fireplace use

[Monday, Dec. 6, Madera Tribune](#)

Every year, residents light up the fireplaces to not only warm their homes, but create that cozy atmosphere so revered during the holiday season. But along with these little pleasures comes fires, often destroying homes and taking lives.

The Madera-Mariposa-Merced unit of the California Department of Forestry and Fire Protection urges caution while using fireplaces and wood stoves, and offers safety tips to keep families safe during the winter months.

"Before using your fireplace or wood stove, the chimney and stove pipe should be cleaned," Battalion Chief Dennis Townsend said. "Creosol builds up in the chimney and stove pipe and can ignite, sending hot embers onto the roof."

Damaged chimneys or stove pipes can allow chimney fire to escape into attic spaces, and spread throughout the house, he said.

"Have your chimney or stove pipe inspected and have repairs done as needed," he said.

He also warns against burning wrappings from Christmas gifts in the fireplace or wood stove.

"The paper can ignite the creosol in the chimney or stove pipe causing hot embers to land on the roof, causing a fire," he said.

He also recommends installing a screen cap to the top of the chimney or wood stove to prevent hot embers from escaping.

"Ashes should be placed in a metal container," he said, "and stored away from structures for three or four days to cool. Ashes can stay hot for days and can ignite any wood or paper material on or near the ashes."

"To enjoy the holiday season, CDF reminds you to be cautious with trees, lights, candles, ornaments and fireplaces during this hectic time," Townsend said. "Fire knows no holiday."

He suggests buying fresh trees and keeping them away from heat and out of exits. Also, get rid of trees once large amounts of needles fall.

"Dry Christmas trees burn like torches," he said.

Do not dispose of trees, decorations or wrapping paper in the fireplace, he said. Sparks can set the roof on fire. Also, check lights before placing them on the tree, he said. Frayed or damaged light sets should be replaced.

[Wednesday, Dec. 8, Fresno Bee, Editorial](#)

No burn days

Winter rules for residential wood burning are in effect again.

The true cost of fireplace and wood stove burning in the Valley is much more than the price of a cord of firewood.

A dozen people in Fresno County were cited for residential wood burning last Friday and Saturday. That follows a half dozen citations issued earlier in Kern County, as the winter rules for wood burning come back into effect.

The San Joaquin Valley Air Pollution Control District inaugurated the new rules last winter, and they've kicked in again this year. The rules prohibit fireplace and wood-stove use on certain days when the air quality is at its worst. On other days, wood burning is discouraged, and on relatively clear days it is permitted.

There are important exceptions to the rules: Those for whom wood burning is the sole source of heat may use their appliances any day. Residents of foothill and mountain areas above 3,000 feet are exempt, as are homes in areas where natural gas service is not available. Gas and propane devices are exempt altogether.

It's a serious issue. The Valley has one of the nation's worst problems with particulate matter in winter. That includes the ash, soot and other microscopic specks of pollution that wood fires produce. Particulate pollution has been linked to heart attacks and premature death. It can cause the onset of asthma attacks. The danger is particularly high for -- as always -- the very young, the elderly and those with existing respiratory problems. Don't rely on our word for it. The latest evidence of air pollution's terrible effect on the very young comes from the American Academy of Pediatrics, which recently released a policy statement that said, among other things:

"[N]ot only can outdoor air pollution exacerbate asthma in some children, but recent studies have found that pollution has the potential to negatively affect lung growth and function, and to increase cases of respiratory tract illness, preterm birth and infant mortality. The elderly and adults with cardiovascular disease are populations also at higher health risk from air pollution due to fine particles, such as soot and smoke."

Wintertime wood burning in the Valley can put as much as 24 tons of particulate matter into the air each day. That's almost one-third of the total particulate matter produced in urban neighborhoods on winter days.

And that's why we're glad to see the wood burning rules enforced. The price of that cozy blaze in the fireplace could be the long-term health of our children.

[Wednesday, Dec. 8, Modesto Bee, Editorial](#)

We all breathe easier when you don't light

Stanislaus County residents have been "discouraged" from lighting their fireplaces 13 times since Nov. 1, says the San Joaquin Valley Air Pollution Control District. But no one has been ordered not to burn. That's not the case in the southern part of the district, where 18 people have been cited for lighting fires on no-burn days. This is a serious issue. Smoke from fireplaces and wood stoves is "by far" the largest producer of "particulate matter" in our air. The valley has the nation's worst air during the winter, filled with particles of ash, soot and pollution from wood fires. These particles have been linked to asthma, heart attacks and premature death. When you see those yellow triangles, don't light that fire.

[Wednesday, Dec. 7, 2Bakersfield Californian, Letters to the Editor,](#)

Readers do slow burn over fireplace crackdown

District has gone too far

When I read that the San Joaquin Valley Air Pollution Control District was urging people to turn in their neighbors when they suspected they had a fire in their fireplace on a "no-burn" day, I was extremely concerned.

It reminded me of a conversation I had with a lady from Croatia about 30 years ago when that country was under Communist rule. She said she could never bake cookies or cakes at Christmas time because her neighbors might turn her in to the communists who would arrest her for celebrating Christmas.

This report of Gestapo-like madness made me shudder then and what the SJVAPCD suggests now makes me shudder even more. In our free society, any campaign to turn neighbor against neighbor is insidious and more so when it is by an oppressive government agency.

Now I read the SJVAPCD is using a heat-reading tool to aim at fireplaces to detect a wood fire. Public Defender Mark Arnold is right. The air district has gone too far in intruding on our right to privacy.

I might be more sympathetic with the EPA and air district if I didn't know from their own studies that carbon emissions from wood-burning fireplaces are minuscule compared to carbon from the 20,000 diesel trucks traveling through the valley each day.

And the EPA, which is supposed to control truck emissions, has a history of consistently postponing adoption of regulations that would reduce diesel truck emissions.

-- MARY K. SHELL, Bakersfield

Go after big polluters

As the pollution police increase their intensity of enforcement of individual fireplace use, it makes you wonder where they are when it comes to large-scale violators.

Within a mile and a half of my house, there is a facility that produces enormous amounts of pollution 24/7, burning green waste imported from the Los Angeles area. The facility is known as AES Delano Energy and it is located on Pond Road, between Delano and McFarland.

On a recent day there were 85 semi-truck loads of waste brought into the facility from the Los Angeles area. This goes on 365 days a year.

On a clear day, unusual in the valley now, there is a dark cloud of smoke that hovers over the facility until the wind starts to push it southeastward toward Bakersfield. On less clear days, you can't see it as well but it is still there.

A recent perusal of the list of violations of the plant includes continued operation of the facility on suspended permits. No big enforcement action here.

Obviously, APCD targets individuals for enforcement as it is much easier and makes for a bigger story than trying to enforce the law against a large corporate political contributor that pollutes our environment with imported waste from areas with powerful political and economic interests.

-- DENNIS MARTIN, McFarland