Judge to rule in emissions case

Fresno hearing considers state's auto standards.
By Chris Collins
The Fresno Bee, Monday, Nov. 19, 2007

A federal judge in Fresno will decide as early as next week whether a U.S. Supreme Court ruling earlier this year gives California legal grounds to set some of the toughest vehicle emissions standards in the country.

On Monday, lawyers representing the automobile industry argued with lawyers from the California Attorney General's Office over whether the high court's decision had any bearing on a lawsuit that the industry filed in 2004 in U.S. Eastern District Court in Fresno challenging the state's proposed emissions rules.

Judge Anthony W. Ishii said Monday that he will decide sometime after Nov. 27 whether he will grant a motion to dismiss the lawsuit. If he does, it would clear the way for California to seek EPA approval for its new regulations.

California wants to set new standards that would take effect with 2009 model year vehicles. The new rules are expected to cut emissions in cars and light trucks by 25% and in larger trucks and sport utility vehicles by 18%. Under the Clean Air Act, California is the only state allowed to set emissions rules stricter than national standards, but it must first obtain a waiver from the EPA. Other states, in turn, can adopt California's standards. So far, 11 have.

The U.S. Supreme Court in April ruled that the EPA has the authority to limit vehicle emissions of greenhouse gases under the federal Clean Air Act.

Marc Melnick of the state Attorney General's Office argued Monday that the ruling also gives California the power to regulate emissions. He said the decision "confirms and strengthens" the state's legal argument.

But attorneys for the automobile industry warned Monday that the new regulations would result in significant job losses. They also said that the Supreme Court ruling gives the federal government the power to regulate emissions -- not California.

"If Congress intended for a single state to have such sweeping authority to unilaterally override federal laws, then Congress would have spoken with much more clarity," said Raymond Ludwiszewski, a Washington, D.C.-based attorney representing the Association of International Automobile Manufacturers.

Ishii, however, appeared to have a slightly different interpretation, noting that Congress seemed to recognize that California would be at the forefront of stricter vehicle emissions standards.

David Doniger, a Washington, D.C.-based attorney for the Natural Resources Defense Council, a national environmental advocacy group that has joined California in defending its proposed regulations, noted that California's new standards still would have to be cleared by the EPA.

Outside the courtroom Monday, he said the federal government, not a civil lawsuit, should determine whether the state can impose new emissions standards.

In December 2004, more than a dozen San Joaquin Valley automobile dealers joined DaimlerChrysler Corp., General Motors, the Alliance of Automobile Manufacturers and others in filing the federal lawsuit in Fresno.

Automakers challenge California's tailpipe emission standards

By GARANCE BURKE, Associated Press Writer
in the Fresno Bee, Modesto Bee, Merced Sun-Star and other papers, Tuesday, Nov. 20, 2007

FRESNO, Calif. - The nation's largest car companies on Monday sought to persuade a federal judge to toss out California's strict tailpipe emissions standards, which they say could wreck the domestic auto market and trigger job losses at auto plants and dealerships nationwide.

The standards, which were passed into law in 2002, force automakers to build cars and light trucks that pump out 30 percent less greenhouse gases by 2016. More than a dozen other states have vowed to adopt them.

The auto industry also has filed three federal suits challenging the rules' validity, asking the courts to scrap the standards on grounds they require manufacturers to produce vehicles using too many different fuel efficiency standards.

California can set its own vehicle pollution standards because it started regulating air pollution before the U.S. Environmental Protection Agency was created.

Lawyers for both sides presented arguments Monday before U.S. District Judge Anthony W. Ishii, who is expected to issue a decision as soon as next week.

"It is undisputed that this regulation will lead to job losses. The only question is the magnitude," said Andrew Clubok, a Washington-based attorney for the Alliance of Automobile Manufacturers, an industry group that represents the nation's 10 largest automakers, including Ford Motor Co., General Motors Corp. and Toyota Motor Corp. "This turns the whole objective of the energy conservation process on its head."

California can't enforce its tailpipe rules for cars sold in the state until it gets a waiver from the EPA exempting it from national greenhouse gas pollution standards set under the federal Clean Air Act.

Earlier this month, California and 14 other states sued the agency, saying the waiver was crucial to meeting the provisions of a separate state global warming law that seeks to reduce those emissions statewide 25 percent by 2020.

"California is the leading state in the country dealing with the most fundamental problem facing the world and that is irreversible disruptive climate change," California Attorney General Jerry Brown said in an interview with The Associated Press. "The auto companies are waging an all-out assault on the state of California and its greenhouse gas tailpipe restrictions, so it's crucial that we win."

Auto industry asks court to slam brakes on state's tough emission standards

Bob Egelko, Chronicle Staff Writer
S.F. Chronicle, Tuesday, Nov. 20, 2007

Fresno -- The legal battle over global warming moved Monday to the Central Valley, where the auto industry tried to convince a federal judge that California's attempt to limit car emissions of heat-trapping greenhouse gases is beyond its authority.

Lawyers for car manufacturers, dealers and trade associations said California's 2002 law, the model for statutes in 11 other states, amounted to a requirement for higher gas mileage, a subject that only the federal government can regulate.

Although federal law allows California to take a lead role in reducing air pollution, Congress never "intended a single state to have such sweeping authority to unilaterally set national fuel economy policy ... and profoundly affect a vital national industry," said Raymond Ludwiszewski, lawyer for a trade group of international automakers.

But U.S. District Judge Anthony Ishii suggested that the industry's argument had been undercut by a U.S. Supreme Court ruling in April upholding the federal government's authority to limit emissions of greenhouse gases.

Ishii noted that the court -- rejecting arguments by the Bush administration as well as the auto industry -- found no conflict between the Environmental Protection Agency's duty to regulate air pollutants and federal transportation officials' authority to regulate fuel economy.

"Why would I treat state regulation differently than the EPA adopting regulation of greenhouse gases that affect fuel economy?" Ishii asked. He concluded the two-hour hearing by saying he would rule later.

Even if the judge upholds the law, its fate will remain in the hands of the Bush administration, which must decide whether to allow California to enforce a clean-air standard more stringent than federal regulations.

The state filed suit Nov. 8 to demand a decision from the EPA, which has been considering California's request for nearly two years.

The California law requires manufacturers of new vehicles sold in the state to reduce their emissions of carbon dioxide and other greenhouse gases. Manufacturers' 2009 models are the first that must comply with the new restrictions.

The law requires companies gradually to lower their cars' emissions, to 23 percent below current levels by 2012 and 30 percent by 2016. It does not specify how the reductions are to be accomplished, but the state Air Resources Board says automakers can reach the goals by a combination of improving gas mileage, implementing new technology and taking steps to prevent leaks of greenhouse gases from cars' air-conditioning systems.

The auto industry sued in 2004 to overturn the law, contending it required a substantial increase in gas mileage, contrary to federal regulation.

"The regulation would mandate more than a 50 percent improvement in fuel economy over the next eight years," said Andrew Clubok, lawyer for the Association of Automobile Manufacturers and other plaintiffs. "It is undisputed that this regulation would lead to job losses."

Deputy Attorney General Marc Melnick replied that Congress has authorized California to adopt more stringent air-pollution standards -- with EPA approval -- even if one effect is higher gas mileage.

The same industry arguments were rejected by a federal judge in Vermont in a Sept. 12 ruling that upheld a state law identical to California's.

That ruling is not binding on Ishii. But it was only one of several recent court decisions in favor of an alliance of state governments and environmental groups pushing for curbs on emissions.

On Thursday, the Ninth U.S. Circuit Court of Appeals in San Francisco overturned the federal government's new gas mileage standards for light trucks and SUVs, ruling that the Bush administration had improperly ignored the effects of fuel consumption on global warming.

The key ruling came in April, when the U.S. Supreme Court decided that greenhouse gases are air pollutants that can be regulated under the Clean Air Act, and that the Environmental Protection Agency must impose restrictions unless it can back a refusal to regulate with scientific evidence.

The court also found that states have a right to go to court to protect their natural resources from the effects of global warming caused by greenhouse gases.

Deadline to curb emissions

Scientists warn failure to halt growth in warming gases means catastrophe

By Doug Struck, Washington Post
Tri-Valley Herald, Tuesday, Nov. 20, 2007

The world will have to end its growth in carbon emissions within seven years and become mostly free of carbon-emitting technologies in about four decades to avoid killing as many as a quarter of the planet's species from global warming, according to top United Nations scientists.

The stark choices laid out over the weekend by the agency's Intergovernmental Panel on Climate Change describe the daunting task if the world is to avoid the consequences of a planet heated up by more than 3.6 degrees Fahrenheit (2 degrees Celsius) since 2000.

The panel, which distilled research from about 2,500 scientists, avoided moral conclusions about how much global warming is too much.

"The scientists now have done their work. I call on political leaders to do theirs," U.N. Secretary General Ban Ki-moon said upon formally receiving the report in Valencia, Spain.

But the tables laid out in the report describe mounting grim consequences for each degree of atmospheric heating of the planet and the difficult steps that must be taken to avoid even the worst of those consequences.

To avoid heating the globe by the minimum possible, an average of 3.6 degrees Fahrenheit, the world's spiraling growth in greenhouse gas emissions must end no later than 2015, the report said, and must start to drop quickly after that peak.

By 2050, carbon dioxide and other atmospheric polluting gases must be reduced by 50 to 85 percent, according to the estimates.

That would require a drastic reworking of industrial processes, transportation, agricultural practices and even the buildings people live in, according to the report's calculations.

"We may have already overshot that target," said David Karoly, one member of the core team that wrote the report. Current emissions already are nearing the limit required in 2015 to limit the warming to 2 degrees Celsius, he said in an interview from Valencia.

Even at that threshold, the seas will continue to swell for centuries from thermal expansion and meltwater from ice caps and glaciers; the oceans will turn more acidic; most coral reefs will become lifeless expanses; floods and storms will increase; and millions of people will be short of the water they need, the report said.

"These are extremely serious findings," said IPCC Chairman Rajendra Pachauri.

But if the world misses that target and does not stabilize carbon dioxide emissions until 2030, for example, the planet's temperature will increase by as much as 6.3 degrees Fahrenheit above 2000 temperatures, the report said.

That level of warming would result in widespread extinctions of species, a slowing of the global currents, decreased food production, loss of 30 percent of global wetlands, flooding for millions of people and higher deaths from heat waves.

Policymakers in Europe and other governments have generally regarded the 2-degree Celsius rise as the maximum the world should tolerate.

The Bush administration has resisted making such a judgment, and John Marburger III, director of the White House Office of Science and Technology Policy, has said that goal "is not actually linked to regional events that affect people's lives."

The scientists who wrote the report officially declined to recommend such a threshold because it "involves value judgments."

"Unfortunately, that is a question people are ducking for too long," said Pachauri in an interview from Valencia after the end of the week-long deliberations by delegates of 130 countries.

But, he acknowledged, global warming of 3 or 4 degrees Celsius would be "an insufferable burden that human society and other species would have to carry."

"We need to define thresholds beyond which we won't go. It really is a matter of life or death for some communities on Earth," Pachauri said in the interview. "The choice for us is to see where it is we want to draw the line."

In a final speech to the delegates, Ban described how impressed he was on recent trips to the Amazon jungle and Antarctica, both of which would be severely threatened if mankind does not curb global warming, he said.

Ultra-cheap 'people's' car touted as less polluting

Activists worry mass access to automobile would worsen global warming

By Rajesh Mahapatra, Associated Press
Tri-Valley Herald, Tuesday, Nov. 20, 2007

MUMBAI, India - Tata Motors' ultra-cheap car will be the least polluting vehicle on Indian roads, the company's chairman said Monday, refuting criticism that the $2,500 car would add to traffic chaos and carbon emission.

Ratan Tata said his company will bring what is being billed as "the people's car" to market next year and its price of around 100,000 rupees would be on target, despite a sharp rise in costs for steel and other raw materials since the project was announced three years ago.

Automakers from around the world are keenly watching progress in the Tata project, which analysts say could set new price benchmarks and force other manufacturers to follow suit.

But Tata has been criticized by environmental groups who say the attractive price tag would bring the car within the reach of millions of ordinary Indians, triggering more pollution and burdening the country's crumbling infrastructure.

Tata said his car will adhere to strict quality norms like any automobile in the developed world, however.

"We will have less pollution per vehicle than any other vehicle in the country today," Tata told The Associated Press.

The pollution levels will be close to that of two-wheelers, he said.

He acknowledged there would be more congestion, but said the answer lay in building more infrastructure rather than ask automakers to roll back production.

David Cole, chairman of the Center for Automotive Research in Ann Arbor, Mich., said a small car with a small engine is likely to pollute less than those with larger engines.

But a clean car in India likely would not meet U.S. Environmental Protection Agency pollution limits, he said.

"Most of the developing countries, their emissions standards are just sort of getting cranked up now. The baseline is not very difficult to surpass," he said.

Tata said he was curious why his low-cost car that caters to the aspirations of average Indians was being criticized.

Earlier, there was skepticism that the company could stick to the price target and now it is facing "flak for a different set of reasons," he said. "Damned if you do, damned if you don't."

India is among the world's fastest growing automobile markets, thanks to a booming economy that has boosted middle class incomes and boosted demand for cars.

Initially, Tata said his company plans to make between 250,000 to 500,000 units a year. While the base model will cost 100,000 rupees, the company will offer two more variants at a higher price with added features, he said.

Keeping fuel usage flexible, including the use of ethanol, was also being considered, he said.

Even with low labor costs, it's unlikely that Tata could produce a $2,500 car with the catalytic exhaust technology needed to make it super-clean by U.S. standards, Cole said.

"I don't think that would be achieveable very easily," he said. "Unless the $2,500 car has pedals inside."

The project has also spurred other global automakers to explore similar ventures.

Already, French automaker Renault SA and its Japanese partner, Nissan Motor Co., are trying to determine if they can sell a compact car for less than $3,000. Japan's Toyota Motor Corp., South Korea's Hyundai Motor Co. and Chinese automaker Chery could also be looking to make ultra-cheap cars in India, analysts say.

According to German auto consulting firm CSM Worldwide, the new car could help Tata Motors emerge as the country's largest manufacturer of cars and light trucks by 2013.

Long a giant in truck and bus manufacturing, Tata has only about a decade of experience selling cars, which are limited to a handful, but successful, models. In India, it trails South Korea's Hyundai Motor Co. and market leader Maruti Suzuki Ltd., which is controlled by Japan's Suzuki Motor Corp.

Besides the ultra-cheap car, Tata said the company will introduce several new models next year, most of them in partnership with Italian auto maker Fiat.

Report hails state's clean energy push

Group says federal policies hold back progress

By Ngoc Nguyen
Sacramento Bee, Monday, Nov. 19, 2007

California air quality chief Mary Nichols and state Energy Commissioner James Boyd have joined environmental groups in touting a new report that holds California up as a national leader in clean energy policy.

They're calling on California's congressional delegation to follow the state's lead in pushing similar energy-saving initiatives as Congress is poised to vote on a federal energy bill.

"The next step is for federal policy to match what states are doing," said Nichols, the California Air Resources Board chairwoman appointed by Gov. Arnold Schwarzenegger.

The report by clean energy advocacy group Environment America lauds the Golden State for mandating renewable electricity-, vehicle- and appliance-efficiency standards and energy-efficient building codes.

While the federal government is lagging, the report says, states as a whole are doing much on their own to promote clean energy policies.

Twenty-five states and the District of Columbia have mandated that more electricity come from renewable sources such as wind and solar power. Twelve states have standards for energy-efficient appliances and equipment, and a dozen states are requiring the rollout of cleaner-running cars.

That's leaving a lighter carbon footprint on the planet, the report found.

Renewable electricity standards adopted by more than two dozen states would reduce global warming pollution by about 2 percent of current levels, roughly equal to removing more than 21 million cars off roads. And, by 2020, low-emission vehicles would offset global warming emissions by 74 million metric tons per year - the equivalent of taking more than 13 million cars off roads.

In California, energy-saving approaches have reaped rewards. As of 2003, the state used less electricity per capita than any other state, the report said.

And the reductions can add up. If every state adopted California's energy-saving standards, the nation as a whole would consume 8 percent less electricity, according to the report.

This summer, the Senate and House passed separate energy bills. The Senate version bumps up fuel-efficiency standards, calling for a fleet of cars and light trucks that get 35 mpg by 2020. The House measure would require utilities to produce 15 percent of their power from renewable sources by 2020, and extend federal tax breaks for renewable energy.

Environmental groups fear negotiations to reconcile the House and Senate versions could produce a watered-down version that does little to address climate change and reduce dependence on oil.

Bill Magavern, a Sierra Club California lobbyist, said he favors a federal energy bill that, at a minimum, increases fuel economy standards to at least 35 mpg, requires electricity to come from 15 percent renewable energy and offers tax credits for renewable energy.

Magavern said although California has benchmarks higher than these standards, these first steps are needed.

In 2002, California passed a law to cut global warming emissions by at least 30 percent by 2016. Earlier this month, the state sued the federal Environmental Protection Agency to get a waiver the state needs to reduce tailpipe emissions.

The state also needs federal tax credits granted to achieve goals under its Million Solar Roofs initiative, Magavern said.

Californians who want to install solar panels in their homes can take advantage of state and matching federal rebates that cut the cost in half.

"One million solar roofs rely on a federal tax credit which needs to be renewed," he said. "So far, we've seen tax incentives for solar and wind in fits and starts, while fossil fuel and nuclear industries have received billions and billions of dollars in subsidies."

While federal investment in renewable energy is lagging, a green energy tech sector is thriving in California.

Last week, a public policy group and an economic consulting firm launched a California Green Innovation Index, which tracks the state's clean energy technology boom.

According to the report by Palo Alto-based Next 10 and Collaborative Economics, California is the top state for U.S. venture capital investment in green technology, with $884 million pumped in last year.

Energy Commissioner James Boyd said renewable energy entrepreneurs are making progress, but the federal government's help is needed to lower prices.

"There is lots of venture capital money out there, but they're not willing to take it all the way," Boyd said.

Touting California as an example, Nichols of the Air Resources Board said clean energy policies can be a boon to the economy.

The Next 10 report bolsters Nichols' claim: California is more energy-efficient and has lower greenhouse gas emissions than Germany, the United Kingdom and Japan. At the same time, the report found the state's per capita gross domestic product has continued to grow.

Wood-burning workshops

Art Campos
Sacramento Bee, Saturday, Nov. 17, 2007

AUBURN - Placer County has scheduled two workshops Monday about potential rule changes for wood stoves and other wood-burning appliances.

The workshops are from 3:30 to 5 p.m. and 5:30 to 7 p.m. They will be at the Community Development Resource Agency, 3091 County Center Drive. The building is in the former DeWitt Center and is near Bell Road and Richardson Drive.

The proposed rules are aimed at reducing particulate-matter emissions from wood stoves and other appliances, said Heather Kuklo, a spokeswoman for the county's Air Pollution Control District. Input from the Monday workshops may be used when the district's board meets Dec. 13 to consider adopting rule amendments.

S.F. Chronicle editorial, Tuesday, Nov. 20, 2007:

Getting serious about air pollution

Detroit, which can't win in the showroom, is doing just as badly in the courtroom. Its slow-selling products are now battered by legal challenge: weak federal mileage rules backed by the industry-friendly Bush administration aren't good enough.

The latest slap came from a three-judge panel of the Ninth Circuit Court of Appeals. The ruling tossed out a feeble upgrade of mileage rules for SUVs and trucks (from 22.2 miles per gallon to 24.1 mpg by 2011) that Bush officials put forward last year. The judges sided with environmental groups who argued there was no good reason to treat the vehicles differently from cars facing higher mileage numbers.

The ruling added a second message, as another federal ruling did on the same topic in April, by noting that the truck and SUV mileage rules failed to acknowledge the seriousness of global climate change. The courts are now joining in the clamor for action on atmosphere-clogging emissions.

Carmakers must be wondering what happened to their world, but they can't say they weren't warned. Consumers don't love the big-engine products the way they once did. Congress is nearing a energy bill that could substantially upgrade mileage rules for all vehicles, despite Detroit's pleadings about costs and feasibility. And in the courts, the same car builders and Bush administrators are losing key fights.

Put California in the thick of this battle. Gov. Arnold Schwarzenegger, joined by Attorney General Jerry Brown, are demanding that the White House stop its industry-friendly stalling and allow Sacramento to push ahead with tougher tailpipe emission rules for the state. For two years, federal officials have foot-dragged on the request as a favor to Detroit. Fourteen other states have asked to joined the lawsuit aimed at letting states do what Washington won't -- reduce greenhouse gas emissions by requiring higher mileage vehicles.

The sum is a full-frontal assault on both the Bush team and the auto industry. It's time each woke up or risk another round of legal fights, congressional action or empty auto dealerships.

Note: The following clip in Spanish discusses how California is demanding that the automotive industries design autos that will pollute 30% less within the next 9 years. The 10 major auto companies argue that by doing so, there will be an inevitable increase in unemployment. For more information, contact Claudia Encinas at (559) 230-5851.

Cumplir ley de protección del aire en California creará desempleo: Industriales

Noticiero Latino
Radio Bilingüe, Tuesday, Nov. 20, 2007

Las diez mayores empresas automotrices nacionales y extranjeras con mercado en Estados Unidos argumentaron que cumplir con la ley de protección a la calidad del aire de California llevaría inevitablemente a desempleo.

Según las firmas, la ley más estricta contra la contaminación del aire que aprobó California y respaldan otros 13 estados implica gastos multimillonarios para fabricar vehículos menos contaminantes, lo que obligaría a las empresas a despedir personal.

La ley de California exige a las industrias fabricantes de autos diseños que contaminen 30 por ciento menos para dentro de nueve años.

El procurador estatal, Jerry Brown declaró que California debe ganar esa demanda contra automotrices para garantizar mejor calidad del aire a futuras generaciones en el país.