

In The News – Online Clips Wednesday, March 14, 2007

Deadline nearing for fireplace incentives

By Greg Ubbelohde, Staff writer
Visalia Times-Delta, Wednesday, March 14, 2007

The deadline is fast approaching for residents to get money to replace an old wood-burning fireplace or wood stove with a newer, more efficient product.

Thursday is the last day to turn in an application for the Burn Cleaner program, sponsored by the San Joaquin Valley Air Pollution Control District and Operation Clean Air. The incentive program is designed to start cleaning up the Valley's air by helping residents get the newest, most efficient wood-burning equipment in their houses, said Janelle Schneider, spokeswoman for the air district.

The program offers residents up to \$350 to change the equipment. The money is given when they make the purchase, Schneider said.

It's intended to be an incentive to encourage people who may have been considering a purchase, Schneider said.

"Getting a few hundred dollars off may be the difference in purchasing and not," Schneider added. New stove prices range from about \$300 to about \$1,700.

The Air District estimates that during the winter, residential wood-burning devices put 12 tons of pollution into the air on days unhealthy to burn - that's a third of all the air pollution in the Valley on those days. Stoves made after 1990, called certified stoves, put out 6 grams of particulate pollution into the air, where as the older stoves put out 50 grams, Schneider said. As of Monday, 400 vouchers have been given, and the district expects to give 300 more this year, Schneider said.

To qualify, residents need to live inside the district and have a stove made before 1990. The air district won't give money to change out one certified stove for another, Schneider said.

Once an application is accepted, the consumer will get a voucher to take to a participating Valley retailer. A list of retailers is provided on the air district's Web site, www.valleyair.org. Once the purchase is made, the consumer will get a \$75 discount from the retailer in addition to the amount on the voucher.

EPA: Landfills not harmful to Kettleman City

By Seth Nidever
Hanford Sentinel, Wednesday, March 14, 2007

The U.S. Environmental Protection Agency came calling Monday night in Kettleman City to tell residents that a nearby waste disposal site doesn't adversely affect the community.

Only two local residents showed up to discuss a 77-page study, in which the EPA concluded that hazardous and non-hazardous waste trucked to a Chemical Waste Management, Inc. landfill site in the hills southwest of town has no harmful health impacts on either Kettleman City or Avenal.

"EPA's assessment documents what we've been saying for a long time," said Bob Henry, operations director.

EPA officials also said they can't determine if Kettleman City has bigger health issues than the rest of Kings County. Residents in the small unincorporated community have frequently made that claim.

The other aim of the meeting was to discuss EPA's proposal to renew a permit allowing the Chem Waste site to dispose of PCBs, a cancer-causing substance used in electrical equipment that Congress banned in the 1970s.

For years, Kettleman City inhabitants have complained of asthma problems, high cancer rates and other health issues. Some have put the blame on Chem Waste's Kettleman Hills facility, particularly its ongoing hazardous waste operations.

Kettleman City resident Alicia Jacobo said local fears about health issues would continue in spite of the report.

"My first sort of gut reaction was, 'What do you mean there are no problems in Kettleman City?'" she said of the EPA study.

Jacobo works for Sen. Dean Florez, Kings County's Democratic representative in the state Senate.

"When they have to rush their kid to an emergency room for an asthma attack or when they have to care for a loved one with cancer, I don't think this report is going to change their mind," Jacobo said.

EPA officials said that they couldn't find enough information to document residents' claims.

Reported cancer rates in Kettleman City are similar to the statewide average, said Debbie Lowe, a staff member of the EPA's San Francisco office.

Lowe said that EPA couldn't get information about asthma hospitalizations because of confidentiality issues.

Jacobo said lack of access to health care is connected to the community frustration often directed at Chem Waste.

Kettleman City has no permanent medical facility, only mobile health clinics that come periodically. To pick up a prescription or see a doctor much of the time, residents must drive to the Lemoore-Hanford area.

There are legitimate health concerns in the community, Henry said.

EPA officials said they would consider modifying the study depending on what kind of public comments they receive.

The next meeting on the topic is scheduled for March 27 from 6 to 9 p.m. at the Kettleman City Community Center, 75 Fifth St.

Valley's record temps bring sunny disposition

Fresno's foray into the 80s is likely to continue today, thanks to high pressure.

By Barbara Anderson

The Fresno Bee, Wednesday, March 14, 2007

Michelle Maurice of Tollhouse awoke Tuesday morning with an urge to plant flowers.

By noon, with the mercury edging above 80 degrees, she was consumed by a full-blown case of spring fever.

"The weather just definitely does it to me," said Maurice, 41, who dragged her husband, Russ, 40, to Tommy Rock Landscaping Supplies in Clovis for irises to put in a rock garden on their 5 acres.

Across the central San Joaquin Valley, record-breaking temperatures drove people outdoors in shorts and T-shirts, exposing pale arms and legs to the sun for the first time this year. By 5 p.m. Tuesday, Fresno had reached a high of 84 degrees -- 4 degrees higher than the previous record for the date, set in 1993.

And it's likely today's temperature will tie or topple the 82-degree record set in 1994, said Gary Sanger, a meteorologist at the National Weather Service office in Hanford.

"There's a high-pressure system just sitting over California," Sanger said. High pressure brings clear skies and warm weather. Temperatures are 15 to 20 degrees higher than normal. Typically in mid-March, Valley residents are wearing sweaters to ward off a 65-degree daytime chill.

The unusual warm weather, a week before the official first day of spring, caused the Valley to record its first smog violation Monday, exceeding the state health standard. Smog, which needs sunlight to cook its chemical stew, usually doesn't place a chokehold on the Valley until summer.

The forecast for the remainder of the week also excludes rainfall needed to build up a scant Sierra snowpack and avoid draining ground-water reservoirs in the Valley.

At 4.52 inches of rain, Fresno needs more than 4 inches to reach its normal of 8.6 inches for this time of year. The city would have to add almost 7 inches to reach the normal of 11.23 inches for the season.

The hot and dry weather also creates a fire hazard, said Mike Bowman, information officer for Cal Fire and the Fresno County Fire Department.

Fresno doesn't have the strong winds that whipped fires into infernos in Southern California this week, but dry grasses in the Valley are the perfect fire fuel. "With the conditions we have right now, we can have a fire break out," he said.

But neither the threat of fire nor a hint of a drought could rain on sun worshippers' parade Tuesday.

"I hope the winter is over. I like it hot," said Jim Bedgood, 56, of Fresno as he waited for his apple-red 1997 Ford F-150 truck to be washed at the Luxury Hand Car Wash on Olive Avenue.

Tuesday's warm weather got a thumbs up from Jim Beasley, 63. A Valley native, Beasley lived in Richmond for 30 years, working at the Chevron refinery. He's glad to be back in sunny Fresno.

"I like the spring -- and I love the summer too," he said.

Beasley's grandson, Colten Beasley, 4, concurred.

"I don't like it when it rains," he said.

Grandfather and grandson spent Monday digging up bushes killed by the winter frost in Beasley's northeast Fresno yard.

On Tuesday, Beasley strolled behind Colten as the boy propelled his bicycle with bright blue rims and training wheels down the sidewalk at Chestnut and Nees avenues.

As far as he's concerned, Tuesday was a perfect day, Beasley said: "I could use this weather year-round."

Judges Say E.P.A. Ignored Order in Setting Emission Standards

By FELICITY BARRINGER

N.Y. Times, Wednesday, March 14, 2007

WASHINGTON, March 13 - A three-judge panel of the United States Court of Appeals for the District of Columbia Circuit rebuked the Environmental Protection Agency in a decision Tuesday, indicating that the regulators had flouted Congress and the courts in setting the standards governing hazardous air pollution emissions from plants making bricks and ceramics.

The panel concurred in a single opinion that the agency had ignored a federal appeals court opinion directing it to follow the Clean Air Act's instructions in setting emission standards for kilns making bricks and ceramics. These kilns collectively emit more than 6,440 tons of toxic acids and small soot, which can cause breathing difficulties, organ damage and cancer.

The ruling said the agency had ignored the court's order to ensure that the basis for its standards was emission levels achieved by kilns using the most effective technology currently in use in the industry.

"If the Environmental Protection Agency disagrees with the Clean Air Act's requirements for setting emission standards it should take its concerns to Congress," the judges wrote in an unusually pointed final paragraph.

"If the E.P.A. disagrees with this court's interpretation of the Clean Air Act," they continued, the agency should appeal its earlier ruling. "In the meantime, it must obey the Clean Air Act as written by Congress and interpreted by this court."

In a statement on the Web site of Earthjustice, the organization that represented the Sierra Club its suit against the E.P.A. over the standards, James Pew, a lawyer, said: "This decision is not just about brick kilns. It is about an agency that thinks it is above the law, and chooses to ignore Congress, the courts and the citizens who have called upon E.P.A. to protect against this pollution."

Jessica L. Edmond, the agency's deputy press secretary, released a statement saying that "E.P.A.'s innovative strategies to improve air quality are achieving real results," adding that the disputed rules were reducing toxic air pollutants by approximately 2,300 tons a year.

Ms. Edmond said the Bush administration would review the ruling before deciding whether to appeal it.

40-cent jump in gas price blamed on refinery moves

By Blanca Torres

Contra Costa Times, Wednesday, March 14, 2007

Gas prices in the East Bay have shot up an average of more than 40 cents per gallon during the past month, but that spike is unlikely to change people's driving habits, analysts say.

The average price of unleaded gas in the East Bay was \$3.14 on Tuesday, a 44 cent, or 16 percent, increase from \$2.70 per gallon a month ago, according to data from AAA Northern California.

In the Bay Area, gas is up 43 cents to an average of \$3.27 per gallon. Statewide, prices jumped 45 cents to \$3.11, and nationwide, prices have jumped 31 cents to an average of \$2.54 per gallon.

"Most of this increase has not been from oil prices," said Severin Borenstein, director of the UC Berkeley Energy Institute. "Most of the increase has come from refinery margins, which is the difference between the price of crude oil and the wholesale price of gas."

Price fluctuations are common in California's volatile gas market. Even the timing of deliveries from oil tankers can affect prices.

This is also the time of year when refiners switch to producing the summer blend aimed at reducing air pollution, which takes longer to refine and is more expensive than the winter blend.

"The amount of crude oil going into California refineries is about 7 percent less than last year, and this year is a bigger maintenance season than last year," said David Hackett, an analyst with Irvine-based fuel consulting firm Stillwater Associates. "In the short term, as long as refineries come back from maintenance, prices will ease until late June, then go back up."

Michael Weston of Concord said he has heard the refinery explanation but doesn't buy it.

"I think it's just greed," he said while filling up at a Chevron on the corner of Gallindo Street and Willow Pass Road in Concord. "Here it is March and we are paying more than \$3 a gallon."

Weston said he tries to drive only when necessary but can't cut his consumption anymore than he already has.

"You have to have gas," Weston said. "You either buy gas or stay home."

Many consumers find themselves in similar situations, said Roland Hwang, San Francisco-based vehicle policy director for the Natural Resources Defense Council, an environmental advocacy group.

"People tend to buy gasoline whatever the price is," he said. "Prices are going to have to go up pretty darn high, to \$4 or \$5 a gallon, before we see demand decrease."

Gas consumption drops by 4 percent when the price of gas doubles, said Daniel Sperling, a professor at UC Davis and director of its Institute of Transportation Studies. He is also co-author of a study released in the fall on the effects of price increases on gas consumption.

"The biggest factor is that people are completely immersed in their car-based lifestyle -- there aren't any good alternatives," Sperling said. "And in the end, it's just not much money."

Another issue is that consumers are having less sticker shock when they drive up to gas stations.

"We've been going through volatile price changes in fuel for the last four years," said Sean Comey, a spokesman for AAA Northern California. "Previously you would hear more outrage. Over time, it appears that consumers have become somewhat numb to rising energy prices."

Experts agreed that oil companies will lower prices only if gas consumption declines.

"If we, for instance, raised the fuel economy of cars by 10 miles a gallon, that would have a dramatic effect on refinery margins," Borenstein said.

If people can't change their driving habits, an easier solution is to drive a more fuel efficient car, Hwang said.

Some motorists are beginning to consider that option. Micaela Romero of Martinez, a Realtor, has been driving a 6-cylinder Jeep Liberty she rented after her 4-cylinder Mercedes C230 was stolen.

"I go six blocks and I feel like I have to fill up again," she said. "Now, I'm seriously thinking of getting a hybrid. I never realized how much money I was spending to pay for gas. I'm wasting my vacation money on gas."

Price of gasoline going up, up, up

Surge expected to peak after increasing another 25 cents a gallon

By Janis Mara, BUSINESS WRITER

Tri-Valley Herald, Wednesday, March 14, 2007

Bay Area gas prices rocketed above \$3 a gallon this month and, worse yet, another 20- to 25-cent jump is predicted in California over the next 30 days.

Such a jump would take gas prices to record highs in the East Bay, San Mateo and other parts of the region.

Gas prices have increased nationally - the U.S. average is now \$2.54 a gallon for regular unleaded gas, up 31 cents in the past month. But the rise has been more severe in California, which saw a

45-cent-a-gallon jump to \$3.11, according to AAA's monthly gas report, released Tuesday.

San Mateo prices zoomed 43 cents, to an average of \$3.24 a gallon. Oakland prices soared

48 cents to \$3.21. Motorists in Tracy saw the highest leap, up 49 cents to \$3.07.

And there's no relief in sight, experts said.

"I think additional increases are in store. Wholesale prices have been rising rapidly and we still haven't seen retail prices catch up," said Fred Rozell, retail pricing director of Oil Price Information Service.

"When wholesales prices go up, almost invariably that increase is passed downstream to the consumer," agreed Sean Comey, spokesman for AAA of Northern California.

Sarah Lanyon of Belmont said she had noticed the jump in gas prices and wished the Bay Area had better public transportation.

"I drive from Belmont to Oakland to work. My husband drives to San Jose," Lanyon said. "Between the two of us, I think we're responsible for 50 percent of the world's global warming."

Though Joyce Yaffe of Berkeley doesn't drive, depending on BART instead, she said the anticipated gas hikes will affect her.

"It will cause everything else to go up, because goods are transported by truck and plane," Yaffe said. "There should be better public transit."

Fred Eisd of San Ramon blamed oil companies for the gas price hike.

"Oil prices are still around \$60 a barrel. There's no reason why (gas) should increase," Eisd said. "Oil companies manipulate the price of oil so their profit and their stock will go up."

No state or federal investigations have shown that oil companies have engaged in illegal market manipulation. But oil companies have posted record profits.

Additional gas price increases of 20 to 25 cents a gallon would set new records across the Bay Area. But AAA's Comey didn't think prices would quite break the state record of \$3.38 a gallon, set May 18.

"It would seem unlikely, unless we have unexpected problems," Comey said.

But prices will go up and stay up for a while, according to the experts. For one thing, gas usually goes up this time of year because people go on driving vacations and buy more gas. "I call it 'petronoia.' Everybody's worried there won't be enough gas because everyone is going on vacation," Rozell said.

Another distinguishing factor for California is its cleaner-burning gasoline, Rozell said. "California's a little different because there's only so many refineries that can make that specific gasoline and any event that occurs causes major disruptions and price spikes."

This is the time of year when refiners switch to producing the summer blend aimed to [reduce air pollution](#), which takes longer to refine and is more expensive than the winter blend.

Other factors include production problems, rising raw materials costs and "robust profits," according to AAA.

California's thirst for gas is another factor.

"We have a very serious supply and demand situation in California. On a good day our refineries can manufacture 44 to 45 million gallons of gas every day. The demand for gasoline is just about at that level," said Tupper Hull of the Western States Petroleum Association.

"People tend to buy gasoline whatever the price is," said Roland Hwang, San Francisco-based vehicle policy director for the Natural Resources Defense Council. "Prices are going to have to go up pretty darn high, to \$4 or \$5 a gallon, before we see demand decrease."

Gas consumption drops by 4 percent when the price of gas doubles, said Daniel Sperling, a professor at the University of California, Davis, and director of its Institute of Transportation Studies. He also is co-author of a study released last fall on the effects of price increases on gas consumption.

"The biggest factor is that people are completely immersed in their car-based lifestyle - there aren't any good alternatives," Sperling said.

Prices vary gas station to gas station. To find the lowest gas prices in your area, visit <http://www.aaa.com/gasprices> or <http://www.gasbuddy.com>. Also, the California Energy Commission has gas-saving tips at <http://www.consumerenergycenter.org>.

"Even something as small as keeping your tires properly inflated can save gas," Comey said. "Try taking mass transit occasionally. If everyone saves a few gallons a month, that's a huge difference."

British plan would go beyond EU on carbon emissions

Blair seeks 60% cut in climate-changing gases by 2050, but critics say the bill doesn't go far enough in some areas.

By Kim Murphy, Times Staff Writer
L.A. Times, Wednesday, March 14, 2007

LONDON - The British government proposed Tuesday to impose mandatory reductions in carbon emissions, taking the lead in Europe's efforts to slow the pace of global climate change.

New legislation is not as stringent as many political leaders are seeking. But Prime Minister Tony Blair's draft bill calls for reducing Britain's greenhouse gas emissions by 60% from 1990 levels by 2050, with five-year "carbon budgets" reviewed annually through a government committee on climate change.

Unlike the reduction targets enshrined in the international Kyoto Protocol, which many nations have failed to meet, Britain's compliance would be mandatory under the proposed law and subject to unspecified enforcement through the courts. The measure proposes steeper and swifter reductions than the European Union's plan, adopted Friday, to achieve an overall 20% reduction in carbon emissions by 2020.

The British proposal foresees cuts of 26% to 32% by 2020.

Europe's debate is only beginning, with the difficult process of allocating reductions among the member states still ahead.

"The world is waking up to the dangers we face," Blair said in his introduction to the bill, which the government hopes will become law by 2008. "And just as human ingenuity has accidentally caused climate change, I believe it can play a huge role in helping us undo the damage.

"But we need to take action now, we need to take it collectively, and for the richer nations to support the poorer ones."

Gov. Arnold Schwarzenegger, who has overseen the adoption of similar legislation in California, joined Blair for the launch by satellite link via the ITN network. He said technology and carbon tradeoff partnerships across the globe would allow gains that would not be achievable individually.

"This is a huge, huge announcement," Schwarzenegger said of the proposed British legislation.

Government officials said the legislation is unique in attempting to bind future governments to carbon reductions by making failure to achieve targets reviewable by the courts.

It is not yet clear how the courts would enforce the targets or what punishment would be imposed for failing to meet them. Nor does the proposed law stipulate precisely how carbon dioxide emissions would be reduced.

Discussion so far has centered on widespread investment in renewable energy sources, encouraging new fuel technologies and a raft of policies such as taxes on airline flights, fines on polluting industries, and new manufacturing standards to eliminate high-energy light bulbs and encourage standby modes on electronic equipment.

Blair said international partnerships such as the one Britain signed with California last year would pave the way for a global system of technology and emissions tradeoffs that ultimately would be the only way of achieving climate change goals.

California's regulation is even more ambitious than the British proposal, calling for an 80% reduction in greenhouse gases by 2050.

Britain's opposition Conservatives also have been pushing for action on climate change and criticized the new legislation for not setting annual reduction targets. Conservative leaders said establishing five-year carbon budgets could allow the onus for compliance to be pushed onto future governments.

Conservative leader David Cameron has also called for steeper taxes on aviation, especially short-haul domestic flights that passengers could replace with train travel. New energy taxes should be offset by other tax reductions, Cameron said.

Many environmental groups also have urged annual targets. Friends of the Earth welcomed the proposed law but called for it to be even stronger, with targeted emission cuts of 3% every year, annual progress reports and taxes on international aviation and shipping emissions.

"The government's current target - a cut in emissions of 60% by 2050 - is no longer considered to be a sufficient contribution by the U.K. or other developed countries," the organization said in a statement.

Business leaders were also positive, with reservations. Richard Lambert, director of the Confederation of British Industry, called the proposed legislation "a big step forward" in offering business "the two things we really need: long-term clarity on policy direction and flexibility in its delivery."

He argued that the annual reduction targets advocated by the Conservatives and environmental groups would present "impractical constraints."

[Modesto Bee, Guest commentary, Wednesday, March 14, 2007](#)

An inefficient truth: Big cars cost money, jobs, lives

By MARC ROSS - McCLATCHY-TRIBUNE

Over the past two decades, auto engineers have developed hybrid engines, better transmission systems and countless other safe and affordable fuel-saving technologies. Yet the average vehicle sold in the United States today goes a mile less on each gallon of gas than it did in 1987.

Instead of prioritizing efficiency, however, domestic automakers focused on increasing weight and power, a choice they're paying for in lost profits and rising global warming pollution. They staked their future on large sport utility vehicles and trucks that are more prone to rollovers and less compatible with other cars, driving a 15-year increase in traffic deaths. And, claiming it was looking out for the Big Three, Congress neglected the fuel economy improvements that could have saved money, jobs and lives.

Back in 1975, in response to price shocks after Arab oil embargoes, lawmakers required auto manufacturers to double their fuel efficiency within a decade. According to the National Academy of Sciences, the nation saves

117 million gallons of gas each day as a result.

That law, however, set a weaker standard for SUVs, pickups and other "light trucks," which accounted for just 20 percent of the U.S. auto market at the time and were primarily used in agriculture and commerce. Taking advantage of this division, industry started churning out larger and less efficient vehicles. Today, half of the vehicles sold in the United States are "light trucks," and most of these gas-guzzlers are used no differently than cars half their weight.

Yet whenever anyone proposes closing the light-truck loophole or raising fleetwide standards, they're met with a familiar chorus of opposition. First, critics claim that progress is too expensive, and the struggling U.S. auto industry cannot afford to comply.

If they look around, they'll see that Chrysler just let go of 16 percent of its North American workforce, Ford posted an unprecedented \$12.6 billion loss in 2006, and mileage-conscious Toyota is poised to overtake GM as the nation's top seller. Rising oil prices hit SUV sales hard, and the Big Three were especially vulnerable. The predicted collapse is here, and our inaction on fuel economy deserves a large part of the blame.

Opponents of higher standards also claim that increased mileage will force drivers into lighter and less safe vehicles. This ignores the wide range of efficiency improvements that are possible without any downsizing, and significant research showing that structure and design have a greater impact on vehicle safety than weight does.

But this argument wrongly assumes bigger vehicles have made our roads safer. In fact, unlike Canada and much of Europe, traffic deaths are gradually increasing in the United States, partly because the larger size gap among vehicles has heightened the threat posed by collisions between light trucks and cars. When rollovers are factored in, the overall risk is similar for occupants of cars and SUVs.

Finally, some lawmakers have tried to deflect attention from fuel economy proposals by downplaying their impact on global warming. The numbers suggest otherwise; transportation accounts for roughly one-third of our nation's carbon dioxide emissions, and most of that comes from cars and light trucks. Any plan to stabilize our climate needs to address this major source of pollution, and increased efficiency is the quickest and most effective way of doing so.

After decades of false starts, fuel economy proposals are starting to move in Congress. Eliminating the light-truck loophole and raising fleetwide standards would cut our dependence on foreign oil, reduce global warming and improve highway safety.

Meanwhile, the arguments against action -- including the industry's doom and gloom -- are nothing new. During the first fuel economy debate in the 1970s, Ford said higher mileage standards could require a "product line consisting ... of all sub-Pinto-sized vehicles."

Congress passed that bill anyway, and Ford's vision of subcompacts has given way to a much scarier reality.

Ross, a professor emeritus of physics at the University of Michigan, has testified before Congress on automobile fuel efficiency and its safety impacts. His e-mail address is mhross@umich.edu <<mailto:mhross@umich.edu>>.

[Modesto Bee, Commentary, Wednesday, March 14, 2007](#)

Doing out carbon credits will be key issue

By Daniel Weintraub

As California regulators move forward with the state's sweeping plan to cut greenhouse gas emissions, one of the big questions they will face is whether the government should sell or give away the right to dump carbon dioxide into the atmosphere.

Assembly Bill 32, the landmark measure passed last year to put California out front in the fight against global warming, requires the state's industries to reduce greenhouse gas emissions to 1990 levels by 2020.

To get there, state regulators at the Air Resources Board are planning to order some industries to change their practices. Auto manufacturers will be required to make their cars more efficient. Utilities will be forced to produce more of their power from renewable resources. Oil companies will have to make fuels that burn with fewer carbon dioxide emissions.

At the same time, regulators hope to create a market in which companies can buy credits allowing them to pollute. The idea behind this market-based approach is to allow companies to reduce their emission of greenhouse gasses in the most efficient way possible. Some would do it by retooling. But if those measures prove too expensive, a market in pollution permits would allow firms to pay someone else to do more than their share. The state still meets its goal but with less disruption of the economy.

The question is how those credits will be distributed. And that might be a \$2 billion question.

The state could simply allocate credits to individual companies based on their historic levels of pollution. Each credit would represent the right to produce, say, a ton of carbon dioxide emissions. The number of credits distributed would be less than needed to continue business as usual, forcing the firms to reduce their pollution. Companies that reduced their emissions faster than required could sell their unused credits.

An alternative would be for the state to sell all or a portion of the credits at an auction. Regulators would determine an acceptable level of greenhouse gas emissions for the entire state and put the credits representing that amount up for sale. Companies would bid for the right to pollute, with the market setting the price from the beginning.

Lenny Goldberg, executive director of the California Tax Reform Association, which lobbies for higher taxes on business, is pushing the Air Resources Board to sell the credits rather than give them away.

"If you really want to get it right, you have to have an auction," Goldberg says.

Goldberg argues that distributing the credits for free based on past patterns would reward companies that have been producing a lot of greenhouse gasses, while penalizing those firms that already have reduced their carbon footprint. The bigger polluters could even make a windfall on the deal by taking easy actions to reduce their emissions and then selling their credits to others.

An auction, on the other hand, would reward companies that have already reduced their emissions, because they would have to buy fewer credits to remain in compliance. And if the state announces ahead of time that the credits will be auctioned, companies that haven't yet acted would have an incentive to do so quickly.

Linda Adams, secretary of the California Environmental Protection Agency, and Catherine Witherspoon, executive officer of the Air Resources Board, told The Bee earlier this year that they believe they have the authority to sell the credits at an auction without further legislation, and they are considering doing so. AB 32 gives the Air Resources Board the power to levy any fees needed to enforce the law.

"We don't see any need for anything else," Adams said. "We don't need any more authority."

An auction would be controversial, however, because it would be the equivalent of a tax increase raising \$2 billion or more, depending on the value companies place on the credits. That money would probably be spent to help ease California's transition to a low-carbon economy.

Some of it might go back to industry as rebates for improving their operations, or as subsidies for clean-burning fuels. Low-income consumers might see some of it to offset higher utility bills.

As California moves forward, regulators will keep an eye on how other jurisdictions have handled this issue. When Europe created a market for greenhouse gas credits, most of the permits were given away, and the value of the credits crashed because the governments handed out too many. That meant polluters could buy their way out of taking action for next to nothing.

In the northeastern United States, meanwhile, several states are rolling out a joint effort to cut emissions from power plants. There, the group plans to auction most if not all of the credits. Selling the credits, ironically, might turn out to be the least intrusive method of distribution, because it means regulators don't have to evaluate every company's operations to determine each firm's entitlement to permits, with all the lobbying and back-room deals that might entail.

"We'll watch them and see how it goes," Witherspoon said.

And then a lot of people will be watching California.

[Orange County Register, Editorial, Wednesday, March 14, 2007:](#)

Capitol crimes

Mark Landsbaume

California's 120 state senators and Assembly members in Sacramento have introduced 2,754 new pieces of legislation in the hope that they will become laws. Just what you needed, eh? A few thousand more laws.

It's still early in the legislative session, so many of the final bills' wordings that will survive don't yet even adorn those thousands of pages. They will emerge, however, as legislation is modified to express political consensus, and perhaps to reveal ulterior motives backers weren't willing to divulge early in the game. Last year Gov. Arnold Schwarzenegger signed into law 910 bills, and vetoed another 262.

We turn our attention today to a sampling of what's now revealed and what's likely to emerge in the deliberative process in the next few months. Some bills are listed because of their significance, for good or for ill, while others are noted simply because they are particularly appealing or appalling.

HEALTH CARE

Let's begin with health care, which many observers claim to be in crisis. That's a curious characterization, considering virtually no Californian goes without health care, and many voluntarily go without insurance. Nevertheless, health care is a prime issue likely to result in new law.

Although Gov. Schwarzenegger has attracted the most attention with his eye-popping \$12 billion proposal to tax doctors, hospitals and employers, and to force everyone to have insurance, not a single lawmaker, Republican or Democrat, has yet taken up his cause in bill form. Meanwhile, four substantive legislative remedies for what supposedly ails health care are advanced, three by Democrats, one by Republicans.

Democrat Assembly Speaker Fabian Núñez has introduced Assembly Bill 8, and Democrat Senate President pro Tem Don Perata has introduced Senate Bill 349. Neither bill provides details yet other than generally to declare their authors' intent to make "available to all Californians" quality health care coverage and to comprehensively reform the system, respectively.

However, Núñez has indicated that he wants to cover all working Californians and all children in families earning up to three times the poverty level and require all employers of more than one employee to pay a surcharge if they choose not to offer insurance to employees. All employees offered insurance would be required to accept it unless their share of the cost exceeds "a reasonable percentage of their income." Perata has spelled out his desire to require all working Californians and their dependents to have coverage, cover all employers, require insurance coverage without regard to pre-existing conditions, although limiting the plan to children of legal residents while expanding Medi-Cal to working parents up to \$60,000 income. Both bills propose a tax on employers who don't provide coverage.

Will the Democrat-controlled Legislature opt for the Núñez or the Perata approach, a combination of the two or choose the third Democrat offering, SB840, Sen. Sheila Kuehl's single-payer health care coverage.

Kuehl's bill was approved last year, but Gov. Schwarzenegger vetoed it, accurately describing it as "socialized medicine."

A fourth option is offered in essence but not yet in bill language by Senate Republicans. It would use tax incentives and loosened regulations to bring down costs, leaving individuals rather than the state to manage their own health care and insurance. While it's the most reasonable of the five options, it's also unlikely to fare well in a Democrat-controlled Legislature.

AB245 is an isolated piece of the health care issue addressed by Assemblyman Chuck DeVore, R-Irvine, who would extend to Californians the same state income-tax break they get on their federal income tax to encourage pretax savings to meet health expenses. Some form of this may emerge in any of the broader bills under consideration.

GLOBAL WARMING

The overblown global warming scare has attracted a package of Democrat-sponsored bills that demand close scrutiny, and in about every case also deserve defeat or veto. The package (SB660, SB210, SB494, SB140, SB411, SB375, SB9 and SB19) would demand [reduced carbon fuel content](#); [require new vehicles to run on "clean alternative fuels"](#); [force diesel fuel to meet "renewable" standards](#); [order utilities to have more renewable energy plants](#); [require progress in meeting climate change targets](#); and [insist on reductions in pollutant emissions from ports, diesel trucks and heavy construction equipment](#). Consider it heavy-handed government gone amuck.

PRISON REFORM

Not yet in bill form are legislative efforts to address perhaps the state's most pressing issues, the prison overcrowding crisis, Gov. Schwarzenegger's call for billions more in state bond debt to finance infrastructure improvements and the state budget itself. These issues loom huge in the short and long terms for California, and will directly affect 173,000 prison inmates and millions of taxpayers for years to come.

The prison crisis won't be solved without significant expense for taxpayers. Avoiding that bitter pill would result only in the system being taken over by the federal courts, which may even increase taxpayers' expense. Avoiding the issue additionally would lose Californians' control.

Considering the prison crisis in tandem with Gov. Schwarzenegger's overly ambitious and excessively optimistic \$143 billion budget goal, it seems that something's got to give if the state wants to avoid crippling deficits. Therefore, neither the prisons nor the budget bode well for the governor's other audacious aspiration, which is to issue billions more in public debt to upgrade California's infrastructure. But this is March, when appetites are large. Come June, expect a painful diet to be imposed as the budget negotiations intensify.

OTHER PROPOSALS

There are some other interesting legislative offerings. You might call this one the "cold-day-in-hell" bill. Nevertheless, you've got to love DeVore's AB1443, which would reduce by \$266 million personal income and corporate taxes. Don't hold your breath, though you might offer up a prayer, considering its slim chances in a Democrat-controlled Legislature that loves to collect and redistribute other peoples' wealth.

Then there's AB719, which might be called the, "Put your vote where your mouth is" bill. Also authored by DeVore, this legislation would repeal the prohibition on new nuclear fission thermal power plants. Considering that nuclear plants create megawatts of electricity with zero carbon dioxide emissions, you might think global warming scaremongers would fall all over themselves to support it. Will the Democrat-controlled Assembly see the reasonableness, or opt instead to impose oppressive regulations and stifling restrictions that ultimately make energy harder to come by and more expensive to generate? That question shouldn't be rhetorical, but it probably is.

SB971 by Sen. Tom McClintock, R-Thousand Oaks, would create a much-needed "Bureaucracy Alignment and Closure Committee" to abolish or realign ineffective and inefficient government agencies. This is so obviously needed that you can bet it's a long, long shot to ever become law.

Another Orange County representative, Assemblyman Todd Spitzer, R-Orange, has co-authored a potentially helpful bill, SB177, to require any person convicted of driving while intoxicated to install an ignition interlock device that automatically disables the vehicle if the driver fails a breath test detecting alcohol. It might become law despite the fact it seems so reasonable.

NANNY STATE BILLS

We wrap up the list with legislation you can call "Nanny State bills." SB752 would hand every California newborn child \$500 of *your* tax money. What happened to parental responsibility? SB7 would ban smoking in cars carrying minors. Imagine enforcing that one. And AB722 would absolutely ban the

incandescent light bulb to, you guessed it, combat global warming, which may or may not be occurring, may or may not be caused by humans and may or may not be detrimental.

One piece of legislation already has made its way to the governor's desk. "Why so fast?" you ask. This bill moves California's presidential primary to February 2008, rather than June 2008, ostensibly to give you, the voter, more clout in selecting political party presidential nominees. If that were the genuine intent, it might be admirable. But if that truly were the case, legislators would have moved their own primary election from June to February, too. They didn't.

Their unheralded intent was to permit a ballot measure in February to change the term limits for, yep, you guessed it, your legislators. Núñez and Perata hope to avoid being termed out of their jobs when replacements are voted on in June by changing the rules at the ballot box in February. Oh, if only all legislative intents could be so transparent.

[Bakersfield Californian, Commentary, Wednesday, March 14, 2007:](#)

Kids in cars shouldn't have to deal with smoke

BY ROBERT PRICE, Californian columnist

Let me tell you about the woman at the stoplight Saturday morning. The one in the Escalade, flicking her cigarette ash through a crack in her window while two preschoolers, faintly visible in the blue haze, chattered in the back seat.

Dialing 911 briefly seemed appropriate but sadly it's not illegal to harm one's own children in this particular manner.

Which brings me to Jenny Oropeza. She's the first-term state senator from Carson who has renewed the call for a ban on smoking in cars with children on board.

Exposing a kid to secondhand smoke on a regular basis is bad enough, but lighting up a couple times a day after you've strapped them into a confined space is criminal. Or it ought to be.

Oropeza's bill, SB 7, would subject violators to fines up to \$100. SB 7 also would compel the state Department of Public Health to launch a public awareness campaign alerting people to the dangers of secondhand smoke in tight quarters such as passenger vehicles.

The issue is a no-brainer.

Ask a pediatrician. I did.

"Parents should get ticketed," said Dr. Edmond Sarraf, who treats infants, children and adolescents at Mercy Southwest Bakersfield.

"I hate smoke anyway," Sarraf said, "but when kids are involved-- kids who have no options in the matter-- that's wrong. If smoking in bars and restaurants is illegal, it should be illegal in cars. That's worse."

It's worse, according to the American Lung Association, because secondhand smoke is responsible for as many as 300,000 lower respiratory tract infections in children under 18 months of age, resulting in up to 15,000 hospitalizations annually. It's often cited in cases of sudden infant death syndrome, ear infection and asthma flare-ups -- the latter a local scourge that's well established already, thanks to our dirty air.

Concentrations of airborne particulates can be 10 times higher in cars that have smokers than in the homes of smokers, according to a California Air Resources Board study of environmental tobacco smoke.

SB 7 doesn't address secondhand smoke in homes-- something at least a third of all U.S. children deal with regularly -- but it would eliminate the mega-doses kids get when they're in cars, and it would force parents who smoke to start paying more attention to the issue.

SB 7 has detractors. State Sen. Roy Ashburn, R-Bakersfield, likens Oropeza's bill to the proposed (and ultimately rejected) spanking ban.

"You see more and more legislation like this where the government steps in to act in the role of the parent," Ashburn said. "I don't condone smoking, don't advocate it, don't believe it's healthy, but I don't think it's government's role to tell people how to raise their children."

Even when the behavior of those people is indisputably harmful to their children?

No, not in those cases, said state Sen. Dean Florez, D-Shafter. SB 7 is clearly different from so-called "nanny" legislative efforts that critics like to depict as government-imposed nose-wiping.

As a kid, "you're a captive," Florez said. "You can't get away. It's a lot like smoking in bars, only it's worse, because kids have absolutely no say in the matter. This is not a case of trying to mandate people's lifestyles. It's protecting kids from what adults do to them."

If that's nose-wiping, so be it. Oropeza is offering a legislative hanky that is by no means overly intrusive. Not any more intrusive than an infant car seat or a kid's bicycle helmet.

"If calling this 'nanny' government is the best argument some people can make for not protecting a child's health, that's a poor rationale," said Oropeza, a Democrat who grew up in a household where secondhand smoke was the breathing standard. "We regulate a lot of things for children that we don't regulate for adults because they don't have the ability to protect themselves. This is one of those lines appropriately drawn."

The Senate's health policy committee is set to discuss Oropeza's bill on March 28. The bill, which would then go before the appropriations committee, could come to the Senate floor as early as late May. It would then face a more uncertain reception in the Assembly.

Similar bills were introduced in the Assembly in 2004 and 2006; one last year failed by just four votes.

Many legislators will complain they've been down this butt-littered road before. But this is one road that's worth traveling again -- and again, as long as parents who ought to know better are subjecting their kids to concentrated doses of secondhand smoke. In a county with a near-catastrophic incidence of childhood asthma, their obliviousness is all that much more baffling.