

Judge rejects Vermont's request to throw out emissions lawsuit

By DAVID GRAM, Associated Press Writer

In the Sacramento Bee and Contra Costa Times, Thursday, April 5, 2007

BURLINGTON, Vt. - A federal judge on Wednesday refused to throw out a lawsuit by automakers aimed at blocking states from regulating emissions of the greenhouse gas carbon dioxide.

The decision by District Court Judge William Sessions III came two days after the U.S. Supreme Court ruled that automobile emissions are subject to regulation by the federal Environmental Protection Agency.

Sessions' ruling clears the way for a trial scheduled to begin Monday over rules drafted by California and being followed by Vermont and nine other states. Under those rules, states would regulate carbon emissions.

The federal Clean Air Act allows California to set more stringent emission limits than the federal government does and allows states to adopt California's rules. Automakers argue that the only way to reduce carbon emissions is to improve fuel economy, which is the responsibility of the federal government.

"The carbon that vehicles emit is proportional to the amount of gasoline a vehicle burns," said Charles Territo, spokesman for the Alliance of Automobile Manufacturers. That group includes BMW, Daimler-Chrysler, Ford, General Motors, Mazda, Mitsubishi, Porsche, Toyota and Volkswagen.

The industry also has filed suit in California to challenge a 2002 law that made it the first state to label greenhouse gases as air pollutants. That lawsuit has been held since January pending the outcome of the Supreme Court case.

The legal challenge is among the obstacles preventing California from implementing its tailpipe emissions law. It would force automakers to cut greenhouse gases from cars, trucks and sports utility vehicles beginning in 2009. The state also is awaiting approval from the EPA.

In court Wednesday in Vermont, lawyers for the state and environmental groups argued that the Supreme Court settled the question of which agency has the authority to regulate emissions and that there was no reason for the trial to go forward. But Sessions ruled there were still issues worth taking to trial.

With Senate on break, Bush appoints officials

The three, including a contentious regulatory director, most likely would not have been approved by lawmakers.

By Joel Havemann, staff writer

L.A. Times, Thursday, April 5, 2007

WASHINGTON - President Bush on Wednesday appointed as his top regulatory official a conservative academic who has written that markets do a better job of regulating than the government does and that it is more cost-effective for people who are sensitive to pollution to stay indoors on smoggy days than for government to order polluters to clean up their emissions.

As director of the Office of Information and Regulatory Affairs at the White House Office of Management and Budget, Susan E. Dudley will have an opportunity to change or block all regulations proposed by government agencies.

In a flurry of nominations and appointments, Bush also named a researcher at the Cato Institute, a libertarian think tank in Washington, as deputy director of the Social Security Administration. Andrew G. Biggs has been an outspoken proponent of converting Social Security benefits into self-directed retirement accounts, which Bush favors but Democrats have stopped cold. Bush nominated Biggs to that post in November, but the process stalled in February when the Senate Finance Committee refused to hold confirmation hearings because of his views on privatization.

And as ambassador to Belgium he installed Sam Fox, a St. Louis businessman and GOP fundraiser who contributed \$50,000 to the Swift Boat veterans' controversial campaign against Sen. John F. Kerry (D-Mass.) in the 2004 presidential race. The White House actually withdrew Fox's nomination to that same job last week in the face of strong opposition from the Senate Foreign Relations Committee.

With the Senate on its spring break, all three received "recess appointments," under which they can serve without Senate confirmation until the 110th Congress adjourns in late 2008 or early 2009, almost at the end of the Bush administration. Their nominations might have failed had they gone through the confirmation process.

Bush has used recess appointments more than 100 times, often to get around a recalcitrant Senate. In perhaps his most controversial such appointment, he named John R. Bolton as ambassador to the United Nations in 2005. Bolton served until late last year, when the 109th Congress adjourned and he was constitutionally required to step down.

Although Dudley's new job is more obscure than those to which Biggs and Fox were appointed, it also is potentially the most powerful. The budget office's regulatory shop acts as a funnel for all regulations emanating throughout the government.

In congressional testimony, Dudley has favored dispensing with costly air pollution controls and initiating a pollution warning system "so that sensitive individuals can take appropriate 'exposure avoidance' behavior" - mostly by remaining inside.

She opposed stricter limits on arsenic in drinking water, in part because she argued that the Environmental Protection Agency's calculations of the costs and benefits overvalued some lives, particularly those of older people with a small life expectancy.

She has argued that air bags should not be required by government regulation but requested by automobile consumers who are willing to pay extra for them.

Rick Melberth, director of regulatory policy for the watchdog group OMB Watch, called Dudley a "terrible pick." He described her as "an anti-regulatory extremist" who believed that the proper regulatory lever was the free market, "and if the market doesn't protect you, too bad."

The Natural Resources Defense Council, an environmental group, called her a "radical reactionary" who favored business over public protection.

Dudley, who recently resigned as an expert on government regulation at the Mercatus Center, a free-market think tank at George Mason University, was first nominated to the post in July.

At her Senate confirmation hearings in November, she said she was "fair and open-minded, and will listen to all who want to have a say."

As an academic, she said, she has had the luxury of being encouraged to "think outside the box."

Some of her writings, she acknowledged, have been "provocative, with the goal of challenging the way people think about the consequences of regulation."

"If confirmed, however, I will have a different role. The [regulatory] administrator is responsible for implementing the laws of the land as Congress has written them."

Her nomination stalled because the Senate Homeland Security and Government Affairs Committee, which held the hearing, didn't vote on it.

Dudley was unavailable for comment Wednesday, as were leading senators on the committee. But Leslie Phillips, the committee's communications director, criticized Bush for making an end run.

The recess appointment, she said, "shows disrespect for the advise-and-consent responsibilities of the U.S. Senate and for the American people, on whose behalf the president acts. The power to recess appoint should not be used to avoid any scrutiny of presidential nominees."

Residents speak out about proposed coastal gas plant

The hearing in Oxnard is the first in a series of meetings that will help decide the fate of the \$800-million project off Ventura County.

By Gary Polakovic, staff writer

L.A. Times, Thursday, April 5, 2007

Citing safety and pollution concerns, most of the 250 people who turned out Wednesday night for a public hearing in Oxnard urged denial of a proposed \$800-million liquefied natural gas terminal that would be moored off the Ventura County coast.

"It's a dirty and dangerous floating LNG factory," said Assemblyman Pedro Nava (D-Santa Barbara), whose district includes Oxnard, just before the hearing. "It should not go forward."

The public hearing, the first in a series of pivotal meetings that will help decide the fate of the project, culminates a four-year effort by Australian energy giant BHP Billiton to export liquefied natural gas to California.

But most who attended the hearing before U.S. Coast Guard officials just want the energy company to go home.

"It's not safe, it's not tested, and I don't want to take that risk," Malibu Councilwoman Pamela Conley Ulich said of the terminal, which would be roughly 20 miles offshore from her city.

Public comments from the hearing will be submitted to the federal Maritime Administration, which must decide in the next 90 days whether to certify the project's environmental impact report and grant an operating permit.

Supporters say that California needs new sources of natural gas. The state gets 40% of its electricity from the fuel and seeks more to meet rising demand.

Innes Willox, Australian consul-general for the western United States, said Wednesday that California needs reliable energy sources to avoid blackouts that plagued the state in 2001.

"Our LNG can be a great contributor to the California economy," Willox said. "It's cheap, efficient and reliable and it's proven to work."

Community leaders and many residents from Oxnard and Malibu point to a recently completed environmental impact report, which cites numerous significant ecological effects associated with the project. The Coast Guard and the U.S. Maritime Administration, among other agencies, will decide whether to certify the environmental report and issue a permit for the project.

Among the concerns is that the project would emit about 215 tons of smog-forming air pollutants annually immediately upwind from the Los Angeles area, one of the smoggiest places in the nation. The terminal, tankers and support vessels combined would rank among the largest polluters in Ventura County.

The U.S. Environmental Protection Agency had ordered Billiton to comply with rigorous California air pollution controls, but reversed itself, instead allowing the company to meet a much more lenient air pollution limit in force on the Channel Islands, where there is no smog.

U.S. Rep. Henry A. Waxman (D-Los Angeles), chairman of the House Oversight and Government Reform Committee, is investigating whether the EPA acted in response to White House demands after lobbying by company officials.

The California Energy Commission and the state Public Utilities Commission cite growth and rising energy demand as a need for more reliable and diverse sources of energy, including natural gas.

The fuel is favored in California where tough air quality standards preclude use of dirtier fossil fuels, such as fuel oil or coal.

After Wednesday's hearing, the U.S. Maritime Administration has 90 days to decide on a permit under the Deepwater Port Act and Gov. Arnold Schwarzenegger has 45 days to decide on the fate the project.

Meanwhile, the California State Lands Commission will hold a hearing Monday in Oxnard and the California Coastal Commission will conduct a hearing Thursday in Santa Barbara.

Staff at the lands commission, which prepared the environmental impact report, identified numerous major uncorrectable environmental effects, but is nevertheless recommending approval.

The staff says that although the project will produce excessive noise, air pollution and harm to marine life, the need for new energy sources is of overriding concern.

But the staff at the state Coastal Commission objects to the terminal because it concluded that the project is inconsistent with state and federal laws that protect the coast.

Report: Japanese cars greener

The Associated Press

In the Tri-Valley Herald, Wednesday, April 4, 2007

DETROIT — Japanese automakers are driving Americans toward a cleaner environment, while their U.S. counterparts are producing cars and trucks ranked among the worst when it comes to smog emissions and global warming, according to a report released Tuesday by an environmental group.

Honda and Toyota lead the rankings of a biennial report produced by the Union of Concerned Scientists, while Ford, General Motors and DaimlerChrysler come in last at sixth, seventh and eighth places, respectively. Hyundai-Kia ranked third among the nation's top eight automakers, followed by Nissan and Volkswagen, according to Cambridge, Mass.-based UCS.

"I think what we see is there is still a big gap between the cleanest and the dirtiest vehicles," said Don MacKenzie, author of the study, which reviewed 2005 vehicle models with a gross weight of 8,500 pounds or less. He said the group focused on the nation's top eight automakers because combined they sell the majority of U.S. vehicles and account for nearly one-third sold globally. The group ranked each company by the smog-producing capacity of their vehicles and the effect those vehicles had on global warming.

Honda Motor Co. earned its fourth consecutive "Greenest Automaker" distinction.

"We are very pleased," said Honda Vice President Edward Cohen. "The environment is a pretty high priority for Honda."

In 2008, Cohen said Honda will produce 100,000 hybrid vehicles. By 2010, the company is expected to introduce a clean diesel-fuel engine.

Honda was one of two Japanese automakers with better-than-average global warming scores in every vehicle class.

Toyota Motor Corp., on pace to become the largest U.S. automobile manufacturer, was the other, compiling the best global warming scores in six of 10 categories, better-than-average scores in the remaining categories. It came within 3 percentage points of earning the group's top overall ranking.

"What really surprised us was how close Toyota was to Honda," MacKenzie said.

"They have taken their most popular models and turned them into clean vehicles, and they have taken a clean vehicle — the Prius — and made it popular."

German-American automaker DaimlerChrysler AG finished last in the final rankings for the third time in four tries. The report concluded DaimlerChrysler's cars and trucks "have the ignominious distinction of being the dirtiest group of vehicles in any class from any of the manufacturers."

DaimlerChrysler officials said the company is hamstrung by its reliance on trucks and minivans, which account for 70 percent of annual U.S. vehicle production.

"DaimlerChrysler complies with all federal and state emissions and environmental standards for our products and our facilities," DaimlerChrysler said in a statement. "We are always working to improve the fuel economy of our vehicles, and have made great improvements in the emissions from our manufacturing operations."

The group's report ranks automakers by averaging the smog-forming and carbon dioxide emissions of vehicle models sold in the United States. The group's first report was released in 2000 and was based on 1998 model year vehicles.

Qualcomm accepts 'big challenge' of cutting emissions

By Mike Lee - UNION-TRIBUNE STAFF WRITER

San Diego Union Tribune, Thursday, April 5, 2007

When Qualcomm employees shuttle between buildings at the company's sprawling campus in Sorrento Valley, they're ferried by a growing collection of hybrid vehicles.

It's one of many ways that Qualcomm is hoping to limit emissions of greenhouse gases, including carbon dioxide, which trap Earth's heat and increase global warming.

The telecommunications giant also has added solar panels, installed motion-sensing lighting controls, put skylights in its new buildings and purchased high-efficiency windows. Other efforts include testing vending machines that "sleep" at night and, perhaps, generating power from methane created at San Diego's wastewater treatment plant.

Despite all the activity, Qualcomm's "carbon footprint" keeps getting larger – by 68 percent from 2002 to 2005, the most recent year for verified data.

"We are doing everything reasonably possible short of turning out the lights and sending people home," said Alan Ball, the company's point man on global warming. "You can't grow your business and not increase your emissions. It's a big, big, big challenge."

Nationwide, a number of companies are waging similar anti-global warming campaigns like never before.

At the international level, China, India and other rapidly industrializing countries have devoted few resources to curtailing greenhouse gases.

But the need for action has never been as great, according to a major report on global warming set for release tomorrow. Hundreds of scientists collaborated on the document for the Intergovernmental Panel on Climate Change, which is being promoted as a comprehensive assessment of how rising temperatures are affecting life on Earth.

The panel's first report, issued in February, said global warming is "unequivocal" and "very likely" caused by human activity. Fossil-fuel consumption has generated much of the global rise in temperatures over the past half-century, it concluded.

The initial document sparked a strong reaction from skeptics – who derided it as a scam to promote big government programs – and from supporters, who called on the United States to aggressively reduce greenhouse-gas emissions.

Congress is trying to craft an agenda for dealing with global warming, even though it's unclear how much people can slow or reverse climate change. Amid the legislative debate, many companies have launched projects to limit greenhouse-gas emissions.

For example, General Motors Corp. recently pledged to slash its emissions in North America by 40 percent from 2000 to 2010. Boise Cascade, IBM, Anheuser-Busch and other companies have made similar commitments.

Such efforts increasingly are seen as good business – for public relations and to trim costs through energy efficiency. More business leaders figure it's wise to get a head start on the new frontier of pollution regulation.

"They are driven by a belief that mandatory national actions are inevitable," said Chris Busch, an economist at the Union of Concerned Scientists, a nonprofit group that emphasizes independent research and citizen action to address environmental problems.

"Corporate executives . . . may well have the desire to confront this serious global environmental problem, but there is an element of self-interest here," he said. "The public is recognizing that climate change is going to affect their quality of life and . . . businesses don't want to be seen as an obstacle to finding solutions."

Meanwhile, many investors are throwing their weight behind companies with strong pollution-reduction credentials.

Clay Hinkle, client service manager at the consulting firm CH2M Hill in San Diego, said thinking green typically pays off for companies over the long run. However, he recently urged a roomful of manufacturing leaders in San Diego County to carefully plan their climate-change activities.

“Every company needs to strategically think about how they are going to handle the . . . issue,” he said. “If you do it the right way, it will align with your business interests because you are going to save money.”

While such efforts are popular today, there were anything but mainstream in the business world five years ago when Qualcomm decided to participate in an untested endeavor called the California Climate Action Registry.

At the time, registry president Diane Wittenberg was scouting for companies, agencies and others to voluntarily report data on their greenhouse-gas emissions as part of a program created by the state Legislature in 2000.

Participants pay a fee based on their size, with the cost ranging from \$1,000 to more than \$20,000 a year. That covers membership and third-party verification of each entity's reports, but it doesn't include what participants spend to collect their data and reduce emissions.

“It was a tough value proposition to make at the time,” Wittenberg said about her initial sales pitches. She told potential pioneers that signing up would publicize their environmental leadership and put them ahead of future mandates.

But many firms were scared by the downside: Their greenhouse-gas numbers would become public, creating an invitation for scrutiny and potential criticism.

Wittenberg said the typical reaction was, “We don't see the business value. . . . You should go to other people . . . first and we might follow.”

After asking around in San Diego County, Wittenberg landed at Qualcomm. The company's officials proved to be sympathetic, partly because they already were looking at their electricity use in light of energy deregulation and the state's power crisis of 2000-01. In addition, Qualcomm was sensing interest in environmentally friendly business practices from European investors.

Qualcomm leaders also found the registry to be palatable because their company is driven by technology. Ball said some employees had invested their personal time and money in electric cars and solar power, so adopting similar approaches at work wasn't a stretch.

“I never sensed any reservation,” Ball said.

Qualcomm reported emitting just over 40,000 tons of greenhouse gases in its first inventory – from 2002. Three years later, the annual total hit nearly 67,500 tons. The numbers include company-controlled, stationary sources such as diesel engines, as well as emissions from generating the electricity that Qualcomm buys from San Diego Gas & Electric.

Eastman Kodak Co. and the Los Angeles Department of Water and Power, two other early participants in the tracking program, also have seen substantial increases in their greenhouse-gas emissions since 2002.

Robyn Camp, program director at the climate registry, said Qualcomm's challenges are typical. Companies bold enough to voluntarily report their emissions typically are market leaders and therefore have growing sales that tend to drive up emissions, she said.

Ball links Qualcomm's widening “carbon footprint” to the company's addition of about 1.5 million square feet of office space in San Diego County since 2004 and to the increased use of computers and other electronic devices in its workplace.

Even accounting for growth, Qualcomm has struggled to drive down its emissions of carbon dioxide. Per square foot, they dropped just half of 1 percent from 2004 to 2005, the company calculated.

Qualcomm would not detail the costs associated with its greenhouse-gas reduction program, but Ball said related purchases generally pay for themselves over time thanks to reduced energy bills.

These days, the climate action registry has some 240 members. While participation in the program is still optional, a similar initiative soon will be required for some California businesses.

By January, the state Air Resources Board is scheduled to adopt regulations to require greenhouse-gas reporting by the largest sources, a category that has yet to be defined.

Professor: Warming hurts health

U.C.-Berkeley educator speaks to San Joaquin County officials

By Cheryl Winkelman, STAFF WRITER

Tri-Valley Herald, Thursday, April 5, 2007

STOCKTON — Global warming, that "Inconvenient Truth" made famous by former Vice President Al Gore in his documentary, has a real impact on a community's health.

In fact, global warming ranks as the most important public health issue of the 21st century, according to Dr. Richard Jackson, a professor of environmental health at the University of California, Berkeley.

Jackson made that assertion to San Joaquin County's public health officials during a speech Wednesday as part of Public Health Week.

Jackson said a middle-aged, slightly overweight male commuter complaining of low energy and depression may visit the doctor and be told to exercise, visit a nutritionist and a therapist.

Two months later, he could return to the doctor and say he has no time for exercise and no place to walk. Most physicians would recommend several medications, possibly for depression, high blood pressure and maybe even Viagra to spice up his marriage.

"We have medicalized human middle age and stress in America," Jackson said.

In terms of global warming, Jackson said it's no secret that people are loading up the atmosphere with greenhouse gases, namely carbon dioxide. High levels of carbon dioxide have made temperatures rise. The last 11 years have been the hottest on record.

"You have a lot more hot weather in the average year than we do already," including heavier rains and more drought, Jackson added.

It's getting so warm that only 40 percent of the snowpacks in the Sierra will be remaining by the year 2070, even if the best attempts are made to reduce carbon dioxide emissions.

"Essentially, we're going to have to rebuild the entire California water system," Jackson said.

To sustain ourselves, people are going to have to get in sync with the planet, particularly when it comes to transportation.

That middle-aged man who commutes from his home in Stockton to work in Pleasanton drives about 30,000 miles a year. He also emits 16 tons of carbon dioxide into the atmosphere annually, Jackson added.

But by biking some parts or all of the trip, he could lose weight, get his blood pressure down, rid himself of depression and save a bundle of money on gas, according to Jackson.

Not to mention what he'd do for the atmosphere.

Corporate sites pinpointed

Roseville accepts ideas for attracting high-profile firms.

By Jennifer K. Morita - Bee Staff Writer

Sacramento Bee, Thursday, April 5, 2007

A committee charged with searching out ways to encourage major companies to set up shop in Roseville found more than 1,000 acres along Highway 65 and Interstate 80 to locate large corporate centers.

The Roseville City Council last week unanimously approved the recommendations of its Blue Ribbon Corporate Center Committee, which included a list of 20 potential development sites.

Of the 1,054 acres the committee identified, only about 409 acres are vacant, while the remaining 644 are possible redevelopment sites.

Deputy City Manager Julia Burrows said the presence of high-profile companies in upscale buildings visible from the freeway would enhance Roseville's identity.

"When you drive by those buildings on Highway 65, you know a regional headquarters has selected Roseville as a place to do business," Burrows said.

The committee of city officials, citizens and members of the business community met twice a month for more than a year.

"The Corporate Center Committee formed as we saw development projects come in for 10-, five- and six-story buildings," Burrows said.

The committee was asked to make policy recommendations on the development of corporate centers, which are defined as three or more buildings with at least 100,000 square feet of space on 10 to 15 acres.

"While the market has matured in Roseville to the point we're seeing high-rise and mid-rise building (projects), our policies have not kept pace with that," Burrows said. "We wanted to make sure we're looking at the big pictures and that our policies are up to date."

In addition to a mid-rise buildings ordinance establishing new fire-safety requirements for buildings 55 feet or taller, the panel recommended changes in the city's regulations to allow for taller buildings with bigger signs.

Developers who want to build anything taller than 50 feet now must get permission through the approval of a special variance. A variance also is needed for signs that are large enough to be seen from the freeway, Burrows said.

The council also approved the committee's other recommendations for the city. They include:

- Draft a building security ordinance formalizing the design features needed for security.
- [Provide developers with a menu of options, such as photovoltaic solar systems, electric charging stations and alternative transportation, to reduce or avoid impacts that would lower air quality.](#)
- Make sure that road projects keep up with the intensified use associated with corporate centers and that developers pay their fair share of road improvements.
- Locate corporate centers where existing infrastructure can support the use
- Require that project applicants pay for upgrades to wastewater collection facilities if the intensity of the building's use exceeds the facility's capability.

The committee also recommended that the council further study air-quality impacts, the city's level of service policy for traffic lights and the water supply and demand.

One resident, however, said after last week's meeting that he doesn't want to see taller buildings in Roseville.

"They build these big, high-rises that block our view," said Trenton Bandy, 68. "You drive out to Pleasant Grove and Highway 65, and you can't see the mountains, anymore."

Benefits to having large corporate centers in Roseville include high-paying jobs and more sales and property tax revenues, city officials pointed out.

Burrows told the council that Roseville and Folsom have the lowest development fees for new construction in the Sacramento region.

"Rancho Cordova and Natomas are paying for significant, new capital improvement programs, and you'll see that in the fees," Burrows said. "It also reflects unfunded infrastructure from the past that they're currently leveraging new growth to pay for."

Yet, lease rates for Class A, or upscale, office space in Roseville are among the highest in the region.

A five-story office building under construction at Eureka Road and Sunrise Avenue will lease for \$2.75 per square foot, said Burrows, citing figures from CB Richard Ellis.

Fourth-quarter averages for 2006 put high-end office lease rates in downtown Sacramento at \$2.25 per square foot, while tenants in Elk Grove paid \$2.10. In Folsom, the average for the same period was

\$1.85, followed by Natomas at \$1.80. Space along the Highway 50 corridor in Rancho Cordova went for \$1.70 per square foot.

However, Roseville has the lowest utility rates in the region, according to Burrows.

"If you're building in Roseville, you and your tenants will pay much less for your electric, solid waste and water bills," she said.

"Folsom is our closest competitor but still, over the course of the year, it costs \$18,000 more to turn on your lights and water and dispose of your waste," Burrows said.

[Fresno Bee editorial, Thursday, April 5, 2007:](#)

Ruling is good news

Court decision advances the debate on greenhouse gases.

A Supreme Court ruling Monday moves the debate on California's cutting-edge greenhouse gas initiative to a Fresno courtroom. A lawsuit filed against the effort by the auto industry was put on hold pending the outcome of Monday's case, and may now move ahead.

The state Attorney General's Office on Tuesday asked for a hearing to discuss the status of the Fresno case. U.S. District Judge Anthony W. Ishii, who is hearing the case, said he anticipates a conference to allow the parties to the lawsuit to discuss how they think the case should proceed in light of the high court's decision.

That ruling came in a case brought by Massachusetts against the federal Environmental Protection Agency. The EPA had argued that it has no power to regulate carbon dioxide emissions -- which are the principal cause of the greenhouse gas phenomenon -- because carbon dioxide is not a pollutant.

But in a narrow 5-4 decision, the Supreme Court said the EPA can limit vehicle emissions of greenhouse gases under the federal Clean Air Act. The ruling was a blow to the Bush administration and the auto industry, which have fought to stem a rising tide of concern over such emissions and the damage they do to the earth's environment.

The auto industry, joined by several Valley auto dealers, sued to stop the California plan, which would set tailpipe emission standards for greenhouse gases. The new standards, part of landmark legislation crafted last year by Gov. Arnold Schwarzenegger and the Democrat-controlled Legislature, are scheduled to take effect with the 2009 model year. They are expected to cut emissions in cars and light trucks by 25% and in larger trucks and sport utility vehicles by 18%.

The Bush administration and the auto industry have argued, among other things, that national standards, rather than rules set by individual states, are the way to go. That's fine, in theory, but in the real world there are two serious problems with such an approach.

One is that federal standards would likely be far less stringent -- and thus less effective -- than what California proposes to do. The other flaw in the argument is the fact that the Bush administration has shown absolutely no enthusiasm for dealing seriously with this or any other pollution issue.

In the absence of any real effort from Washington, it's incumbent on the states to take the lead, as California and others have done. Monday's ruling advances the prospects for those efforts, and that's very good news.

[Merced Sun-Star, Editorial, Thursday, April 5, 2007:](#)

Our View: Supreme Court sides with states

Justices give EPA right to regulate vehicle emissions, despite Bush administration's objections

The U.S. Supreme Court struck another blow Monday against the Bush administration's inaction on global warming with a ruling that keeps intact California's pioneering efforts to cut greenhouse gases.

In a 5-4 decision, the court ruled that, contrary to the arguments pushed by Bush's lawyers, the U.S. Environmental Protection Agency has authority to regulate vehicle emissions that are warming the Earth's atmosphere. It also determined that individual states have the right to challenge the EPA for stronger

standards, since rising sea levels and other consequences of global warming could pose direct harm to these states.

Had the court ruled the other way, it would have tripped up a five-year-old California law -- since enacted by 10 other states -- that requires auto manufacturers to sell motor vehicles with the lowest feasible carbon dioxide emissions by 2009.

California has federal authority to establish pollution standards stronger than the federal government's. But if the court had determined that the EPA and the states lacked authority to treat carbon dioxide as a pollutant, it would have crippled California's law. It also would have taken away one of the state's key tools for reducing greenhouse gases, since vehicles account for 41 percent of these emissions in California.

Until Monday, there appeared to be a strong chance that the court would rule against the states. In oral arguments last November, Chief Justice John G. Roberts Jr. and other conservative justices seemed skeptical that Massachusetts, California and others had standing to sue the federal government over carbon dioxide. Scalia, in particular, questioned if Massachusetts was imminently imperiled by sea level rise and, if it was, whether the federal government could do anything about it.

"I mean, when is the cataclysm?" said Scalia, seeming to mock the science that state lawyers were presenting the court.

On Monday, however, Scalia ended up in the minority, largely because Justice Anthony Kennedy of Sacramento joined with four other justices in clarifying the EPA's responsibility. Writing for the majority, Justice John Paul Stevens made clear that states faced serious harm from a warming planet, and that the EPA has authority to act, even if its actions alone can't be expected to reverse global warming.

"The harms associated with climate change are serious and well recognized," wrote Stevens. "The government's own objective assessment of the relevant science and a strong consensus among qualified experts indicate that global warming threatens ... a precipitate rise in sea levels, severe and irreversible changes to natural ecosystems, a significant reduction in winter snow pack."

The court's decision does not mean that EPA will immediately start hitting Detroit with tough regulations. In its decision, the high court ordered the agency to review again its discretion over greenhouse gases, but it did not order it to regulate. That leaves it likely that the states will be taking the lead in pressing Detroit for cleaner cars and fighting off challenges by the auto industry -- at least until Bush leaves office.

[Tracy Press Editorial, Wednesday, April 4, 2007](#)

Will EPA tint itself environmentally green?

How environmentally green are the U.S. Supreme Court justices Just enough, we hope, to open the court door in Fresno for federal judges to reject the automakers' challenge of California's revolutionary tailpipe-emissions regulation.

However, before the Sierra Club, Union of Concerned Scientists, Environment California and the Natural Resources Defense Council proclaim victory in California's case, they should consider the consequences of Monday's 5-4 Supreme Court decision in Massachusetts v. Environmental Protection Agency.

The majority said that the EPA must ground its reasons for action or inaction against global-warming pollution in the Clean Air Act. If it doesn't, the EPA must show that automobile emissions don't contribute to climate change, or, as the majority wrote, develop "some reasonable explanation as to why it cannot or will not exercise its discretion to determine whether they do." So far, the EPA hasn't, wrote Justice John Paul Stevens, "and offered no reasoned explanation for its refusal to decide whether greenhouse gases cause or contribute to climate change."

A majority of the court determined that heat-trapping carbon dioxide does indeed meet the legal definition of "pollutant" under the Clean Air Act, a significant move that supports California's adoption in 2004 of the nation's first regulation to reduce greenhouse-gas emissions from cars. It requires emissions of carbon dioxide and other pollutants to be reduced by 22 percent by the 2012 model year and 30 percent by the 2016 model year.

Automakers have been challenging the state regulation ever since it was enacted. They can no longer base their lawsuit on the EPA's phony belief that greenhouse-gas emissions from vehicle tailpipes aren't air pollutants. The Supreme Court quashed that.

However, they might use this passage from Justice Stevens' opinion to support federal jurisdiction in global-warming laws and meld EPA regulations to their self-interests:

"When a State enters the Union, it surrenders certain sovereign prerogatives. Massachusetts cannot invade Rhode Island to force reductions in greenhouse gas emissions, it cannot negotiate an emissions treaty with China or India, and in some circumstances the exercise of its police powers to reduce in-state motor-vehicle emissions might well be pre-empted."

Because it's a global problem, not a local one, it might be the federal EPA's task, not the Legislature's, to set regulatory standards on California cars. And the EPA might doddle in setting standards and oversight until the Bush administration leaves Washington in 2009.

We urge rapid response by the EPA to the Supreme Court decision. Either grant California its waiver so its regulation is enforceable, or set a similar national standard.

[Letter to the Fresno Bee, Thursday, April 5, 2007:](#)

Too 'inconvenient'

So, The Bee runs a front-page story (April 1) parroting Al Gore's latest schtick and quoting a U.N. panel's statement that global warming is "very likely" caused by human industry. Mr. Gore and his admirers call for eliminating the internal combustion engine, insist everyone ride bicycles, and would tax factories into bankruptcy. According to a March 26 article in Investors Business Daily, this would "impoverish everyone in the process."

The article cites a study by the Danish Meteorological Institute, which has tracked solar cycles for centuries. The data shows that when the sun heats up, the earth heats up. On the same day Mr. Gore was lecturing Congress on man-made global warming, NASA announced that the sun is hotter than expected and that the temperature on Mars is rising right along with that of earth.

IBD also quoted a Hoover Institute study revealing that earth's temperature fluctuations correlated with solar activity. When seeking to determine if human industry had any affect on global temperatures, the institute's study declared. "Nothing -- the relationship wasn't there."

Al Gore acknowledges the DMI study in his book, but relegates it to footnote status. I guess giving this truth proper attention would have been inconvenient.

Jim Heinrichs, Clovis