

Port of Long Beach's clean-trucks loan program is criticized

The plan to replace old, polluting rigs with cleaner ones will put low-income drivers deep in debt, a coalition of groups says

By Louis Sahagun, Los Angeles Times Staff Writer
L.A. Times, Wed., August 20, 2008

A coalition of consumer, immigrant and civil rights groups warned Tuesday that a Port of Long Beach loan program to help thousands of mostly low-income truck drivers replace old, polluting rigs with newer, cleaner-burning vehicles could plunge the truckers into debt.

Port officials counter that the loans are a bargain and that truckers would not be able to afford new rigs without them. But the coalition foresees a wave of "foreclosures on wheels."

In a prepared statement, Julian Bond, chairman of the National Assn. for the Advancement of Colored People, compared the plight of independent port drivers to "farmers in America's Deep South, who worked other people's land for a share of the harvest."

"The worries of the drivers hauling containers don't include washed out fields, rotten seeds or infestations of locusts," Bond said. "Instead, their survival is at risk from spikes in the cost of diesel fuel, burdensome truck maintenance and repair costs, or tires blown from carrying overweight containers on hot summer days."

A coalition report condemning the program arranged by Mercedes-Benz/Daimler Truck Finance was expected to be delivered today to the German Embassy in Washington and to Daimler headquarters in Farmington Hills, Mich.

Under terms of the lease-to-loan program, Daimler has promised to back funding for low-emissions trucks worth more than \$100,000 to any independent operator, the report said.

The report also alleged that Daimler predicted many drivers would not be able to make payments and that the company has a strong record of debt collection. Daimler officials could not be reached for comment.

Members of the coalition include the League of United Latin American Citizens, the Consumer Federation of California and the Los Angeles Alliance for a New Economy.

The coalition urged the port to convert its loan program to one similar to the system Daimler created for the Port of Los Angeles.

In that plan, which is strongly supported by the Teamsters and Los Angeles Mayor Antonio Villaraigosa, investments in new trucks will be handled by trucking companies that employ their drivers. In Long Beach, by comparison, individual drivers are being asked to invest in new trucks.

Port of Long Beach spokesman Art Wong said the coalition "had it wrong" with its criticism. He said that the loan program, which requires payments of \$500 to \$1,000 per month for seven years, was worth about \$60,000 to \$70,000 for participating drivers. "That's practically giving these trucks away," he said.

The loan programs, which are voluntary, are part of a \$2-billion Clean Trucks Program adopted by both ports to slash diesel truck emissions by as much as 80%.

Achieving that goal has been daunting. The coalition's involvement added to the uncertainty facing truckers already overloaded with information, restrictions, mandates, fees and deadlines related to the implementation of the clean trucks program.

Authorities at both ports on Tuesday blamed general confusion for the low number of drivers now expected to submit applications for vehicle loans by the Sept. 4 deadline.

"It's very confusing," said Max Palma, a port driver. "A lot of truckers have no idea what's going on with all these different plans and protests, so they're just going with the flow."

New store owners say Bakersfield embracing 'green' products

By COURTNEY EDELHART, Californian staff writer
Bakersfield Californian, Wednesday, Aug. 20, 2008

Fresh & Green, a new boutique in Northwest Bakersfield, carries an eclectic mix of everything from toys to clothes to cleaning products and body oil.

One of the many green items offered at the Fresh and Green store are these backpacks made from recycled plastic bottles.

The only unifying theme in its diverse product offerings is the merchandise must be eco-friendly and contain as few toxic chemicals as possible.

Fresh & Green is an unlikely store in a city not exactly on the cutting edge of the environmental movement. [The poor air quality here is infamous.](#)

Plus, green products cost more because they're expensive to manufacture, which makes them a hard sell in a city heavily comprised of moderate-income families.

Yet business partners Sasha Windes, 33, and Jennifer Jordan, 31 were undeterred when they started up first a Web site: www.FreshandGreen.com, and then a store on the northwest side. The Web site launched in January and the boutique just east of Coffee Road opened in June.

"We've been pleasantly surprised at the response," Windes said. "But I think with the air in Bakersfield, people are really starting to get the fact that they need to make a change."

Jordan joked that some would-be shoppers may be wary of going into a green store due to political or cultural biases, but need not be afraid.

"We're not hippies," she said. "And we're not perfect. We're not going to judge you."

The entrepreneurs met through work. Windes owns a mortgage company. Jordan owns a real estate company.

They quickly bonded over their mutual interest in green products, lamenting how difficult they were to find locally.

That led to the Web site, which generated enough traffic to give the women confidence to open an 800-square-foot storefront.

It's hard to find in Chloe's Plaza, a small strip mall tucked behind industrial buildings east of Coffee Road. They have a three-year lease.

"We deliberately chose a kind of tucked away location to keep our (rent) down, because we know our merchandise costs a little more," Windes said.

But customers are still driving in from as far away as Los Angeles to shop there, many saying they can't find some of the more obscure products in traditional stores.

The boutique's interior design demonstrates the owners' values. The floor is stained with soy, and the interior paint is organic. An upholstered seating area has furniture from Ikea, which is subject to Europe's more strict environmental regulation of furniture manufacturing.

The store's products include clothing, pillows, towels and sheets made from organic cotton, hemp or bamboo; oils and lotions made of natural ingredients and not tested on animals; energy efficient light bulbs and sustainable building materials such as bamboo flooring.

There is even a nut you can throw in the laundry instead of detergent, and textured, colored paper made from cleaned and processed elephant dung.

"Cool, huh?" Wildes bragged, waving some red speckled "Ellie Pooh Paper" in the air.

Carrie Russo, 29, of Tehachapi, is one of the store's regulars. She buys cleaning products and cloth diapers there, and recently picked up a toy tea set made from recycled milk jugs.

"We've needed something like this for a long time to make it more accessible to people," Russo said. "And I really need it for health reasons. My son has asthma and eczema and used to get really bad rashes when I used disposable diapers."

The green movement has been gaining momentum as mainstream retailers such as Wal-Mart devote more shelf space to environmentally friendly products.

"I think it's here to stay," said Nancy Kurland, assistant professor of management at California State University, Northridge.

The question is whether a market like Bakersfield can sustain a store that offers such products exclusively.

"I guess it comes down to how much environmental consciousness there is and whether you have the financial demographics, since it costs more."

For now, at least, that doesn't appear to be an issue.

Brenda David, 40, who lives in the southwest, visits Fresh & Green at least once a week to shop for her family and buy gifts for friends.

She says she doesn't mind the higher prices.

"I'd rather pay a little more to keep toxins out of my home and have the safety factor," David said. "If you can get the same results using natural instead of chemicals, why not?"

EPA plans to cite 5 Midwest states for pollution

By RICK CALLAHAN, The Associated Press

Washington Post, SF Chronicle, Modesto Bee and other papers, Wednesday, Aug. 20, 2008

INDIANAPOLIS -- Federal officials accuse five Midwest states of violating a new pollution standard for tiny soot particles that can cause respiratory distress in children and the elderly.

The U.S. Environmental Protection Agency said Tuesday that counties in Illinois, Indiana, Ohio, Michigan and Wisconsin have run afoul of rules demanding that outdoor pollution particles be no bigger than 2.5 micrometers _ one-30th the diameter of a human hair.

Illinois has 14 counties on the list, Indiana has 19 counties, Michigan has 9 counties, Ohio has 28 counties and Wisconsin has 6 counties. Minnesota has no counties on the list. Nationwide, EPA intends to name 215 counties in 25 states as not meeting the new standard.

The EPA is seeking comments from the states before making its final designations. Being on the list makes it more difficult for counties to expand industry. The EPA said it intends to settle on its final soot nonattainment list by Dec. 18.

Counties included on that list would face pressure to cut levels of microscopic soot produced by power plants, diesel-burning trucks, cars and factories.

Those tiny particles lodge in people's lungs and blood vessels and are a major contributor to respiratory problems, especially in children, the elderly and people with existing illnesses.

State and local governments have three years to develop plans to reduce emissions and attain the standards, said EPA environmental scientist John Summerhays.

The list came as a surprise in Indiana, which had suggested that only five of its counties be cited. The Indiana Department of Environmental Management said Tuesday that the agency hopes the EPA removes some of the Indiana counties from its final list.

"Monitoring data shows that Indiana's air quality continues to improve," spokesman Rob Elstro said in a statement, adding that his agency was "cautiously optimistic" the final list "will not include as many counties as today's preliminary designations."

His counterpart in Illinois disputed the designation for that state's Rock Island and Massac counties.

Illinois Environmental Protection Agency spokeswoman Maggie Carson said available air quality monitoring data, prevailing wind direction and the location and size of emission sources show the counties shouldn't be listed.

"We will be submitting additional analyses to USEPA to support our position," Carson said in a statement. "We are hopeful that USEPA will carefully examine this information and respond accordingly."

The EPA said in 1997 that cutting fine-particle pollution would save 15,000 people a year from premature deaths due to heart and lung diseases aggravated by soot-filled air.

Bush Administration Rule on Pollution Struck Down

By Del Quentin Wilber, Washington Post Staff Writer
Washington Post Wednesday, August 20, 2008

A federal appeals court yesterday struck down a Bush administration rule that prevented states and local governments from imposing stricter monitoring of pollution generated by power plants, factories and oil refineries than required by the federal government.

In a 2 to 1 decision, a panel of the U.S. Court of Appeals for the District of Columbia Circuit found that the Environmental Protection Agency rule violated a provision of the Clean Air Act, which requires adequate monitoring of emissions to ensure compliance with pollution limits.

Judge Thomas B. Griffith wrote for the majority that federal standards often are not sufficient to ensure proper monitoring, so states and local governments must be allowed to fill the gap.

"The question in this case is whether permitting authorities may supplement inadequate monitoring requirements when EPA has taken no action," Griffith wrote.

Environmental groups, which brought the lawsuit, said the decision was a significant victory that will help ensure that pollution levels are accurately tracked and reported.

"If the monitoring isn't good enough, the whole system falls apart," said Keri Powell, a lawyer with the environmental law firm Earthjustice who argued the case for four environmental groups, including the Sierra Club and the Natural Resources Defense Counsel.

The ruling "affects every major stationary air-pollution source in the country. . . . This is a very important case, just in terms of the public's right to know and guarding the public's opportunity to keep tabs" on polluters, Powell said.

An EPA spokesman, Dale Kemery, said the agency is reviewing the ruling and will "determine the appropriate course of action once the review is complete. We are still assessing the implications of the decision."

The events that led to yesterday's decision go back years. In 1990, Congress amended the Clean Air Act in an effort to simplify the pollution permitting process for factories, power plants and other industries. The amendments gave state and local jurisdictions the task of issuing the pollution permits with EPA oversight. State and local governments have issued more than 16,000 pollution permits since then.

But the local governments have faced questions of how to update monitoring requirements in the absence of clear guidance from federal regulators.

In 2002, the EPA proposed a regulation that would have required states and local governments to beef up monitoring in the absence of federal guidance or strong pollution-tracking standards. But industry groups challenged the proposed rule, and the EPA backed down.

Instead, the agency adopted a rule that prohibited states and local governments from supplementing the monitoring efforts. That rule was struck down by the appeals court in 2004 because the EPA did not allow for a notice and comment period.

In 2006, after a comment period, the EPA passed the identical rule. The environmental groups then filed suit.

Joined by the appellate court's chief judge, David B. Sentelle, Griffith wrote that the Clean Air Act provision "is a complex statute with a clear objective: it enlists EPA and state and local environmental authorities in a common effort to create a permit program for most stationary sources of air pollution."

A fundamental component of that permit program, the judge wrote, was the monitoring requirement.

"By its terms, this mandate means that a monitoring requirement insufficient 'to assure compliance' with emission limits has no place in the permit unless and until it is supplemented by more rigorous standards," he wrote.

Judge Brett M. Kavanaugh dissented, writing that the EPA has the legal authority "to determine whether state and local permitting authorities can impose additional monitoring requirements."

Court says EPA air pollution rule is illegal

By Dina Cappiello, ASSOCIATED PRESS

Washington Post, Modesto Bee, SF Chronicle and other papers, Tuesday, August 19, 2008

WASHINGTON – A Bush administration rule barring states and local governments from requiring more air pollution monitoring is illegal, a federal appeals court ruled Tuesday.

In a 2-1 decision, the U.S. Court of Appeals for the District of Columbia Circuit threw out a two-year-old rule that may have allowed some refineries, power plants and factories to exceed pollution limits because the Environmental Protection Agency "failed to fix inadequate monitoring requirements ... and prohibited states and local authorities from doing so."

Since 1990, the Clean Air Act has required permits granted to facilities releasing more than 100 tons of any pollutant a year to include enough monitoring to ensure the company is meeting its emissions targets. Approximately 15,000 to 16,000 permits have been issued under the program, mostly by state and local pollution agencies.

"We can't have strong enforcement of our clean air laws unless we know what polluters are putting into the air," said Keri Powell, a staff attorney with Earthjustice, who sued the EPA on behalf of four environmental groups.

The EPA said Tuesday that it was reviewing the court's decision. But an agency spokesman said the monitoring deficiencies should be remedied on the national level rather than on a case-by-case basis.

Appeals court judge Brett Kavanaugh, a former attorney in the Bush White House, wrote the sole dissenting opinion.

He said that while EPA and state and local governments may disagree about whether monitoring requirements will adequately measure compliance, he found "nothing in the statute that prohibits EPA's approach."

Court Rejects E.P.A. Limits on Emissions Rules

By Felicity Barringer

N.Y. Times, Wed., August 19, 2008

A federal appeals court on Tuesday threw out an Environmental Protection Agency rule limiting the ability of states to require monitoring of industrial emissions.

The 2-to-1 ruling by the United States Court of Appeals for the District of Columbia Circuit is the most recent in a series of judicial setbacks to the Bush administration's efforts to reshape federal policies under the Clean Air Act.

Under 1990 amendments to the original Clean Air Act, states were allowed to issue permits limiting pollution emissions from industrial facilities, like refineries or utilities. To ensure compliance, Congress required states to set more stringent monitoring requirements if they deemed federal requirements inadequate.

The E.P.A. gave states this leeway until 2006, when it reversed course and prohibited the states from requiring new monitoring. Environmental groups challenged the agency, saying that the new rule kept public agencies from gathering and making available the best data about industrial contributions to air pollution.

"E.P.A.'s about-face means that some permit programs do not comply" with federal law, Judge Thomas B. Griffith wrote in the majority opinion. He added that thousands of permits allowing the operation of industrial facilities might not comply with the law "because their monitoring requirements are invalid."

Judge David B. Sentelle joined Judge Griffith's opinion.

The ruling by the court, which has jurisdiction over most federal agency rules, was another judicial rebuke to the E.P.A.'s recent policies, leaving few of its major initiatives on air pollution intact.

The suit, brought by the Sierra Club, was opposed by the environmental agency and several industry groups, including the Alliance of Automobile Manufacturers and the American Petroleum Institute.

"I think it is fair to say that the D.C. Circuit has repudiated the vast bulk of the Bush administration's clean-air regulatory reforms, which were the administration's most notable and significant (if not always wise) environmental policy initiatives," Jonathan Adler, a law professor at Case Western Reserve University, commented on the case on a legal affairs blog, The Volokh Conspiracy. In an interview, Professor Adler said the agency "was giving business a bit of a break; was saying to states: You can't do more."

But he added, "One of the ways states experiment is not only being more protective but being more protective more cheaply. They win if they figure out a way to make environmental controls less costly."

Keri N. Powell, a lawyer with Earthjustice who argued the case for the environmental groups, said the 1990 law was designed to give states power to fill any gaps left by the federal government and provide the public with data about industrial emissions.

"The idea was to make this information accessible to public and to state governments," Ms. Powell said. "States are the front lines. They issue the permits."

She added that, with the 2006 rule, "what they did was ban monitoring."

"They did it," she said, "even though the E.P.A. admitted that existing monitoring wasn't good enough."

Ms. Powell concluded, "That was just outrageous and defied the plain language" of the law.

Representatives of the Alliance of Automobile Manufacturers and the American Petroleum Institute did not immediately return calls seeking comment.

In his dissent, Judge Brett A. Kavanagh, like his colleagues, made reference to a famous dictum from Justice Felix Frankfurter. "I strongly align myself with the majority's quotation from Justice Frankfurter about the best tool of statutory interpretation: 1) Read the statute. 2) Read the statute. 3) Read the statute!" Judge Kavanagh wrote.

And, he added, the relevant parts of the Clean Air Act support the E.P.A.

Group says climate resolutions increase

By TIM HUBER, AP Business Writer
Modesto Bee, Wednesday, August 20, 2008

CHARLESTON, W.Va. - Support for climate-change proposals may be growing among investors in big U.S. companies.

Shareholder resolutions related to climate change more than doubled over the past five years, according to statistics gathered by a coalition of public interest groups, environmental organizations and pension funds. Moreover, the coalition, Boston-based Ceres, says support for those measures averaged more than 23 percent in 2008, a new high.

While that's not enough to pass a resolution, Ceres contends rising vote totals compel companies to act, like a plan by Ford Motor Co. to reduce greenhouse gas emissions 30 percent by 2020.

"It's easy to ignore 3 or 5 percent votes, but it's pretty hard to ignore 22 percent votes or 39 percent votes," said Dan Bakal, director of electric power programs for Ceres.

Bakal said shareholder activism led to new reports from Allegheny Energy and other large electricity producers that outline strategies to reduce greenhouse gas emissions. The companies faced climate

change resolutions this year. The proposals were withdrawn after companies agreed to issue the reports, Bakal said.

"It's an indication of movement," he said.

It was similar to what happened after shareholders voted against a climate change resolution last year, Allegheny spokesman Allen Staggers said.

"That proposal was rejected by stockholders. However, the company elected to prepare a report simply because it had been a timely issue," he said. "The chairman thought it was the right thing to do at the time."

Deciding to issue a report or take some other action, often with the side benefit of lowering costs or increasing efficiency, is an understandable reaction by companies, said Karen Schnatterly, an assistant professor of management at the University of Missouri.

"They look good," she said.

Ceres says 57 climate-related shareholder resolutions were filed with U.S. companies in 2008, up from 43 in 2007 and 31 in 2006.

Support likewise has climbed from an average of 17.8 percent in 2006 and 21.6 percent last year. This year, support averaged 23.5 percent, according to Ceres.

Fewer than half the resolutions end up before shareholders. Ceres says 26 went to a vote in 2008, and 25 were withdrawn after companies agreed to address the issue. Five others were withdrawn by proponents due to technicalities or left out of proxy statements by the Securities and Exchange Commission.

Despite Ceres' claims of success, so far none of the proposals has come close to passing. The best showing the group can cite is a resolution rejected by the owners of better than 60 percent of Pittsburgh-based coal mine operator Consol Energy shares.

Thus far, Bakal said he knows of no action by Consol despite the relatively high level of shareholder support.

Consol, which links the vote total to support by an institutional investor advisory service, sees little value in a report, spokesman Tom Hoffman said.

"We produce coal and natural gas," Hoffman said. "It just doesn't seem to us that there is a whole lot of value to shareholders to do a study to tell them what they already know."

Charles Elson, corporate governance chair at the University of Delaware, says the lack of victories shows social issues simply haven't attracted mainstream investors, despite support from some large pension funds.

"I don't think it's caught on yet," Elson said.

[Fresno Bee, Commentary, Tuesday, Aug. 19, 2008:](#)

JIM COSTA: A balanced way to solve our energy crisis

The past two months, Americans have been stuck watching a fiercely partisan debate over energy policy. While both sides have some valid ideas, we know Harry Potter can't wave his magic wand and wish the energy crisis away. A shouting match between Democrats and Republicans won't solve the problem either.

We need a bipartisan approach to find solutions that can and will make a difference. Earlier this summer, we organized such a group. Congressman John Peterson, R-Pennsylvania; Neil Abercrombie, D-Hawaii; Dan Burton, R-Indiana; and I gathered together like-minded representatives from around the nation to develop an energy bill, which was introduced last month.

This bill uses many of the energy tools in our toolbox to not only drill for more domestic oil and gas, but to transition our fossil-fuel economy to alternative and renewable sources.

The National Conservation, Environment and Energy Independence Act is a comprehensive energy package that first removes the existing moratoria on oil and natural gas production in the outer continental shelf for waters 25 miles offshore and beyond. For waters that are 25-50 miles from shore, the bill gives states the right to opt out and remove those areas from leasing. The bill prohibits leasing within 25 miles of a coastline. States will receive 30% of the royalties from oil and gas production.

This legislation uses the royalties generated by the offshore oil and gas production to fund energy conservation, as well as the development of alternative fuels and renewable-energy technologies, making it a balanced package. For example, 15% of the royalty funds will go to the Renewable Energy Reserve fund, created within the bill. Another 5% will pay for research and development regarding carbon capture and sequestration, as well as the reprocessing or disposal of nuclear waste -- which is the key to the increased safe use of nuclear power.

The bill also extends numerous existing tax incentives for cleaner energy production and conservation, including solar and wind power, energy-efficiency measures and alternative-fuel vehicles.

In addition, the bill modifies the Strategic Petroleum Reserve to today's refining capabilities by exchanging 10% (about 70 million barrels) of the reserve's content and dedicates funds received from the exchange (\$1.4 billion estimated) to existing conservation, energy research and development and energy-assistance programs.

The use of fossil fuels will change, and in the future, our children and grandchildren will likely rely on multiple energy sources.

Solar power is improving, and with the ample sunshine in our Valley, we will benefit greatly from solar energy. During the last session of Congress, I co-sponsored the Solar Energy Research and Advancement Act, which establishes a research and development program to provide lower-cost and more viable thermal energy storage technologies. This legislation also establishes a competitive grant program to create and strengthen the solar-industry work force and assist in commercial application of direct solar renewable-energy sources.

Solar is not the only renewable-energy source that will thrive in our Valley. Already Kern County is one of the state's main producers of wind energy -- and that's expected only to grow. We also have dairy farmers and utility companies partnering to generate electricity using the methane gas from their farms.

We can also reduce the demand for oil by improving the fuel economy of our automobiles. Last session, Congress established a single Corporate Average Fuel Economy standard for automakers of 35 miles per gallon by model year 2020. More funding for the development of electric and hydrogen-fueled cars will only improve this number. The development of high-speed rail systems in California and elsewhere in

America is also key to improving air quality for our Valley.

We need to step out of the current energy crisis and end the partisan bickering. A combination of increasing our own domestic supply and reducing demand will lower energy costs and create new jobs, getting us through a transition period during the next 20 years.

It is also vital that our nation move toward clean and renewable sources of energy. This is a big test for our country and its leadership that we cannot afford to fail.

Jim Costa of Fresno represents the 20th Congressional District.

[Modesto Bee and Sacramento Bee, Commentary, Wednesday, Aug. 20, 2008:](#)

Daniel Weintraub: For builders, clean-air rules' timing is tough

By Daniel Weintraub

Mike Shaw didn't want to be caught by surprise when the state starting cracking down on diesel engines. He owned more than 100 of them - powering the scrapers, graders and bulldozers that are the backbone of his San Diego construction business. So he paid close attention when the state's air pollution regulators wrote new rules requiring the owners of diesel-powered equipment to clean up their fleets. And as he thinned the oldest, dirtiest engines from his stock, Shaw thought he was well on his way to satisfying the state's requirements.

Then he ran the numbers. The state's calculator showed that he still was not even close.

"I'm overwhelmed," Shaw said recently. "I'm humbled by this."

He's not alone. California's construction industry, already laid low by the economy, is now coming to terms with the regulation the Air Resources Board adopted a year ago. The new rules - the nation's toughest - require the owners of off-road diesel construction equipment to replace their old engines, retrofit them with soot traps or get rid of them. The rules begin taking effect in 2010, and each year the regulation gets tighter and tighter until, eventually, all the engines in use in California will have to be the latest models.

Diesel exhaust is nasty stuff. The tiny particles it contains - about one-seventieth the diameter of a human hair - can lodge in your lungs. Chemicals carried on those particles can then dissolve in the lungs' fluid linings and be absorbed into the body. Older people and children living near busy roads and construction sites are especially vulnerable. The state attributes 2,000 premature deaths a year to the effects of diesel pollution.

In that light, the crackdown sounds sensible. But the owners of all those diesel-powered machines bought their equipment for tens of thousands of dollars, sometimes hundreds of thousands of dollars, under the rules that were in place at the time. They made those investments thinking that their earth movers would last long enough to allow them to recoup the money they put into them.

Now the rules have changed, and they've been forced to begin selling off their machines at the worst possible time. With the private construction business collapsing, demand for the old equipment is already low. Add to that the flood of equipment on the market, and the machines are going for pennies on the dollar. Buyers from other states and countries without the same kind of diesel regulations are showing up at auctions and getting great deals. And California companies are hurting.

Less than two years ago, Shaw's firm owned 117 pieces of equipment with diesel engines, a total of 52,000 horsepower. Today his fleet is half that size, in both numbers and horsepower.

And it is much cleaner. Two years ago, nearly 80 percent of the horsepower in his fleet came from the oldest, dirtiest engines that were the air board's biggest concern. He owned almost none of the newest engines that will one day be the standard.

Today, less than 20 percent of his fleet's power comes from the oldest machines, and a third of it comes from the state-of-the-art engines. But he still does not meet the threshold that will be required when the rule takes effect in 2010.

"We spent a lot of money upgrading our fleet, and we lost a lot of money throwing away equipment that was still in pretty darn good shape," Shaw said. "It's kind of an exercise in futility."

Shaw's industry is preparing to ask the air board to slow implementation of the regulation. The industry says it will still meet the clean-air standards the state is requiring for 2012. But it wants more flexibility between now and then as it continues to remake its fleets.

Besides, the construction industry argues, with housing starts at a 17-year-low, revenues down 24 percent and diesel fuel consumption off by the same amount, diesel emissions right now from construction equipment are probably already below the level the state projected for 2010, if not 2012.

Erik White, the air board manager overseeing implementation of the diesel regulation, concedes that thanks to the economic slowdown, emissions today are probably below what the board projected when it adopted the regulation last year. But he said the plan took a long view that anticipated business cycles.

Companies that shrink their fleets or keep old machines idle get credit for that, White said. Subsidies are available to help companies make the transition. And the smallest firms, the ones least able to replace their engines or retrofit their equipment, already have a later compliance date.

"I don't think we need to make changes to the rule to address what is happening in the economy," White told me.

If White's bosses at the air board agree, the construction companies will simply have to absorb the blow. Some probably won't make it. Others will have to charge more, if they can, to maintain the same profit margin.

Californians want clean air, good jobs and affordable houses and roads.

Sometimes all of those things are not compatible. Something's got to give.

In this case, it's the construction industry.

Note: The following clip in Spanish discusses various environmental groups blame the South Coast Air District for allowing various industries to continue polluting the air under pretext that they will have to pay part of the clean up efforts to any damage caused by their operations. For more information on this and other Spanish clips, contact Claudia Encinas at (559) 230-5851.

Acusan grupos a agencia ambiental por permitir contaminación en California

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Tuesday, August 19, 2008

Una coalición de grupos ambientalistas demandó a la agencia que controla la contaminación del aire en la zona de Los Ángeles por haber permitido que diversas empresas continuaran contaminando bajo pretexto de que pagaban por limpiar parte del daño que ocasionaban.

Dicha coalición presentó una demanda ante una corte federal. Aseguró que la Administración Distrital de Calidad del Aire del sur de California permitió que durante unas dos décadas, innumerables empresas contaminaran el aire.

El aire en esa zona de California es el más deteriorado en el país, de acuerdo con versiones oficiales.

Note: The following clip in Spanish discusses organizations of independent truck drivers and human rights activists protest against the new rule that obligates truck drivers to retrofit or replace their diesel motors for a less polluting one.

Camioneros independientes sin dinero para cumplir ley ambiental

Manuel Ocaño

Noticiero Latino

Radio Bilingüe, Wednesday, August 20, 2008

Organizaciones de camioneros independientes, en su mayoría inmigrantes, y grupos de derechos humanos protestaron en el puerto de Long Beach, California por un reglamento que los obliga a cambiar motores de camiones que consumen diesel por otros menos contaminantes.

Los grupos advirtieron que muchos de los camioneros independientes son inmigrantes que usan sus camiones como pequeñas empresas, muchas veces familiares, y que carecen de recursos para cambiar motores.

Los choferes Aseguraron que desean reducir la contaminación pero dijeron que incluso si obtuvieran un préstamo oficial, tendrían que hacer pagos mensuales de entre 500 y mil dólares sin saber si habrá meses con escaso trabajo.