

## **Air quality regulators reach out to business community**

By John Cox, Californian staff writer

Bakersfield Californian, Wednesday, Feb. 17, 2010

An olive branch went out to Bakersfield's business community Tuesday as state air quality regulators took an opportunity to quiet suspicions that they're bent on quashing profits and costing people their jobs.

At the annual Energy & Clean Air Business Exposition, high-ranking officials from Sacramento and Fresno staked out the disputed assertion that recent legislation won't necessarily hurt business, let alone reduce California's competitive advantage against other states without aggressive air quality rules.

Mary Nichols, chairwoman of the state Air Resources Board, said far-reaching rules expected to result from AB 32 -- the 2006 law that aims to reduce greenhouse gas emissions -- presents the "potential for prosperity here if we do it right."

That was no easy sell, even for an audience that spent much of Tuesday morning hearing how environmentally responsible measures such as ridesharing and energy efficiency improvements can lower business costs and improve employee productivity.

Joe MacIrvine, president of Paramount Farming Co., and Bruce Freeman, president of Castle & Cooke California, Inc., spoke as panelists following Nichols' luncheon speech. Although they proudly shared their various voluntary efforts to conserve energy and reduce air pollution, neither offered much of an endorsement of the state's regulatory activities.

For MacIrvine, pruning trees was an apt analogy: You have to do it, but it doesn't increase productivity no matter how it's done.

"We just have to be careful how you do it," he said.

Freeman said energy-efficient amenities often have no effect on a home's market value, and that punitive fees on residential development -- from traffic impacts to endangered species protection -- tend to make housing more expensive and drive jobs out of state.

Nichols' claim that regulation can enhance business efficiency was not the only tactic taken by regulators at Tuesday's event. Representatives of the San Joaquin Valley Air Pollution Control District took a softer approach, acknowledging that they don't have all the answers and inviting businesses to share their ideas for meeting regulatory goals.

This strategy came up mostly with regard to new rules requiring that businesses with 100 or more full-time workers register with the district to take part in an employee trip reduction plan. Although registration is mandatory, employee participation is voluntary.

District spokeswoman Jaime Holt said that, contrary to common perception, the district does not look for ways to regulate business. In fact, she added, the agency wants to know about new ways to meet the state's goals.

Unfortunately, she said, businesses tend to react with skepticism.

"Their first response is, 'What am I going to have to do, and what is it going to cost me?'" she said.

Overcoming that kind of suspicion was a big part of the reason for the event, said Debra Moreno, CEO of the Greater Bakersfield Chamber of Commerce, which hosted the expo.

Not only does better communication between business and regulators help companies comply with new laws, Moreno said, it also helps state agencies understand what private industry goes through.

"Who knows better how to run a business than a business person?" she asked.

### **Green Business Awards**

Winners of the Greater Bakersfield Green Business Awards were announced Tuesday. They are:

- State Farm Insurance - Bakersfield Operations Center

State Farm's California Green Space Program is an expanded recycling and sustainability program that has greatly reduced waste streams by methods such as donating used eyeglasses to senior citizens.

- Crimson Renewable Energy - Biodiesel Plant

Last year Crimson finished work on the state's largest biodiesel plant, capable of producing up to 30 million gallons of biodiesel from multiple sources.

- Kern Wind Energy Association - Wind Corridor Mapping Program

The association spearheaded an effort to map eastern Kern's wind corridor for the benefit of future wind power development.

- Kern County Airports & Regenes Power LLC - Meadows Field Solar Array

The county Airports Department contracted Regenes to finance, build and maintain a six-acre solar field that provides two-thirds of the Bill Thomas Terminal's electricity needs.

Source: Greater Bakersfield Chamber of Commerce

## **Dry cleaners try on a new shade of green**

By John Cox, Californian staff writer

Bakersfield Californian, Tuesday, Feb. 16, 2010

The greening of American business has come to the corner dry cleaners, where shop owners are learning there's good marketing to be had in environmental friendliness.

Laundry services across the state are being told to choose among various alternatives to perchloroethylene, or "perc," a toxic fabric solvent widely used since the 1970s. Some cleaners face a July 1 deadline to remove their perc equipment, while others with newer machines have a longer period to transition to other technologies.

A number of local laundries have already switched -- and a few of them are making the best of this investment by promoting their new methods as green or organic, even as there is little consensus about which is the most efficient and ecologically responsible way to wash garments with little tags that read "dry clean only."

A flier put out by 34th Street Cleaners, for example, features the emerald image of a young woman, her leafy hair speckled with flowers and vines. Butterflies flutter by the words "Green Natural Cleaning."

The business's environmental advantage? A special washing machine in back that uses detergent imported from Japan. Workers remove the clothing while it's still wet (yes, wet), let it dry overnight and then steam it back into shape.

Owner Christopher Yoo, who quit using perc in June 2008, said the result is toxin-free clothing that takes more time to clean but is gentler on his customers' skin.

"It's more work," he said, "but it's worth it for the people."

Sorting out the methods

So-called "wet-washing" is one of three types of perc alternatives -- along with the use of other chemical solvents, and a process that reuses carbon dioxide -- being embraced by California dry cleaners, said Dimitri Stanich, spokesman for the state Air Resources Board. That's the regulatory body that declared perc a toxic air contaminant and, in 2007, ordered that the chemical be completely phased out by laundries in the state by 2023. (Most perc machines 15 years or older must be removed by July 1; as newer perc machines reach that age, they must be replaced as well.)

Stanich said wet-washing and the carbon dioxide method are seen as the "cleanest" alternatives to perc, regardless of their spot-removing capabilities. Various other solvents have been approved for use, he said, but they are not considered faultless.

"They're not completely cleared from any sort of toxicity problems," he said.

Careful comparisons of the different methods and chemicals rarely show up in laundry advertisements. In most cases, the emphasis is on the cleaners' environmental record as compared with perc.

Jarrell Epp, owner of New City Cleaners, said he is seeing greater use of the term "organic" in ads, which he considers misleading.

"It's a marketing tool," he said, "but it's not necessarily accurate."

For decades Epp's business has used one of two methods, wet-washing and a mild solvent, depending on the item. He said the focus is often on pre-wash treatment to remove spots, which can be time-intensive and may drive up costs.

"You get what you pay for, basically," he said.

Marketing advantage?

For 10 years Today Cleaners has used a silicone-based solvent called Green Earth, which because of its natural ingredients provides "a little bit of a marketing advantage," general manager Mike Daniel said.

But in his experience, Bakersfield customers have been less interested in the company's environmental friendliness as they have been in its prices and service.

"Bakersfield being in the middle of the oil patch, as people refer to it, the environmental message never really was very significant in terms of customer preference," Daniel said. "But it is becoming more so."

Green Cleaners also uses Green Earth; hence the name of the business, said owner Prashant Patel. He added that the solvent is less expensive and easier on the skin than perc.

"And it's environmentally friendly -- we don't pollute anything," Patel said.

Perc is still in use locally at places including Centennial Cleaners and Suzette's Cleaners. People at both businesses said they are undecided on which method they will eventually transition to.

A manager at Suzette's, Rocino Atriano, said customers have not requested an environmentally friendly alternative.

"They haven't said anything," he said in Spanish.

Owners and managers of several other local laundry services could not be reached for comment.

## **Burn-ban deadline worries vintners**

### **Shipping to biomass facilities expensive, grape growers say**

By Mark Grossi

In the Modesto Bee, Saturday, February 13, 2010

FRESNO — A long-awaited deadline for a ban on open-field burning in the San Joaquin Valley is coming June 1. But many vineyard owners say they can't afford to follow the rule.

Alternatives in use on many types of valley farms, such as burning waste at a biomass energy plant, may not work on vineyards, where plant waste often is tangled in wires and wooden stakes.

Air officials will produce a report in spring for vineyard owners and may recommend exemptions based on financial hardship. The governing board of the [San Joaquin Valley Air Pollution Control District](#) would decide if any exemptions are allowed.

Air activists say they hope the report seriously examines alternatives to burning.

"We want details, not a false choice between burning and going out of business," said Sarah Jackson, a research assistant with nonprofit legal watchdog Earthjustice in Oakland.

Open-field burning has declined by 70 percent since 2002, the year before Senate Bill 705 largely outlawed the practice in the air district, which extends from San Joaquin to Kern counties.

Some burning is allowed to prevent the spread of crop disease, and the law permits a waiver, typically for smaller farms, allowing the practice to continue until alternatives become affordable.

In 2002, about 476,000 acres of waste were burned. Last year, the total was about 139,000 acres.

As a result, smoke from agricultural burning still adds a daily average of 13 tons of soot to the valley's air quality problems, according to the California Air Resources Board. That's more than 10 percent of the valley's fine-particle pollution, called PM-2.5.

In 2007, the air district extended a waiver to tree-fruit growers with fewer than 20 acres. The air board may grant vineyard owners a similar waiver in June, depending on what the district staff's report says.

"It's tough for these options to work for everyone," said district executive director Seyed Sadredin. "Right now, we have a chaotic and arcane system to deal with farm waste."

He was referring to shredding, collecting and trucking the waste to biomass plants, which burn the woody debris to create electricity.

The shredding and trucking mean more diesel smoke in the air, but biomass plants are more than 95 percent cleaner than open-field burning and they create electricity in the process. They are a preferred alternative if economically feasible.

But vineyard owners cannot easily shred and ship their waste to biomass plants because of wires that become embedded in stakes throughout vineyards. Most of the wires must be removed for disposal at biomass plants. That probably will be expensive, said Dennis Wilt, a third-generation grower with 620 acres of grapes near Kerman.

"Until now, we have stacked the stakes and burned them, then picked up the wire to be recycled," he said. "There's going to be some real financial problems if you have to pull it out."

Phil Reese, chairman of the California Biomass Energy Alliance, said about a dozen biomass plants in this region could accept green waste from valley farms.

## **\$440M of stimulus for Calif EPA projects in '09**

By The Associated Press

In the San Diego Union-Tribune, Contra Costa Times and other papers, Wednesday, Feb. 17, 2010

EL CERRITO, Calif. — Nearly \$440 million in federal stimulus funds went into California environmental projects last year, including upgrades to the state's aging water infrastructure.

Jared Blumenfeld, regional administrator for the Environmental Protection Agency, toured a rain garden in El Cerrito on Tuesday that also got stimulus money. The funds were used there to plant landscaping that helps remove chemicals from stormwater runoff that otherwise would flow into the San Francisco Bay.

Blumenfeld says other major EPA projects have used stimulus funds to clean up toxic waste sites and leaking petroleum storage tanks as well as [reduce air pollution from diesel engines](#).

## **\$517M of stimulus for Calif EPA projects to date**

By Associated Press

In the S.F. Chronicle, Tuesday, February 16, 2010

El Cerrito, Calif. (AP) -- The Environmental Protection Agency is spending about \$517 million in stimulus dollars to shore up the economy and create green jobs in California, a top federal official said Tuesday.

Jared Blumenfeld, administrator for the EPA's Pacific Southwest region, made the announcement while touring a rain garden in El Cerrito that got stimulus funds to plant landscaping that removes chemicals from stormwater runoff that flows into the San Francisco Bay.

Other major EPA projects in California have used stimulus funds to clean up toxic waste sites and leaking petroleum storage tanks, as well as reduce air pollution from diesel engines, Blumenfeld said.

"There is still a huge gap between what needs to be done and the money that exists to do it," he said.

"But this is a critical piece."

The bulk of the agency's stimulus money was sent to the California State Water Resources Control Board and the California Department of Public Health, which together got \$439 million to finance upgrades of drinking water infrastructure and fund water quality protection projects.

Other agency projects include a partnership with the California State Water Resources Control Board to spend more than \$15 million to clean up underground storage tank petroleum leaks.

More than \$25 million is being allotted to replace and retrofit engines in buses, heavy-duty trucks, locomotives and tractors in Los Angeles, the Ports of Long Beach and Los Angeles, San Diego, the [San Joaquin Valley](#) and the San Francisco Bay area, officials said.

The agency is spending another \$182 million in stimulus funds in Arizona, Nevada and Hawaii.

## **Study finds traffic pollution can speed hardening of arteries**

**People living within 328 feet of an L.A. freeway were found to have twice the average progression of atherosclerosis -- thickening of artery walls that can lead to heart disease and stroke.**

By Margot Roosevelt, staff writer

L.A. Times, Sunday, Feb. 14, 2010

Los Angeles residents living near freeways experience a hardening of the arteries that leads to heart disease and strokes at twice the rate of those who live farther away, a study has found.

The paper is the first to link automobile and truck exhaust to the progression of atherosclerosis -- the thickening of artery walls -- in humans. The study was conducted by researchers from USC and UC Berkeley, along with colleagues in Spain and Switzerland, and published this week in the journal PLoS ONE.

Researchers used ultrasound to measure the carotid artery wall thickness of 1,483 people who lived within 100 meters, or 328 feet, of Los Angeles freeways. Taking measurements every six months for three years, they correlated their findings with levels of outdoor particulates -- the toxic dust that spews from tailpipes -- at the residents' homes.

They found that artery wall thickness in study participants accelerated annually by 5.5 micrometers -- one-twentieth the thickness of a human hair -- more than twice the average progression.

According to co-author Howard N. Hodis, director of the Atherosclerosis Research Unit at USC's Keck School of Medicine, the findings show that "environmental factors may play a larger role in the risk for cardiovascular disease than previously suspected."

UC Berkeley co-author Michael Jerrett noted that "for the first time, we have shown that air pollution contributes to the early formation of heart disease, known as atherosclerosis, which is connected to nearly half the deaths in Western societies. . . . By controlling air pollution from traffic, we may see much larger benefits to public health than we previously thought."

The study comes at a time of growing alarm over the effects of freeway pollution on nearby schools and homes. In the four-county Los Angeles Basin, 1.5 million people live within 300 meters, or 984 feet, of major freeways.

The Natural Resources Defense Council is battling in federal court to overturn the caps on motor-vehicle emissions set by Southern California air quality officials, saying that they fail to account for higher pollution near freeways.

And Los Angeles and Long Beach residents are fighting expansion of the truck-clogged 710 Freeway, saying it will lead to higher rates of asthma, heart disease and cancer in densely populated areas.

In July, the U.S. Environmental Protection Agency launched a major study of traffic pollution near Detroit roadways to examine whether it leads to severe asthma attacks in children.

More than a third of Californians report that they or a family member suffer from asthma or respiratory problems, according to a survey last year. The Obama administration is proposing tighter standards for two vehicle-related pollutants: nitrogen dioxide (NO<sub>2</sub>) and ground-level ozone, the chief component of smog.

## **Obama grants loan guarantee to build new nuclear reactors**

By Renee Schoof - McClatchy Newspapers

Modesto Bee and Sacramento Bee, Wednesday, February 17, 2010

WASHINGTON -- President Barack Obama on Tuesday announced his administration's first nuclear energy loan guarantee - \$8.33 billion to build the first new U.S. reactors in nearly 30 years.

The loan guarantee offer was granted to Georgia Power, a subsidiary of Southern Co., and its investment partners for the construction of two reactors at Plant Vogtle near Waynesboro, Ga., where the utility operates two existing reactors.

The new reactors are expected to provide 800 permanent jobs and electricity for 1.4 million people. Compared to similar-sized coal plants, they'll reduce greenhouse gas emissions by 16 million tons annually, or the equivalent of taking 3.5 million cars off the road each year.

The Obama administration hopes to back more nuclear loans. It recently requested lending authority for \$36 billion in the 2011 budget, or enough for seven to 10 reactors. A range of critics across the political spectrum oppose the nuclear loan guarantees, saying they put too much taxpayer money at risk of default.

Obama said that other countries are building new nuclear power. "Whether it is nuclear energy or solar or wind energy, if we fail to invest in these technologies today, we'll be importing them tomorrow," he said.

An expansion of U.S. nuclear energy was essential "to meet our growing energy needs and prevent the worst consequences of climate change," Obama said. "It's that simple."

Obama also said the country will need to develop more offshore oil and gas and make investments in advanced biofuels and in technology that makes it possible to capture and store carbon dioxide from coal combustion, all policies Republicans back. Democrats need more Republican support to get an energy and climate bill passed in the Senate.

The president explicitly made a pitch to pro-nuclear Republicans to support a pending bill that would limit greenhouse gas emissions from large power generators, including coal-fired power plants.

"Energy leaders and experts recognize that as long as producing carbon pollution carries no cost, traditional plants that use fossil fuels will be more cost-effective than plants that use nuclear fuel. That is why we need comprehensive energy and climate legislation to create a system of incentives to make clean energy profitable," Obama said.

"The fact is, changing the ways we produce and use energy requires us to think anew and act anew," he said. "And it demands of us a willingness to extend our hand across old divides, to act in good faith, to move beyond the broken politics of the past."

Sen. Lindsey Graham, R-S.C., who is working with Sens. John Kerry, D-Mass., and Joe Lieberman, I-Conn., on a compromise energy and climate bill, said the loan guarantees were "a significant step forward in jump-starting what I hope will be a renaissance in nuclear energy."

Obama said that the U.S. also must speed up its search for a safe way to dispose of nuclear waste. The administration has decided not to pursue a permanent repository at Yucca Mountain in Nevada. Obama appointed a bipartisan panel headed by former Indiana Rep. Lee Hamilton and Brent Scowcroft, a former national security adviser to President George H.W. Bush, to find a solution. Until a permanent facility is found, the waste is stored at individual plants.

Energy Secretary Steven Chu said Georgia Power would use Westinghouse AP1000 reactors. He said the newer design is safer and more economical, but the Nuclear Regulatory Commission must approve it before the loan guarantee is made final.

Southern Co. said in a statement that Georgia Power's portion of the government-guaranteed loan would be \$3.4 billion, or not more than 70 percent of its expected costs. The rest of the loan guarantees would go to its partners, which include Oglethorpe Power Corp., the Municipal Electric Authority of Georgia and the city of Dalton, Ga.

The Congressional Budget Office, a nonpartisan congressional agency, reported in 2003 that the risk of default on a nuclear loan guarantee could be "well over 50 percent." Chu told reporters that it would be much lower.

Four groups expressed opposition to the loan guarantees in a Jan. 29 letter to Obama.

"With hundreds of billions in bailouts already on the shoulders of U.S. taxpayers, the country cannot afford to move forward with a program that could easily become a black hole for hundreds of billions more," the letter said.

It was signed by the presidents of the National Taxpayers Union, a tax issues lobby group; Taxpayers for Common Sense, a centrist group that fights waste in spending; the Nonproliferation Policy Education Center, a group that advocates policies that prevent the spread of nuclear weapons; and the George C. Marshall Institute, a conservative public policy organization that opposes the scientific mainstream views of climate change.

Sierra Club executive director Carl Pope said in a statement Tuesday that the environmental group also opposes the loan guarantees. The group supports Obama's "overall vision for America's energy future," he said, but added: "We need to prioritize the cleanest, cheapest, safest, and fastest ways to reduce emissions and nuclear power is neither clean, cheap, nor fast, nor safe."

He also argued that retrofitting buildings for energy efficiency would result in greater emissions reductions at less cost.

## **Database gives snapshot of health in each county**

By Lauran Neergaard, The Associated Press

In the Washington Post, Modesto Bee and other papers, Wednesday, Feb. 17, 2010

WASHINGTON -- Where you live plays a role in your health, and a new report that ranks health factors in each of the nation's 3,000-plus counties promises to point local policymakers to ways they can help.

Looking at each state's best and worst further illuminates a well-known trend: The least healthy counties tend to be poor and rural, and the healthiest ones tend to be urban or suburban and upper-income.

The report - released Wednesday at <http://www.countyhealthrankings.org> - isn't the first to examine county-level health. Cancer and access to health care, for example, have long been studied that way. But the new database ties standard measures - general health and the rate of premature death - with more factors that play a role in those outcomes, from smoking, obesity and binge drinking to the unemployment rate, childhood poverty, [air pollution](#) and access to grocery stores.

The report compares counties within a state, not from one state to another.

"This just paints a picture" of areas for improvement, said Dr. Patrick Remington of the University of Wisconsin, which started ranking its state's counties in 2003 and co-authored the new 50-state report with the Robert Wood Johnson Foundation.

These snapshots raise which-came-first questions. Does a poor community negatively influence its residents' health? Or does it become unhealthy because it's where high-risk populations - people who lack health care or are more likely to smoke, for example - can afford to move?

Both, says Remington. He pointed to Menominee County, ranked last in Wisconsin with 15 percent of its residents in poor or fair health and a high rate of premature death. It's an Indian reservation, and the entire county has no grocery store to counter fast-food restaurants and convenience stores, he said.

"Without a grocery store, it's hard to make a healthy choice about what you're going to eat for lunch or dinner," Remington said.

Overall, the report found least healthy counties have childhood poverty rates more than three times higher than the healthiest counties. Residents of the least healthy counties are 60 percent more likely to be hospitalized for preventable conditions, a sign of poor primary care. A third of zip codes in the least healthy counties have at least one grocery store, compared to almost half of zip codes in the healthiest counties.

The report pointed to disparities among neighbors. People in top-ranked Chester County, Pa., had a better shot of being healthy than residents of nearby but bottom-ranked Philadelphia.

Even high-ranked counties may find places to improve. Dane County, home to Wisconsin's capital, is on the state's top 10 list for all health factors except poor air and water quality, Remington said.

"If we step back and ask ourselves what really influences health, it's more than medical care," said Dr. Elliott Fisher of the Dartmouth Institute for Health Policy, long a proponent of county-level health research.

## **Next legal battle nears for project at Chevron's Richmond refinery**

By Katherine Tam

Contra Costa Times & Tri-Valley herald, Wednesday, Feb. 17, 2010

Political maneuvering over Chevron's closely watched bid to replace equipment at its Richmond refinery continues as the project marches toward its next legal battle.

Chevron, city officials and environmental groups are gearing up for opening arguments Tuesday before the California Court of Appeal in San Francisco. It could be weeks before there's a ruling.

Sacramento is wading into the fray. The Attorney General's Office is sponsoring a multipronged proposal — the product of meetings with the environmentalists with an eye toward reaching a middle ground with Chevron — that has rekindled hope of a settlement. State lawmakers organized a meeting in Sacramento in late January to try to help the parties resolve the dispute. Labor unions, hungry for the 1,000 jobs the project promises, are prodding the groups to negotiate.

The project in question is Chevron's estimated \$800 million proposal to replace its decades-old power plant, hydrogen plant and reformer to refine a wider range of crude with more sulfur and produce more California-grade gasoline.

But a settlement that would skirt a prolonged and expensive legal fight has yet to materialize.

A second scheduled meeting with state lawmakers was canceled after Chevron declined to meet. Chevron wants to go through the court-mediated process, which is confidential, said refinery spokesman Brent Tippen.

"We appreciate the interest Attorney General (Jerry) Brown and others have expressed in the renewal project," Tippen said. "We ask that they respect the ongoing confidential Court of Appeal mediation process."

The environmentalists have thrown their support behind the Attorney General's Office-sponsored proposal, even though portions of it depart from their original demands.

"We believe this proposal will protect the health of the community," said Will Rostov, an attorney for Earthjustice, representing the environmental groups in the appeal. "It's a significant compromise, a way to show we're willing to negotiate."

The Richmond City Council narrowly approved Chevron's project in July 2008 after heated public hearings.

Opponents argue that the project would open the door to processing heavier crude, which could increase pollutants by five to 50 times. Chevron disputes the public health risk claim and said it will keep refining light to intermediate crudes, including more from the Middle East as supplies in the Alaska North Slope wane.

The West County Toxics Coalition, Communities for a Better Environment and Asian Pacific Environmental Network sued the city and Chevron. The environmentalists prevailed last year when a Contra Costa Superior Court judge found the project's environmental report was unclear on the issue of heavier crude production and stopped construction until the report is fixed. Chevron is appealing.

"It provides lucrative jobs to the community," Tippen said. "The project was properly analyzed and permitted, and should move forward."



Chevron's announcement last month that it intends to cut jobs in fuel production, retail and marketing operations has spurred fear and speculation that the oil giant might close its Richmond plant. Others say such rumors are a negotiating ploy and untrue.

Chevron has said it is premature to discuss refinery closures. The company is slated to release more details next month. The City Council on Feb. 23 plans to discuss what to do if the refinery, the city's top employer and taxpayer, closes.

Though the Richmond refinery has declined to talk about negotiations, members of the environmental coalition say they have backed off an original demand for a comprehensive crude cap, which would restrict various characteristics of the oil being processed.

Instead they're supporting the Attorney General's Office-sponsored proposal that would limit the crude's gravity, a numerical measure of how heavy or light oil is, to a level that they say would prevent the processing of the worst oils.

"We have a proposal on the table now so we're going to see if Chevron is serious about being a good neighbor and sign on the dotted line," said Henry Clark, head of the West County Toxics Coalition.

The Attorney General's Office proposal also calls for more [air and equipment monitoring](#); routine reporting of the characteristics of the crude being processed; the city to hire an independent expert, funded by Chevron, to analyze the data; replacing old boilers; and installing a combined 30 megawatts of solar panels at the refinery and on low-income homes in the city.

## **Texas challenging EPA's greenhouse gas finding**

By John McFarland, Associated Press Writer

In the San Diego Union-Tribune, Contra Costa Times and other papers, Wednesday, Feb. 17, 2010

DALLAS—Texas became the first state to challenge the federal government's finding that greenhouse gases are dangerous to people, claiming Tuesday that the ruling is based on flawed science and would wreck the state's economy.

The EPA in December issued an "endangerment" finding about carbon dioxide and other greenhouse gases, setting the stage for future rules restricting such emissions.

Texas—which leads the nation in greenhouse gas emissions and is frequently at odds with the EPA—is asking a federal appeals court to review the endangerment finding. The state also asked the EPA to reconsider it.

"The EPA's misguided plan paints a big target on the backs of Texas agriculture and energy producers and the hundreds of thousands of Texans they employ," Gov. Rick Perry said. "This legal action is being taken to protect the Texas economy and the jobs that go with it, as well as defend Texas' freedom to continue our successful environmental strategies free from federal overreach."

Al Armendariz, the EPA's regional director over Texas, said the agency is confident the finding will withstand any legal action. He also said the move isn't surprising considering Texas' pattern of opposition to the EPA.

"Texas, which contributes up to 35 percent of the greenhouse gases emitted by industrial sources in the United States, should be leading the way in this effort," he said. "Instead, Texas officials are attempting to slow progress with unnecessary litigation."

EPA spokesman Brendan Gilfillan said it's the first legal challenge by a state, though industry groups have also challenged it.

Texas says the EPA's research should be discounted because it was conducted by the Intergovernmental Panel on Climate Change, which shared the Nobel Peace Prize with former Vice President Al Gore in 2007 for its work on climate change but has since been embarrassed by errors and irregularities in its reports.

"With billions of dollars at stake, EPA outsourced the scientific basis for its greenhouse gas regulation to a scandal-plagued international organization that cannot be considered objective or trustworthy," said Attorney General Greg Abbott.

Many climate scientists disagree with such assessments. Gerald North, a Texas A&M University scientist who headed a 2006 National Academy Study on climate change and works with the IPCC, said only a handful of scientists truly understand the data and almost all of them agree it's solid.

Tuesday's legal action was met with swift criticism from Texas environmental activists who've long felt Perry's decisions are based on his ties to the heavy industry groups that support him. Texas has more oil refineries, chemical plants and coal-fired power plants than any other state, leading the U.S. in industrial pollution.

"Not only is it legally unsound, it puts Texas on the side of the 1950s economy, against the clean energy economy of the future," said Jim Marston, Texas regional director of the Environmental Defense Fund.

Perry, Abbott and Agriculture Commissioner Todd Staples appeared at the Austin announcement, saying the state has a strong record of improving air quality by cutting emissions without federal intervention. They said the state's crucial energy and agriculture industries would be hit hard by greenhouse gas limits, costing jobs and raising energy prices.

"I believe the EPA endangerment finding is fundamentally flawed, and I have serious problems with the process underlying EPA's action and the harmful implications it will have on the lives of Texans and the Texas economy," said Buddy Garcia, one of the three Texas Commission on Environmental Quality commissioners.

The endangerment finding classified six greenhouse gases as pollutants that threaten health: carbon dioxide, methane, nitrous oxide, hydrofluorocarbons, perfluorocarbons and sulfur hexafluoride. The finding allowed the EPA to for the first time to make rules restrict greenhouse gas emissions under the Clean Air Act.

The U.S. Supreme Court declared in 2007 that carbon dioxide and other greenhouse gases are pollutants that the EPA could regulate if found to endanger public health. The Bush administration never acted on the court order.

## **Virginia challenges U.S. greenhouse gas curbs**

By David A. Fahrenthold, Staff Writer  
Washington Post, Wednesday, Feb. 17, 2010

Virginia Attorney General Ken Cuccinelli II (R) on Tuesday filed paperwork attacking the legal underpinnings of an Obama administration effort to regulate greenhouse gas emissions, joining a crowd of political conservatives and business groups with similar objections.

Cuccinelli sent a petition to the U.S. Environmental Protection Agency, asking the agency to reconsider its finding in December that greenhouse gases pose a danger to public health by contributing to climate change. That finding is a legal trigger, which would allow the EPA to regulate those gases under the Clean Air Act, the same way it regulates the pollutants that cause smog. Cuccinelli also filed a separate petition asking a federal court to review the EPA's finding.

In a news release, Cuccinelli's office said the EPA should review its findings because of "newly available information." In a telephone interview Tuesday, a spokesman for Cuccinelli would not comment on that information. He said Cuccinelli would explain in a news conference in Richmond on Wednesday.

Cuccinelli's petition seemed to be his boldest stroke since he took office last month, after a campaign in which he promised to use the attorney general's office to pursue conservative goals.

Rutgers University law professor Craig Oren said it could be a difficult effort. For it to succeed, Oren said it could require proving that the EPA willfully disregarded available science, its own rules or precedent. "You have to show EPA was arbitrary," he said. "I give them less than 50-50" odds.

Texas filed a similar petition challenging the EPA's finding Tuesday. Officials there said the finding is "legally unsupported" because it relies on scientific findings from the Intergovernmental Panel on Climate Change, an arm of the United Nations.

That panel found in a 2007 report that climate change was "unequivocal." In recent months, however, scientists have noted errors in the document stemming from typographical mistakes and sloppy sourcing. In addition, Texas officials cited e-mails taken from a climate change research center in Britain, in which scientists discussed how to keep their critics out of scientific journals.

The EPA's findings were "based on the tainted data of an agenda-driven international panel," Texas Gov. Rick Perry (R) said at a news conference. Legal challenges have also been filed by the National Association of Manufacturers, the American Petroleum Institute and the American Iron and Steel Institute.

EPA spokeswoman Adora Andy said in a statement: "The EPA's endangerment finding is grounded in overwhelming science and the law. EPA is confident that the finding will withstand legal challenge and allow the agency to protect the American people from the significant dangers posed by greenhouse gases and carbon pollution."

[N.Y. Times editorial, Wed., Feb. 17, 2010:](#)

### **With Stakes This High**

Disclosures of isolated errors and exaggerations in the 2007 report from the United Nations panel on climate change do not undermine its main finding: that the planet has been warming gradually for more than a century and that human activity is largely responsible. But the misstatements have handed climate skeptics a public relations boost.

That's not good news at a time when world leaders need to make tough decisions to control greenhouse gas emissions and when public confidence in the science is essential. Given the stakes, the panel cannot allow more missteps and, at the very least, must tighten procedures and make its deliberations more transparent.

The panel's chairman, Rajendra K. Pachauri, an Indian engineer, also is under fire for taking consulting fees from business interests. Mr. Pachauri says he does not profit personally and channels the fees to a nonprofit research center he runs in New Delhi. Yet as the person most responsible for the panel's integrity, he cannot afford even the appearance of a conflict of interest.

All this follows last November's uproar over leaked e-mail messages that, while they had nothing to do with the panel's reports, portrayed climate scientists as thin-skinned and fully capable of stifling competing views.

The controversy over the 2007 report has been stoked by charges of poor sourcing and alarmist forecasts, prominently a prediction — in a 938-page working paper — that the Himalayan glaciers would disappear by 2035. This was clearly an exaggeration, though it was not included in the final report. An overblown warning of crop failures in North Africa made it into the final report.

Set against the bulk of the panel's work — for which it received a Nobel Prize in 2008 — these errors seem small, the result of sloppiness, not deliberate misrepresentation. But they are still costly.

In a recent editorial in the journal *Nature*, Ralph Cicerone, president of the National Academy of Sciences, wrote that while the scientific understanding of climate change remains "undiminished," the "perceived misbehavior of even a few scientists can diminish the credibility of science as a whole."

Dr. Cicerone is right on all counts: given the complexity and urgency of climate change — and its vulnerability to political posturing — scientists engaged in the issue must avoid personal agendas and be intellectually vigilant and above reproach.

[Note: The following clip in Spanish discusses California has become the first state in the nation to include climate change as part of school curriculum. Starting this Tuesday, it will integrate 85 classes on that subject into preschools and K-12. For more information on this or other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

**California impartirá educación sobre cambio climático desde preescolar**

Manuel Ocaño, Noticiero Latino  
Radio Bilingüe, Tuesday, Feb. 16, 2010

California se convirtió en el primer estado de la nación en incluir el tema del cambio climático como parte del currículum educativo. Desde este martes la educación pública de California integra 85 clases sobre cambio climático, desde kindergarden o preescolar hasta el doceavo grado en preparatoria o high school.

De acuerdo con la iniciativa de Educación y Medio Ambiente de California, la materia sirve para que las siguientes generaciones de californianos estén mejor preparados ante el cambio climático y mantengan una vanguardia del estado en la lucha contra ese fenómeno.

El currículum incluye clases desde la producción de alimentos y cuidado del medio ambiente, hasta administración de gobierno y recursos públicos para enfrentar el cambio climático en la comunidad.

[Note: The following clip in Spanish discusses Spain approves 7 projects that will reduce CO2 emissions, which will be applied to other countries as well. Four of these projects will be implemented in Colombia, Bolivia, Peru & Argentina, which will reduce over 7 million tons of emissions by 2012.](#)

### **Aprueba España 7 proyectos de reducción de emisión de CO2 para aplicar en otros países**

El Periódico de México, Tuesday, Feb. 16, 2010

Madrid, (EFE).- El gobierno de España aprobó hoy siete nuevos proyectos, cuatro de ellos en Colombia, Bolivia, Perú y Argentina, que rebajarán la emisión de CO2 en más de dos millones de toneladas de media anual y en unos 7 millones hasta el 2012, cuando acabe la vigencia del Protocolo de Kioto.

Los proyectos fueron aprobados en la vigésimo primera reunión de la Autoridad Nacional Designada (AND), una comisión interministerial encargada de regular el régimen del comercio de derechos de emisión de gases de efecto invernadero, informó el Ministerio de Medio Ambiente de España en un comunicado.

Los siete nuevos proyectos se harán en la India (que recibirá dos), China, Colombia, Bolivia, Perú y Argentina, y fueron presentados por Zero Emissions Technologies, Endesa Carbono, el Banco Asiático de Desarrollo para el Fondo de Carbono Asia Pacífico, la Corporación Andina de Fomento para la Iniciativa Iberoamericana de Carbono y Endesa Generación.

Todos los proyectos mantienen la prioridad de España por las energías renovables, que suponen el 55 por ciento de las iniciativas, señaló el comunicado.

En las 20 reuniones anteriores, la AND concedió el informe de participación voluntaria a 119 proyectos, 68 de ellos presentados por empresas, uno por el Fondo de Carbono de la Empresa Española (FC2E) y el resto procedentes de los distintos fondos de carbono en los que España participa.