

## **UC students to make fairgrounds greener**

By Sun-Star staff

Merced Sun-Star, Tuesday, March 22, 2011

The Merced County Fair said more than 50 student volunteers from UC Merced and other UC campuses in the California Public Interest Research Group Energy Service Corps will change hundreds of light bulbs at the fairgrounds Wednesday.

Starting at 10 a.m., student volunteers will swap old incandescent light bulbs for more energy efficient, compact fluorescent light bulbs and install weather stripping in the fairgrounds' Pavilion and Administration buildings at 900 Martin Luther King Jr. Way, Merced.

It's all part of a goal to slash energy usage by more than 30 percent, reduce greenhouse gas emissions and cut down on pollution, the fair said in a news release.

The fairgrounds project is part of a five-day Alternative Energy Spring Break event that will bring together more than 50 students from UC Merced and other UC campuses to reduce the energy consumption of five community buildings in Merced, San Francisco, Sacramento, Los Angeles and Santa Barbara.

Volunteers from UC Merced's Energy Service Corps have completed weatherization projects to improve energy efficiency and reduce energy consumption at two older Merced buildings, the Merced Elks Lodge and the Merced Rescue Mission.

For more information, call UC Merced campus organizer for Energy Service Corps, Danielle Lauber, at (516) 286-4422 or the Merced County Fair marketing director, Diane Conway, (209) 722-6514.

## **Calif. cap-and-trade plan suffers legal setback**

By Bob Egelko, staff writer

S.F. Chronicle, Tuesday, March 22, 2011

California's attempt to implement its landmark global warming law with a market-oriented "cap-and-trade" system of pollution credits hit a snag Monday with a judge's ruling that the state had not looked hard enough at alternatives.

The ruling by Judge Ernest Goldsmith of San Francisco Superior Court does not prohibit the state Air Resources Board from adopting cap and trade or explicitly require that officials delay its scheduled implementation next year. But Goldsmith said the board must first analyze other options, such as a tax on carbon emissions, and explain why it did not choose them.

The state agency "seeks to create a fait accompli by premature establishment of a cap-and-trade program before alternatives can be exposed to public comment and properly evaluated," Goldsmith said in Friday's ruling, which the state and environmental group that sued over the plan received Monday.

The board will appeal, said spokesman Stanley Young. He expressed dismay at the scope of the ruling, which requires the board to conduct an environmental review and invite public comment before taking further steps to implement the law.

Measures that would be put on hold apparently include California's first-in-the-nation limits on greenhouse gas emissions from cars and trucks, Young said.

### **Ruling's effects**

A broadly worded ruling "puts at risk a range of efforts to move California to a clean-energy economy and improve the environment and public health," Young said.

But Alegría De La Cruz, legal director of the Center on Race, Poverty and the Environment, said the plaintiffs have no intention of sidetracking clean-car standards and other beneficial state actions.

The group will make that clear in the scope of the order that Goldsmith asked it to draft to carry out his ruling, De La Cruz said.

The goal of the lawsuit is to get the state to adopt an "environmentally superior alternative" to cap and trade, she said.

Young said the board has already conducted a "robust and comprehensive examination of the alternatives" and would submit its findings to the judge.

The air board's cap-and-trade rules, which it adopted in December, set industry-wide limits on emissions of carbon dioxide and other greenhouse gases and reduce those limits each year through 2020. Businesses that exceed their limits can buy allowances from other companies, and can also meet their goals through environmentally friendly actions like planting trees.

### **Implementing AB32**

The system is the centerpiece of the state's plan to implement AB32, the 2006 law requiring California to reduce greenhouse gas emissions to 1990 levels by 2020.

Conservatives have defeated national cap-and-trade proposals in Congress, but the California legal challenge comes from a different direction - grassroots "environmental justice" groups that consider the plan too weak.

They argue that companies that buy the right to exceed emission limits will also spew greater amounts of other pollutants on surrounding communities, mostly poor and nonwhite. The critics believe that businesses can also game the system by claiming environmental credits abroad, where enforcement is uncertain.

### **'Do it right'**

"Allowing the most entrenched polluters to increase pollution violates our environmental rights and is not the way to stop poisoning our air and slow catastrophic climate change," said Bill Gallegos, executive director of Communities for a Better Environment. He said the ruling gives the air board "a chance to do it right."

Most mainstream environmental groups, however, supported cap and trade and stayed out of the suit.

One group, the Environmental Defense Fund, issued a conciliatory statement Monday saying it was confident that the plaintiffs and the board "are committed to improving California's environment and fighting climate change and do not intend to bring AB32 work to a halt."

The one alternative that Judge Goldsmith cited to cap and trade was a carbon tax, a fee on the carbon content of fuels burned by motorists and industries.

Goldsmith said the only assessment the Air Resources Board has made public so far consists of two paragraphs declaring that a carbon tax and other options would have effects similar to the current plan, a conclusion that the judge said was supported by "little or no facts."

The judge also said, however, that the board has legislative authority to interpret the global warming law and acted "within its discretion, right or wrong ... to choose cap and trade as the primary methodology."

## **California's global warming law takes a hit**

By Paul Rogers of the San Jose Mercury News

In the Sacramento Bee, Contra Costa Times and Tri-Valley Herald, Late Monday, March 21, 2011

SAN FRANCISCO -- In a setback that could stall the rollout of California's landmark climate change law, a court in San Francisco has ruled the state must spend more time studying alternatives to the measure's key feature - a cap-and-trade program on greenhouse gas emissions - before it goes into effect Jan. 1.

San Francisco County Superior Court Judge Ernest Goldsmith blocked the California Air Resources Board from moving forward with its rules under the law, known as AB 32, until it completes a more thorough environmental analysis. That could take months, putting into question whether the rules will take effect next year as planned.

Ironically, the law, signed by then-Gov. Arnold Schwarzenegger in 2006, survived industry challenges, and most recently an attempt by Texas oil companies to halt it when voters rejected Proposition 23 in November. But now, it has been tripped up by a challenge from a handful of small, non-profit environmental groups.

Those groups, led by Communities for a Better Environment, based in Oakland, sued the air resources board, which is commonly known as "ARB." They have argued since 2009 that as written, the rules could increase pollution in low-income, largely minority communities located around power plants and oil refineries if those facilities are allowed to trade pollution credits under a "cap and trade" plan rather than simply facing either a tax on their emissions or some other limit.

"Allowing the most entrenched polluters to increase pollution violates our environmental rights and is not the way to stop poisoning our air and slow catastrophic climate change," said Bill Gallegos, executive director of Communities for a Better Environment. "Now the ARB has a chance to do it right and consider real alternatives to pollution trading."

Former state Assembly Speaker Fabian Nunez, who wrote AB32, called the court ruling "disappointing."

"It's another roadblock to California being able to achieve its predominance in the environmental world by being the first state in the country to implement CO2 reduction in a very serious way," he said.

Nunez said the air board should have taken the concerns of environmental justice groups more seriously. But to their central claim, he said: "It's a false assertion. There won't be more pollution."

The air board, whose members are appointed by Gov. Jerry Brown, announced it will appeal.

Stanley Young, a spokesman for the air board, said the agency will seek to clarify the ruling, which was filed Friday. If all actions under AB 32 are suspended, for example, that might mean that California's rules requiring utilities to provide 33 percent of their electricity from renewable sources are suspended. Or that the state's low-carbon fuel standard is in question.

"We believe the plaintiffs did not intend to put on hold efforts to improve energy efficiency, establish clean car standards and develop low carbon fuel regulations," Young said. "A broadly worded writ puts at risk a range of efforts to move California to a clean energy economy and improve the environment and public health."

In December, the air board approved a "cap and trade" system to limit emissions of greenhouse gases that most climate scientists say are causing global warming.

Under the rules, roughly 600 of California's major polluters - from oil refineries to power plants and factories - will face mandatory limits starting in nine months on the amount of greenhouse gases they emit. The facilities will be able to trade pollution credits under a new "cap and trade" market, and will be allowed to use projects that offset global warming, such as tree planting, to cover up to 8 percent of their emissions limits.

The rules were drawn up under AB32, which requires that California's greenhouse gas emissions be cut to 1990 levels by 2020, a drop of about 15 percent from current levels.

In his 37-page ruling, Goldsmith noted that the air board should have considered other ways to reach the target than "cap and trade," a market-based mechanism favored by industry. He noted the air board only devoted two paragraphs in its environmental study, for example, to a carbon tax.

The air board, Goldsmith wrote, "seeks to create a fait accompli by premature establishment of a cap and trade program before alternatives can be exposed to public comment and properly evaluated."

Young, the air board spokesman, said his agency completed a 500-page environmental analysis in October, after the lawsuit was filed. He also disputed that cap and trade plans increase pollution in some communities, noting that AB32 required that other forms of air pollution cannot increase under the rules.

Several legal experts noted that an appeals court could stay the judge's ruling, allowing the rules to move forward while the case is argued in court through next year.

Stanford University law professor Buzz Thompson said the ruling is not a death knell for California's global warming law.

"My view is that it is clearly a setback," said Thompson, co-director for Stanford's Woods Institute for the Environment. "But it is not an immovable obstacle. It means that California has to look more carefully at the decision it made on cap and trade, and if it wants to make the same decision, justify it in more detail."

## **EPA suggests air rules change, riles farmers Farmers say tighter limits could end farming operations**

By Wes Sander, staff writer

The Capital Press, Thursday, March 17, 2011

California farmers fear tightening air-quality rules as federal regulators consider whether to alter particulate matter standards.

The U.S. Environmental Protection Agency is required to review the National Ambient Air Quality Standards every five years. The standards restrict the amount of particulate matter in the air, which comes mostly from combustion and dust.

Compliance methods are up to the states, most of which don't impose rules on agriculture to meet the standards. But California and Arizona do, especially in EPA "non-attainment" areas like the San Joaquin Valley, with its chronically bad air.

The agency's options involve changing the current standard, keeping it unchanged or canceling it altogether, said Kerry Drake, associate director for the air division of EPA's southwestern Region 9, which includes California.

But no proposal has yet been made, awaiting an agency document that lays out options backed by measurement data. EPA has taken public comment on previous drafts.

"When we review rules it makes people nervous, and when they get nervous, they want to know what's going on," said Drake, who organized a March 2 meeting in Chino to talk over the options with farm groups.

EPA has raised the idea of reducing the agency's current PM10 standard -- restricting allowable emissions of air particles less than 10 micrometers in diameter -- to 7.5 micrometers.

Manuel Cunha, president of the Fresno-based Nisei Farmers League, said such a change would drive producers out of business. Compliance ideas have involved plowing when soil is still set, which would be difficult and expensive while degrading the soil by compacting it, Cunha said.

"In California, literally, we couldn't farm," Cunha said. "How can you farm wet ground?"

Current rules are already restricting field tilling and livestock corralling, causing producers to alter when and how much they till fields, and dairy owners to adjust where they position operations relative to property boundaries.

"It's going to make it more expensive to farm, that's a given," said Paul Martin, director of environmental services with Western United Dairymen. "But our guys are pretty innovative."

EPA notes that it would also revise its formula for calculating whether an area violates standards. Martin said one of Western United's concerns lies in the screen technology currently used for measuring particulate matter. Because particles can be oblong like a potato, a screen cannot reliably catch those near the size limit, Martin said.