

## **Car Buffs Have Bill in Headlights**

**Jay Leno, others fight measure to end smog check exemption for older vehicles.**

By Miguel Bustillo, Times Staff Writer,

[September 14, 2004, Los Angeles Times](#)

Comedian Jay Leno, the host of television's "Tonight Show," called Assemblywoman Sally Lieber's office earlier this year and delivered a monologue that wasn't funny at all.

Lieber, a Democrat from Mountain View, was sponsoring legislation to end a California exemption that spares many old cars from smog checks. Leno, an avid car collector, considered the bill stupid, and let Lieber's legislative director know it.

"He was really angry," said the staffer, Marva Diaz. "I thought someone was playing a joke on me. He didn't sound like the person I had seen on TV."

It was indeed Leno, however - and he called again a few weeks later to remind Lieber of his opposition to the measure, which now sits on the desk of his Hollywood pal, Gov. Arnold Schwarzenegger, who must make a decision on it by the end of this month.

Currently, when a car turns 30, it no longer has to be smog checked. Each year, more cars become exempt. Under the proposed law, the cutoff would be fixed in time - all cars from the 1976 model year on would have to be checked - and the ranks of exempt cars would thin as older cars are taken off the road.

State officials estimate that if the governor signs the bill, by 2010 about 340,000 passenger vehicles that would otherwise have aged out of the smog check program will have to be inspected.

The measure is supported by an unusual alliance that includes the American Lung Assn., environmental groups, oil companies and farmers.

On the opposing side is a passionate subculture that's as much a part of California's mythology as beach bodybuilders Schwarzenegger once hung out with: classic car buffs.

Supporters of the bill say that older cars, most of which would be considered clunkers rather than classics, make up a disproportionate share of the smog problem in California.

Opponents see the measure as a first step by the state toward forcing smog checks on the classic vehicles they love.

Now that Leno has weighed in on behalf of the opponents, supporters of the bill worry that Schwarzenegger - who declared his candidacy for California governor on Leno's show, and boasts his own collection of Hummers - will quash it.

Environmentalists and car club representatives both assert that Leno lobbied Schwarzenegger during the governor's most recent visit to the "Tonight Show" last month. Spokespersons for the program and the governor said they did not know whether such a conversation occurred.

Leno's publicist, Dick Guttman, rejected the notion that Leno would have any sway over Schwarzenegger, or that the two celebrities were close to begin with. He said Leno would never publicly discuss his political advocacy.

"They have had a relationship for years, but the use of the word 'friend' is sometimes strange in Hollywood," Guttman said. "I would call it a symbiotic relationship. They don't get together for dinner or anything. He is a good guest on the show."

As they await the governor's decision, car aficionados around the state are accusing politicians of trying to grab headlines with a measure that would make only a dent in the smog problem.

"Politicians are often ridiculous, and this is an example of how ridiculous they can be," said Chuck Abbott, president of the Southern California chapter of the Pontiac-Oakland Club. "It's going to have an infinitesimal impact on air pollution, and it's going to make a lot of people's lives miserable in the car world, all so some politicians can say they did something about smog."

Environmentalists and air pollution officials counter that limiting the exemption would remove 12 tons of smog-forming pollutants per day by 2015. The law, they say, is a long-overdue step toward reducing motor vehicle emissions. They cited a USC study published last week in the *New England Journal of Medicine* which found that children breathing dirty air in Southern California were more likely to develop underpowered lungs, leaving them more vulnerable to health problems.

By 2010, cars made before 1983 are expected to account for 22% of the hydrocarbons and 11% of the nitrogen oxides emitted by passenger cars and light trucks, according to state officials, even though the older models will constitute just 2.6% of the vehicles on the road.

As for the true classics - the 1969 Pontiac GTO, for example, or '57 Chevys - the measure wouldn't affect them, the bill's supporters point out, because it wouldn't reach beyond the 1976 model year.

"We would argue there are no issues with this bill and classic cars," said Tom Addison, a lobbyist for the Bay Area Air Quality Management District. "It's very simple: If your car is in the smog check program today, it should stay in the program. That's all the bill does."

The measure contains a promise from California lawmakers that they will not seek in the future to extend smog checks to cars made before 1976. Classic car lovers are not convinced.

"There are a lot of Camaros and Mustangs that are going to be affected," said Lee Lieberg, a mortgage underwriter from Westminster who in his spare time serves as treasurer of the Corvettes of Southern California club. "But even those of us with older cars are either violently opposed or at least nervous. People see this as 'give the bureaucrats an inch and they'll take a mile.'"

Lieberg's wife, Sharon, is the historian of the Southern California Chevelle-Camino Club. For the couple, the preservation of classic cars is a deeply personal pursuit.

Sharon still has the car she drove when the couple began dating: a white 1969 Chevelle with a black vinyl top.

"She's had that car longer than she's had me," Lieber said.

Environmentalists are equally passionate about the need to clean California's air. They expect Schwarzenegger - who promised when he was running for office to cut air pollution in half - to do everything in his power to reach that goal.

Bill Haller, a Sierra Club volunteer working to end the 30-year exemption, was so livid at Leno for opposing Lieber's bill that he decided to use the comic's trademark humor against him.

Last week, Haller announced the formation of a faux environmental organization, "Californians 4 More Smog," and organized pseudo-supporters to picket the "Tonight Show." The rally in front of the show's Burbank studio was sparsely attended - only two people showed up - but it still drew radio coverage.

"We say lung association, shmung association," Haller joked. Becoming serious again, he said: "I hope Jay Leno reconsiders."

## **Study predicts valley's future as blistering hot**

### **Global warming may generate 'Death Valley' conditions, study says**

By MATT WEISER, Californian staff writer

[Bakersfield Californian, Tuesday, Sept. 14, 2004](#)

A new study predicts that those sweaty summer days over 100 degrees could become the daily norm in the San Joaquin Valley if global warming continues, along with more heat-related deaths and dwindling water supplies.

The report released Monday by 19 of the nation's leading climate-change scientists looks at five urban areas in California. One of those is Fresno, and co-author Susanne Moser said those results probably translate well to the entire San Joaquin Valley, including Bakersfield.

Fresno recorded 10 to 15 summer days above 100 degrees in the 1990s. If residents continue to consume fossil fuels at the present rate, according to the study, Fresno could see 50 days a year over 100 degrees by 2050. Nearly one of every three days could exceed 100 degrees by 2090 -- virtually the entire summer season.

The study, based on computer modeling of climate change, also makes predictions for Sacramento, San Francisco, Los Angeles and Riverside.

"Obviously, Bakersfield's already hot in the summer," said Moser, a research scientist at the National Center for Atmospheric Research in Boulder, Colo. "What right now already feels like a pretty darn hot summer is very likely, by the end of this century, to feel like Death Valley on a regular basis."

The report predicts the Sierra snowpack, water source for most of California, will melt earlier each year, causing winter flooding, summer water shortages, and increased risk of forest fires.

It also predicts that heat-related deaths in Fresno will increase nearly 40 percent by 2090, to about 18 a year.

The nonprofit Union of Concerned Scientists released the study, in part, to put pressure on the California Air Resources Board.

On Sept. 23, the board will consider new rules to reduce emissions of global-warming gases from automobiles. The proposal is the first of its kind in the nation, and is under attack from the auto industry and other groups.

Adrian Moore, executive director of the Los Angeles-based Reason Public Policy Institute, called the new auto rules "a terrible idea." He said the state should focus instead on eliminating "gross polluter" cars, calling this a bigger problem.

Most climate scientists agree global warming is human-caused and threatens the health of the planet. But the Reason Institute has been a persistent critic.

"Any resources we waste trying to reduce global warming gases from cars to prevent a theoretical harm in the distant future is crazy," said Moore, a Tehachapi resident. "The challenge has been that the warming is not happening as rapidly as the models predict, and the data keeps getting murkier instead of clearer."

Another critic is Bonner Cohen of the conservative National Center for Public Policy Research in Washington, D.C. He said it is nearly impossible to accurately predict heat-related deaths decades into the future.

"It's very good for scaring people, but it certainly is not serious science that should be underpinning policy," he said.

Others said the latest study lends urgency to the global warming problem, and emphasizes the need for quick action.

"People will have difficulty physically living in the valley under those circumstances. It's possible that industrial agriculture will cease under those circumstances," said Paul Gipe, a Bakersfield resident and wind energy expert. "The message is, let's get on with the job. We don't need to study this any more."

The study makes a second set of predictions based on a rapid shift to alternative fuels. The authors found that the number of 100-degree days could be roughly cut in half if society made a broad shift to more efficient buildings, renewable energy and cleaner vehicles. The number of heat-related deaths would also be cut in half.

The authors predict that coastal cities will suffer more than inland cities, with greater increases in heat-related deaths, because they are less accustomed to hot weather. Both San Francisco and Los Angeles are predicted to see heat-related deaths increase by a factor of 10 if present consumption patterns continue.

-- *The Associated Press contributed to this report*

## **Oxy to join methane reduction effort**

### **Company to sign on with EPA program that aims to cut greenhouse emissions**

[Bakersfield Californian, Tuesday, Sept. 14, 2004](#)

Occidental Oil and Gas Corp. will take action today to further reduce emissions from its oil and gas operations.

The Los Angeles-based company, at a ceremony today at the Elk Hills field it operates near Taft, will officially sign on to participate in the U.S. Environmental Protection Agency's Natural Gas STAR program.

The program is a voluntary partnership between the EPA and oil and gas industry to reduce methane emissions.

Methane is a greenhouse gas.

According to the program's Web site, STAR partners sign a contract agreeing to evaluate the program's recommended practices for reducing methane emissions and to implement those practices when cost-effective for the company. In addition, the program says the companies are encouraged to identify, implement and report on other technologies and practices to reduce methane emissions.

Oxy will include all of its U.S. operations in the STAR program, including Elk Hills.

Elk Hills produces more natural gas than any other field in California.

Oxy officials said Monday that participating in the STAR program is an example of the company's commitment to minimizing its environmental footprint.

Since the program began in 1993, STAR partners have eliminated about 275 billion cubic feet of methane emissions by implementing the program's best practices.

Other companies that participate in STAR include ChevronTexaco, Shell Exploration and Production Co. and Torch Energy.

## **Ford on future, fuel and freebies**

### **Executive shares preview of new models, says biggest challenges for automaker are incentives, gas costs**

By MATT PHILLIPS, Californian staff writer

[Bakersfield Californian, Tuesday, Sept. 14, 2004](#)

After a century, Ford Motor Co. is still rolling.

The company saw tough stretches. Over the last few years, the Dearborn, Mich.-based carmaker faced recession, gas price increases and a growing field of competitors.

There has never been more pressure on margins and profitability, said Stephen Lyons, president of the company's Ford Division.

Lyons, who oversees nationwide sales and marketing of Ford vehicles, stopped in Bakersfield Monday to visit long-standing local dealership Jim Burke Ford.

He also swung by Cal State Bakersfield and spoke to more than 150 local business people, faculty and students.

Lyons walked the audience through some of the things that keep him up at night. One of them is the American consumer's insatiable hunger for incentives and bargains.

The auto industry bucked precedent during the recession that started in March 2001.

In past downturns, car sales sagged right along with the economy. This time manufacturers propped up sales through incentives such as "0 percent" financing.

It worked.

But car companies might have created consumer Frankensteins, trained to expect huge discounts. Plus no one quite knows what the long-term effect of offering those incentives will have on companies, Lyons said.

One way out of the incentive trap is to offer new products car buyers will clamor for, he said.

That's part of the reason Ford is rolling out five newly designed cars over the next two months. It's the largest new product rollout in the company's history, Lyons said.

New models vary. They include a new version of the Mustang, a Super Duty pickup, a sedan called the Ford 500, and new type of vehicle, Ford Freestyle, which combines elements of an SUV and a car. New models reflect the company's need to differentiate and tightly target customers in an increasingly fragmented market.

One fragment of the market is interested in fuel efficiency.

That's why Ford is releasing a new version of its Escape SUV, which runs on a hybrid gas-electric motor. Lyons said customers are more interested in fuel efficiency than ever before.

That could have to do with higher gas prices, Lyons said.

Don't expect them to come down anytime soon.

"We have probably seen a permanent adjustment in the price of gas," Lyons said.

Lyons also sees the economy improving. One important sign is that businesses are buying more trucks and vans. After the speech, people peered under hoods and sat in some of Ford's newly designed cars, parked outside the lecture hall.

Looking on was Willy Chang, a 24-year-old MBA student at Cal State Bakersfield.

He was interested in the new cars Ford was introducing, especially the Super Duty truck.

The fact that Americans were still interested in large vehicles despite higher gas prices was surprising to Bernie Herman, executive director of the Bakersfield Museum of Art, who attended the speech.

Sneak previews of commercials for the company's new Super Duty truck interested Katherine Thomas, a senior at North High School who attended the speech.

She was also surprised to learn about the sheer size of Ford Motor Co.

"I just didn't realize how successful the company was," Thomas said.

## **Trial begins for farmer charged in deaths of two Calif dairy workers**

By JULIANA BARBASSA, Associated Press Writer

Published in the [Bakersfield Californian](#), Tuesday Sept. 14, 2004

MERCED, Calif. (AP) - Two young dairy workers who were asphyxiated by gases rising from a fetid stew of cow waste may not have died if they received proper training and equipment to do the job, prosecutors argued during opening statements in the trial of the farmer charged in connection with their deaths.

Patrick Joseph Faria, from the small farming town of Gustine, has been charged in Merced County Superior Court with two counts of involuntary manslaughter in connection to the Feb. 22, 2001, deaths of Enrique Araisa and Jose Alatorre.

Faria failed his workers in a number of ways, prosecutors said Monday- he didn't warn the employees of the pit's danger, he didn't train them on how to enter, and gave them no equipment, no protection, and no way to test the air.

Alatorre, 24, was the first to squeeze through the narrow opening of the 40-foot pit to unclog a pipe. From the pitch-black bottom, he yelled to two other workers perched at the lip - Araisa and his Araisa's cousin, Juan Caballero - saying the air wasn't good. He tried to climb out, but was overcome by the toxic gases, fell into the liquid waste and drowned.

The wastewater "was inside his nose. He gulped it. It was inside his lungs," said prosecuting attorney Gloria Mas from the Merced County district attorney's office.

Araisa, 29, scrambled down to help Alatorre, but as he neared the bottom, he lost consciousness and fell. He somehow got caught on the side of the pit, Mas said.

Caballero was the last worker left on the surface. He was afraid, Mas said, but wanted to help his cousin. He had only a rope, so he went down as far as he could, tied the rope to his cousin's wrist, then clambered out and ran for help.

"They both died of asphyxiation," said Mas, quickly flashing the gruesome images of the men's bodies on a large screen before the jurors.

Mas argued that Faria, who as a volunteer firefighter had been trained in the particular dangers posed by confined areas, knew that hydrogen sulfide, a gas frequently found in underground spaces, could be deadly.

The farm's Injury and Illness Prevention Plan specifically mentioned the manure pit as an area of concern and Faria as the safety manager on site, Mas said.

"Mr. Faria was supposed to protect these individuals, and he didn't," said Mas.

In a brief response to the prosecution, defense attorney Kirk McCallister said that the incident was clearly a tragedy, but the question jurors were being asked to answer was whether a crime was committed.

McCallister said that when the two men fell into the pit, "Mr. Faria was about 90 miles away, driving to San Francisco airport."

Merced city Fire Captain John McMillen, the first witness to testify in the case, said that when he arrived at the farm, nearly an hour and a half after Alatorre first descended into the pit, he had the shaft ventilated, the air tested and was outfitted with a protective suit, a helmet and a harness before he was lowered into the hole. He also used a breathing mask and his crew was instructed to monitor him for symptoms of exposure to the toxic gases.

"I knew there might be methane gas and since it was a below-ground confined space, there was the danger of hydrogen sulfide," McMillen said.

An Associated Press investigation found that Mexican workers often take the most dangerous jobs, and frequently perform them without adequate protection or training. The investigation found that an average of one Mexican worker dies every day in the United States. A Mexican is 80 percent more likely to die on the job than a native-born worker, the AP found.

This often happens because the workers are reluctant to complain about inadequate working conditions, and are afraid of attracting attention, public health officials and the workers themselves said.

The investigation also found that criminal charges like those being brought against Faria are rare. When employers are found guilty, they typically face only a fine.

The dairy's foreman, Alcino Sousa Nunes, has already pleaded no contest to violating an occupational safety law, for which he got three years probation, with no fines or jail time.

The Aguiar-Faria & Sons Dairy has been a family run business since 1948, McCallister said.

California produces more milk and cream than any other state, and Merced helps the state keep that lead as California's second dairy-producing county.

## **Crippen fire spurs legislation**

### **Law, effective Jan. 1, tightens waste facility rules.**

By Jennifer M. Fitzenberger, Capitol bureau

[The Fresno Bee, Tuesday, Sept. 14, 2004](#)

SACRAMENTO -- Gov. Schwarzenegger has signed a bill into law that could help prevent massive junk pile fires such as the one at Archie Crippen Excavation in Fresno in early 2003.

Current law allows solid waste facility owners to continue doing business while they appeal a citation if there is no immediate threat to public health or the environment -- even if officials order them to shut down.

But Assembly Bill 2159 will force some of them to stop operating. It also requires local enforcers -- most of them county officials -- to track complaints against the businesses and gives officials more authority to shut down facilities operating illegally.

"It will allow the local enforcement agencies to have the strength they need to monitor these sites," said Assembly Member Sarah Reyes, D-Fresno, who sponsored the bill. The law goes into effect Jan. 1.

The Crippen fire burned for four weeks in a 40-foot-high pile of wood, concrete, green waste and construction material, spawning acrid smoke and sickening nearby residents. Fighting the blaze and cleaning up after it cost more than \$6 million. Because of the fire, Reyes in April 2003 called for an audit of the state Integrated Waste Management Board's oversight of construction and demolition debris sites.

The report, made public in December by the state Auditor's Office, found that communication between local and state officials was bad, the board didn't track some solid waste sites and business owners could delay having to clean up their sites.

The legislation corrects many -- but not all -- of the problems pointed out in the state audit report, Reyes said.

"There is a lot more that needs to be done," Reyes said, including finding a way to consult public health authorities when new waste facilities are built.

Local enforcement groups and the waste management industry supported the final version of AB 2159.

No one opposed it.

The new law will help local authorities deal with businesses that operate outside of their permits, said Tim Casagrande, Fresno County's environmental health director.

Chuck White, representing Waste Management Inc., said the bill is positive because it speeds up the appellate process and makes it more difficult for facilities to operate without the proper permits.

"It puts everybody on their toes if they're subject to an appeal. They can't use that to delay the process," White said.

Robert Holmes, regulations and legislation coordinator with the Waste Management Board, said the bill will help the board and local officials better enforce the law.

Said Holmes: "There are changes here we've been looking to make for a while."

## **Shifting gears**

**Traffic congestion will only get worse -- we need a new direction.**

[Fresno Bee editorial, Tuesday, Sept. 14, 2004](#)

Fresno is still behind the curve -- that's good in this case -- when it comes to urban traffic congestion. The Urban Mobility Report, a national study released recently by the Texas Transportation Institute at Texas A&M University, shows that individual Fresno drivers wasted a total of about 15 hours of their time due to traffic congestion in 2002.

That compares favorably with most larger cities, not surprisingly. But it's a relative thing: Those delays cost Fresno drivers an average of about \$270 a year in time and wasted fuel, compared with Sacramento's cost of \$650. In the Los Angeles area, the congestion cost per traveler in 2002 was \$1,870; in the San Francisco area, \$1,516; in the Riverside area, \$1,188; San Diego, \$972; San Jose, \$833.

And the trend is not comforting. Fresno's cost of congestion was \$202 per driver in 1992 and \$80 in 1982. And the total cost to the community in 2002 was \$84 million, up from \$46 million in 1992 and \$12 million in 1982.

All of that amounts to a tax on driving. And it strongly suggests that, in order to avoid the much worse conditions in larger cities, we need to act now to steer ourselves away from ever more congested streets and highways, and onto the path of alternative transportation.

We have that chance with the renewal of Measure C, Fresno County's half-cent sales tax for transportation that expires in June 2007. The original Measure C was heavy on spending for freeways. That will have to change. The Urban Mobility Report says we would need to build at least 39 new miles of freeways and streets each year just to maintain the current level of congestion. Why not use that money to build a modern transportation system? More and better alternatives exist -- light rail, bicycles, buses, carpools, trolleys -- that might cost less over the long run to build and maintain than the increasing amount we're wasting today in time and fuel.

Indeed, we need such a policy statewide. California made a huge investment in public infrastructure in the 1960s and 1970s, but we can't ride on that forever. Since the early 1980s, California's spending on transportation infrastructure has been among the lowest per capita in the nation -- sometimes dead last.

It shows. California has some of the most dilapidated roads in the country. Traffic continues to outstrip road capacity. But simply adding more roads is not the answer.

California needs to do a better job of tapping alternative modes such as high-speed rail. It needs to employ new technologies and innovative land-use patterns that reduce the need for auto travel. That's especially true here in the Valley, where vehicle emissions are the principal cause of the foul air we breathe.



The Texas A&M study shows clearly we're not doing enough to improve our transportation system to meet 21st century needs. But we must do better, for we cannot survive the status quo.