

Senate committee rejects Schwarzenegger's air board nominee

By Don Thompson, Associated Press Writer

in the Fresno Bee, Thursday, September 1, 2005, 12:10 AM)

SACRAMENTO (AP) - A Senate committee on Wednesday recommended removing Gov. Arnold Schwarzenegger's appointee to head the state Air Resources Board, an agency that has led the nation in cutting air pollution and reducing automobile emissions.

A vote by the full Senate was scheduled for Thursday.

The committee, on a party-line vote, cited the polarizing influence of Cindy Tuck as chairwoman of the California Air Resources Board. She has held the job for just six weeks after two decades representing the oil and energy industries.

The air board has enacted numerous regulations that have been mimicked by other states and adopted, however reluctantly, by industries that want to do business in the nation's most populous state.

Schwarzenegger immediately urged the Senate to disregard the committee's recommendation, saying Tuck's "expertise and experience is vital to ensuring California continues to lead the nation in setting air quality standards."

Wednesday's 3-2 recommendation by the Senate Rules Committee goes to the Democrat-controlled Senate for consideration before next week's adjournment. Rejection by the Senate means Tuck would have to leave office within 60 days.

Tuck is well qualified but carries too much baggage to be credible after leadership roles with the California Council for Economic and Environmental Balance, said Senate President Pro Tem Don Perata, D-Oakland, one of the no votes.

The group represents industry and organized labor in trying to minimize the costs to business of environmental regulations and legislation.

Tuck swore that she would uphold the Republican governor's environmental agenda that sets ambitious targets for clean air and greenhouse gas reduction. She said that in the last two years she has become more sympathetic to the positions of the air board and the California Environmental Protection Agency, and has tried to be a "modifying force" on opponents.

"I did not pursue this position to represent the business community. That would be the wrong thing to do," Tuck told senators. "You have my word that I will be objective and I will be a leader for clean air."

She declined comment after the committee's vote.

"You had every major polluter in the state support this confirmation," said Tim Carmichael, president and chief executive officer of the Coalition for Clean Air.

Every major environmental and clean air organization opposed it.

Schwarzenegger and business groups said Tuck's years of experience make her an excellent choice for chairwoman.

She has spent a career as a licensed environmental engineer and attorney helping to craft environmental policy and legislation. Schwarzenegger, in a statement, said Tuck "has a proven track record as a consensus builder, bringing together diverse groups with opposing viewpoints to find what is in the best interest of the people of California."

Barry Broad, who represents the Teamsters and Machinists unions, told the committee that, "The business community has a lot more to fear than the environmental community ... because she knows where the bodies are buried." The unions support Tuck.

Republican senators and the administration complained that Democratic senators rushed Tuck to an early confirmation hearing instead of waiting nearly a year, which is often the case.

But Democratic senators said Schwarzenegger broke tradition by appointing a lobbyist instead of someone with a science or regulatory background to head the board. Moreover, Schwarzenegger was warned in advance that appointing Tuck would create opposition, said Sen. Debra Bowen, D-Redondo Beach, another opposition vote.

Panel Says No to Gov.'s Appointee

The choice of industry lobbyist Cindy Tuck for chairwoman of the state air quality board had divided business and environmentalists.

By Miguel Bustillo, Times Staff Writer

LA Times, September 1, 2005

SACRAMENTO - A key state Senate committee refused Wednesday to confirm Gov. Arnold Schwarzenegger's choice of industry lobbyist Cindy Tuck to chair the California Air Resources Board, an appointment that had sharply divided business groups and conservationists.

On a 3-2, party line vote, including a no vote from Democratic Senate leader Don Perata of Oakland, the Senate Rules Committee rejected Tuck, who was described by supporters and detractors alike as a savvy, personable representative for oil companies and electric power generators on environmental matters.

"It is just difficult for me to reconcile that background with the history" of the California Air Resources Board, an aggressive agency renowned for adopting some of the most ambitious air pollution regulations in the world and that has never before been chaired by a lobbyist, said Sen. Debra Bowen (D-Marina del Rey).

The rejection was a political setback for Schwarzenegger, who has sought to portray himself as a "green" Republican whose innovative environmental positions brought business interests and conservationists together.

The governor initially garnered environmentalists' praise for appointing several green activists to top posts, but has disappointed environmentalists lately by selecting a number of business-backed representatives for positions protecting, air, water and natural resources.

Though Wednesday's committee vote did not immediately derail Tuck's appointment, lawmakers said it would be highly unusual for the Democrat-controlled Senate to confirm a candidate who had been rejected by the committee. The full Senate is expected to consider Tuck's appointment as early as today.

"Cindy is the right person for this job. Her more than 20 years of experience with air and water quality, coupled with her education in environmental engineering, make Cindy uniquely qualified for this position," the governor said in a statement after the vote on Tuck, who was trained as a civil engineer and attorney.

"I ask the Senate to give Cindy the opportunity to continue and build upon this proven track record of protecting California's air quality in this important role," he said.

The appointment of Tuck, whose last job was as general counsel for the California Council for Environmental and Economic Balance, a Sacramento lobbying group, was strongly supported by agricultural interests and business trade groups, which argued that she would bring objectivity and balance to the air board.

It was opposed with equal vigor by virtually every major environmental and public health organization in California, which argued that Tuck's history of working for organizations that opposed strong air quality regulations raised serious questions about her commitment to cleaning the air.

Both sides packed the crowded committee hearing Wednesday. The hearing also attracted several top members of Schwarzenegger's staff, including Cabinet Secretary Terry Tamminen, the former head of a Santa Monica environmental group, and state Environmental Protection Secretary Alan Lloyd, an air pollution scientist and former chairman of the air board.

When supporters of Tuck were asked to come forward, a line of lobbyists quickly swelled beyond the doors of the committee chambers. It included representatives of nearly all of California's major polluting businesses, including the pesticide, oil, agriculture and metalworking industries. No environmental groups backed Tuck.

"No one is going to pass any line of baloney on her about what business can't do to clean the air," said Barry Broad, a lobbyist for the Teamsters Union, which also supported Tuck.

When foes were asked to come forward, the line included representatives of nearly every major environmental and public health organization in the state.

One environmentalist, Jane Williams of California Communities Against Toxics, gave an emotional speech in which she described Tuck's opposition to measures that were intended to address environmental justice for minorities and the poor. Williams interspersed information on Tuck's professional accomplishments with the names and ages of children who had been diagnosed with brain cancer in neighborhoods beset by pollution.

"Ms. Tuck, and the organizations she has lobbied for, consistently opposed good air quality regulations," said Bonnie Holmes-Gen of the American Lung Assn.

Tuck argued to the committee that her past actions as a business lobbyist should not be interpreted as representing her personal feelings on air quality issues, and said she would be a fair, aggressive regulator.

"I did not pursue this position to represent the business community," Tuck said. "That would be the wrong thing to do.

"I am not beholden to any outside organization," she said, adding that "having been an effective advocate, that is a good skill for this position."

Republican lawmakers defended Tuck and said no one had questioned her technical qualifications for the job, or her record of working together with different stakeholders.

But Perata and the committee's other Democrats said that although Tuck would be a fine public servant in another position, allowing her to lead the air board would set a bad precedent.

"This is simply the wrong person," said Donna Gerber, a lobbyist for the California Nurses Assn., which opposed Tuck. "The fox should not guard the chickens, and we would be foolish to think that would work."

Bush Calls For Massive, Coordinated Recovery

'New Orleans will be back on its feet,' the president vows. He designates Homeland Security chief Chertoff to head the effort.

By James Gerstenzang, Times Staff Writer
LA Times, September 1, 2005

WASHINGTON - President Bush on Wednesday called Hurricane Katrina "one of the worst natural disasters in our nation's history" and directed his Homeland Security secretary to coordinate a massive recovery campaign that could take years to complete.

As the president returned to Washington to lead a task force meeting on disaster relief, the scope of the devastation continued to unfold. Agencies across the federal government pushed ahead with initial relief efforts and a campaign to ameliorate the effects far from the path of destruction.

The Department of Energy said it would release oil from the nation's strategic reserve to make up for an interruption in supply from Gulf Coast producers, an attempt to lessen the disruption in gasoline supplies and the increase in prices.

The Environmental Protection Agency temporarily waived some antipollution standards for gasoline and diesel fuels to avert fuel shortages.

The Defense Department established Joint Task Force Katrina, based in Camp Shelby, Miss., as the military's on-scene command in support of federal relief efforts. It will provide rescue teams, medical evacuation units, a hospital ship and disaster-response equipment.

"There's going to be a lot of rebuilding done," Bush said, outlining an aid program that in the short run would provide food, water and medical assistance for evacuees and, in the long run, would rebuild devastated highways, towns and lives.

Returning to Washington two days early from his Texas ranch, Bush asked Air Force One to adjust its flight path so he could view the stricken swath along the Gulf Coast.

"The folks on the Gulf Coast are going to need the help of this country for a long time," he said later in the White House Rose Garden after meeting with Cabinet secretaries involved in the response. "This is going to be a difficult road. The challenges that we face on the ground are unprecedented."

But, he said, "the great city of New Orleans will be back on its feet, and America will be a stronger place for it."

On the flight from Texas, Air Force One detoured from its conventional route from Waco to Andrews Air Force Base, flying over the stricken region for about 35 minutes. The last-minute change in the flight path did not disrupt rescue or recovery efforts, the White House said.

The president moved from his cabin on the aircraft's right side to peer out windows on the left, where Secret Service agents generally sit.

As related by Peter Baker of the Washington Post, the newspaper pool reporter on the flight, Air Force Col. Mark Tillman, chief pilot, brought the plane down from its cruising altitude of 29,000 feet to 2,500 feet. At one point, the plane was 1,700 feet above the ground, swooping over New Orleans' skyscrapers.

The president had a wide-angle view of the devastation: a city nearly entirely underwater, the rotors of a Coast Guard helicopter whipping up waves, other choppers on apparent rescue missions, suburbs obliterated.

"It's devastating," Bush said as he viewed the damage, according to White House Press Secretary Scott McClellan. "It's got to be doubly devastating on the ground."

The tour continued over Waveland and Pass Christian, Miss. Looking down at the wooden houses turned into what looked like piles of matchsticks, Bush said, "It's totally wiped out," McClellan reported.

But reflecting what he said was the sobering view of the destruction, the spokesman said, "there wasn't a whole lot of conversation going on."

The government's task force will be headed by Michael Chertoff, secretary of the Department of Homeland Security.

Late Tuesday night, his department declared the hurricane an "incident of national significance," the first use of a newly created designation that mobilizes federal resources to support state and local recovery efforts from catastrophic events.

As Bush flew to Washington, agencies began dispatching aid to Louisiana, Mississippi and Alabama, and political leaders vowed speedy action.

Stephen L. Johnson, administrator of the Environmental Protection Agency, said the relaxation of the federal government's air pollution standards, which will be waived until Sept. 15, would allow the use of diesel fuel with a higher sulfur content and gasoline with higher-than-normal evaporation rates.

On Tuesday, the government said the relaxed standards would apply only to Louisiana, Mississippi, Alabama and Florida. That changed Wednesday, when Johnson said they would apply to all 50 states "to ensure that Katrina doesn't result in fuel supply disruptions."

"We're seeing serious problems," he said.

Energy Secretary Samuel Bodman said Wednesday that oil stored in salt canyons in Louisiana and Texas would be tapped. "This is a big deal," he said. "It should materially change gas supplies throughout the country."

The Strategic Petroleum Reserve was last tapped last year, when Hurricane Ivan disrupted the supplies of oil from the Gulf of Mexico.

The secretary of the Department of Health and Human Services, Mike Leavitt, declared a public health emergency in the region. He said the measure would "dramatically expedite emergency actions" - including establishing at least 40 medical shelters and providing 10,000 beds and about 12,000 medical personnel. He said the first shelter was already operating in Baton Rouge, La., and that 10 more would be available within 72 hours, largely in military facilities.

Leavitt said the Centers for Disease Control and Prevention and the Food and Drug Administration were assembling public health teams, focusing on preventing cholera, typhoid and dehydration - problems that can occur more readily when clean water supplies are not sufficient.

The Transportation Department engaged more than 400 trucks to move supplies. Among them, according to Secretary Norman Y. Mineta, were 5.4 million prepackaged meals - meals-ready-to-eat, in military parlance - as well as 13.5 million liters of water, 10,400 tarpaulins, 4,900 rolls of plastic sheeting, 3.5 million pounds of ice, 10 mobile homes, 144 generators, 135,000 blankets, 11,000 cots, 200 tables, 450 chairs and one all-terrain vehicle.

About 11,000 National Guard troops from the 17 states in the path of the storm as it moved north and east had reported for hurricane duty by Tuesday, officials said. They said the number would double by this morning, with troops from every state but Hawaii joining 7,200 active-duty military police and other military personnel already on duty.

McClellan told reporters on Air Force One that sufficient funds were available for immediate needs, but that the administration would try to supplement the budget with additional spending requests.

House Speaker J. Dennis Hastert of Illinois and Senate Majority Leader Bill Frist of Tennessee, the senior Republicans in Congress, said they had asked committee chairmen to present immediate recommendations for assistance.

"We anticipate swift action by both the House and Senate," they said in a joint statement.

Reflecting its efforts to project the president's leadership role, the White House scheduled him for a live appearance on ABC's "Good Morning America" today.

The White House, meanwhile, held off scheduling the president's trip to the region, waiting to determine when his visit would best boost morale without interfering with the relief efforts.

Times staff writers Nicole Gaouette and John Hendren contributed to this report.

Toyota Will Let Electric RAV4s Stay on the Road

From Associated Press

In the LA Times, September 1, 2005

With no public fanfare, Toyota Motor Corp. has agreed to let customers continue driving about 1,000 discontinued electric RAV4 sport utility vehicles that were a precursor to the popular Prius gasoline-electric hybrid.

Toyota's decision is a rare victory for a small but devoted band of drivers of electric cars and trucks, who say automakers never gave the vehicles a chance to succeed in the mass market. Environmentalists and national defense experts say alternative-fuel and electric vehicles reduce pollution as well as the country's reliance on imported oil.

Proponents who urged Torrance-based Toyota Motor Sales USA Inc. to keep the RAV4s on the road planned to announce the news in a conference call with reporters today. Among them were former CIA Director R. James Woolsey.

"It's an unprecedented sort of negotiation with an automaker," said Chelsea Sexton, a member of Plug in America, which argued for the electric SUVs.

"Toyota has been very progressive in responding to consumer demand," Sexton added. "They didn't think these vehicles would ever be as popular as they turned out to be. For us there was no question."

Several automakers produced electric vehicles in response to 1990 air-quality rules requiring 10% of new vehicles sold in California by 2003 to produce no tailpipe emissions.

But after persuading judges to whittle away at the regulations, automakers that had leased the vehicles to customers began reclaiming and destroying them, saying it was unfeasible to continue servicing models that never gained mass appeal.

Toyota made about 1,500 of the compact RAV4s from 1997 to 2003, leasing most to companies and government agencies for fleet use.

About 300 individuals who leased RAV4s were already allowed to continue leasing or to buy them, but Toyota has agreed to extend leases on the fleet vehicles, some of which have fallen into private hands, spokeswoman Cindy Knight said.

Panel rejects clean-air official

Too close to business, Senate Democrats say

By Kevin Yamamura -- Bee Capitol Bureau
Sacramento Bee, Thursday, Sept. 1, 2005

State Senate Democratic leaders Wednesday assailed Gov. Arnold Schwarzenegger's pick to head the state Air Resources Board, recommending against confirmation of former industry representative Cindy Tuck at a packed Capitol hearing.

Tuck is expected to face a full Senate review today, but majority Democrats in the upper house will likely block her appointment.

Tuck's defeat before a committee is the latest appointments clash between Democrats and Schwarzenegger. They already have fought this year over nominations to the Board of Forestry and Fire Protection, Board of Education and California State Teachers' Retirement System.

Environmentalists have attacked Tuck ever since Schwarzenegger announced her appointment in June to lead the state's air pollution regulatory agency. In the Senate's Rules Committee hearing Wednesday, they said Tuck worked against strict air quality standards as a registered lobbyist for the California Council for Environmental and Economic Balance.

Three Democrats on the five-member panel voted against recommending Tuck's confirmation, with two Republicans in support.

Tuck said Wednesday that CCEEB is a coalition of business, labor and public officials. But her critics said the organization represents the oil industry and others who have sought to water down air quality standards.

"I did not pursue this position to represent the business community - that would be the wrong thing to do," Tuck told the Senate panel. "I pursued this because I'm at a point in my life where the right thing to do was to go into public service and I thought that working on air quality issues was an area where I could serve the public well."

Opponents and friends alike praised Tuck as competent and intelligent during the nearly three-hour hearing. The committee's three Democrats seemed impressed with Tuck's abilities, but they ultimately said they could not confirm someone who once represented interests whose values clash with environmentalists.

Sen. Debra Bowen, D-Marina del Rey, went so far as to say that she would have voted for Tuck to serve as a member of the Air Resources Board, but not as chairwoman, which is a full-time job that pays \$123,708 a year. Senate President Pro Tem Don Perata, D-Oakland, told Tuck he would "reluctantly and painfully not support your confirmation."

Environmentalists weren't so reluctant to express their outrage at Schwarzenegger's pick, however.

"You have every major polluter in this state supporting this confirmation and every major public health, environmental and air quality advocate opposed," said Tim Carmichael, president of the Coalition for Clean Air. "That is what it comes down to. That is representative of Ms. Tuck's record on these issues."

But Barry Broad, a lobbyist for the Teamsters union, argued that Tuck's industry knowledge could work to the state's air quality advantage.

"The business community has a lot more to fear from her than the environmental community because, frankly, Cindy knows where the bodies are buried," Broad said.

Perata limited testimony to a few speakers for and against Tuck, leaving more than a dozen representatives on both sides a chance to do little more than list their names and organizations.

The Senate appears poised to move quickly on dismissing Tuck as Air Resources Board chairwoman - a job she has held for only six weeks. After Wednesday's hearing, Schwarzenegger urged the upper house to confirm her nonetheless.

"Cindy is the right person for this job," Schwarzenegger said in a statement. "Her more than 20 years of experience with air and water quality, coupled with her education in environmental engineering, make Cindy uniquely qualified for this position."

Refineries to receive reserve oil

But don't expect drop in gas prices, energy secretary says

By Brad Foss, Associated Press

In the Modesto Bee, Thursday, Sept. 1, 2005

The Bush administration will release oil from federal petroleum reserves to help refineries affected by Hurricane Katrina, Energy Secretary Samuel Bodman said Wednesday.

The move is designed to give refineries a temporary supply of crude oil to take the place of interrupted shipments from tankers or offshore oil platforms affected by the storm.

"Will it make a major difference in the price of gasoline? Based on the numbers that I see, probably not," Bodman said. "It'll help some, but we have significant refining capacity that is dysfunctional, either because they don't have electric energy or because they're flooded, or both."

Crude futures prices fell but remained close to \$69 a barrel.

Just how bad the situation becomes for motorists depends on how quickly electricity can be restored to Gulf Coast pipelines and refineries, analysts said.

Flooding may have left some important refinery equipment submerged, and it will be days before a full damage assessment is completed, industry officials and analysts said.

Some rays of hope emerged Wednesday. The Colonial Pipeline Co. said it would restore partial service with help from diesel generators that will allow it to begin shipping gasoline, heating oil and jet fuel from Houston to markets up and down the East Coast.

Similarly, the Louisiana Offshore Oil Port, through which 10 percent of all U.S. oil imports flow, said generators would enable it to gradually resume partial service.

"Every little bit is going to help," said oil analyst John Kilduff at Fimat USA in New York.

A significant amount of oil and gas production in the Gulf of Mexico remains shut, and reports of banged-up platforms and missing rigs continued to trickle in as companies conducted aerial inspections of offshore facilities.

On shore, wholesale gasoline suppliers have begun capping the amount of fuel they sell to retailers in certain markets to make sure retailers do not take delivery of more fuel than they actually need.

Analysts said that while shortages have been reported in a small number of markets, they do not believe the problem is widespread, and they cautioned motorists not to top off tanks out of fear.

While the details were being worked out about how much oil would be loaned from the U.S. Strategic Petroleum Reserve - and which refiners would receive it - European nations began considering the release of their own government-controlled stockpiles of gasoline and heating oil, according to officials at the Paris-based International Energy Agency. The officials demanded anonymity because the consultations were confidential.

"We're the highest (wholesale) price market in the world right now," said Lawrence J. Goldstein, president of the New York-based nonprofit Petroleum Industry Research Foundation. "We're going to attract a lot of supply here."

In another attempt to ease the crunch on motor fuel supplies, the Environmental Protection Agency said it would temporarily allow retailers nationwide to sell gasoline and diesel that does not meet stringent summer air-quality standards.

Even before Katrina plowed through the Gulf Coast, oil producers and refiners had been struggling to meet rising demand around the globe, particularly in the United States and China. Energy markets have been on edge for about two years because the amount of excess oil production capacity worldwide is only about 1.5 million barrels a day, or less than 2 percent of demand.

"The hurricane has made a bad situation worse," said oil analyst Fadel Gheit at Oppenheimer & Co. in New York.

No 'safety valve' for natural gas

Eight Gulf refineries remain out of service and will be for days, if not weeks, according to analysts, though most of their owners have not publicly announced the extent of any damage.

It could take a week to 10 days before refineries and pipelines will be able to draw power from the grid, John Zamanek, vice president of Entergy Corp. told CNBC.

The U.S. Minerals Management Service said Wednesday that 91 percent of the Gulf of Mexico's oil output was out of service, with more than 6 million barrels of production lost since Friday.

The agency said 83 percent of natural gas output was shut down, resulting in a loss of 34.2 billion cubic feet of lost production since Friday.

"Our job is to get the infrastructure going again," Bodman, the energy secretary, said. "To the extent that we have delays in getting these pipelines functioning, then we are going to have the potential for gasoline shortages."

Bodman said the administration will "do everything we can do to get fuel available to the rest of the country." Interviewed on the Fox News' "Fox and Friends," Bodman was asked if price gouging is taking place.

"I would like to believe that in this time of crisis that all of us are going to pull together to try to deal with this very difficult ... situation that's confronting not just this region but this country," he said. "We're hopeful of that, but if we have some bad actors, we have a mechanism to deal with it."

While loss of oil is significant, analyst Tom Wallin said Katrina would likely have a more serious impact on the nation's supply of natural gas.

"Crude oil production could be replaced by a release of barrels from the U.S. strategic reserve," he said. "There is no such safety valve for natural gas."

Panel votes against air board appointee

News Brief in the Orange County Register
Thursday, September 1, 2005

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The committee, on a party-line vote, cited the polarizing influence of Cindy Tuck as board chairwoman. She has two decades representing the oil and energy industries.

Toyota's older electric cars to stay on road

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Electric-car proponents who urged Toyota to keep the vehicles on the road planned to announce the news in a conference call with reporters today.

Several automakers produced electric vehicles in response to 1990 air-quality regulations requiring that 10 percent of all new cars sold in California by 2003 produce no tailpipe emissions. But after persuading judges to whittle away the regulations, automakers that had leased the vehicles to consumers began reclaiming and destroying them, saying it wasn't feasible to continue servicing vehicles that never caught on with consumers.