

## **ACE offering commuters a free ride**

### **Riders will get a complimentary trip to work when pollution is high**

By Erin Sherbert, Record Staff Writer

Stockton Record, Thursday, June 9, 2005

Commuters can get a free ride to work on the Altamont Commuter Express train on days when air pollution is thick and heavy.

As part of a Spare the Air campaign, ACE is offering free morning rides on the first five weekdays, excluding holidays, when the air quality in the Bay Area is projected to exceed federal health standards.

On those days, passengers who arrive at the ACE station between 4 and 9 a.m. can ride to work for free, said ACE officials said.

"Obviously, it will help the people that already ride as long as they communicate it in enough time to let people know," said Eric Woodward, a Manteca resident who uses ACE to get to his job in Pleasanton.

"I don't know how many people have heard about it, but hopefully it will get bigger and better and we will get more people to ride."

ACE operates three daily round-trip commuter trains between Stockton and San Jose, with stops in Lathrop, Tracy, Livermore, Pleasanton, Fremont and Santa Clara. About 1,300 people ride the ACE train each day.

This year, ACE and 20 other public transit agencies have joined the \$3.9 million campaign, promising free rides on the most polluted days to get cars off the road, said Mike Steenburgh, ACE's marketing manager.

The free rides could be offered any time from June to October, typically the Bay Area's smoggiest months.

Also, ACE will offer a \$25 voucher to passengers with monthly passes who ride the train on all five Spare the Air days, Steenburgh said.

"We are concerned about the air quality for the public as well as the passengers," Steenburgh said. "Obviously, getting as many cars off the road as we can definitely improves the air quality."

The Bay Area Air Quality Management District will determine which days will be declared Spare the Air periods, announcing it one day in advance to give commuters the chance to make plans to take advantage of the free public transit, said Terry Lee, director of public information for the district, one of the agencies paying for the campaign.

The Spare the Air campaign started in the Bay Area in 1991, when the public was asked to refrain from doing activities that contributed to air pollution, such as driving, Lee said. Last year, the campaign extended its incentives, offering free BART rides on the first five smoggiest days from June to October.

On those days, BART had an increase in ridership of about 8 percent, said John Goodwin, a spokesman for the Metropolitan Transportation Commission, the Bay Area's transportation planning agency.

"More importantly, we made it through the smog season with a spotless record," Goodwin said, adding the Bay Area did not exceed federal air quality standards.

"Whether we can point to the free BART and say that's what did it -- we can't, but certainly that was a contributor."

## **Lawn mower pollution measure may be trimmed**

By David Whitney -- Bee Washington Bureau

Sacramento Bee, Thursday, June 9, 2005

WASHINGTON - The lawn mower war may be heating up again.

A truce reached two years ago between Sens. Dianne Feinstein, D-Calif., and Christopher Bond, R-Mo., was on the verge of collapsing Wednesday over a Bond amendment to a spending bill for the Environmental Protection Agency that could delay - maybe permanently - state rules reducing small-engine pollution. "I am deeply concerned," Feinstein said.

A spokesman for Bond insisted Feinstein was misreading the amendment. "California can still do whatever it wants," said Rob Ostrander. Not according to the California Air Resources Board, however. Barbara Riordan, acting chairwoman of the board, said the Bond amendment could interfere with the waiver the state needs from the EPA to move ahead with rules in 2007 requiring catalytic converters on small engines. "The result is more air pollution for millions of California residents," she said in a letter to Feinstein on Wednesday. A battle broke out between the senators in 2003 after the Air Resources Board, looking for ways to reduce air pollution, cast its eye at small engines that power lawn mowers and other off-road equipment. Though small, the gasoline engines collectively generate a huge amount of pollution. Feinstein said the California regulation would remove pollution equivalent to that produced by 1.8 million cars by 2020. "It is a critical step in California's efforts to reduce dangerous and costly emissions," she said. But Briggs & Stratton, which has manufacturing plants in Missouri, complained two years ago that California is such a huge market for such engines that whatever it dictated would soon become the national standard. Rather than rebuild plants to meet the California rules, Briggs & Stratton said, engine production would move offshore and the United States could lose 22,000 manufacturing jobs. Not wanting to see those jobs disappear in Missouri, Bond went after the California rule. Feinstein enlisted the support of California leaders, including then newly elected Gov. Arnold Schwarzenegger. Bond eventually agreed to a deal that would let California's rule go through but bar other states from adopting it while the Environmental Protection Agency wrote new standards for small engines. Those standards, a year late, are expected this fall. But Bond now wants to stop release of those rules until a fire safety study is conducted by an independent organization based in Sweden. Riordan insisted that catalytic converters on lawn mowers pose no risk of touching off grass fires, and she said that the EPA so far has agreed. But she said it seems "unlikely" that the agency would issue the required waiver for the state to proceed with its new rules "if a congressionally mandated safety study is under way, even if such a study is unnecessary and duplicative." Frank O'Donnell, president of Clean Air Watch, called Bond's provision "a direct attack on people's health" because small-engine emissions are such a large contributor to urban smog. The issue could come up as soon as today when the full Senate Appropriations Committee is scheduled to take up the spending bill.

## **Chevron, Unocal Reach Deal on Gasoline Patents**

By Marc Lifsher, Times Staff Writer  
Los Angeles Times, June 9, 2005

California oil companies Chevron Corp. and Unocal Corp. announced Wednesday that they had reached a tentative agreement with federal regulators to settle claims related to Unocal's long-disputed patents for cleaner-burning gasoline.

The agreement with Federal Trade Commission staff members, if approved by the five commissioners, would clear a hurdle for San Ramon-based Chevron in its bid to buy its El Segundo-based counterpart. The companies announced the \$16.4-billion acquisition in April.

But the effect for motorists remained unknown Wednesday, as no terms of the deal were disclosed.

Six of Unocal's rivals in refining - including Chevron at one time - had contended that the patents gave Unocal an illegal monopoly over the state-mandated formula for less-polluting gas. State

energy officials had estimated that royalties paid to Unocal could result in as much as \$500 million a year in higher pump prices.

Unocal contended that it had properly received the patents, which were ruled valid in a jury trial in U.S. District Court and upheld on appeal. The company said royalties would not exceed \$150 million annually.

The FTC would not comment Wednesday, other than to issue a proposed order stating that the case be dropped, pending the commission's approval.

Representatives of refiners BP, which owns the Arco brand, Valero Energy Corp. and Shell Oil Co. could not be reached for comment late Wednesday.

Terms of the proposed settlement should be released in the next couple of days, after FTC commissioners open a 30-day period for public comment, said Barry Lane, a Unocal spokesman. Acceptance of the deal should "resolve the outstanding issues associated with Chevron's proposed acquisition of Unocal," he said.

The patents concern the fuel blend that had been developed by the California Air Resources Board and several major refiners, including Chevron and Exxon Mobil Corp.

Agency spokesman Jerry Martin said Wednesday that the air board in the early 1990s sought help from all the major oil refiners that sold in the California market.

"It was a cooperative effort, but, unfortunately, Unocal quietly went to D.C. and got a patent," he said.

The FTC filed civil antitrust charges against Unocal, contending that the patents provided the company with unlawful market power to demand royalties from all gasoline companies that sold the state-sanctioned blend.

Martin said the air board, which had submitted a legal brief in support of the FTC's case, hoped that Unocal would drop all its rights under the patents and return the gasoline formula to the public domain.

"Obviously, our desire is they not charge all the companies for use of a state-mandated fuel," Martin said.

The California Department of Justice, which cooperated with the FTC investigation of Unocal's patents, is looking to the proposed agreement to "protect California drivers from undue price increases at the gas pump," said Tom Dresslar, a spokesman for Atty. Gen. Bill Lockyer.

Unocal shares rose 37 cents to \$58.47 and Chevron gained 5 cents to \$54.83 on Wednesday. The announcement came after the close of trading.

## **EPA Sued Over Pesticides' Effects on Kids**

S.F. Chronicle, Wednesday, June 8, 2005

San Francisco (AP) -- The government has failed to protect the children of farmworkers from the harmful effects of pesticides, according to a lawsuit filed Tuesday by farmworkers, environmentalists and public health advocates.

The suit alleges that the Environmental Protection Agency has ignored scientific evidence that children who grow up near farms face increased health risks from exposure to hazardous pesticides from air, soil, water, food and clothing.

In the United States, more than 1 million children of farmworkers live near farms, including more than 300,000 children younger than 6 years old who are especially vulnerable to pesticide exposure, the suit says. Plaintiffs included the Pesticide Action Network, United Farm Workers of America and Natural Resources Defense Council.

The plaintiffs filed suit because the EPA allegedly failed to respond to their 1998 petition to recognize the special needs of farmworkers' children when setting pesticide tolerance levels, as required by the 1996 federal Food Quality Protection Act.

"The EPA has turned a blind eye to this problem, which has left another generation of our children at risk," said Michael Wall, an attorney for the Natural Resources Defense Council.

In a statement, the EPA said it believed its "decisions are protective of children's health and fully meet the toughest scientific and legal standards under the Food Quality Protection Act."

[Bakersfield Californian, Editorial, Thursday, June 9, 2005](#)

### **Truck tolls in the valley?**

Feinstein wants to attack mobile pollution created by trucks traveling on Highway 99  
A provocative plan to attack pollution in the San Joaquin Valley has been floated by Sen. Dianne Feinstein, D-Calif.

Recognizing that much of the valley's pollution comes from mobile sources, the senator hopes to have a special measure added to the federal highway spending bill. It would put a toll on trucks that come into California after filling up with out-of-state fuel that doesn't meet stringent California clean-air requirements.

Feinstein spokesman Scott Gerber said if the senator is successful in getting the measure into the highway bill, details would be worked out by the state of California.

"The goal is to target those trucks with the dirtiest engines," he told the *Fresno Bee*, noting that trucks coming from outside California are most likely to be assessed fees because other states have looser emissions rules.

He added that many out-of-state trucks with large gas tanks can travel through the state without buying California's more expensive cleaner-burning fuel.

Feinstein's amendment states that tolls could be collected at interstate weigh stations and that variable fees would be established "taking into account the amount of emissions generated."

It also includes the proviso that tolls could be collected in "an extreme nonattainment (pollution) area, including on a state highway that is regularly used for interstate commerce and is used as an alternative route to an interstate highway."

Opposition to Feinstein's plan already has been generated by the trucking industry. Stephanie Williams, senior vice president of the California Trucking Association, said the tolls would do little to clean up the air because interstate trucks are among the cleanest-burning trucks on the road.

She told the *Bee* that since the state has the strictest fuel standards in the nation, truck companies based in the state pay more for fuel. With higher fuel costs, she said California companies buy new trucks about every 13 years, compared with the national average of about every six years.

Nevertheless, Pete Weber, co-chairman of the Regional Jobs Initiative job-creation group in Fresno, told the *Bee* that Feinstein's plan would attack one of the largest sources of valley air pollution.

About 20,000 trucks travel through Highway 99 in the valley on a daily basis. With many of those trucks running on dirtier out-of-state fuel, they contribute to the valley's dirty air problem.

Much of the valley's efforts to curb pollution focuses on stationary sources, such as farms and industries, Weber said, and if efforts are not mounted to curb mobile pollution sources, the valley is going to be "very constrained in our ability to develop economically."

Feinstein has come up with an innovative plan. But congressional observers doubt there is not much chance for it to be included in the final highway spending bill. Some critics say it would violate interstate commerce laws.

That should not discourage the senator from refining her proposal so that it would meet legal challenges and have a better chance of passage in the future.