

UC Merced commits to lowering emissions

By Victor A. Patton

Merced Sun-Star, Thursday, Nov. 30, 2006

UC Merced has signed on as a member of an agency geared toward reducing the level of harmful greenhouse gases that enter the atmosphere.

University officials said Wednesday the school is the 100th member of the California Climate Action Registry -- a nonprofit voluntary registry for greenhouse gas emissions that was created by the state Legislature in 2001.

John Elliot, UC Merced's energy manager, said the university's goal in joining the registry is to become "climate neutral," which means reducing greenhouse gas emissions into the atmosphere as much as possible through renewable energy sources or other methods.

Elliot said officials from the registry also will work with the university to establish an emissions target the school will seek to meet by the year 2020.

With scientists worldwide predicting the harmful effects that global warming may have on the planet, Elliot said the time has never been better to reduce greenhouse emissions.

"If you take any carbons out of the world it basically counts," Elliot said.

"(The registry) gives a verifiable way to show what our emissions are and report them every year," he added.

UC Merced will report its emissions data from 2006 to the registry in the fall of 2007. Elliot said the data also will be independently reviewed by a third party organization as part of the process.

UC Merced's joining the registry is a part of a larger effort by the University of California to cut down on greenhouse emissions in the wake of AB32 -- a bill signed into law in September by Gov. Arnold Schwarzenegger.

AB32 seeks to cut the state's greenhouse emissions to 1990 levels by the year 2020. UC Berkeley, UC San Diego, UC Santa Barbara, UC Davis and UCLA also have joined the registry.

Rachel Tornek, manager of outreach and member services for the California Climate Action Registry, said although academic institutions are typically not the largest generators of greenhouse gases, they can highlight the issue of why it's important to cut down on emissions.

"These schools are the educators of the future, so they have a role to play in making sure that the students know that everybody has a role to play and that the academic institutions are taking it upon themselves to do what they can do to make a difference with global climate change," Tornek said.

Under AB32, Tornek said members of the California Climate Action Registry that already have a program in place also do not have to significantly change the way they report their data.

"So they are sort of getting grandfathered into a program," Tornek said.

"So if a large corporation has made a significant reduction in greenhouse gases emissions, under AB32 they are supposed to get some sort of credit for that reduction. And we are the only registry that affords that state protection in the country," she added.

Within the next two years, Elliot said UC Merced administrators also will finalize a plan to guide the university toward reaching -- and surpassing -- its baseline emissions targets.

Elliot said UC Merced is already in an optimal position to meet its emissions goals, since the campus was built using a variety of energy efficiency models.

Buildings at UC Merced are already 30 percent more energy efficient than what is currently required by California law, Elliot said.

He added that new buildings at the school constructed after 2008 will be 50 percent more efficient than what is required by California law.

"We've started with a very efficient campus," Elliot said.

Small town is big on environment

By Julia Scott, STAFF WRITER

Tri-Valley Herald, Wednesday, Nov. 29, 2006

PORTOLA VALLEY- Last month, a few residents of Portola Valley's Ranch neighborhood had the idea to install solar panels on their homes together for a discounted rate.

They were hoping to interest five or 10 people in the project; 70 people came to a meeting on it.

Welcome to Portola Valley, where hundreds of residents drive Prius hybrids instead of SUVs and Town Council members are chosen for their green activist credentials.

In this town, reducing pollution and preserving open space have never been derided as hippie causes. Those values have long since become part of the mainstream discourse and are incorporated into the town's everyday functions -- from no-waste recycling to detailed green building guidelines for new homeowners.

Many of these initiatives go back decades and have set the bar for "green" achievements on a municipal scale across San Mateo County.

Portola Valley was one of the first towns on the Peninsula to sign up for recycling and trash removal services with GreenWaste Recovery of San Jose, thus ensuring that every single thing that residents throw out -- from kitchen waste to wine bottles -- is recycled.

After his election last December, the Mayor Steve Toben installed a "green procurement" policy to ensure that the town's employees made environmental choices in their daily work, from non-chemical janitorial supplies to the amount of paper being used.

Toben said that many residents had been pushing for changes.

"I think the town attracts people who have this inclination to support natural concerns. I saw that there was a momentum and I wanted to take some additional steps," he said.

Under Toben's leadership, the Town Council also decided to rebuild its Town Center complex -- encompassing a library, a City Hall, a town plaza and a community hall -- with the goal of achieving a stringent gold-standard "green" design to save energy. Part of the process will involve carefully dismantling and recycling nearly 100 percent of the wood, metal and concrete from the old complex and re-using them in the new one. The project is due to be completed in December 2008.

Town building policy now also gives specific attention to green design in the permit approval process, requiring homeowners to fill out a "sustainable building" checklist that ensures they will at least consider how the choices they're making will impact the environment.

None of the additions are mandatory, according to Toben. But now "at least the Architectural and Site Control Commission might ask a homeowner, 'Well, you're planning to install solar panels on your home. But have you considered bamboo flooring?'"

Portola Valley residents' passion for environmentalism runs deep. The town was incorporated in 1942 during a major controversy over a proposed 1,000 home subdivision on its western hillside; today, the site is forever protected as part of Midpeninsula Regional Open Space District's Windy Hill Open Space Preserve.

The residents of this deeply affluent town of 4,417 (median home price: \$1.5 million) even voted to impose a 2 percent annual utility tax on themselves in the early 1990s to benefit a fund earmarked for the purchase of open space.

Locals have taken action in other areas as well. Portola Valley Ranch neighborhood resident Ted Driscoll was among those who suggested that several neighbors get together and buy solar panels in bulk last month. Driscoll, who also happens to be a member of the Town Council, installed solar panels on his home in September and has taken the lead in organizing several meetings with SolarCity, the Foster City-

based company that has agreed to provide the panels at a 30 percent discount, provided enough people sign up.

"It was clear that there was interest in this. There was really the sensation that we were near the tipping point and really just needed an additional push," said Driscoll, who calls investing in solar panels "an ethical issue."

The Portola Valley initiative will be the first "bulk" solar deal ever attempted by SolarCity, said company CEO Lyndon Rive. The more people who convert their homes to solar, the more opportunity there is for savings on installation, labor, travel and permitting costs, he said.

"It's a green, forward-thinking community. If we can set the example in Portola Valley and show that it can be done, then we can promote this as a poster child and go to other communities," said Rive.

That's not all. In September, Portola Valley elected to join the Mayors Climate Protection Agreement, a national agreement endorsed by the U.S. Conference of Mayors in 2005 to reduce global warming pollution under the auspices of the Kyoto Protocol. In so doing, the town committed to reducing its carbon emissions at least 7 percent below 1990 levels by 2012.

More than 20 local citizens have since created the Climate Protection Task Force to assess how to meet these goals, from adopting lifestyle and technology changes to educating fellow residents on how they can make a difference.

"I think the town has normalized the discourse (on environmentalism), created a space where we can have a reasoned discussion," said Toben. "We understand what the goals are, and we are discussing very seriously the effects of climate change."

Lincoln growth fears told

Loss of rural life is decried at hearing on plan for 2050 development.

By Jennifer K. Morita - Bee Staff Writer
Sacramento Bee, Thursday, Nov. 30, 2006

Hundreds of residents voiced concerns about overcrowded schools, traffic and the suburban march onto farmland and wildlife habitat during a hearing on Lincoln's proposed general plan, which envisions the city growing to 132,000 people.

Last week's joint meeting of the City Council and Planning Commission marked the first in a series of public hearings on the proposed 2050 general plan update, a planning document that will guide future growth.

The plan allows for the city to grow through the development of seven "villages," or self-contained communities, each with roughly 10,000 residents and schools, parks and a commercial center.

Councilman Primo Santini pointed out that under the proposed general plan, Lincoln will increase its population much more than it expands its physical boundaries.

"In essence, we're trying to do this in as an environmentally sensitive way as we can," Santini said.

In addition to small regional shopping areas with "big-box" national chain stores, the proposed general plan includes a "super regional retail center," such as an auto mall on Highway 65 west of the Lincoln Airport.

"Part of the city's vision is creating a community that is fiscally sustainable," Community Development Director Rod Campbell said.

Under the proposed general plan, Lincoln's borders would stretch north and west, more than doubling the size of the city from 19 square miles to 45. The plan also calls for preserving 40 percent of the land as natural open space.

Many residents, however, opposed what they called Lincoln's continued rapid growth.

Dori Childress said she and her family moved to the Lincoln area in 1989 because they wanted to live in a rural town. At the time, she was told Lincoln's population would peak at about 50,000.

Childress called the proposal for a buildout population of 132,000 "disturbing" and asked city officials to eliminate four of the planned villages because they would bump up against farmland to the north and east.

"This is wrong," Childress said. "We'll have nothing left to enjoy but big-box stores, deadly traffic and thousands of people."

Representatives from a shooting range and the community of Sheridan also said Lincoln's development plan was incompatible with its rural surroundings.

"We don't want you coming up our way," said Lee Bastien, a member of the Sheridan Municipal Advisory Council.

Jane Tahti, whose family runs a ranch outside of Lincoln, voiced concern about the proposed general plan.

"Forty percent open space is not great if it's fragmented and doesn't support wildlife," Tahti said.

Commission members who led the general plan update effort were driven, in part, by the need to increase Lincoln's sales tax revenue, which pays for police, fire protection and other basic government services.

An economic study concluded that, because of the city's proximity to Roseville and Rocklin, Lincoln's population must reach 120,000 to 130,000 people for the city to be financially stable.

Currently, Lincoln's per-capita taxable sales is two-thirds of the state average, Santini said.

"If we were at the state average, that would mean \$1 million to \$1.5 million for our general fund," Santini said. "When you're talking about a \$12 million general fund, that's a significant number of police and fire jobs."

However, Terry Davis, conservation coordinator for the Sierra Club's Mother Lode chapter, called Lincoln's plan part of a widespread "fiscalization of land."

"This chase after sales tax dollars and competition with other cities is becoming a development pattern that leads to public subsidies, tends to worsen traffic and brings bad air pollution," Davis said. "Lincoln's general plan is propelled by this financial model.

"We're talking about a city that will be four times the population it has now. ... Lincoln will become a traffic magnet for the region."

Several parents living in Lincoln's Twelve Bridges development voiced concern that the local school district would be unable to keep pace with so much growth.

They pointed to what they said was an overcrowded Lincoln High School and delays in the construction of a Twelve Bridges campus.

"You want to grow to 130,000, yet right now we're having complications taking care of what we have," resident Karen Black said. "People in Twelve Bridges are saying that we don't want to be part of Lincoln if we can't take care of our kids."

Resident Vic Freeman, however, said the proposed plan "accomplishes a lot of good things."

Freeman, who moved to Lincoln in 1999 when the population was less than 10,000, said the city has improved.

"The quality of life is a lot better now," Freeman said. "We have better shops, restaurants and things to do. And a city with 40 percent open space is pretty phenomenal."

Because of the holidays, the next public hearing on the general plan update likely will be scheduled for January, Campbell said.

EPA Backtracks on Easing Toxin Rule

By Juliet Eilperin, Staff Writer

Washington Post, Thursday, Nov. 30, 2006; A21

Under pressure from Democratic senators, the Bush administration has modified its proposal to ease public reporting requirements for companies that handle or release toxic chemicals.

The Environmental Protection Agency has proposed new rules for the Toxics Release Inventory, an annual accounting of more than 650 chemicals that industry releases into the air, land and water. The changes would raise the threshold for reporting releases of toxic chemicals in detail from 500 to 5,000 pounds and would allow companies to report every other year instead of annually.

In response, New Jersey Democratic senators Frank Lautenberg <<http://projects.washingtonpost.com/congress/members/l000123/>> and Robert Menendez <<http://projects.washingtonpost.com/congress/members/m000639/>> in July blocked confirmation of Bush's nominee to head the EPA's Office of Environmental Information, Molly O'Neill.

EPA Administrator Stephen L. Johnson, in a letter obtained by The Washington Post, has written to the two senators telling them that he is revising the proposal to restore the requirement for annual reports. "Your perspective on the program is invaluable to us," Johnson wrote.

The EPA had been tinkering with its proposal since shortly before this month's midterm elections, but Johnson's letter highlights how the political climate has shifted since the Democrats won control of the House and Senate. The administration is not likely to bend on its top environmental priorities, such as climate change, but it may make concessions on other fronts.

James L. Connaughton, who chairs the White House Council on Environmental Quality, said in an interview after the elections that the administration may be able to make common cause with Democrats on some issues.

"The history of environmental legislation is a history of reasonable balance," Connaughton said. "At the end of the day, if you want to see progress on the environment, you got to strike that reasonable balance."

Lautenberg, who said he will release his hold on O'Neill's nomination but will continue to fight any effort to weaken the toxin-reporting requirements, said the administration's new flexibility underscores how lawmakers' stance is likely to change over the next two years.

"Unlike the last six years, the Bush administration will no longer get a free pass from Congress," he said in a statement. "Democrats will now control the EPA's budget and will run the committees that oversee the agency's activities. EPA will be held accountable for every abuse and misreading of the law it engages in."

Congress created the Toxics Release Inventory program 20 years ago in the wake of the 1984 Union Carbide disaster in Bhopal, India, where an accidental release of toxins killed and injured thousands of people living near the plant. U.S. toxic releases have dropped sharply since companies were compelled to file the reports, but some complain that the regulation is too costly.

The EPA had calculated that industry could save \$2 million a year by reporting its releases every other year. It would save an additional \$7.4 million by no longer having to report in detail on toxic releases between 500 and 5,000 pounds or on releases of persistent toxins such as lead and mercury below 50 pounds.

Sean Moulton, who directs federal information policy for the public policy watchdog group OMB Watch, said the proposal emphasized saving money for the agency and industry over protecting the public's health.

"The EPA just hasn't done its homework on these proposals," Moulton said. "They haven't done the research on whether there are serious health risks [associated with] the different thresholds they're proposing."

Alex Fidis, a staff attorney at the U.S. Public Interest Research Group, an advocacy organization, said the EPA could reduce the regulatory burden on industry by developing software to help companies calculate their harmful releases and file their reports electronically.

The EPA plans to issue a final rule on the reporting program "by the end of the year," said spokeswoman Jennifer Wood. She said officials are weighing the more than 100,000 comments they received, many objecting to the changes.

"EPA's working to making a good program better," Wood said.

Lautenberg said he would continue to press the administration to abandon the new rule.

Supreme Court takes up global warming for first time

By Mark Sherman, ASSOCIATED PRESS

Published in the Washington Post, Thursday, Nov. 29, 2006, 12:51 p.m.

WASHINGTON - Frustrated by Bush administration inaction on global warming, states and environmentalists urged the Supreme Court Wednesday to declare greenhouse gases to be air pollutants that the government must regulate.

The court's first case on the politically charged topic showed an apparent split between its liberal and conservative justices, with Anthony Kennedy potentially the decisive vote in determining whether the administration must abandon its refusal to treat carbon dioxide and other greenhouse gases as air pollutants that imperil public health.

Justice Samuel Alito, who with Chief Justice John Roberts seemed most skeptical of the states' position, said that even in the best of circumstances, the reduction in greenhouse gases would be relatively small.

Justice David Souter indicated that every little bit would help. "They don't have to show that it will stop global warming. Their point is that will reduce the degree of global warming and likely reduce the degree of loss," he said.

The case involves whether the Environmental Protection Agency must regulate emissions of greenhouse gases from new vehicles under a provision of the Clean Air Act. When a decision comes sometime before July, it could have a significant ripple effect that could extend to power plants as well as states' efforts to impose more stringent regulations on car tailpipe emissions.

Many scientists believe that greenhouse gases, flowing into the atmosphere at an unprecedented rate, are leading to a warming of the Earth, rising sea levels and other marked ecological changes.

Carbon dioxide, the principal "greenhouse" gas, is produced when fossil fuels such as oil and natural gas are burned. One way to reduce those emissions is to have more fuel-efficient cars.

"We own property, 200 miles of coastline, that we're losing," Massachusetts assistant attorney general James Milkey said on behalf of 12 states and 13 environmental groups that sued EPA.

Deputy Solicitor General Gregory Garre, representing the Bush administration, cautioned justices that EPA regulation could have a significant economic impact on the United States because 85 percent of the U.S. economy is tied to sources of greenhouse gas emissions.

Garre also argued that the EPA was right not to act given "the substantial scientific uncertainty surrounding global climate change."

Roberts pointed out that regulating carbon dioxide emissions from new vehicles addresses just one aspect of an issue of global dimensions.

The argument by those pushing for EPA action on vehicle emissions might or might not be valid, but it "assumes everything else is going to remain constant," Roberts observed.

Whether Roberts was correct, Congress is expected to become more involved next year in the debate on global warming because newly empowered Democrats have promised to give the issue a thorough airing.

Unions representing 10,000 EPA employees - more than half the agency's work force - petitioned Congress on Wednesday seeking immediate action to address global warming. The employees also sent a signal to the Supreme Court that most of the agency's rank-and-file disagree with the Bush administration's approach on the issue.

The administration's strongest argument at the court may have been in asserting that the states and environmental groups did not meet their legal burden to show they will be harmed by continued EPA inaction. Petitioners to courts must cross that threshold before the merits of a case may be addressed.

Milkey pointed out that even small reductions would be meaningful, pointing out that very small rises in the sea level would inundate significant portions of low-lying coastal land.

On this issue, in particular, Kennedy may well hold the key, lawyers on both sides of the case said. "Justice Kennedy is the one everyone is focusing on and rightly so," said Ann Klee, a former EPA general counsel in the Bush administration.

Kennedy himself raised a 100-year-old case on this topic in which the Supreme Court ruled that Georgia could sue Tennessee copper companies because their sulfurous emissions were destroying Georgia forests. "That seems to me your best case," Kennedy told Milkey.

Garre told the court that the EPA lacks the power to regulate carbon dioxide as a pollutant under the Clean Air Act. Even if it had such authority, the EPA still had the discretion not to regulate the emissions because of uncertainty and a preference for international, rather than unilateral, action, Garre said.

A federal appeals court in Washington, in a fractured decision in 2005, upheld the administration's position.

A separate case involving the EPA's claim that the Clean Air Act similarly does not give it authority to regulate greenhouse gas emissions from power plants also is making its way through the federal courts.

California also has asked the EPA to approve its program to limit tailpipe emissions of greenhouse gases.

Together, U.S. power plants and vehicles account for 15 percent of the world output of greenhouse gases, said David Doniger, counsel for the Natural Resources Defense Council, an environmental group involved in the Supreme Court case.

The case is *Massachusetts v. Environmental Protection Agency*, 05-1120.

High court divided on warming

Justices comment on arguments in case against EPA

Zachary Coile, Chronicle Washington Bureau

S.F. Chronicle, Thursday, Nov. 30, 2006

Washington -- The U.S. Supreme Court, tackling its first case on climate change, appeared divided and somewhat baffled Wednesday over how the government should respond to the warming of the planet.

Justice Antonin Scalia, reflecting the skeptic's view, pressed the lawyer representing Massachusetts and other states about how soon the dire effects of global warming would begin. "When is the predicted cataclysm?" Scalia asked with some sarcasm.

Chief Justice John Roberts, echoing the Bush administration's view, wondered why the United States should reduce its greenhouse gas emissions if China's output of gases will rise sharply in coming years.

Justice Stephen Breyer suggested that a more active response by government could halt global warming.

"Suppose, for example, they regulate this, and before you know it, they start to sequester carbon with the power plants, and before you know it, they decide ethanol might be a good idea, and before you know it, they decide any one of 15 things, each of which has an impact, and lo and behold, Cape Cod is saved," Breyer said. "Now, why is it unreasonable?"

The clashing views gave just a hint of what the justices might decide in *Massachusetts vs. Environmental Protection Agency*, a case aimed at settling whether the federal government must regulate vehicle emissions of greenhouse gases under the Clean Air Act. The ruling, expected by July, also could determine whether California can proceed with its first-in-the-nation law restricting tailpipe emissions of greenhouse gases, which is set to take effect in 2009.

Regardless of the court's decision, Congress could soon limit emissions of carbon dioxide and other heat-trapping gases. Sen. Barbara Boxer, the incoming chair of the Environment and Public Works Committee,

said she will begin hearings when Democrats take power in January on measures to curb greenhouse gases from vehicles, power plants and other sources.

"We have to go after carbon and reduce it wherever we find it, and the fact is about a third of the problem is from vehicles," Boxer said Wednesday.

She believes it's likely the high court will stake out a middle ground -- ruling that EPA has the authority to regulate greenhouse gases but that the agency is not required to do so. She added, "If the court were to say that the EPA cannot regulate carbon, then we clearly will have to fix the Clean Air Act."

The case is being watched closely in California. The U.S. Environmental Protection Agency has been sitting for a year on the state's request for a waiver to implement its vehicle emissions rules, even though Gov. Arnold Schwarzenegger has written President Bush several times asking him to approve it. If the high court rules against the states, it could give EPA the legal justification to deny California's request.

"It would be a blow to us," said Linda Adams, secretary of California's Environmental Protection Agency.

The case before the court is being pushed by 12 states, including California, one U.S. territory, three cities and 13 environmental groups that want to prod the Bush administration into regulating greenhouse gases.

In 2003, the federal EPA denied a petition by environmentalists to label four greenhouse gases -- carbon dioxide, methane, nitrous oxide and hydrofluorocarbons -- as air pollutants. The agency said Congress never intended to address climate change with the Clean Air Act.

The EPA also asserted that even if the agency had the authority to regulate greenhouse gases, it wouldn't because of scientific uncertainty around global warming and because limiting U.S. emissions could hurt the president's ability to persuade other countries to reduce their greenhouse gas output.

Massachusetts Assistant Attorney General James Milkey, arguing the case for the petitioning groups, told the justices that EPA's view was a clear misreading of the Clean Air Act, which he said requires the federal agency to regulate any pollutant that "may reasonably be anticipated to endanger public health or welfare." The act includes climate and weather in its definition of welfare.

Several justices on the court's liberal wing appeared sympathetic to his view. Justice Ruth Bader Ginsburg twice noted that the EPA, under former President Bill Clinton, had come to a different conclusion than it expresses now -- that the agency has the authority to regulate carbon dioxide.

Justice John Paul Stevens also took on the agency's assertions about scientific uncertainty on climate change, saying the EPA deliberately ignored key findings from a respected National Academy of Sciences report on global warming.

"In their selective quotations, they left out parts that indicated there was far less uncertainty than the agency purported to find," Stevens said.

Deputy Solicitor General Gregory Garre, who argued the case for the Bush administration, was left in the uncomfortable position of challenging the consensus among climate scientists that human activity is contributing to global warming.

"Is there uncertainty on the basic proposition that these greenhouse gases contribute to global warming?" Stevens asked.

"Your honor, the (National Academy of Sciences) report says that it is likely that there is a connection, but that it cannot unequivocally be established," Garre said.

However, the justices on the conservative wing of the court expressed sympathy with the administration's view. Justice Samuel Alito suggested EPA was right to propose that United States wait to cut emissions until other countries agreed to the same.

"What is wrong with their view that for the United States to proceed unilaterally would make things worse?" Alito said.

Roberts and Scalia pressed Milkey on whether the states could even prove they were injured by vehicle emissions in order to show legal standing in the case. Milkey responded: "The injury doesn't get any more

particular than states losing 200 miles of coastline, both sovereign territory and property we actually own, to rising seas."

Court observers said the key swing vote will be Justice Anthony Kennedy. On Wednesday, he pointed out holes in both sides' arguments, making his opinion tough to gauge.

Boxer said she's betting that Kennedy will be the decisive vote in forcing the administration to take action on climate change.

"I don't think we should lose sight of the fact that Justice Kennedy is from California, and California has an ethic when it comes to the environment that cuts across party lines," Boxer said. "I have to believe he has that ethic. Let's put it this way, I'm praying he does."

The case is Massachusetts vs. EPA, 05-1120.

Science in the court

Justice Antonin Scalia, in a question and answer with Massachusetts Assistant Attorney General James Milkey, showed he hadn't yet seen Al Gore's documentary on global warming, "An Inconvenient Truth." Here is an excerpt from the official transcript of Wednesday's hearing as posted on the Supreme Court's Web site: www.supremecourtus.gov/oral_arguments/argument_transcripts/05-1120.pdf <http://www.supremecourtus.gov/oral_arguments/argument_transcripts/05-1120.pdf>

Justice Scalia: "Mr. Milkey, I had -- my problem is precisely on the impermissible grounds. To be sure, carbon dioxide is a pollutant, and it can be an air pollutant. If we fill this room with carbon dioxide, it could be an air pollutant that endangers health. But I always thought an air pollutant was something different from a stratospheric pollutant, and your claim here is not that the pollution of what we normally call 'air' is endangering health. That isn't, that isn't -- your assertion is that after the pollutant leaves the air and goes up into the stratosphere it is contributing to global warming."

Mr. Milkey: "Respectfully, Your Honor, it is not the stratosphere. It's the troposphere."

Justice Scalia: "Troposphere, whatever. I told you before I'm not a scientist."

(Laughter.)

Justice Scalia: "That's why I don't want to have to deal with global warming, to tell you the truth."

The justices' views

Comments from several of the justices during Wednesday's oral arguments in the global warming case before the Supreme Court:

"There's a difference between the scientific status of the harm from lead emissions from vehicles that - when you have lead in the gasoline, to the status, the status of scientific knowledge with respect to the impact on global warming today. Those are two very different levels of uncertainty."

Chief Justice John Roberts

"Is it an air pollutant that endangers health? I think it has to endanger health by reason of polluting the air, and this does not endanger health by reason of polluting the air at all."

Justice Antonin Scalia

"I find it interesting that the scientists who worked on that report said there were a good many omissions that would have indicated that there wasn't nearly the uncertainty that the agency described."

Justice John Paul Stevens

"They don't have to show that it will stop global warming. Their point is that it will reduce the degree of global warming and likely reduce the degree of loss, if it is only by 2 1/2 percent. What's wrong with that?"

Justice David Souter

"And so the reduction that you could achieve under the best of circumstances with these regulations would be a small portion... would it not?"

Justice Samuel Alito

"... how far will you get if all that's going to happen is it goes back and then EPA says our resources are constrained and we're not going to spend the money (to regulate greenhouse gases)?"

Justice Ruth Bader Ginsburg

"Now what is it in the law that says that somehow a person cannot go to an agency and say we want you to do your part? Would you be up here saying the same thing if we're trying to regulate child pornography and it turns out that anyone with a computer can get pornography elsewhere? I don't think so."

Justice Stephen Breyer

Court takes on global warming

12 states want EPA to cut auto pollutants

By Stephen Henderson, Washington Bureau
Modesto Bee, Thursday, Nov. 30, 2006

WASHINGTON - The Supreme Court on Wednesday wrestled with the thorny issues surrounding global warming and the government's efforts to abate it. But hourlong arguments at the high court, at times heavy with discussion of the science of climate change, left little indication of how the court will rule.

At issue in Massachusetts v. EPA are two questions: Whether the Clean Air Act authorizes the Environmental Protection Agency to regulate air pollutants that contribute to climate change; and if so, whether the EPA properly used its discretion when it chose not to regulate auto emissions.

Also at stake in the case is whether states, many of which claim climate change will harm their land and residents, have the right to sue to force EPA action on pollutants from cars and other sources.

The case is the high court's first foray into the argument over global warming, and its ruling could have far-reaching effects. If the justices determine that the EPA is not responsible for regulating greenhouse gases, it would likely require congressional intervention to initiate government action.

If the justices decide that states don't have standing to sue, that would undercut other pending lawsuits seeking to regulate factory emissions and generally make it more difficult for environmental claims to go forward.

The stakes are huge

Environmental groups -- pushing for EPA regulation -- and business interests -- trying to keep government regulation to a minimum - have described it as the most significant environmental case in a generation.

In political terms, the justices appeared to cleave along familiar lines. Conservative Associate Justices Antonin Scalia, Samuel Alito and Chief Justice John Roberts appeared skeptical of the EPA's authority and of the states' rights to sue. Associate Justice Clarence Thomas, who rarely speaks during oral arguments, is expected to join other conservatives.

Meanwhile, Associate Justices John Paul Stevens, David Souter, Ruth Bader Ginsburg and Stephen Breyer were more accepting of both ideas.

That would leave Associate Justice Anthony Kennedy as the critical fifth vote to decide both issues, a role he increasingly plays with the departure of the court's other swing voter, Sandra Day O'Connor.

For all their focus on the law, the arguments at the high court Wednesday nicely captured the broader social debate about global warming.

James Milkey, an assistant attorney general from Massachusetts, argued on behalf of his state and 11 others that global warming poses an imminent threat to human interests. The phenomenon threatens 200 miles of Massachusetts's coast, which would fall victim to rising ocean levels that result from increased global temperatures, Milkey said.

He cited "uncontested" affidavits from scientists that show "as a matter of physics, the more greenhouse gases accumulate in the air, the more temperatures are going to rise, ocean waters expand and the seas rise."

Bush administration lawyers counter that Congress never intended for the Clean Air Act to regulate greenhouse gases. And even if it did, the administration says, the agency would be loath to regulate them because of significant "scientific uncertainty" about the cause and danger of global warming.

U.S. top court hears case on emissions regulation California, other states want EPA to toughen rules for new vehicles

By Frank Davies, MEDIANEWS WASHINGTON BUREAU
Tri-Valley Herald, Thursday, Nov. 30, 2006

WASHINGTON - The global warming debate hit the U.S. Supreme Court on Wednesday in a case that's likely to spur Congress to decide whether restrictions on greenhouse gas emissions from new vehicles are needed to prevent dire consequences of climate change.

The case has a direct impact on California, which pioneered tough regulation of vehicle emissions. The justices heard arguments over whether the Bush administration can continue its refusal to regulate the emission of carbon dioxide and other greenhouse gases under the federal Clean Air Act.

Whatever the outcome, advocates on both sides agreed that Congress will now face increased pressure to act on global warming with specific standards and mandates for the Environmental Protection Agency and other departments to enforce.

The new Democratic leaders of Congress have said they will raise global warming as an important issue and may seek some controls on carbon dioxide emissions. Sen. Barbara Boxer of California, who will chair the Senate Environment and Public Works Committee, is planning hearings on climate change.

At issue in the case was EPA's 2003 decision that it lacked authority to regulate the emissions of carbon dioxide and three other greenhouse gases from new cars and trucks.

A lawyer representing 12 states, including California, several cities and environmental groups, disagreed.

Carbon dioxide from vehicles contributes to global warming "like lighting a fuse on a bomb," Massachusetts Assistant Attorney General James Milkey told the court. Global warming, he added, would lead to melted ice, higher sea levels and the loss of up to 200 miles of his state's coast.

Deputy Solicitor General Gregory Garre, representing the Bush administration, said the EPA did not have the authority to regulate greenhouse gases from vehicles under the Clean Air Act.

Garre also downplayed the benefit of reducing auto emissions, noting that U.S. vehicles accounted for 6 percent of the greenhouse gases produced worldwide.

California officials said the outcome of the case would affect whether the state has the authority to enforce its first-in-the-nation rules, adopted in 2002, to reduce global warming emissions from vehicles. The state is seeking a waiver from the EPA to enforce the rules, which require a 30 percent reduction in new vehicles by 2016.

Automakers have sued, trying to block the rules, arguing that only the federal government can make such regulations.

"This is hugely important for our efforts," said Linda Adams, secretary of the California Environmental Protection Agency. If California and the other states prevail in the case, she added, "it would be very difficult for the EPA to deny our waiver request."

Adams and state Attorney General Bill Lockyer said that California is experiencing threats to the coastline, agriculture and the Sierra snowpack, a prime source of water.

"Global warming is already causing significant harm to California, ... to its environment, economy, agriculture and public health," Lockyer said in a statement.

Chief Justice John Roberts and Justices Antonin Scalia and Samuel Alito expressed skepticism about forcing the EPA to take action without a clear congressional mandate. Roberts also noted that economic development in China would displace whatever benefit" came from restricting emissions from new U.S. vehicles.

Justices Stephen Breyer and David Souter sharply questioned Garre over government inaction, saying that even an incremental reduction in greenhouses gases would have some benefit.

"They don't have to show this would stop global warming," Souter said, referring to the states' petition. "The point is that it will reduce the degree of global warming and likely reduce the degree of loss, even if that's only 2.5 percent. What's wrong with that?"

A group of electric utilities opposes greenhouse gas regulations. Two individual companies, San Jose-based Calpine Corp. and Entergy Corp. of Louisiana supported regulations, saying they want a set of rules they can depend on for future plant construction and refitting.

Church on the Edge of Rome Offers a Solution to Smog

By ELISABETTA POVOLEDO

N.Y. Times, Tuesday, Nov. 28, 2006

MILAN, Nov. 27 - When the American architect Richard Meier was asked to design a church in Rome to commemorate the 2,000th anniversary of Christianity, he offered an imposing white concrete structure dominated by three soaring "sails."

The project's main technical sponsor got to work on a coating that would enhance Mr. Meier's trademark white sculptural forms. It came up with a material that essentially cleans itself, minimizing the need for maintenance.

What the sponsor, the Italcementi Group, did not know was that the new material -- which contains titanium dioxide, a white pigment -- has another peculiarity. It "eats" surrounding smog.

Extensive testing has since determined that construction products containing titanium dioxide help to destroy pollutants found in car exhaust and heating emissions, scientists say.

Several companies are now developing smog-eating products that can be used not only for the facades of buildings but also in paint, plaster and paving materials for roads. The new substances are now being tried in buildings, squares and highways in Europe and Japan.

Hailed by some scientists as a breakthrough, the process is still being evaluated by others. The question, said Melanie L. Sattler, professor of civil and environmental engineering at the University of Texas at Arlington, is "whether coatings on buildings would be able to treat enough of the atmospheric air to make a difference."

Titanium dioxide had been used in self-cleaning coatings before because of its photocatalytic properties: sunlight sets off a chemical reaction that accelerates natural oxidation. Upon testing its new compound, however, Italcementi realized that the material could also break down nitrogen oxides emitted in the burning of fossil fuels.

"Theoretical work in photocatalysis has been going on since the 1980s," said Enrico Borgarello, Italcementi's director of research and development. "The problem is that no one had developed any practical applications."

According to Italcementi, tests in urban settings determined that some pollutants could be reduced by 20 to 70 percent.

The reduction of pollutants is greatest within about eight feet of a surface that has been treated, the company said. This means that a pedestrian on a street with traffic would inhale fewer pollutants while passing treated buildings.

In one test, paving material using photocatalytic cement was used to cover the asphalt surface of a 1,000-foot stretch of road outside Milan with an average traffic flow of 1,000 vehicles an hour. Tests showed a reduction of about 60 percent in nitrogen oxides at street level, according to Italcementi.

Environmental scientists and engineers are following the development with keen interest.

"Philosophically, it is better never to form pollutants than to find ways to destroy pollutants, but this is a useful technique for air pollutants that humans already make," said Dr. Howard Liljestrand, a specialist in environmental chemistry at the University of Texas at Austin.

But he cautioned that the cost efficiency of such products would depend on long-term performance, adding, "Catalysts tend to lose their effectiveness over time."

Now that Italcementi's product, TX Active, has gone beyond the testing phase, does it work? Three years after Mr. Meier's church opened in Tor Tre Teste, in eastern Rome, the bulk of the majestic structure remains remarkably bright, in contrast to the grimy gray joints, which were not treated with the product.

"It's hard to say if it's revolutionary," Mr. Meier said by telephone, "but we're happy with the results."

[Bakersfield Californian, Letter to the Editor, Thursday, Nov. 30, 2006:](#)

Good neighbors

As part of the good neighbor policy as advocated by Los Angeles, why don't we do our part to help out our neighbors to the south and deliver a few truckloads of our "safe sludge" to their city hall for the fertilization of their lawn and flower beds?

While we're at it, perhaps the federal courthouse could use a load or two to help their property, as well. Certainly, such deliveries might help to clear the air for our friendly neighbors.

-- RONALD MARVIN, Bakersfield

[Note: The following clip in Spanish discusses South Coast AQMD public workshops on the draft 2007 Air Quality Management Plan. A recommendation was made to reduce pollution by 80 percent. Major polluters in the area are ports, diesel trucks, and automobiles. For more information, contact Maricela Velásquez at \(559\) 230-5849.](#)

Recomiendan reducir en 80 por ciento la contaminación del aire en aras de la salud

Seis mil 500 muertes prematuras, nueve mil hospitalizaciones y dos millones 800 mil faltas laborales, sin incluir a miles de niños con asma, los costos de la contaminación en California

Noticiero Latino, Aire Libre, California
Radio Bilingüe, Thursday, Nov.30, 2006

La oficina de distrito de la Administración de la Calidad del Aire para la región del sur de California recomendó anoche en una reunión pública reducir en 80 por ciento la contaminación para ubicar al área en niveles que exige el gobierno federal y garantizar la salud humana.

Esto es lo que ocasiona la contaminación del aire cada año en la región, de acuerdo con esa oficina: seis mil 500 muertes prematuras, nueve mil hospitalizaciones y dos millones 800 mil faltas laborales, sin incluir a miles de niños con asma.

La mayor contaminación industrial es de los puertos y los camiones que trabajan en ellos, pero también de los vehículos particulares.