

[Fresno Bee Editorial, Sunday, March 30, 2008:](#)

## **Carpool for cleaner Valley air**

Eliminating one trip to work per week would cut a lot of air pollution.

We rack up 100 million miles of vehicle travel every day in the Valley. The tailpipes of those vehicles spew 85% of the oxides of nitrogen that help form the Valley's smog. That's the biggest reason the Valley ranks alongside the South Coast air basin as the most polluted region in the nation.

That's also why the Valley's air district is mounting a major education effort seeking to persuade people to get out of their cars and trucks, at least once in a while, to give the air -- and our lungs -- a break.

The San Joaquin Valley Air Pollution Control District calls its campaign Healthy Air Living, and hopes to spark an increase in carpooling, bicycle and bus riding and other measures that will keep some of our vehicles off the road part of the time.

Similar efforts have been tried in the past, usually with little success. But the awareness of our air quality problems -- and the realization that it's mostly up to us to clean them up -- has grown immensely in recent years. It may be that the time has come when a message about carpooling, telecommuting and other air-saving efforts will resonate as never before.

One troubling fact: That 100 million miles per day figure is about 70% higher than it was in 1990 -- yet the Valley's population has grown only 40% in that period. That suggests a disconnect between our growing awareness of bad air quality and our willingness to do anything about it.

How else can we explain the fact that, as we learn more and more about the sometimes deadly impact of the Valley's air pollution, we actually increase the one activity that does more to poison us than all our other activities combined?

Part of the problem is that the Valley air district has no control over so-called "mobile sources" -- all those cars, trucks, trains and boats. That is the purview of the state and federal governments. The federal government, especially, is an obstacle rather than a helpful partner in Valley clean-air efforts, and there is little we can do about it. It will take a new regime in Washington before the Environmental Protection Agency actually begins to protect the environment, including the Valley's air.

That leaves it largely up to us, and there's a certain justice to that. We create the pollution that plagues us. It would be nice to get more help from state and federal agencies, but in the end, the Valley's filthy air is our problem, and we're going to have to take the major responsibility for cleaning it up.

Enter the Healthy Air Living initiative.

The air district plans a full-court press the week of July 7-13. Government agencies, businesses, organizations and individuals will be asked to change their behavior by joining car pools, riding buses and finding ways to let employees work from home via telecommuting.

Many of us -- perhaps most -- arrive at work alone in our cars each day. If each of us managed to eliminate one of those trips per week, the reduction in air pollution would be enormous.

Flexible schedules can help, too. Reducing the number of cars on the streets and highways at peak commute hours would ease congestion, and that's another way to reduce air pollution.

There are other ways to cut our vehicle emissions, and the air district will be spreading that word as well. But in the end, it's up to us to listen -- and then do everything we can for ourselves.

## **Valley air managers promote carpools, telecommuting**

The Associated Press

In the Contra Costa Times, Modesto Bee, S.F. Chronicle and other papers, Friday, March 28, 2008

FRESNO, Calif.—Air quality managers say the smog covering central California will begin to lift if more residents start car pooling and telecommuting to work.

That's the main thrust of a new public relations campaign from the San Joaquin Valley Air Pollution Control District that's kicking off this week.

As part of the Healthy Air Living campaign, the district will urge cities, companies and families to cut down on driving from July 7 to July 13.

District officials say cars and trucks generate about 85 percent of nitrogen oxides, a pollutant that causes smog. Since those emissions are the valley's biggest air pollution problem, officials say such voluntary efforts will have a crucial impact.

### **Air pollution district's push: Limit how much you drive**

By Mark Grossi – The Fresno Bee

In the Modesto Bee, Fresno Bee and Merced Sun-Star, Friday, March 28, 2008

FRESNO -- Start thinking more about air quality and stop driving so much.

That message soon will become a mantra from the San Joaquin Valley Air Pollution Control District. Officials have announced a campaign called Healthy Air Living, and you'll be hearing about it.

The centerpiece, announced in valley workshops this week, will be the week of July 7-13 when the district hopes cities, businesses, organizations and individuals make a concentrated effort to cut down on driving.

"We want people to try new things," district Executive Director Seyed Sadredin said Wednesday at a workshop in Fresno. "See if carpooling or telecommuting becomes a behavioral change that stays around all year long."

The district plans to blitz local government officials, schools, businesses and organizations with messages about Healthy Air Living. The district will offer help for many types of pollution reduction, but the biggest target is vehicle emissions.

Cars and trucks contribute about 85 percent of the ozone-making gas called oxides of nitrogen, which is the biggest air quality problem in the valley. This region's air problem ranks alongside the South Coast Air Basin as the worst in the country.

State estimates show vehicles daily travel about 100 million miles in the valley. That's a 70 percent increase since 1990, yet the valley's population has grown by only 40 percent in the same period, state figures show.

Regional air officials do not directly control emissions created by vehicles and their fuels. That authority belongs to the California Air Resources Board and the U.S. Environmental Protection Agency.

Voluntary cooperation sought

But because those emissions are the biggest problem in the valley, regional officials say they are determined to reduce them with voluntary cooperation from cities, counties, businesses and residents.

The most obvious target is people who commute alone in a vehicle to work each day. Business owners may opt to have people work from home a few days each week, communicating via computer and telephone.

Other solutions include carpools, bicycling and riding the bus.

Businesses might consider installing bicycle racks, showers and lockers for people who ride their bicycles.

Once people arrive at work, business owners might consider allowing their employees to have lunch delivered, instead of driving to a restaurant.

"Commuting is something we do every day," said Tom Jordan, senior policy adviser at the district. "We can plan for it. We can do something about it."

### **Thumbs up, thumbs down**

Fresno Bee, Saturday, March 29, 2008

Thumbs down to the California Air Resources Board for backing off an aggressive goal to put more zero-emissions vehicles (ZEVs) on the state's roads and highways. The board reduced the number of ZEVs from the original goal of 25,000 between 2012 and 2014 to 7,500 in that period. CARB staff had recommended dropping the standard to 2,500, so the decision is better than it might have been. But it still lets the auto industry off the hook when California and the world need bold advances in automotive technology.

### **West Park opponents continue their fight**

Written by Jonathan Partridge

Patterson Irrigator, Friday, March 28, 2008

A group opposed to a 4,800-acre industrial project at Crows Landing's former naval airfield has gathered more than 1,000 members during the past 10 months.

Group leaders say membership continues to grow, and they plan to continue fighting the project as long as Stanislaus County leaders consider it.

"We're not going to drop the battle," said Ron Swift, president of WS-PACE.org.

The local group, which gets its name from the acronym West Side-Patterson Alliance for Community Environment, has grown since formed in May 2007.

Swift said some members spend 40 hours or more each week placing phone calls, continuing letter-writing campaigns and making appearances at public meetings.

"We're doing what we can to get the point across that the scope of this project is so large," Swift said.

Like the cities of Patterson and Newman and other local jurisdictions that have publicly opposed West Park, the group has taken issue with the project's size, its use of trains and potential impacts on traffic.

West Park's project would include an inland port at the 1,527-acre Crows Landing Air Facility that would be linked to the Port of Oakland through a short-haul rail line. Cargo containers would be shipped and returned from there to the Oakland port.

West Park advocates say trains would remove pollutants in the San Joaquin Valley by taking trucks off highways and roads, but WS-PACE members say that pollution would just be shifted to the West Side.

Swift said the group also believes there would be better places for an inland port in parts of San Joaquin County that already have rail access.

WS-PACE member Howard Sword, a Patterson resident who was involved in real estate for Pleasanton's Hacienda Business Park as director of on-site development for Callahan-Pentz Properties, said Tracy would be a more logical location for West Park's project. That city has more distribution centers and is at the hub of the "Golden Triangle," where Interstates 580, 5 and 205 meet.

He has worries about placing the project in Crows Landing.

"Without a doubt, I have concerns about trains and ... truck traffic," he said.

United in opposition

Sword said he contacted Swift after reading about West Park and about WS-PACE's efforts in the newspapers.

Other members have gotten involved through a variety of ways. About 60 to 70 are private members who do not want their names listed. The reasons could be varied. Often, they are business people with acquaintances in favor of West Park, Swift said.

"We don't ask why," he said.

Swift said most of the group is not developers.

"I can pride the group from the beginning of being above-board as to who we are and what we do and what we stand for," Swift said.

So far, the group has raised close to \$20,000, Swift said, to pay for advertising, postage and transportation to public meetings, among other expenses. It also could be the foundation of a war chest if the West Park master development plan is approved by the Stanislaus County Board of Supervisors next month.

Still, the group's board meetings and donor list are not open to the public.

WS-PACE Vice President Claude Delphia said he does not want donors to be known, because the group's "enemy" - West Park - could use that information against the group.

Swift said board meetings are private because executive committee members want to sort out the facts before releasing statements to the public.

A different perspective

Mike Lynch, a consultant for West Park, said he does not see WS-PACE as West Park's enemy. He said the group has actually provided some input that has been useful in the planning process.

"Everyone brings different perspectives to the table, and they all should be addressed," he said.

Still, he said he had concerns about the group sharing information without providing proper context, one of the reasons that West Park's development team recently met with WS-PACE.

For instance, Lynch said, the group regularly touts figures from a traffic study that said the business park would generate 141,000 daily car trips. However, he said, the group often fails to mention that those trips would come at the end of the project's 30-year build-out. In addition, the group has not probed into the traffic impacts of development plans for the cities of Patterson and Newman, he said.

WS-PACE has similarly accused project officials of skewing statistics in favor of the project, such as those regarding air quality, though Lynch said the development group's reports are all in writing.

Business park advocates also active

WS-PACE is not the only group gathering support. West Park consultants and supporters have collected nearly 1,000 signatures of people in favor of the proposed industrial park, and West Park has received more than 700 cards and e-mails supporting the project, Lynch said.

Lynch said West Park will contact people who have sent in cards or e-mails in favor of the project to let them know about related meetings. A slew of West Park supporters showed up at a December board of supervisors meeting to speak on behalf of the project.

In addition, Newman resident and project consultant Laroy McDonald has helped organize advocates in his hometown.

"We haven't been shy about asking people to support us," Lynch said.

Still, Lynch said developers have not hosted regular meetings for supporters as WS-PACE has.

The passion on both sides of the debate indicates there will likely be plenty of letter-writing campaigns and heated public meetings to come.

WS-PACE members say the group is here to stay, even if the board of supervisors approves West Park's master development agreement in April. If that happens, the group will become

involved in the Environmental Impact Report process, in which state, federal and local groups review development plans.

"One thousand members and I are not going to go away," Delphia said.

## **Study says West Park success not guaranteed**

Written by John Saiz

Patterson Irrigator, Friday, March 28, 2008

The latest group to review the proposed 7.5-square-mile industrial center and rail hub on and around the Crows Landing Air Facility said it could be financially viable, but there were no guarantees.

The report released this week said consultants could not predict the project's success without knowing demand for rail services. So far, developer PCCP West Park LLC has commissioned a shipper interest survey, but the Global Insight report states, "the current survey work is inconclusive."

At the center of the study is West Park's proposal to turn the mostly county-owned air facility into a 4,800-acre industrial center connected to the Port of Oakland by rail. The facility would generate 37,000 jobs at build out in 30 years, according to West Park estimates.

The proposal has drawn supporters and detractors from the public and within the Stanislaus County Board of Supervisors. The West Side's representative, Supervisor Jim DeMartini, has been a consistent critic of the project and said the latest report does nothing to squelch his opposition.

"I don't know if it answered any questions," DeMartini said. "They have not identified any customers."

He, along with other West Side opponents, have said the anticipated 141,000 daily vehicle trips the facility would generate would ruin West Side air quality and that an estimated six trains making round trips through Patterson would create congestion throughout the city.

"There isn't any other city in Stanislaus County that would want this project in their backyard," DeMartini said.

The Patterson City Council has been one of the most vocal critics of the project. The council has written several letters to the county voicing its opposition and has instructed City Attorney George Logan to lobby the California Transportation Commission to not award West Park \$26 million in state subsidies. Commission staff has recommended that the project be awarded \$25 million.

Patterson Mayor Becky Campo said she had not had time to review the report, and had no comment.

She did restate that she is not in favor of the West Park proposal.

West Park developer Gerry Kamilos said he's happy with Global Insight's findings.

"The third party review further solidifies that the inland port proposal is feasible," he said.

In the past, Kamilos said the job creation would be a boon to the growing county and the rail component would mean fewer trucks on California roadways. The fewer trucks mean better air quality in the region, he said.

So far, he has not released the names of any potential clients for the park.

The next hurdle for West Park is getting the money from the California Transportation Commission on April 10. The commission has been tasked with doling out billions in state money raised through the sale of bonds.

After that, county supervisors will decide if they will remain in exclusive negotiations with West Park or seek a new developer.

If they remain committed to West Park, the developers would have about a year to finalize plans.

### **Carrizo solar plant proposed**

By Doug Keeler, Midway Driller Editor  
Taft Midway Driller, Friday, March 28, 2008

A Palo Alto based firm is planning to take a square mile of land on Carrizo Plain and turn into a state-of-the art solar power generation plant that will produce 177 megawatts of electricity by the end of 2010.

Ausra Inc. signed an agreement in November 2007 to sell the power to PG&E.

The plant is currently going through the permitting process. When completed, it will be one of the world's largest solar power plants, said Perry Fontana, vice president of projects for Ausra.

Fontana spoke Wednesday at The Taft District Chamber of Commerce's monthly breakfast at Jo's Restaurant.

Ausra isn't just any solar power firm, Fontana said. It is using new technology to build utility-sized power generating plants instead of smaller scale solar projects that heat and power individual homes.

"We're not the guys that go up on your roof.

The Ausra technology uses the sun's rays to heat water, turning it to steam that turns large turbines similar to other large plants that burn fossil fuels.

But solar power is a renewable energy that doesn't pump greenhouse gases into the atmosphere, Fontana said.

Using a new a design with compact but high-powered reflectors, the plant will heat steam to 300 degrees Celsius. The firm's technology allows it to store heat to produce power at night or on cloudy days as well, Fontana said.

He said the Carrizo Plain location was chosen because of abundant sunshine and its proximity to a major PG&E transmission line.

The plant will provide enough power for 120,000 homes.

During construction it will provide jobs for up to 350 people with a total construction payroll estimated at \$170 million.

The plant will employ 75 people when it is operating.

### **Once-stalled housing projects up for supervisors vote**

By James Burger, Californian staff writer  
Bakersfield Californian, Monday, March 31, 2008

Kern County supervisors face two unique decisions Tuesday.

One challenge comes from 200 housing lots proposed by Soper Homes on 79 acres at Nord Avenue and Johnson Road.

The project is one of 13 Bakersfield-area developments stopped by county planners last year, saying the city's road and freeway system was too anemic to support new building.

Now Mike Soper's project has gotten a green light from the Kern County Planning Commission - but at a price.

Developers would have to pay \$20,863 per home in mitigation fees for traffic, [air quality](#) and other impacts, said planner Lorelei Oviatt.

Soper would also have to wait until two critical road improvements are finished to pull his first building permit.

Those projects are a traffic signal at Santa Fe Way and Hageman Road and road improvements on Brimhall Road between Renfro and Rudd roads.

His project also faces opposition from nearby neighbors who want larger rural lots to cushion their property from the smaller lot homes Soper wants to build.

#### TRASH DUMP

Another project supervisors face Tuesday is the H.M. Holloway refuse dump at a gypsum mine near Lost Hills north of Bakersfield. The dump has operated for years - much of the time in violation of solid waste laws and land use rules.

H.M. Holloway has been operating recently under a temporary agreement with the Kern County Environmental Health Services Department.

"Bottom line they're a facility that has been operating for many years without a solid waste permit," said Environmental Health Director Matt Constantine.

To clear its landfill for legal operation, H.M. Holloway needs a land use permit from the county of Kern, which would clear the way for a solid waste facility permit from the California Integrated Waste Management Board, Oviatt said.

Complicating the matter is that some of the waste coming in is the same kind being taken by county of Kern landfills. Essentially, the private and public landfills could be in competition with each other, Oviatt said.

And the county is still paying off two taxpayer-supported landfill bonds originally worth \$32 million.

The other problem Holloway could pose for the county is a federal one. Allowing the company to create a private dump could actually hurt the county's ability to claim that it is diverting enough of its waste away from landfills to satisfy state and federal regulations.

This is especially telling, Oviatt said, since the county doesn't have a legal way to prevent Holloway from taking trash from outside Kern County once the land use permit is approved.

County planners are insisting that the company take only fly ash, treated auto shredder waste, lime filter cake, spend sandblast "media" and dry sewage sludge treated to class A and class B standards.

Shredded tires, asphalt, concrete and chipped construction lumber would not be allowed at the dump, under a planning department recommendation.

#### HOW TO GO:

The Kern County Board of Supervisors meets for morning and afternoon sessions at 9 a.m. and 2 p.m. Tuesday at the county administrative center, 1115 Truxtun Ave., across N Street from the Rabobank Arena downtown.

You can also watch the meeting live on KGOV, the county's local cable television station. The station lists available channels at [www.co.kern.ca.us/gsd/KGOV](http://www.co.kern.ca.us/gsd/KGOV).

The board's agenda as well as some background materials are available online at [www.co.kern.ca.us/bos](http://www.co.kern.ca.us/bos).

### **Agencies Gear Up to File Protests Over Rail Abandonment**

By Miles Shuper

Valley Voice Newspaper, Monday, March 31, 2008

Tulare County - With the deadline for filing opposition to the proposed abandonment of 30.57 miles of San Joaquin Valley Railroad lines nearing, Tulare County officials are on the fast track of finalizing their formal protests.

The Surface Transportation Board of the U.S. Department of Transportation has moved up the deadline for filing to Monday, March 31. The 30.57 mile line includes an 8-mile link between south Exeter and Strathmore then southward to Jovista near the Tulare-Kern County line.

Paul Saldana, executive director of the Tulare County Economic Development Corporation, which is spearheading a county-wide concerted fight of the proposed abandonment, said Tuesday a formal protest to the proposal is being sent to the federal agency. The federal agency has granted the rail company the opportunity to file rebuttal to any comments or replies it receives by the March 31 deadline.

The EDC and the Tulare County Association of Governments (TCAG) have been meeting with the consulting firm, Shepstone Management Co of Pennsylvania, in finalizing the documents being filed. The rail company, a subsidiary of Rail America, one of the largest rail firms in the nation, claims it is operating and maintaining the line at a loss, citing dwindling use by customers.

But Tulare County officials, including the Board of Supervisors, city officials and others, say SJVR has discouraged business and usage citing the \$950 per rail car surcharge it imposed last year. That charge has been lifted. SJVR says only three companies, Tri K Truss, Sierra Forest Products and Britz Fertilizer, have used the line between Strathmore and Jovista since 2004, with no shipments in 2007 and none so far this year.

But the company made no reference to the 9.20-mile segment passing Lindsay and serving Tulare Frozen Foods (formerly Lindsay Foods International) that has generated strong opposition from the city which last November passed a resolution against the plan.

The resolution refers to 38 acres of heavy industry zoned property, 23 acres of light industry along with 32 acres of mixed use property along the rail corridor that “are dependent upon rail access for future industry development.” It says the frozen food firm shipped 67 carloads in 2006, 70 between January and October of 2007 and plans to ultimately ship “up to 150 rail cars annually.”

At Tuesday's Supervisors' meeting, Supervisor Mike Ennis said a survey of the line by the Shepstone consulting firm indicated the 30.57 mile line appears in good shape. Referring to SJVR's surcharge, Ennis said, “charging nearly one thousand dollars per rail car” certainly is not a way to encourage business.

One focus of the anti-abandonment campaign is to argue rail transportation is an important factor in reducing [air pollution](#) generated by increased trucking. Energy savings also is a prime issue, with soaring fuel costs for the trucking industry a major economic hurdle, especially for the agricultural industry.

Supervisor Allen Ishida, who represents the Exeter and Strathmore areas and originally brought the issue to the county's attention, said he has heard SJVR could have plans to seek an additional abandonment, possibly the line between Exeter and Reedley, although no formal move in that direction has been made.

Saldana, who was scheduled to meet with Lindsay City Council Tuesday evening during a workshop session regarding the protest of the abandonment plan, agrees that SJVR has discouraged, not encouraged, use of the line especially in the last year. Saldana says “we are going to do everything we can” to fight the proposed abandonment.

Meanwhile, there have been on-going discussions with the rail company regarding various options to keep it a viable operation, including subsidizing it via a public-private program, or to purchase the line.

If the abandonment is approved, the company plans to salvage the steel track and materials. Union Pacific Railroad Co., which sold the line to SJVC, would be responsible for the underlying real estate.

## **Moving to cooler ground**

**Beloved fixtures of the Sierra may be forced up, or out, as the climate warms.**



By Mark Grossi / The Fresno Bee  
Saturday, March 29, 2008

The 2,000-year-old giant sequoias east of Fresno have survived warm spells lasting centuries, but in just 100 years, global warming could snuff them out -- along with many Sierra Nevada species.

Why? The current episode of climate change is moving faster than any warm-up detected in the past 500,000 years, many scientists say. Many say car exhaust and other global-warming emissions from human activities may be the reason.

The rising temperatures probably will shorten the Sierra's long, snowy winters and force mass uphill migrations by sequoias, Sierra bighorn sheep, dusky woodrats, rabbitlike pikas and mountain yellow-legged frogs, scientists say.

The warming could mean oblivion for those that can't cope.

"I avoid being an alarmist," said Nathan Stephenson, a U.S. Geological Survey research ecologist at the agency's Sequoia National Park field station. "But there's a chance sequoias won't survive at all if they can't find the right soil conditions at higher elevations."

The bighorn sheep, another mountain icon, might be forced to move uphill away from predators, perhaps marooning themselves on alpine islands away from their food sources, according to scientists.

No one knows what will become of the small, hearty shrubs and animals above 11,000 feet if the Sierra's small glaciers disappear. Glacial ice has dripped precious water into an arid alpine landscape for thousands of summers, but it may last only a few more decades, scientists say.

The warming also probably will force pines and firs to move uphill, along with vast communities of shrubs, herbs and grasses that support wildlife and help purify California's air.

The San Joaquin Valley's poor air quality would suffer further if a warm-up weakens many millions of mature trees, which then would become prone to wildfires and insect infestations. Smoke from fires would foul the air, and decimated forests would not filter pollution.

Another way the Sierra changes would affect people: With less snow, there would be more precipitation in the form of rain. State officials may have to consider expanding reservoirs to store more water.

"These changes are tied to the life cycle of nature, something that affects all of us," said Lara Kueppers, an ecosystems scientist at the University of California at Merced. "There are a lot of reasons to care about what happens."

International visitors probably would notice a difference. They flock to see giant sequoias and Yosemite Falls, which probably would begin peaking earlier each spring in Yosemite National Park.

In the central and southern Sierra, tourists pump millions of dollars into local economies, particularly around Yosemite, Sequoia and Kings Canyon national parks. Yosemite alone has 3.5 million visitors a year.

In Sequoia National Park, four of the five largest trees in the world -- all sequoias -- live in Giant Forest.

The world's largest tree is the General Sherman, 103 feet in circumference at its base and more than 2,300 years old. The Sherman and the other giants live in the Earth's last 75 natural groves of giant sequoias, most of which are in the southern Sierra, perched above the Valley.

With widespread root systems, the old giants can tap water sources in many directions during dry times. Their thick, cinnamon-colored bark offers protection from fire, allowing them to live up to 3,000 years.

Birds, mammals, insects and other creatures make these massive trees the center of their lives. For instance, a Douglas squirrel eats sequoia cones, and the weasel-like pine marten preys on squirrels.

But as warming increases, the natural community will be strained. Sequoias would lose their damp, cool habitat between 5,000 and 8,000 feet. The big trees prefer deep, sandy soil at the edge of damp meadows or near streams.

Young sequoias would be forced to grow at higher, cooler elevations. But above 8,500 feet, the soils become more shallow, and there are fewer wet meadows or stream bottoms to provide the water they need.

The species has hung on during past warm-ups, relying on the moisture that remained during more gradual shifts in climate, tree-ring analysis and other evidence show. A more radical change could drain them of resilience and dry up their water sources.

Sierra trees, in general, already are suffering from rising temperatures and less precipitation, according to a study done by USGS ecologist Phillip van Mantgem and Stephenson.

Fir and pine trees are dying at almost double the rate they did 20 years ago, Stephenson said.

"My big concern is that we'll get caught off-guard as this warm-up continues, and a lot of trees will die very quickly," he said. "What kind of surprises will we get?"

John Wehausen is asking the same question about the bighorn sheep on the east side of the Sierra. He is a researcher based at the University of California White Mountain Research Station in Bishop, where he has studied bighorns for three decades.

Wehausen's work helped to bring the sheep back from the edge of extinction. In 1995, predators and disease had left only 100 in the Sierra. By 2006, the population had quadrupled. But Wehausen wonders whether global warming will wipe them out anyway.

The agile animals detect hunters such as the mountain lion with keen eyesight. The sheep need a clear view, usually at 10,000 to 13,000 feet in elevation, which is above the tree line.

Though they can feed at higher elevations, the sheep prefer to eat more nutritious grasses and shrubs several thousand feet lower. They must balance the danger of moving downhill among predators with the desire for better food.

If trees and predators move higher, the sheep will lose some of their clear views. Will the change also wipe out their high-elevation feeding areas? Will they be forced downslope toward predators? Researchers don't know.

"The population is already vulnerable," Wehausen said. "We're very concerned."

Wehausen, Stephenson and other scientists say the complexity of climate change and the Sierra ecosystem makes it hard to predict the effects.

Will human activities speed it up? That question can lead to angry debate. But nobody doubts that people contribute warming gases, such as carbon dioxide, from cars, power plants and factories.

Nature already provides plenty of factors to analyze, including the oceans, the sun, the rotation of the Earth and subtle climate cycles often spanning thousands of years.

Scientists have learned about past warm-ups by studying geologic sediments, growth rings in trees, pollen in layers from lake bottoms and cores from the ocean floor and massive ice sheets in Antarctica and Greenland.

They say the planet has warmed and cooled hundreds of times over the last million years. Indeed, climate change is not at all unusual, though some warm-ups are longer than others.

For example, there was a warming period that spanned 35 to 40 centuries following the last Ice Age. It moved quickly at the start, but the warming might have taken several hundred years to peak.

The change now is moving much faster. The 1980s and 1990s were the warmest decades in four centuries, says the National Academies of Science. The average temperature has climbed about 1.5 degrees Fahrenheit worldwide in the last 130 years, according to NASA's Goddard Institute for Space Studies.

Last year, the Intergovernmental Panel on Climate Change -- a U.N. network of 2,000 scientists and more than 100 governments -- issued a report saying that global warming already has begun changing life on Earth.

The panel said most of the warming since 1950 is "very likely" due to human-related emissions from cars, power plants and other activities.

The panel's scientists estimate the temperature will climb 2.5 to 10 degrees in the next century. That kind of warm-up would be more than 10 times faster than any previously detected warm-up in the last 10,000 years, scientists say.

"The speed and the magnitude are off the map," said Leslie Chow, a USGS research wildlife biologist in the Yosemite field station.

Yosemite is hallowed ground for biologists to observe changes due to warming. The park and its natural inhabitants have been left undisturbed for the last century, protected from mining, logging and many other commercial activities.

Ninety years ago, biologist Joseph Grinnell thoroughly surveyed the park for wildlife. Between 2003 and 2005, biologist James Patton of the University of California at Berkeley repeated Grinnell's survey.

Patton's work showed the piñon mouse and the dusky-footed woodrat have moved to higher elevations in Yosemite -- the mouse 3,000 feet higher and the woodrat 1,500 feet higher. About 60% of the creatures in the survey had moved upslope.

Patton said he has studied animals in California for 40 years, and he has never seen similar changes.

"I was surprised," he said. "I had no reason to believe that I would find this much movement."

Patton said the movement is not necessarily related to the warming climate. But he said he could make a connection, especially in light of other warming-related phenomenon -- such as the melting glaciers.

Yosemite's glaciers are melting, says Hassan Basagic, a Portland State University research assistant. The park's Lyell Glacier at the Sierra crest has dwindled dramatically, said Basagic, who has been studying several hundred Sierra glaciers for a number of years.

Sierra glaciers are tiny compared to those in Alaska, which are remnants of the Ice Age that ended 10,000 to 12,000 years ago. The California glaciers have been around for about 3,200 years, according to studies by glacial geologists Douglas H. Clark and Niki Bowerman of Western Washington University.

Basagic said the Sierra glaciers are tucked in granite bowls, called cirques, protecting them from sunshine. He compares the glaciers with photographs of the way they looked early in the 1900s.

To Basagic and others, the shrinking glaciers are strong evidence of warming. If they go quickly, as experts expect, other changes won't be far behind.

"On the whole, I would say glaciers already have lost about 50% of their surface area," he said. "There won't be much of them left over the next few decades if things keep going this way."

## **Appeals court blocks Yosemite from \$100 million in construction projects**

By Pablo Lopez and Paula Lloyd, Fresno Bee  
In the Fresno Bee, Merced Sun-Star, Friday, March 28, 2008

In a blow to the National Park Service, a federal appellate court Thursday upheld a Fresno judge's order that stopped 14 construction projects in Yosemite Valley.

U.S. District Judge Anthony W. Ishii ordered the park service in November 2006 to halt more than \$100 million in projects — including the \$35 million effort to rebuild Yosemite Lodge — until the agency rewrote its controversial plan to protect the Merced River.

The park service appealed the judge's ruling, but a three-judge panel from the 9th Circuit Court of Appeals sided with Ishii on Thursday, saying the agency must hold off on those projects until September 2009 — the deadline for a new river plan that must address environmentalists' fears that development would hurt Yosemite's fragile ecosystems.

The appellate court said the park service failed to sufficiently address a key issue — what number of visitors would harm the federally protected river.

Without that number, Judge Kim McLane Wardlaw wrote, the framework of the park service's plan "is reactionary and requires a response only after degradation has already occurred."

Yosemite park spokesman Scott Gediman said the level of visitors that could cause degradation is an elusive number because the park is so vast. He said the park has no plans to limit visitors.

"It's frustrating because the public clearly wants these projects to be completed," he said.

He also said the ruling could jeopardize about \$200 million that Congress set aside for Yosemite after the floods of 1997. The 14 projects are part of a \$441million planned overhaul.

Now, the park service must devise a new plan because of "a few people with narrow views," Gediman said, referring to the Friends of Yosemite Valley and Mariposans for Environmentally Responsible Government. The two groups have led the legal battle against the park service.

Bart Brown, chairman of Mariposans, said the ruling shows that environmentalists have reasonable objections.

"Part of the park service's propaganda is that we're fringe groups," but the court decisions have proved that's not true, said Bart Brown, chairman of Mariposans. He also doesn't believe the federal funding will be lost.

Brown said the Merced River should be free of waste or air pollution caused by traffic and shouldn't be endangered by construction too near its banks.

The lawsuit dates back to 2000, three years after a large Merced River flood caused extensive damage in Yosemite Valley. The river swamped Yosemite Valley campgrounds and sewage facilities, and damaged many buildings.

As the park service planned the lodge reconstruction and other projects, environmentalists argued that a legally acceptable plan needed to be in place before work could begin along the river.

The park service wrote its initial plan in 2000, but it was rejected by environmentalists.

When the agency came out with a revised plan in 2005, Gediman said, several environmental groups, including The Wilderness Society and the National Resource Defense Council, supported it.

In addition to remodeling Yosemite Lodge, the projects include improvements on the sewage system, replacement of the Happy Isles footbridge and removal of an old sewage treatment plant in El Portal. In all, the 14 projects were estimated to cost nearly \$105 million, park records show.

The utility project would fix the valley's sewage system, which is under a state cleanup order for sewage spills into the river, Gediman said. "Some of those pipes are 60 to 70 years old," he said.

Another project, repaving the Valley Loop road, would make the park safer for motorists. There are also plans to rebuild campgrounds destroyed by the 1997 flood, he said.

The Friends of Yosemite and Mariposans, however, have used the courts to halt those plans.

Ishii rejected the park service's 2005 plan — a document that guides management of the Merced under the federal Wild and Scenic Rivers Act — saying it did not specify limits on the number of visitors around the river, which has sensitive areas that might be trampled by crowds.

Gediman said the park service will continue working on its new river plan, work that began after Ishii made his 2006 ruling.

By the end of this year, or early next year, the public will have ample time to comment on it, he said.

"It's sad that a few people can stop the public from seeing improvements that will make Yosemite Valley a better place for everyone," Gediman said.

### **California lowers auto emissions rule**

By Samantha Young, Associated Press Writer

Modesto Bee, Tri-Valley Herald and San Francisco Chronicle, Saturday, March 29, 2008

SACRAMENTO, Calif. — California air regulators on Thursday slashed the number of battery-powered and hydrogen fuel cell vehicles that must be sold in the state, a setback for environmentalists and health advocates.

The decision is expected to affect 12 other states that had adopted California's target for zero-emission vehicles.

The California Air Resources Board voted to lower by 70 percent the number of those vehicles that automakers must sell here and in the states that intended to follow California's get-tough rules for vehicle emissions.

Instead, the air board said the six largest automakers must sell nearly 60,000 hybrid vehicles while they develop the more advanced technology that will allow mass production of pure zero-emission vehicles.

Board chairwoman Mary Nichols described the move as a major step toward putting cleaner cars on the road. The plug-in hybrids envisioned by the air board have yet to be designed, she said.

"We're introducing a whole new category of vehicles to the public," Nichols said. "I don't think it's a step backwards in the real world."

In essence, the air board took two steps on Thursday: It cut the number of zero-emission vehicles it wants on the road by 2014, while at the same time offering an alternative - the gas-electric hybrids.

Environmentalists and health advocates criticized the lowering of the zero-emission goal for vehicles. They said the threats posed by global warming, combined with rising gasoline prices, lends urgency to greatly reducing vehicle emissions.

Auto manufacturers said they could not meet the California standard and needed more time to make affordable hydrogen and battery-powered cars.

"Pushing this technology into the market before they are commercially viable ties up resources that could be better utilized by advancing core technologies," said Sara Rudy, an emissions regulatory manager at Ford. "It is important at this stage to be nimble."

California adopted its zero-emission vehicle mandate in 1990 as part of an attempt to reduce smog-forming emissions such as nitrogen oxide.

The rule required that 10 percent of new cars sold in the state by the country's six leading auto manufacturers be completely nonpolluting by 2003.

The rules have been modified four times since they were introduced. The biggest change came in 2003, when the Air Resources Board significantly scaled back the mandate and ruled that hydrogen cars, hybrids and cleaner-burning gasoline vehicles could meet the state's goals.

The regulators were concerned that battery-powered cars could not be mass-produced and favored hydrogen cars. They also faced a lawsuit from the auto industry.

Although some lower-emission vehicles - especially hybrids - have begun making an impression in the marketplace, the main automakers still do not have a commercial zero-emission vehicle.

The revised 2003 rules set a goal of putting at least 25,000 zero-emission cars on the road by 2014, far below the original 10 percent mandate. The rules adopted Thursday put the number at 7,500, a 70 percent reduction from the 2003 target.

## **State air board demands more low-emission cars**

Matthew Yi, Chronicle Sacramento Bureau  
San Francisco Chronicle, Friday, March 28, 2008

Sacramento -- The California Air Resources Board, acknowledging that development of air pollution-free vehicle technologies such as hydrogen fuel cells is lagging, moved Thursday to require major automakers to produce more low-emission cars such as plug-in hybrids.

The board's decision will play a key part in its mandate to meet California's ambitious goal of reducing air pollution and cutting greenhouse gas emissions as required by landmark legislation, AB32, enacted more than a year ago.

Representatives of environmental groups and automakers lined up on opposite sides of the hot debate over how the air board should change parts of its program for zero-emissions vehicles, which had been in place since 1990.

With the promise of hydrogen fuel cells not materializing, the air board directed its staff last year to come up with changes to the rules.

The seven largest automakers - Chrysler, Ford, General Motors, Honda, Nissan, Toyota and Volkswagen - had been required to produce and sell 25,000 vehicles that emit no tailpipe emissions between 2012 and 2014, followed by 50,000 such vehicles between 2015 and 2017.

The air board's staff recommended changing the rules to allow manufacturers to make just 2,500 such vehicles in the first phase and 25,000 in the second.

But they would have to compensate by making more than 180,000 low-emission vehicles, such as plug-in hybrids, which use electric and gasoline engines, and those that burn hydrogen.

But board members said the recommendations were too lenient and unanimously adopted the formula offered by board member Daniel Sperling - a minimum of 7,500 zero-emission vehicles along with 58,000 low-emission vehicles between 2012 and 2014. Requirements for the following three-year period were not established.

The air board also agreed that the state's zero-emissions vehicle program has become tangled by complicated rules and needs an overhaul. The board directed its staff to come up with recommendations by the end of next year to make wholesale changes.

Air board Chairwoman Mary Nichols instructed the staff to consider three main goals for the program: "to reduce smog-forming pollution, to limit the state's contribution to global warming ... and our dependence on petroleum."

The zero-emissions program began in 1990 with a reduction in smog its main objective. The program's initial goal was to require 10 percent of vehicles sold in California to be air pollution free by 2003, but that goal was never met. Over the years, the air board made changes to accommodate the technological challenges automakers faced.

The members of the air board and the staff said Thursday that while only a few thousand zero-emission vehicles are on the road today, state regulations have helped encourage automakers to look at new technologies to eliminate air pollution.

But smog isn't the only motivating factor for the program anymore. California's commitment to reduce greenhouse gas emissions by a third in 2020 and by 80 percent by 2050 will also play a role in overhauling the zero-emissions vehicle program, said Sperling.

"Climate change has to be part of the story," he said during a break in the all-day hearing in Sacramento.

But some environmental groups were disappointed, saying they feel the air board has watered down the zero-emissions vehicle program.

"It's an improvement on the staff proposal, but it's far less than what is currently on the books," said Sherry Boschert, a Sierra Club spokeswoman who is also vice president of Plug In America, a nonprofit that promotes electric cars. "I really feel dissed by this."

Dave Barthmuss, a spokesman for General Motors, said that while he agrees the zero-emissions vehicle program needs to be simplified, the air board's call for drastic changes causes serious problems for automakers, which need long lead times for product development.

"Philosophically, we like simplification, but the devil will be in the details for sure," he said. "And if there are changes, we would like to know sooner than later."

Touting their own products in development were automakers including Tesla Motors, a Bay Area-based company that is making sports cars that rely completely on electric motors.

"Our cars are already in production," said Andrew Simpson, a systems engineer. "Weaken (the regulation), it would disadvantage our company. ... Strengthen the mandate, the technology is ready so that California can breathe clean air soon."

Former air board Chairman Robert Sawyer, who was fired by Gov. Arnold Schwarzenegger last year after trying to enact tougher rules, also weighed in on the issue.

"California needs every tool to meet its global warming goals," he said at Thursday's hearing, adding that automakers' promise of fuel-cell vehicles for mass consumption remains decades away. "California is a place where electrical vehicles can and should happen."

-- SFGreen: For more information on emissions standards and air quality, go to [green.sfgate.com](http://green.sfgate.com).

What California's air board will require of automakers

Here is a summary of new regulations adopted by the California Air Resources Board:

**Zero-emission vehicles:** Automakers must produce at least 7,500 zero-emission vehicles, such as hydrogen fuel cell or electric automobiles. Under old rules, the industry was required to make 25,000 such vehicles for sale in the state from 2012 to 2014.

**Low-emission vehicles:** Automakers must produce 58,000 low-emission vehicles for sale in California between 2012 and 2014. These would include such cars as plug-in hybrids that use both electric and gasoline engines. This is a new requirement.

## **California Trims Goal for Number of Emission-Free Vehicles**

By Felicity Barringer

NY Times, Friday, March 28, 2008

SAN FRANCISCO — California regulators cut by 70 percent the number of emission-free vehicles that automobile manufacturers must sell in California in the three years beginning in 2012. At the same time, the regulators effectively required, for the first time, that tens of thousands of plug-in hybrid vehicles be sold in those years.

The cutback in the requirement for either all-electric or fuel-cell vehicles dismayed some environmentalists. But their pleasure at the likelihood that the decision will mean a new infusion of

research dollars in plug-in hybrid technology, which is still more of a curiosity than a market force, largely made up for it.

The unanimous vote on Thursday by the California Air Resources Board to change its mandate for what it calls zero-emission vehicles did not take the cutback as far as its staff members had recommended. Earlier this year, they had called for a 90 percent cut in the requirements that were originally set in the early 1990s.

The board estimated that the new mandates would cost auto manufacturers more than \$1 billion annually for those three years.

David Barthmuss, a representative of General Motors, said after the vote that those in attendance "are still scratching our heads" to understand the full implications of the new mandates. But he said that two cars on the company's drawing boards, the Chevrolet Volt and the Saturn Vue, would probably be sold in large numbers in California as a result of the vote.

The Volt, which uses some gasoline, but only to power its battery, not to turn its wheels, could be counted as part of GM's obligation under the mandate, he said, as would the Saturn Vue, a plug-in hybrid.

But, Mr. Barthmuss said, the mandate "still requires infrastructure," saying that there are only a few — perhaps as few as two — fueling stations for hydrogen fuel-cell vehicles in the state.

The board's chairwoman, Mary Nichols, said just before the vote that "we're creating an incentive for better batteries and better fuel cells," but she also acknowledged that fuel-cell technology had developed more slowly than regulators had expected and was not ready for large-scale production.

But she felt that the mandates, even at the reduced level, were needed to keep pressure on Detroit. "The companies have been clinging to the past for a long time," Ms. Nichols said. "And it's time to be moving on and pushing them to make a bigger investment."

Sheila Lynch, executive director of the Northeast Advanced Vehicle Consortium, a nonprofit group, said that for nearly 20 years, "California's role always seems to be to push the auto companies a little further because they are 12 percent of the market." But the failure of the first generation of electric vehicles — a failure that some electric-car lovers see as sabotage by the auto industry — may have made the regulators wary of pushing too hard to force new technologies.

In the interim, she said, hybrids, particularly the Toyota Prius, have become a dominant force as among the most fuel-efficient vehicles.

Darryl Siry, vice president of Tesla Motors, a company that has begun to market a \$100,000 two-seat all-electric vehicle, criticized the board's action, "If you take away the pressure, you run the risk of slowing down progress."

## **EPA ruling on S.J. air challenged**

By The Record

Stockton Record, Friday, March 28, 2008

SAN FRANCISCO - Conservation groups Tuesday challenged an Environmental Protection Agency ruling that air in the San Joaquin Valley meets standards for coarse particulate matter - pieces of dust, soot and smoke that are hazardous to health.

High levels of so-called PM10 are still being recorded by air quality monitors, the Sierra Club and Fresno-based Medical Advocates for Healthy Air claim in their lawsuit, filed Tuesday in the 9th U.S. Circuit Court of Appeals.

In its announcement earlier this month, the EPA agreed, saying PM10 exceeded standards on six days in 2006. However, this was attributed to high winds and air monitors that were near construction zones, so the EPA said it disregarded those violations when it found the Valley in compliance.



PM10 is at its worst in winter, when smoke belches from chimneys up and down the Valley. Inhaled particles can worsen health problems such as asthma.

The Valley is moving toward cleaner air, though work remains to be done, EPA officials said.

## **EPA says it won't rush on emissions Critics say agency too slow to comply with high court order**

H. Josef Hebert, Associated Press

San Francisco Chronicle and Modesto Bee, Friday, March 28, 2008

Washington -- The federal government made clear Thursday that it will not be rushed into deciding whether to regulate emissions linked to global warming, as the Supreme Court directed nearly a year ago.

Such action "could affect many (emission) sources beyond just cars and trucks" and needs to be examined broadly as to other impacts, the head of the Environmental Protection Agency wrote lawmakers.

Stephen Johnson said he has decided to begin by seeking public comment on the implications of regulating carbon dioxide, a leading greenhouse gas, on other agency rules that cover everything from power plants and factories to schools and small businesses.

That could take months and led some of his critics to suggest he was shunting the sensitive issue to the next administration.

"This is the latest quack from a lame-duck EPA intent on running out the clock ... without doing a thing to combat global warming," said Rep. Edward Markey, D-Mass. He is chairman of the House Select Committee on Energy Independence and Global Warming.

The Supreme Court said in April 2007 that carbon dioxide from burning fossil fuels is a pollutant subject to the Clean Air Act. The court directed the EPA to determine if CO<sub>2</sub> emissions, linked to global warming, endanger public health and welfare.

If that is the case, the court said, the EPA must regulate the emissions.

The ruling, in a lawsuit by Massachusetts against the EPA, dealt only with pollution from cars and trucks.

Johnson said Thursday that if CO<sub>2</sub> is found to endanger public health and welfare, the EPA probably will have to curtail emissions from other sources as well. That could affect a range of air pollution, from cement factories, refineries and power plants to cars, aircraft, schools and off-road vehicles.

"Rather than rushing to judgment on a single issue, this approach allows us to examine all the potential effects of a decision with the benefit of the public insight," Johnson wrote the leaders of the House and Senate environment committees.

Barbara Boxer, a California Democrat who heads the Senate Environment and Public Works Committee, said that Johnson has had nearly a year to respond to the court and that "now, instead of action, we get more foot-dragging."

"Time is not on our side when it comes to avoiding dangerous climate change. This letter makes it clear that Mr. Johnson and the Bush administration are not on our side, either," Boxer said.

## **State slashes clean-air car goal 7,500 emission-free autos are mandated by 2014**

By Michael Gardner

San Diego Union-Tribune, Friday, March 28, 2008

SACRAMENTO – Air quality regulators dramatically reduced the goal for emission-free vehicles in California yesterday, but for the first time they required automakers to sell a new generation of plug-in hybrid cars.

The unanimous decision by the California Air Resources Board will reduce by 70 percent the number of electric and hydrogen vehicles that manufacturers will be required to sell by 2014.

The new rule also obligates auto companies to manufacture 60,000 plug-in hybrids by 2014. The cars would make short trips on batteries that could be recharged with everyday extension cords and switch to gas for longer drives.

"Plug-in hybrids are ready to roll. The technology is here," said Luke Tonachel, a transportation analyst with the Natural Resources Defense Council. Some are on the road, but mass production is not expected until about 2010.

After the unanimous vote, which followed nearly seven hours of testimony, regulators defended their strategy as the best choice given the costs and slow pace of improvements in hydrogen fuel cells and batteries.

"I don't think it's a step backward in the real world," said Mary Nichols, chairwoman of the air board.

Nevertheless, most advocates for electric vehicles and cleaner air felt let down by the decision to lower the mandate to 7,500 from 25,000.

"This is not the bold move we had hoped for," said Bonnie Holmes-Gen of the American Lung Association of California.

The decision marked a further weakening of the state's once-vaunted 1990 zero-emission vehicle program, which has been adopted in about a dozen other states. The original goal was for 10 percent of all cars on the road by 2003 to be emission-free.

But in 2003, under pressure from automakers, regulators established a target of 25,000 no-emission vehicles by 2014, well below the original 10 percent. The decision sparked outrage and led to the highly critical documentary "Who Killed the Electric Car?" At the time, the board defended the move, saying technology was lagging – an argument reiterated yesterday.

Board staff members reignited the outcry by proposing a goal of just 2,500 emission-free vehicles.

That plan drew sharp rebukes from the panel. Board member Jerry Hill, who also serves as a San Mateo County supervisor, said backsliding to the extent that board staff members recommended would send an "intolerable" signal to automakers, the oil industry and other states that count on California's leadership. He initially wanted a 25,000-vehicle target but relented and voted for the compromise of 7,500.

"Giving up is what I think some of this proposal before us today represents. Giving up is unacceptable," Hill said.

San Diego County Supervisor Ron Roberts, who serves on the air board, did not attend the meeting.

Most automakers, awaiting a new policy so they can plan research and development budgets through 2014, officially remained neutral. The adopted plan will cost automakers an estimated \$1 billion a year.

Robert Cassidy, a Nissan engineer, called the staff report "a careful blend between forcing technology and feasibility."

Bill Reinert, a Toyota technology expert, testified that the industry needed more leeway in developing fuel cells. "We do have a lot of challenges with hydrogen," he said.

Automakers repeatedly told the board that a major barrier to bringing zero-emission vehicles to the marketplace is the dearth of refueling stations. Demand will be limited until customers know they have convenient places to find hydrogen or grab a quick battery charge, automakers say.

Board member Dorene D'Adamo, a Modesto lawyer, said the state needs to look at incentives or regulations to encourage the oil industry to add refueling and recharging points at service stations.

"It's about time they participate," D'Adamo said.

While not taking a public stand before the board's decision, Gov. Arnold Schwarzenegger has been a fan of new zero-emission technology. The Republican governor has Hummers that run on hydrogen and biofuels and recently made a down payment on a Tesla battery-powered roadster, which costs \$100,000.

James Woolsey, President Clinton's CIA director, and George Shultz, President Reagan's secretary of state, separately urged the board to push zero-emission vehicles, calling it an issue of national security because of America's reliance on foreign oil.

"We're sending \$1 billion to \$2 billion a day worth of IOUs abroad," Woolsey testified.

In a letter, Shultz told the board, "Choice in the market means a more secure America."

Smaller California-based companies, such as Tesla and Phoenix Motorcars, are in limited production. Both companies oppose reducing the zero-emission mandates, saying they are proof that the electric-vehicle technology is available.

Phoenix Vice President Thad Balkman said the zero-emission vehicle "program is working."

Electric-vehicle advocates say they were stunned by the low numbers proposed by air board staff members, accusing the state of rolling over to automakers.

"You need to stand up for the people," pleaded Doug Korthof of Seal Beach.

In another significant action, regulators, admittedly frustrated with the program, directed staff members to come back in one year with a plan to move some types of cars out of the program and refocus on its original mission: pure electric vehicles.

Chairwoman Nichols called the process "tortuous," conceding that "we've had some hiccups along the way." Board member Daniel Sperling, a University of California Davis transportation specialist, suggested that regulators "overhaul the program" and "start from scratch."

## **State deals blow to zero-emission vehicle supporters**

**The Air Resources Board substantially reduces the number of clean-air cars that big automakers will be required to sell in the next few years.**

By Ken Bensinger

Los Angeles Times, Friday, March 28, 2008

California's Air Resources Board voted Thursday to slash by 70% the number of emission-free vehicles that carmakers must sell in the state in coming years, a significant blow for environmentalists and transportation activists.

But the panel set new rules requiring automakers to build tens of thousands of plug-in hybrid cars, which run on electricity and gasoline. And it adopted a motion to overhaul its entire Zero Emission Vehicle program to align it with tougher greenhouse-gas emission standards enacted in California in recent years. That could lead to the production of many more clean vehicles, but the overhaul won't happen until at least the end of 2009.

Under the new standards, passed unanimously, the board will require the largest companies selling cars in the state to produce 7,500 electric and hydrogen fuel-cell vehicles for sale, lease or loan in California from 2012 to 2014 -- down from the 25,000 required in the period under the previous rules.

In addition, carmakers will be called upon to make about 58,000 plug-in hybrid electric vehicles in the same period. The previous regulation, passed in 2003, made no provisions for plug-in hybrids because they were not considered viable at the time.

"Clearly advocates would like to have more of these technologies available," said air board member Daniel Sperling, who introduced the proposal that ultimately passed. "But it's my view that both plug-in hybrids and [emission-free vehicles] are tremendous stretches for the industry."

Environmental and transportation activists called the decision a victory for carmakers, which had lobbied vigorously against the mandates.

"It's a huge blow," said Chelsea Sexton, executive director of Plug In America, an advocacy group. "They sent the message to the carmakers that they can always get what they want from the board."

Automakers, though, were reserved. "We're going to have to take some time and study it," Ford Motor Co. spokeswoman Jennifer Moore said. "The question is still what technology is ready and what is going to be commercially viable."

Ford is one of six automakers -- along with General Motors Corp., Toyota Motor Corp., Chrysler, Honda Motor Co. and Nissan Motor Co. -- subject to the mandates. Smaller car companies are not bound by the rules, though they could be if their sales increase.

At the day's outset, board Chairwoman Mary Nichols expressed a desire to increase the number of emission-free vehicles in California. "Our goal here today is to emerge with a clear direction that will get this program on track," she said.

Yet the final decision was anything but clear. By inserting last-minute provisions that create a hierarchy among types of zero-emission vehicles, the number of such cars that automakers will have to make by 2014 could vary greatly.

If, for example, carmakers produce only hydrogen fuel-cell vehicles with an operational range of 300 miles or more, the number they would be required to make could be as few as 5,357 -- or 297 cars per automaker per year. If they make only short-range electric vehicles, though, the required number would jump to 12,500.

Created in 1990 with the intent to improve air quality, the ZEV mandate initially sought to require that 10% of all cars sold in the state be emission-free by 2004. ZEV has since been revised five times, and, after Thursday's vote, will be again.

The latest plan to revise the mandate stems from the air board's desire to align the program with a 2006 state law that sets a target of reducing greenhouse gas emissions 80% by 2050, and another law that calls for reducing tailpipe emissions of all cars sold in California.

"For 2015 and beyond, we'll adopt a new program that will probably be even more aggressive than what is currently in effect," board member Sperling said, without mentioning any specific numbers.

Ten other states have joined with California on the ZEV program, with the Golden State acting as sort of a lead regulator. However, the board previously granted automakers an exemption from having to make any ZEVs for the other participating states until 2011. On Thursday, the air board extended that date to 2017.

The board also adopted a provision requiring automakers to publicly disclose how many "credits" for producing emission-free vehicles they amass or trade with others.

The vote was preceded by hours of comments from automakers, activists and even a few high school students.

Former CIA Director R. James Woolsey, now a senior advisor at investment firm VantagePoint Venture Partners, called the issue of emission-free vehicles one of "national energy security" and asked the board to boost requirements for electric cars and plug-in hybrids. VantagePoint is an investor in plug-in hybrid maker Fisker Automotive Inc. Ze'ev Drori, chief executive of Tesla Motors Inc., maker of an electric car, argued for more rigorous standards. Because of the complicated workings of the mandate, his company stands to make money trading the credits it earns when it sells its vehicles.

"The only impediment to this is the parochial, self-interested agendas of the automakers," he said.

Al Weverstad, executive director for environment, energy and safety at GM, asked the board for special consideration for the Chevy Volt, which is in development. GM says the car will have a longer range than rival plug-in hybrids.

"We'd ask that you give us some additional credits," he said. The board granted that request, valuing extended-range plug-in hybrids above shorter-range models.

Robert Sawyer, former chairman of the air board, called for simplification. "We should return to a 'zero means zero,' simple, easy to enforce program," he said.

## **EPA chief bides time on court's emissions order Shelving his agency's findings that greenhouse gases are a danger, he says he'll open a long public comment period.**

By Janet Wilson

Los Angeles Times, March 28, 2008

EPA Administrator Stephen L. Johnson has shelved his agency's findings that greenhouse gases are a danger to the public, and on Thursday told Congress that he will initiate a lengthy public comment period about whether such emissions are a risk before responding to a U.S. Supreme Court order.

The move means there is virtually no chance the Bush administration will act to regulate greenhouse gases in response to the high court's decision in the time left in office.

The decision by the Environmental Protection Agency infuriated Democratic lawmakers, and attorneys who won the landmark case before the high court last spring.

"This is a transparent delaying tactic and a major reversal of EPA's position," said Rep. Henry A. Waxman (D-Beverly Hills). "The Bush administration is recklessly abandoning its responsibility to address the global warming crisis."

"It's outrageous," said Sierra Club attorney David Bookbinder, one of the lead attorneys on the case, who said he would ask the Supreme Court next week to order the EPA to act within 60 days.

The EPA administrator's position of prolonged evaluation mirrors that advocated by a coalition of industry groups and conservative think tanks, including the Heritage Foundation. The groups emphasized to the White House and lawmakers that the Supreme Court had set no deadline by which the EPA needed to act -- and that during an economic downturn, seeking comprehensive public comment and a "go-slow" approach would be far better.

EPA spokesman Jonathan Shradar countered criticism of the decision by saying, "No matter what is shouted or screamed from the rooftops, this is truly a historic moment. No administration has taken this step to evaluate this new pollutant."

The Supreme Court ruled in April that under the Clean Air Act, the EPA was required to evaluate whether carbon dioxide was a risk to public health and welfare, and if so, to impose regulations on polluters, in particular automobiles.

EPA staffers told The Times they had concluded that such greenhouse gases were a major threat to water supply, crops, wildlife and other aspects of public welfare, and their finding was forwarded to the White House for review in December. In addition, under orders from Johnson, the staff last fall completed a draft regulation to reduce greenhouse gas emissions from vehicles.

But on Thursday, Johnson wrote to key members of Congress outlining an exhaustive public-comment approach to the Supreme Court decision that he said would better address what harm greenhouse gases may cause, based on thorough study of all industry sectors -- not just vehicles -- that emit such gases.

"This approach gives the appropriate care and attention this complex issue demands," wrote Johnson. "Rather than rushing to judgment on a single issue, this approach allows us to examine all the potential effects of a decision with the benefit of the public's insight. In short, this process will best serve the American public."

Vickie Patton, senior counsel with Environmental Defense, and a former EPA attorney under President Clinton and President George H.W. Bush, harshly criticized Johnson.

"As glaciers disintegrate, EPA's response is delay, deny and obfuscate," she said. "EPA career staff has developed policies that are ready to go. They're awaiting a simple signature [from Johnson], but instead he's walking away."

Johnson's action came after Edwin Meese III and fellow attorneys at the Heritage Foundation, a Washington-based think tank, spent months sending detailed legal analyses and memos to "everyone we could think of" at the White House and in Congress, said Michael Franc, the foundation's vice president of government relations. Meese was attorney general under President Reagan.

The heart of their objections was that although the Supreme Court ruled on automobile emissions, the decision as worded could apply to every major smokestack industry and small business, including restaurants and apartment buildings.

White House deputy press secretary Scott Stanzel declined to comment on what role White House officials played in the EPA decision, or on the input it received from the Heritage Foundation and others. "We commend Administrator Johnson's decision," Stanzel said.

EPA spokesman Shradar said Johnson had acted independently.

### **Small refinery is major polluter, officials claim**

#### **Firefighters have responded to Santa Barbara's Greka Oil & Gas Co. at least 400 times in past nine years**

By Noaki Schwartz, Associated Press  
Contra Costa Times, Sunday, March 30, 2008

LOS OLIVOS -- When a Firestone Vineyard employee discovered oil trickling down a creek in January in this wine country town, the source of the contamination was no surprise to firefighters.

Of 21 refineries in California, Greka Oil & Gas Inc. is the fourth smallest producer, but the state's biggest inland oil polluter, state officials said.

Broken pumps, busted pipes, overflowing ponds and cracked tanks at Greka installations have spilled more than a half-million gallons of oil and contaminated water since 1999, fouling the water, soil and air in the Southern California county many consider the birthplace of the nation's environmental movement.

During the past nine years, the Santa Barbara County Fire Department has responded at least 400 times to oil spills and gas leaks at Greka, resulting in fines, citations, federal and local prosecutions and investigations by the Environmental Protection Agency and state Fish and Game.

"I've been in the hazardous materials business for 20 years, and this is the worst oil company I've ever seen," said Robert Wise, who works at EPA's Superfund division.

The company says it is a victim of sabotage -- a claim local and federal authorities dispute -- and overzealous regulators.

"To say that Greka is a major polluter is a joke," said President Andrew deVegvar. "To the extent to which we're being portrayed as some kind of Darth Vader of the oil industry is not appropriate."

While the company has been fined more than \$2.5 million over the years, authorities are losing patience with Greka. This winter the county Fire Department hit the company with stop-work orders against most of its operations.

Some conservationists and others suspect Greka's political connections -- along with piecemeal regulation by overlapping agencies and weak inland oil spill laws -- have allowed it to continue operating. Greka leases land from current and former county supervisors; another former supervisor is on the Greka payroll.

That the spills are happening in Santa Barbara County is perhaps the cruelest twist for environmentalists.

The mountainous coastal area dotted with boutique wineries and the ranches of President Reagan and Michael Jackson was a catalyst for the environmental movement. A disaster at a Union Oil Co. platform in 1969 coated miles of beaches with oil, killed thousands of birds and helped lead to the Clean Water Act and a moratorium on offshore drilling.

Greka set up shop in Santa Maria in 1999, taking over aging facilities from major oil companies and turning crude into asphalt and other products.

From 1999 to 2007, the Santa Barbara Air Pollution Control District inspected Greka facilities 855 times and issued 298 violations. During that period, 203 Greka spills threatened or polluted state waters 20 times, according to the California Department of Fish and Game.

"Right now I can't think of anybody that is worse than Greka," said Steve Edinger, assistant chief of Fish and Game. "They are the biggest inland oil pollution problem we are dealing with across California. Nobody has our attention like Greka does."

Authorities say Greka employees have been spotted covering up oil contamination with fresh dirt and were once caught plugging a corroded storage tank with a tree branch -- accusations the company rejects. The district attorney cited Greka for 104 violations in 2004 after employees were allegedly caught trying to tamper with old pollution-belching engines. Greka settled with the county for \$675,000.

DeVegvar has said the number of incidents is not out of line with those of other producers when looked at on a per-well basis. But the EPA's Wise said that is true only if Greka wells that aren't in use are counted, too.

Greka has spent tens of millions of dollars in upgrades, deVegvar said. The company recently said it was tightening security, and in January announced an environmental initiative dubbed Greka Green. But just a day later, it was hit with an 8,400-gallon spill.

Brooks Firestone, whose family leases land to Greka, was one of two members of the county Board of Supervisors who blocked an emergency hearing on Greka in December. He said the staff needed more time to prepare and warned board members not to become hysterical.

"To me, a huge event involving oil was the Kuwaiti oil fields that were fired by the Iraqi army in the first Gulf War, the 1969 oil spill in the channel, the Valdez tanker and the Normandy tanker," Firestone said at the time. "What is the meaning of this incident?"

Days later, on Jan. 5, Greka spilled more than 190,000 gallons of oil and contaminated water on the land it leases from the Firestone estate. Since that spill, Firestone has withdrawn from deciding matters related to Greka.

Firestone, an heir to the tire fortune, said it would be too difficult to calculate how much income he receives from Greka. On political disclosure forms, he said he owns only 9 percent of the vineyard land on which the Greka installation sits. Officials have to own at least 10 percent of a business to disclose income from it.

A former county supervisor, Mike Stoker, has served as a Greka spokesman and said he was hired last year as a consultant to improve the company's relationship with local regulators and help Greka become a "better corporate citizen." He would not say what Greka pays him. Stoker is also the \$60,720-a-year district representative for state Sen. Tom McClintock.

After a series of spills, including the incident at the Firestone estate, the fire department issued its stop-work orders; the EPA launched an investigation and threatened Greka with tens of thousands of dollars in fines per day; a state lawmaker began working on legislation that would

beef up enforcement, impose higher penalties and provide more resources to clean up inland spills; and the county government, which issues various permits, began looking into increasing its penalties, too, and making companies reimburse emergency cleanup costs.

"I believe in giving people and businesses more than one chance, a number of chances if they're trying to make things right, but I don't believe in 400 chances," said Doreen Farr, a former planning commissioner running for a seat on the board.

Greka officials have mounted an aggressive defense, threatening to sue the county for \$100 million if it isn't allowed to reopen and offering a \$25,000 reward for information leading to the arrest of saboteurs.

Meanwhile, even with operations largely shut down, firefighters responded to five incidents at Greka installations last week.

## **Utilities jump on board to plan for plug-in cars**

By James R. Healey, USA TODAY  
Sunday, March 30, 2008

In a sign of accelerating progress on plug-in hybrids — the 100 mpg vehicles you can't yet buy in showrooms — electric utilities quickly are linking with automakers and tech companies to develop "smart-charging" technology that controls when and how fast a vehicle is recharged.

"Smart charging is an essential capability for Duke and all electric utilities as PHEVs enter the market," Duke Energy chief technology officer David Mohler says. "Through this capability, we're able to reduce stress on the grid during peak periods and keep rates low."

As if to make the point that plug-ins no longer are exotic experiments, California clean-air regulators last week required automakers to put 58,333 of them on the state's roads from 2012 through 2014.

Certain that plug-ins are imminent, utilities and others are moving on everyday details for recharging. "People are saying, '(Plug-ins) are more immediate than I expected,'" says David Kaplan, chief technology officer and founder of V2Green, a Seattle company with smart-charging technology. "We've been in this almost two years, which makes us old-timers, and we've seen a sea change."

Plug-in hybrid electric vehicles (PHEVs) have bigger batteries than normal gasoline-electric hybrids and can be recharged from a household outlet. They run on their electric motors more and their gasoline engines less. Prototypes suggest 70 mpg to 120 mpg is possible.

Other plug-ins coming are pure electric cars, such as General Motors' Volt, due in 2010 or 2011.

Developments on thorny questions of when, where and how to recharge, how to pay the bill and dealing with more power demand:

- The Electric Power Research Institute is linking Ford Motor with a group of East Coast utilities that will test ways to recharge Ford's prototype plug-in Escape hybrid.

EPRI says it's in partnership with the automaker on recharging and billing details. Ford also has supplied plug-in Escapes to utility Southern California Edison.

- Duke Power and GridPoint, a vendor of smart-charging programs, reported last week that they charged during off-peak night hours an electric vehicle that was plugged in late in the afternoon.

- V2Green announced a deal to monitor plug-ins used by the Idaho National Laboratory. It also is working with utilities in Denver and Austin on managing timing and pace of vehicle charging.

Standardizing charging and payment details might seem basic. But it's as radical as trying to develop gas stations while Karl Benz was inventing the first gasoline-power automobile in the 1880s. Benz ignored refueling, and his son Eugen had to run alongside with a bottle of fuel at the first public demonstration in 1886. His wife, Berta, stopped at pharmacies for cleaning fluid to fuel a 65-mile trip in 1888.



Plug-in backers want to avoid problems and optimize benefits.

For example, shifting recharging to times when a utility has extra capacity and could price lower is key. Otherwise, plugging in thousands of rechargeable cars in the same area at high-demand times could bring power shortages or boost pollution as utilities crank up their oldest plants for peak demand.

Proper timing also could make better use of clean power. "More wind power is produced at night," Kaplan says, and smart-charging software can tell the power grid to charge the car during the windiest hours.

Another aspect of smart charging is billing the right person.

"If I invite you to my house and you want to charge, I'd want it to be on your bill, not mine," says Clay Perry, EPRI spokesman.

"We're currently working with auto companies and our own smart-grid experts on every possible way to manage charging," says Mark Duvall, manager of EPRI's Electric Transportation program. "Telematics systems in vehicles, smart metering at utilities — there are many ways."

Selling power to plug-ins "can be a good business proposition" for utilities, Duvall notes, so nothing is intended to discourage charging.

As envisioned, for example, owners could override smart systems when they need instant charging.

"If a guy comes in and wants to plug in, we want him to plug in. We don't want the hybrid customer to be a second-class customer, but we want to manage the cost," he says. "If I have a Chevy Volt and plug in at peak, and just didn't realize, I'm going to be mad at General Motors, mad at the utility company" when billed for high-priced electricity.

Says Duvall, "There's a joke about two buttons on a car. One says 'Charge now,' and the other says, 'Charge cheap.' "

[Merced Sun-Star Editorial, Friday, Mar. 28, 2008:](#)

### **Our View: Wrong to cut ZEV goal**

State air board is sending the wrong message and should have kept standards high for zero-emission vehicles.

The California Air Resources Board voted Thursday to substantially reduce the number of zero-emission vehicles, or ZEVs, the six major car companies would have to produce for California by 2014. These are battery-powered and hydrogen fuel cell vehicles.

To keep its long-term goal of cleaning the air and to achieve more recent mandates to reduce global warming gases, the board should have rejected its staff's recommendations and stood by its ZEV commitment.

Pure ZEVs are cars that produce no tailpipe pollution. They are usually powered by batteries or by fuel cells. Under current rules, car companies are required to produce 25,000 ZEVs between 2012 and 2014. CARB's staff wanted that number reduced by 90 percent, to just 2,500, but the air board decided to lower that number by 70 percent.

Plug-in hybrids are a good automotive innovation. They are not pollution-free, but they use less gasoline than current hybrids. The board is right to encourage their development. But it should not do so at the expense of pure ZEVs.

Instead, the air board said the six largest automakers must sell nearly 60,000 hybrid vehicles while they develop the more advanced technology that will allow mass production of pure zero-emission vehicles.

Only when the state mandates more pollution-free cars on the road can it encourage a serious level of investment in fuel-cell and battery technology and the kinds of infrastructure both technologies need to make pollution-free cars commercially viable.

Fuel cell-powered ZEVs would have needed hydrogen fueling stations and battery-powered ZEVs would have needed charging stations. Those kinds of infrastructure won't be developed or built now that the state has cut back its ZEV mandate.

Car companies have had the know-how for decades to build pollution-free cars.

Recognizing that, California regulators first required car companies to produce ZEVs in 1990. Back then, CARB required that 10 percent of cars sold in California by 2003 be pollution-free. In the 18 years since that first aggressive mandate was imposed, the state has steadily weakened its commitment.

Every retrenchment has been a blow, not just to automakers who invested in innovations, but to the battery industry and those who sought to invest in fuel-cell technology. With the air board's decision, urgently needed investment in clean technology will dry up once again.

When the state air board first mandated ZEVs, California was only seeking a way to reduce air pollution. Since then, the global-warming crisis and man's contribution to it has become more widely recognized and understood.

California has already enacted a historic law that seeks to reduce greenhouse gas emissions, a major contributing factor to global warming. Pollution-free cars, ZEVs, could have played a crucial role in reaching the state's goal of reducing greenhouse-gas emissions.

For the state air board to pull the plug on ZEVs sends exactly the wrong message.

[Sacramento Bee Editorial, Thursday, March 27, 2008](#)

### **Editorial: Don't cut requirement for zero-emission vehicles**

The California Air Resources Board is set to vote Friday on a staff proposal to substantially reduce the number of zero emission vehicles, or ZEV, the six major car companies would have to produce for California by 2014.

To keep its long-term goal of cleaning the air and to achieve more recent mandates to reduce global warming gases, the board should reject its staff recommendations and stand by its ZEV commitment.

Pure ZEVs are cars that produce no tailpipe pollution. They are usually powered by batteries or by fuel cells. Under current rules, car companies are required to produce 25,000 ZEVs between 2012 and 2014. CARB's staff wants that number reduced by 90 percent, to just 2,500.

To make up for the ZEV reduction, the staff proposes to increase by 75,000 the number of partial zero emission vehicles that car companies would have to produce. These are primarily plug-in hybrids, cars that run on both batteries and gasoline.

Plug-in hybrids are a good automotive innovation. They are not pollution-free, but they use less gasoline than current hybrids. The board is right to encourage their development. But it should not do so at the expense of pure ZEVs.

Only when the state mandates more pollution-free cars on the road can it encourage a serious level of investment in fuel cell and battery technology and the kinds of infrastructure both technologies need to make pollution-free cars commercially viable. Fuel cell-powered ZEVs will need hydrogen fueling stations and battery-powered ZEVs will need charging stations. Those kinds of infrastructure won't be developed or built if the state cuts back its ZEV mandate.

Car companies have had the know-how for decades to build pollution-free cars. Recognizing that, California regulators first required car companies to produce ZEVs in 1990. Back then, CARB required that 10 percent of cars sold in California by 2003 be pollution-free. In the 18 years since that first aggressive mandate was imposed, the state has steadily weakened its commitment.

Every retrenchment has been a blow, not just to automakers who invested in innovations, but to the battery industry and those who sought to invest in fuel cell technology. If the air board goes along with its staff recommendation to cut ZEV requirements by 90 percent, urgently needed investment in clean technology will dry up once again.

Such investments are needed more than ever. When the state air board first mandated ZEVs, California was seeking a way to reduce air pollution. Since then, the global warming crisis and man's contribution to it has become more widely recognized and understood.

California has enacted a historic law that seeks to reduce greenhouse gas emissions, a major contributing factor to global warming. Pollution-free cars, ZEVs, can play a crucial role in reaching the state's goal of reducing greenhouse gas emissions.

For the state air board to pull the plug on ZEVs at this point sends exactly the wrong message. The board should reject its staff recommendations and keep the pressure on car companies to produce cars that don't pollute our air or contribute to global warming.

[Lewis Griswold, Fresno Bee, Saturday, March 29, 2008:](#)

### **Getting in sync can save time, gasoline**

It's practically a running joke among Visalia City Council members and city staffers that Council Member Don Landers harbors a special annoyance of traffic lights that aren't synchronized. At every opportunity, he urges that more signals in Visalia be synchronized.

Landers now has extra ammo for his cause: Synced sigs save gas.

TPG Consulting in Visalia evaluated 12 traffic signals on Caldwell Avenue for the city. It calculated that if traffic signals on Caldwell were properly synchronized, "a savings of 17,595 gallons of gas will be realized" each year. At today's gas prices, that's \$61,600.

That's not all.

There would be less pollution from idling cars and it would save 4,590 hours of driver time per year waiting for the light to change.

Landers can relate. His Chevy Tahoe has a real-time miles-per-gallon meter.

"You go from stoplight to stoplight, you can see the miles per gallon go down. The cost is tremendous," Landers said.

The retired cop also has a pet theory, unproven, that unsynchronized lights cause drivers to try to get through the yellow lights before they turn red, or even after they turn red.

"It's causing traffic accidents," Landers said.

At any rate, armed with the new numbers, the city will apply for state money to synchronize the lights on Caldwell on grounds that it would save the air. The city has a good chance to get the funds, but there's competition with the big cities for that money, said Public Works Director Andrew Benelli.

[Guest Commentary, Modesto Bee, Friday, March 28, 2008:](#)

### **Chamber a supporter of flexible work hours measure**

By Joy Madison

The Modesto Chamber of Commerce supports Assembly Bill 2127, which will allow employees and employers flexibility in work schedules. It will help accommodate workers' diverse family obligations, personal pursuits, commuting issues and environmental concerns.

The Small Business Family Scheduling Option would allow a small employer to agree to an employee's request to work an alternative work schedule. This bill applies exclusively to businesses with 25 or fewer employees that are not covered by a collective bargaining agreement.

Union employees and their employers would not be affected by the new options being offered in AB 2127. If a small employer enters into a collective bargaining agreement subsequent to entering into an alternative workweek agreement, the California Labor Code mandates the collective bargaining agreement would apply instead.

Under current labor laws, and following Industrial Welfare Commission wage orders, employers can institute alternative work schedules only if a supermajority of affected employees agree to the arrangement by secret ballot. Then, all employees in the unit are subject to the alternative scheduling. Any deviation from the rigidly controlled process voids the election and subjects the employer to potential lawsuits that can seek up to three years of back overtime pay for affected workers, along with huge penalties and fines.

The bill contains important employee protections:

The request must be made voluntarily by the employee and put in writing.

The employer is required to maintain a copy of the written agreement for three years beyond termination of the agreement.

Either the employee or the employer can revoke the agreement at any time, provided seven days written notice is given.

Any hours worked beyond the compressed workweek hours must be paid at normal overtime rates.

The employer is prohibited from reducing the employee's regular rate of pay as a result of adopting an alternative work schedule.

There are many benefits of the Small Business Family Scheduling Option, including:

Providing up to 50 extra nonwork days each year for the average full-time employee who works a compressed four-day workweek

Satisfying employee demands for flexible schedules

Reducing traffic and frequency of long commutes at peak hours, which diminish our quality of life. These employees can spend less time in their car and more time at home.

Reducing carbon emissions with fewer trips to the workplace. The California Air Resources Board Economic and Technology Advancement Advisory Committee draft report suggests that flexible working hours would result in a 10 percent reduction in emissions if 10 percent of employees use the schedule. Traffic congestion and emissions of priority air pollutants also would be reduced.

A more flexible work life is good for your health. Researchers reported in the Journal of Occupational and Environmental Medicine that if people have the ability to compress workweeks, they are more likely to make healthier lifestyle choices, to exercise more and to sleep better.

For these and other reasons, the Modesto Chamber of Commerce supports AB 2127.

Madison is the president and chief executive officer of the Modesto Chamber of Commerce.

[Note: The following clip in Spanish discusses Earth Justice's lawsuit against EPA. For more information on this or other Spanish clips, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Demandan otra vez ambientalistas de California a la EPA**

Noticiero Latino

Radio Bilingüe, Thursday, March 27, 2008

La organización ambientalista, EarthJustice presentó una nueva demanda contra la Agencia federal de Protección Ambiental (EPA, por sus siglas en inglés), a la que acusó de indiferencia por los problemas que pudiera causar la contaminación del aire a los residentes del Valle de San Joaquín en California.

La demanda, ante la Novena Corte de Apelaciones en San Francisco fue presentada a nombre de la organización internacional, Sierra Club, y de médicos organizados que exigen mejor calidad del aire en el Valle.

EarthJustice dijo al tribunal que las autoridades federales decretaron erróneamente que el aire en la región cumple con los requisitos que protegerían la salud de los residentes.

[Note: The following clip in Spanish discusses California ARB lowers zero-emission vehicle requirement.](#)

### **Cambia California reglas a la industria automotriz en cero emisiones**

Noticiero Latino

Radio Bilingüe, Friday, March 28, 2008

La Oficina estatal de Recursos del Aire de California redujo ayer las exigencias que originalmente había impuesto a la industria automotriz para controlar la contaminación vehicular, la que causa más deterioro al aire en el estado.

Dicha oficina bajó de 25 mil a siete mil 500 el número de vehículos que consuman combustibles anticontaminantes o alternativos a la gasolina, que se vendan en California durante los próximos seis años.

Asimismo impuso que la industria automotriz venda en California unos 58 mil autos híbridos y eléctricos anuales como fecha límite para el año 2014.

Es la primera revisión que California hace a su política de cero emisiones contaminantes después de casi dos décadas de haberla aprobado.