

## **City to expand bus service to Madera Center**

By The Madera Tribune

Madera Tribune Saturday, January 10, 2009

The city is increasing its bus service to make travel easier for students and clients of the Madera Center Community College.

"It was a real joint effort," said Cris Monahan Bremer, director of marketing and communications at the college. "We've always known we had the need."

Robert Holman the city's transit program manager said that they had tried to increase services in the past but didn't get the response they had hoped for. However there is more confidence this time.

"We're receiving a grant from the San Joaquin Valley Air (Pollution Control) District so that fares will be half price," he said.

*Note: The above article has been shortened by the publisher from its published form in The Madera Tribune newspaper.*

## **Stepping into action**

### **New city council member Montano wastes no time**

By David Witte, Editor

Reedley Exponent Wednesday, January 14, 2009

New Parlier city council member Juan "Johnny" Montano went right to work after being sworn in along with incumbent Raul Villanueva Jan. 7 at Parlier's City Hall.

Montano volunteered as the city's appointee to the San Joaquin Valley Air Pollution Control District's special selection committee, which will appoint the district's control board.

Montano also had questions during the council comments section of the agenda for Parlier police chief Ishmael Solis about what direction the police department is headed after the failure of Measure S, the city's proposed safety tax which fell short of its required two-thirds vote in November's general election.

"I want to help my district," Montano said about his ready involvement. "I would like to be able to make a difference."

Montano, who won his council seat by a single vote, wasn't putting Solis on the spot or anything, but his admitted focus for his time on the city council is public safety, and was curious what direction the police department would take now that the extra income is off the table.

"That was going to bring in about \$900,000," Solis told him. "That would have given us three new officers, and 24-hour service at the fire department."

Solis added that the committee for Measure S will stay together, and is already working toward the next election. In its absence, he said the department would be looking for more grants, though a lot of them have dried up in the uncertainty of the state's finances.

"We're getting cut back on a lot of grants," Solis told Montano. "It all depends on the economic status of the state."

## **Local dairyman wins conservation award**

By Seth Nidever

Hanford Sentinel, Thursday, Jan. 14, 2009

Some cutting-edge farming practices have earned Dino Giacomazzi an award from the University of California and the U.S. Natural Resources Conservation Service.

The award, announced last week, recognizes Giacomazzi for conservation tillage on his dairy east of Hanford.

On half of the approximately 600 acres he grows feed crops on, Giacomazzi uses a system that reduces the number of tractor passes but gives the same or greater yields.

When most dairy farmers switch from winter crops to summer crops, they tear up the entire field, disc then entire field, and then prepare the entire field for planting.

Giacomazzi method is to leave the winter crop stubble on the ground and only till in narrow rows where he plants the corn.

The cost saving goes with the environmental benefits of less diesel pollution and less disturbing of the soil, which is thought to release carbon that contributes to global warming.

Carbon in the soil is also tied to fertility, according to Jeff Mitchell, UC Cooperative Extension vegetable crops specialists.

The primary environmental benefit, Giacomazzi said, is less diesel emissions and less dust.

"I guess I'm honored that they thought of me for the award, but at the same time, I'm not doing it for the awards," Giacomazzi said. "I'm doing it because there's an economic benefit and also an environmental benefit."

He began the practice on a small section of his farm in 2005 to see how it would work.

The next year he expanded the pilot program to include three different strip till instruments, strip-till corn varieties and different planting configurations, including double-row corn instead of single-row corn.

In 2007 and 2008, he hosted field days where he invited farmers out to see the method first-hand.

Giacomazzi called strip tillage a "radical change" from traditional farming practices.

"The systems that Dino has pioneered and refined ... they're essentially quite new for the Valley," said Mitchell. "We're at the very beginning of this kind of transformation."

Factors that keep farmers from switching to the new method include traditional conservatism in ag and uncertainty about the effectiveness of the practice, according to Mitchell.

Giacomazzi has slowly expanded the practice on his acreage. He says he's moving toward 100 percent conservation tillage.

He believed he's helped by the inherent fertility of the soil on his farm, a dairy that's been continuously operated since 1893.

The same system might not work as well for Westside farmers with different soil properties, Giacomazzi said.

"I hope that people will look at what I'm doing and see what the benefits are," he said.

## **Florez reorganizes state's Senate ag committee**

By Seth Nidever

Hanford Sentinel, Thursday, Jan. 14, 2009

Dean Florez, Kings County's Democratic state senator and Senate majority leader, sees agriculture shifting away from mass production toward smaller farming, local consumption and food safety issues. He went so far as to call the industrial food system "broken." Many local growers say it's working just fine.

Florez, newly-appointed head of the Senate Committee on Food and Agriculture, unveiled his vision for agriculture Tuesday in a reorganization of the committee that will force it to focus more on food safety, consumer safety, the locally grown movement and organic farming.

"I think we can make California ag more competitive if we just talk about more products being sold locally," Florez said.

But Kings County producers say the soil types here, and the world market for products, often demands efficient, large-scale production that doesn't always fit the small, organic-farmer-who-knows-his-customers model.

And they believe that current practices are sustainable.

"I think we're very responsible in the way that we operate, but apparently (Florez) doesn't see it that way," said Tim Larson, president of the Kings County Farm Bureau.

Diana Peck, executive director of the farm bureau, expressed concern about the committee's makeup.

"When you allow uninformed urban dwellers to allow their opinions to weigh so heavily on the ag sector, that's when we get into dangerous areas," Peck said.

Florez acknowledged opposition to his views among many producers.

But he pitched it in terms of appealing to urban consumers who he thinks want to know where their food comes from, how it is produced and whether it is done safely.

The committee will spend time focusing on food safety issues that have been raised, he said, by the 2006 E. coli outbreak in spinach and other scattered salmonella issues.

The committee reorganization makes it a "little bit more urban," Florez said.

"How do we remain competitive, but at the same time recognize that there is a changing market for how people view their food today?" he asked.

Peck said that ag policy should be decided by trained specialists from agriculture and not "uninformed consumers."

She said the farm bureau seeks to educate urban residents through a program that brings teachers to Kings County to see how growers operate.

"I believe that farmers want to educate the urban city dweller," she said.

Florez said he expects more oversight hearings and a "lot of interesting discussions on bills" in the newly organized committee.

He also suggested that he might challenge the milk pool, a consortium-based pricing system that has angered some smaller dairy owners who say it is unfairly weighted toward larger operations.

Many local producers remain skeptical of Florez, who generated bad blood over a bill he sponsored in 2003 that made farmers subject to air-pollution regulations.

"I feel a lot better about Danny Gilmore," Larson said.

Gilmore, the newly elected state assemblyman for Kings County, was endorsed by the farm bureau.

## **Kern graded dismally for second-hand smoke protection**

By Stacey Shepard, Californian staff writer

Bakersfield Californian, Thursday, Jan. 15, 2009

A lack of restrictions on smoking in parks, outdoor dining areas, housing complexes and on sidewalks earned Kern County poor marks in the American Lung Association's most recent report card on efforts in California to protect the public from second-hand smoke.

Unlike other areas of the state, the report found that no local ordinances exist to restrict smoking in outdoor areas or multi-unit housing.

"We are one of the only, if not the only, metropolitan areas in California without some kind of an outdoor smoking ordinance, such as restricting smoking in parks," said Sharon Borradori, a spokeswoman for the association's local office. "We haven't been able to budge the supervisors on that one."

Local tobacco advocates were unable in 2007 to convince the Board of Supervisors to expand a state law that prohibits smoking in park playgrounds to include park picnic areas and athletic fields. Most supervisors didn't feel further regulation was necessary.

Some municipalities did earn points for requiring cigarettes vendors to obtain a license. The report gave credit for such laws to unincorporated Kern County, Wasco, Tehachapi, McFarland, Delano and California City for such laws, which all earned overall grades of D.

The rest — Arvin, Bakersfield, Maricopa, Shafter and Taft — received Fs.

### **Taft launches effort to 'go green'**

The Bakersfield Californian, Wednesday, Jan. 14, 2009

The city of Taft wants to go green and is using a Pacific Gas and Electric Co. program to offset greenhouse gas emissions.

Through ClimateSmart, the city expects to offset more than 1 million pounds of carbon dioxide per year.

The program helps customers neutralize greenhouse gas emissions associated with energy use.

ClimateSmart customers pay a separate amount on utility bills to remove harmful gases from the air or avoid equivalent carbon dioxide associated with energy use.

An 11 a.m. Thursday news conference is planned to announce Taft's participation. The event is at Taft City Hall, 209 E. Kern St.

### **Schwarzenegger plans upset environmental groups**

By Samantha Young, Associated Press Writer

In the S.F. Chronicle, N.Y. Times and other papers, Thursday, January 15, 2009

Sacramento, Calif. (AP) -- Like any head of state managing a severe budget crisis, Gov. Arnold Schwarzenegger has withstood criticism from all the usual suspects — lawmakers from both parties, anti-tax groups, advocates for the poor.

Now he's feeling heat from a group that has been among his staunchest allies: environmentalists.

As Schwarzenegger and lawmakers struggle to contain a ballooning deficit, he has insisted that any budget deal include a provision suspending state environmental review for certain public works projects.

The governor said that would fast-track infrastructure projects and put Californians back to work quickly. He said his proposal would accelerate construction on 10 road projects around the state, noting at a recent news conference: "It's about jobs, jobs, jobs."

His demand has been one of the main sticking points in budget negotiations that so far have failed to produce a solution to the state's deficit, despite three special legislative sessions. California's shortfall is expected to reach nearly \$42 billion by June 2010 unless lawmakers act to close it.

Last week, Schwarzenegger vetoed a Democratic budget proposal, in part because it lacked the environmental rollbacks he and many in the business community desire.

Schwarzenegger also has asked President-elect Barack Obama to exempt road construction from key federal environmental reviews as part any congressional economic stimulus package.

Democrats who oppose the scope of the governor's demand contend the projects exempted from environmental review would fail to boost the economy quickly, while environmentalists are outright puzzled by his position. They have considered Schwarzenegger an ally because of his crusades against global climate change and his advocacy of alternative energy.

"The demand by the governor to do an end-run in environmental laws just flies in the face of his environmental agenda," said Ann Notthoff, California advocacy director at the Natural Resources Defense Council.

The governor's spokesman, Aaron McLear, said Schwarzenegger has earned his reputation as a defender of the environment.

"To suggest he is anything less than one of the most passionate protectors of the environment is laughable," McLear said.

Two of the freeway projects Schwarzenegger wants to fast-track through environmental exemptions have been the subject of legal battles over air pollution concerns.

One is a freeway expansion in the Sacramento area that was blocked last year by a judge because the state failed to analyze the potential effects of the added lanes on greenhouse gas emissions.

Schwarzenegger's budget proposal would override the judge's ruling.

Tom Adams, president of the California League of Conservation Voters, said the governor should not try to subvert long-standing practices for reviewing public works projects.

"We have created a separate branch of government so these disputes are decided on the facts and the law in a way that's isolated from the political process," he said. "It's completely inappropriate for the administration to go to the political branch and have them start meddling in a lawsuit."

Schwarzenegger has argued that if he and lawmakers raise state taxes, they must also employ an economic stimulus to jump-start job growth.

California's unemployment rate, at 8.4 percent, is among the highest in the nation. He and other Republicans say the state's economy will deteriorate further if the government doesn't take swift action, including faster work on road projects.

"We want to build the roads in the next two or three months without any delays of red tape and environmental holding back and lawsuits that hold you up for another two, three years," Schwarzenegger said.

Exempting the projects from the California Environmental Quality Act would accelerate construction timetables from five months to a year and put roughly 21,000 people to work earlier, said Will Kempton, director of the California Department of Transportation.

The administration also wants to speed permitting for the projects and create a special panel of cabinet members that could override or modify environmental conditions imposed by wildlife agencies or air pollution regulators.

Without those changes, most of the projects wouldn't start until 2010, Kempton said.

The Legislature has authorized environmental exemptions for levee projects in the past, but Democrats warn that what Schwarzenegger is seeking would set a harmful legal precedent and do little to solve the state's long-term financial crisis.

"We are not willing to say that a member of the public has no opportunity to challenge the environmental finding of a state agency," said Senate President Pro Tem Darrell Steinberg, D-Sacramento.

## **Exemptions sought by administration**

The Associated Press

In the Merced Sun-Star, Contra Costa Times and other papers, Thursday, Jan. 15, 2009

Gov. Arnold Schwarzenegger is asking the Legislature and President-elect Barack Obama to relax environmental laws on 10 road projects in California. His administration says the exemptions would accelerate construction and put some 21,000 people to work in 2009.

He also wants a special cabinet panel that could override or modify environmental conditions imposed by wildlife agencies or air pollution regulators.

Here are the 10 projects the governor would like to put on the fast track:

#### Highway 50 in Sacramento County

- Description: \$165 million to add bus and car pool lanes.
- Fast-track plan: Relief from the California Environmental Quality Act so the project can begin this summer, two years earlier than anticipated.
- Background: A state judge last year ruled that California officials failed to analyze the greenhouse gas emissions that would be caused by the project. The Schwarzenegger administration wants to override that ruling and begin construction.

---

#### Caldecott Tunnel in Alameda County

- Description: \$420 million to add fourth tunnel on Highway 24 to relieve traffic congestion.
- Fast-track plan: Exempt from the California Environmental Quality Act. A permit is required under the California Endangered Species Act for impacts to habitat of the Alameda whip snake. Shield the tunnel from future litigation.
- Background: A state judge is expected to issue a ruling next month on a challenge that the project would increase traffic and possibly deter plans to expand public transit. The CalTrans Web site says construction is scheduled to begin this summer.

---

#### Highway 101 in Santa Clara County

- Description: \$63 million to improve Highway 101 from Interstate 280 to Yerba Buena Road.
- Fast-track plan: Shield from future litigation.

---

#### I-805 in San Diego

- Description: \$102 million to add High-Occupancy Vehicle lanes and work on Carroll Canyon access ramp.
- Fast-track plan: Exemption and expedited permit would move construction from late 2009 to mid-2009. Shield from future litigation.
- Background: Needs a permit from the California Coastal Commission, federal endangered species permit and rights-of-way.

---

#### Highway 99 in Tehama County

- Description: \$6.4 million for improvements from Orange Street to Tehama Vina Road.
- Fast-track plan: Shield from future litigation.

---

#### Highway 99 in Fresno County

- Description: \$32 million to widen road from Ashlan Avenue to Grantland Avenue.
- Fast-track plan: Exempt from the California Environmental Quality Act. Shield from future litigation.

---

#### Highway 99 in San Joaquin County

- Description: \$108 million to widen from four to six lanes in Manteca
- Fast-track plan: Exempt from the California Environmental Quality Act and the National Environmental Policy Act. Shield from future litigation.
- Background: Needs permits from state Department of Fish and Game, California Water Quality Control Board and Central Valley Flood Protection Board.

---

#### Highway 12 in San Joaquin County

- Description: \$50 million for better pavement.
- Fast-track plan: Exempt from the California Environmental Quality Act and the National Environmental Policy Act. Shield from future litigation. Exemption and expedited permits would move construction from late 2012 to late 2009.
- Background: Needs permits from state Department of Fish and Game, California Water Quality Control Board and U.S. Army Corps of Engineers. Also requires a federal Endangered Species permit.

---

#### Highway 101 in San Luis Obispo

- Description: \$50 million for better pavement.
- Fast-track plan: Exempt from the California Environmental Quality Act and the National Environmental Policy Act. Shield from future litigation. Exemption and expedited permits would move construction from mid-2012 to late 2009.
- Background: Needs permits from state Department of Fish and Game and California Water Quality Control Board. Might need federal permit under Endangered Species Act.

---

#### Highway 101 in San Francisco County

- \$220 million to reconstruct Doyle Drive.
- Fast-track plan: Shield from future litigation.
- Background: Needs permits from the state Department of Fish and Game, Regional Water Quality Control Board and U.S. Army Corps of Engineers.

**Source: California Department of Transportation documents.**

### **EPA nominee to reconsider California waiver**

Zachary Coile, Chronicle Washington Bureau  
Thursday, January 15, 2009

Washington - - Lisa Jackson, President-elect Barack Obama's pick for EPA administrator, said Wednesday she would immediately revisit the Bush administration's decision to block California and 18 other states from setting tough limits on greenhouse gases from vehicles, and she hinted strongly that she will overturn it.

Democrats on the Senate Environment and Public Works Committee pressed the 46-year-old former head of New Jersey's Department of Environmental Protection to follow through on Obama's campaign pledge to approve California's request for a waiver from EPA so that the states can enforce the rules under the Clean Air Act.

"I will review the waiver decision, if I'm confirmed, very, very aggressively very soon after confirmation," Jackson told lawmakers. "I will let science be the guide in making the decision and the rule of law."

The Bush administration caused outrage in December 2007 when EPA Administrator Stephen Johnson overruled the opinion of the agency's legal and technical staff and rejected California's request. Lawmakers saw Jackson's comments as a signal she would side with the EPA staff when she takes up the issue.

"When you say science and the rule of law, you know, it sounds funny that it would be such music to our ears," said California Sen. Barbara Boxer, who chairs the Environment and Public Works Committee. "Because for eight years, a lot of us don't believe there was science or the rule of law involved in the decisions at EPA."

### **Rules affect U.S. auto fleet**

Jackson's decision will have ripple effects across the country because the new rules would cover at least half of the U.S. auto fleet. California's rules require a 30 percent reduction in greenhouse gas emissions from cars and trucks by 2016. Automakers oppose the regulations, which would force them to modify their fleets to raise fuel efficiency.

There was little doubt that Jackson would be sympathetic to California's position: Her home state of New Jersey was one of the early states to embrace California's rules, and her former boss, New Jersey Gov. Jon Corzine, signed legislation last year mandating cuts in greenhouse gas emissions across industries.

But Jackson's testimony was another sign that California's adversarial relationship with EPA and the White House over environmental policy over the last eight years is about to change dramatically as Obama's nominees begin to take charge.

The state also is likely to get a boost from Obama's nomination of Nancy Sutley, the Los Angeles deputy mayor for energy and the environment, to chair the White House Council on Environmental Quality, which coordinates policy in the West Wing.

Sutley, who also appeared before Boxer's committee Wednesday, has been a major proponent of the state's climate policies as a former deputy secretary of the California Environmental Protection Agency and a top energy adviser to former Democratic Gov. Gray Davis. She also served six years at EPA, much of it in the San Francisco regional office.

### **Adviser on warming**

Sutley told lawmakers that her role would be to advise Obama on key policies on energy and global warming and help coordinate efforts between the White House, Congress and the agencies.

"The president-elect recognizes that energy and climate change is truly one of the great challenges of our day, and how we resolve this is going to take the creativity and thought of a lot of people throughout the executive branch and working with the Congress," Sutley said.

While Democrats in Congress are preparing to move comprehensive climate legislation again this year, its prospects are uncertain. But Jackson said the EPA may begin to make climate policy even sooner in response to court rulings. The agency must decide soon whether carbon dioxide endangers human health, as required by the Supreme Court's decision in the 2007 Massachusetts vs. EPA case.

"When EPA makes a decision on endangerment ... it will indeed trigger the beginnings of regulation of CO<sub>2</sub> for this country," Jackson said. She predicted that "there will be an extraordinary burst of activity" on global warming policy this year.

### **GOP urges slow going**

Republicans urged a go-slow approach on new regulations on greenhouse gases, which they warned could hurt the economy and Americans' standard of living. Sen. John Barrasso, R-Wyo.,

asked Jackson to explain "how this is dramatically going to impact people - how we travel, what we eat, how we heat our homes, how much we drive - all in the effort to address climate change?"

Jackson said the new administration would push Americans toward an era of energy efficiency. "It's our responsibility, I believe, to give them choices - to give them efficient homes to buy or rent to give them the ability to cut down on their energy uses, to give them vehicles that allow them choices, that move us toward addressing climate change emissions," she said.

Jackson and Sutley appear headed toward relatively painless confirmations. Republicans on the panel said Wednesday that both nominees are well qualified, and Boxer said the Senate could confirm them as early as Inauguration Day.

## **E.P.A. Pick Vows to Put Science First**

By John Broder

N.Y. Times, Wed., January 14, 2009

WASHINGTON – Lisa P. Jackson, chosen to head the Environmental Protection Agency, said at her confirmation hearing Wednesday morning that her first task would be to restore scientific and legal integrity to an agency battered by charges of political interference and coziness with industry.

But she evaded questions on whether as administrator of the E.P.A. she would immediately grant authority to California and 16 other states to regulate vehicle tailpipe emissions, promising only a speedy review of the issue. Nor did she directly answer questions on whether and how the agency would address regulation of carbon dioxide under the Clean Air Act, an authority granted the E.P.A. by the Supreme Court in 2007.

The Bush administration has declined to act on either matter.

Her promise to be guided by science and the law was an implicit rebuke of the management of the E.P.A. under President Bush, where career officials' recommendations were sometimes ignored in decisions regarding lead in the air, arsenic in water, and carbon dioxide in the atmosphere.

"Science must be the backbone of what E.P.A. does," Ms. Jackson said in her opening statement to the Senate Environment and Public Works Committee. "If I am confirmed, I will administer with science as my guide. I understand the laws leave room for policymakers to make policy judgments. But if I am confirmed, political appointees will not compromise the integrity of E.P.A.'s technical experts to advance particular regulatory outcomes."

Ms. Jackson, 46, holds degrees in chemical engineering from Tulane University and Princeton University. She worked as a career employee at E.P.A. for 15 years and most recently served as head of New Jersey's Department of Environmental Protection, Senator Barbara Boxer, chair of the committee, said she had waited a long time for new leadership at the environmental agency. "E.P.A. works for the American people and in my view we have seen it hurt the American people these past eight years," she said. The agency, she added, "needs to be awakened from a deep and nightmarish sleep."

Ms. Jackson said that President-elect Barack Obama believes that sound stewardship of the environment can co-exist with economic growth. "Done properly," she said, "these goals can and should reinforce each other."

She said that the new administration's environmental priorities would be curbing global warming, reducing air pollution, cleaning up hazardous waste sites, regulating toxic chemicals and protecting water quality.

Republicans on the committee expressed concern that Ms. Jackson would try to do too much at E.P.A. Senator John Barrasso, the newly-elected Republican from Wyoming, cautioned Ms. Jackson against using the Clean Air Act to regulate carbon dioxide and other greenhouse gases.

"Ranchers and miners in Wyoming know that addressing climate change through the Clean Air Act is a disaster waiting to happen," he said.

That drew a rebuke from Ms. Boxer, who said that Mr. Barrasso had not read the Clean Air Act or did not accept Supreme Court decision giving the E.P.A. power to regulate carbon dioxide under it.

The ranking Republican on the committee, Senator James Inhofe of Oklahoma, noted that former Vice President Al Gore and many other experts of global warming had suggested that a tax on carbon would be a more effective means of reducing carbon emissions than a cap-and-trade system like the one advocated by President-elect Barack Obama.

Ms. Jackson said that it was a legitimate subject for debate, but that she would support Mr. Obama's preference for cap-and-trade, under which a limit is set on emissions and polluters must buy or trade permits to meet it.

Mr. Inhofe also made Ms. Jackson promise to read a speech he delivered on the Senate floor last week, citing a number of scientists and other experts who question the consensus view on global warming.

Mr. Inhofe left Ms. Jackson, a native of New Orleans, with a warning. "This job is no Mardi Gras," he said. "This job is really tough."

After committee members finished questioning Ms. Jackson, they turned to the appointment of Nancy Sutley, 46, currently deputy mayor of Los Angeles for energy and environment, to chair the White House Council on Environmental Quality.

Ms. Sutley told the committee that she intended to move the nation toward reliance on cleaner forms of energy, to protect public health and to combat global warming. She did not detail how she, Ms. Jackson and Carol Browner, the designated White House coordinator for energy and the environment, would divide their responsibilities. Ms. Browner's post does not require Senate confirmation.

Senator Boxer said she expected the committee to vote favorably on both nominees on Inauguration Day or shortly thereafter.

## **Nominee Signals Big Changes For EPA Confirmation Hearing Held**

Washington Post, Thursday, January 15, 2009

At the outset of Lisa P. Jackson's confirmation hearing yesterday to be Environmental Protection Agency administrator, Sen. John Barrasso (R-Wyo.) said many of his constituents fear that the incoming Obama administration will use existing laws to enact broad environmental rules.

"All fear for their economic future in today's political environment," he told Jackson and Nancy Helen Sutley, who is in line to chair the White House Council on Environmental Quality.

"Ranchers and miners know that addressing climate change through the Clean Air Act is a disaster waiting to happen. That's something Congress never intended."

In her response a couple of hours later, Jackson agreed she would consider applying existing laws to issues that were not on the agenda 30 years ago when Congress passed them. The laws, she told Barrasso, "were meant to address not only the issues of today, but the issues of tomorrow."

The 4 1/2 -hour hearing before the Senate Environment and Public Works Committee underscored the dramatic shifts that could occur at the EPA and CEQ if Jackson and Sutley, as expected, are confirmed. While Jackson shied away from specifying what steps she would take upon beginning the job, the former head of New Jersey's Department of Environmental Protection said she would consider regulating coal ash waste from power plants in the aftermath of recent spills and take a more active approach toward other environmental concerns.

"Science must be the backbone of what EPA does," she said, adding that she aims to serve Americans who have suffered from "environmental negligence" such as the effects from untended

Superfund sites or the government's botched response to Hurricane Katrina. "They are my conscience."

Sen. Barbara Boxer (D-Calif.), who chairs the panel, pressed Jackson on whether she would back measures to start regulating carbon dioxide, such as a finding that CO2 emissions endanger public health and welfare and a waiver allowing California and other states to impose their own regulations on greenhouse gas emissions from automobiles. Boxer's staff even prepared a "Report on the Tools Available Under the Clean Air Act to Immediately Reduce Global Warming Pollution" outlining how Jackson could do so.

It would take time to finalize either of these measures, both of which outgoing EPA Administrator Stephen L. Johnson rejected, because the agency would have to conduct a rule-making process on each. But David Doniger, policy director for the Natural Resources Defense Council's climate center, said that both could be concluded within months, and that the private sector would feel the impact immediately.

Boxer told Jackson she might end up angering senators such as Barrasso, but that just meant she was tackling a pressing issue. "You're not going to make everybody happy," Boxer said. "That's for sure, because if you do, that means you're doing nothing."

That sort of activism, however, alarms business leaders such as U.S. Chamber of Commerce President Thomas J. Donohue, who told reporters last week that his group wants Congress to take the lead on climate regulation.

"We're better off with the Congress making those decisions rather than the independent regulators who have just arrived in town on a white horse and want to do good things," he said. But Frank O'Donnell, who heads the advocacy group Clean Air Watch, said he is optimistic that "an Obama administration will send a signal that it intends to use every power available to make progress on this critical issue until -- and even beyond when -- Congress takes action."

The waiver allowing California's tailpipe emissions law to go forward would affect half the U.S. auto market, Doniger said, adding that while a rule-making may take two to three months, "in political form, it's done the day it's announced."

Jeffrey Holmstead, who heads the environmental strategy section at the Bracewell & Giuliani law firm and is a former assistant EPA administrator for air and radiation, said making a finding that CO2 endangers public health could take a year or longer to finalize.

Even more daunting, he said, is the question of how EPA will apply a provision of the Clean Air Act that labels any emitter of 250 tons of a pollutant a year as a "major source" of pollution. When you apply that standard to carbon dioxide, he said, "any building in downtown Washington could be a major source."

## **After 8 years, a stunner: EPA nominee to put science first**

Renee Schoof - McClatchy Newspapers  
Merced Sun-Star, Thursday, Jan. 15, 2009

WASHINGTON — Lisa Jackson, President-elect Barack Obama's choice to run the Environmental Protection Agency, promised Wednesday to lead the agency "with science as my guide" and not to allow political appointees to trump the advice of EPA scientists.

Senators on the Environment and Public Works Committee bombarded Jackson with environmental issues, everything from climate disruption to coal ash disposal and new air-pollution rules.

Sen. Barbara Boxer, D-Calif., the committee's chairman, and other Democrats said that during the Bush administration the EPA listened to industry lobbyists instead of its own science staff and failed to impose regulations that were needed to protect Americans from toxic pollution and to reduce the emissions that caused global warming.

Boxer said the confirmation hearing for Jackson and Nancy Helen Sutley, Obama's choice to lead the White House Council on Environmental Quality, was a turning point for both agencies. "I've been waiting for this day for a long, long time," she said, but she added that the hearing was meant to focus on the future. "You're today and tomorrow," she said to Jackson.

Republican senators said they worried that the EPA would use the Clean Air Act or other laws to regulate emissions of carbon dioxide in excessive ways. Sen. James Inhofe, R-Okla., said that EPA decisions would determine "whether overzealous regulations pull us deeper into economic turmoil."

Jackson said Obama expected the EPA to uphold scientific integrity and the rule of law and to operate with openness.

Jackson and Sutley said Obama has said that it's possible to have a strong economy and a healthy environment at the same time.

Jackson also said she'd move toward regulations on carbon emissions in a "reasonable, thoughtful and deliberate" way.

"If I am confirmed, I will administer with science as my guide," Jackson said. "I understand that the laws leave room for policymakers to make policy judgments. But if I am confirmed, political appointees will not compromise the integrity of EPA's technical experts to advance particular regulatory outcomes."

Boxer said the EPA was a "shadow of its former self" and that people who worked there had said that morale was low because the expertise of EPA staff had been ignored. She told Jackson to assure the EPA's 17,000 employees that they were needed to protect health and the environment.

"With pleasure, Madame Chairwoman," Jackson said.

Jackson also promised to make sure that the EPA "right away" looks into how coal combustion waste from power plants is stored at hundreds of sites around the country.

The first priority is to look into wet storage, where coal combustion waste is mixed with water and piled up in ponds such as the one in Tennessee that gave way Dec. 22, inundating more than 200 acres with toxic sludge.

Places such as that with a "mountain of wet coal ash" can endanger lives, Jackson said.

As soon as the scope of the problem is clear, the EPA should decide whether it should impose federal regulations on storing the coal waste, she added. Coal ash contains lead, mercury, arsenic and other toxic metals, but there are no national standards for handling it.

When Sen. John Barrasso, R-Wyo., asked Jackson for her views on the future of coal, she said that coal supplied half of America's electricity now, but added that it's also the largest source of the greenhouse gases that cause global warming. She said there was a need to "move American ingenuity toward addressing it . . . if we're going to beat this climate change issue," because the United States, China and India all were likely to continue using coal.

Jackson also said that she'd immediately revisit the question of whether to grant California and other states the right to impose stricter vehicle-emissions standards, something that the EPA wouldn't do under President George W. Bush. Obama has said he'd sign such a measure, Boxer said.

Jackson worked at the EPA for 15 years and recently was the commissioner of New Jersey's Department of Environmental Protection.

Sutley, who'll be Obama's science adviser if she's confirmed, worked for the EPA for six years and was the deputy secretary of the California Environmental Protection Agency, an energy adviser to former California Gov. Gray Davis and a member of the state's Water Resources Control Board. Her most recent job has been the deputy mayor for energy and environment in Los Angeles.

The Council on Environmental Quality coordinates the federal government's environmental policies.

Sutley promised to "ensure that there is a strong science and policy basis for our environmental policy, to move the nation to greater reliance on clean energy and increase energy security, to

combat global warming while growing the green economy, to protect public health and the environment, especially in vulnerable communities, and to protect and restore our great ecosystems."

## **EPA nominee to focus on science not politics**

By Brad Heath and Blake Morrison

USA TODAY, Thursday, Jan. 15, 2009

WASHINGTON — The nation's environmental policies should be based on science, not interference from political appointees, President-elect Barack Obama's nominee to lead the Environmental Protection Agency told Senate lawmakers Wednesday.

"Science will be the backbone of what EPA does," Lisa Jackson, the nominee, testified before the Senate Environment and Public Works Committee. She added that decisions by the chief environmental watchdog will "reflect the expert judgment of the agency's career scientists and independent advisers."

Her comments follow repeated criticisms — by the committee's chairwoman, Sen. Barbara Boxer, D-Calif., and advocacy groups such as the Union of Concerned Scientists — that the Bush administration had given assessments by government scientists a back seat to political judgments. Her statements also pointedly suggested that she intends to break with some controversial EPA decisions of the past eight years.

At a wide-ranging confirmation hearing, Jackson won almost unanimous praise from lawmakers. Boxer said she hopes to "move quickly" to bring Jackson's nomination before the full Senate, where she could be confirmed as early as next week.

Jackson said cutting emissions of chemicals that contribute to global warming and other types of air pollution will be among the Obama administration's top five environmental goals. The others, she said, are cleaning up hazardous waste sites, protecting water quality and dealing with toxic chemicals.

"These five problems are tough, but so is our resolve to conquer them," Jackson said.

The confirmation hearing served partly as a forum for Democratic lawmakers to batter the EPA's conduct during the Bush administration. Sen. Sheldon Whitehouse, D-R.I., called the agency "a disgrace to our country." Boxer said the agency "has hurt the American people, made them less safe."

The panel's Republicans generally praised Jackson but criticized the new administration's plans to regulate carbon dioxide, linked to global warming. Sen. James Inhofe, R-Okla., warned that such regulations could further damage the economy.

Jackson also said the Obama administration would:

- Immediately assess hundreds of coal ash piles nationwide, following a pair of spills in Tennessee and Alabama.
- Revisit controversial EPA rules, including a decision by outgoing administrator Stephen Johnson that prevented California and other states from imposing their own limits on greenhouse gas emissions.
- Bolster the government's commitment to children's health.

## **EPA nominee pledges to address toxic hot spots around schools**

By Brad Heath and Blake Morrison

USA TODAY, Thursday, Jan. 15, 2009

WASHINGTON — President-elect Barack Obama's choice to head the Environmental Protection Agency promised Wednesday that she would deploy federal regulators to check air quality around schools in response to a USA TODAY investigation that identified hundreds of schools that appeared to be in toxic hot spots.

The nominee, Lisa Jackson, told members of the Senate Environment and Public Works Committee that she would "send investigators and samplers out to verify the extent of the problem" and "mobilize" agency efforts within 30 days of her confirmation. Parents, she said, "have a right to know their children are safe when they are in school."

Her pledge to the committee, which is considering her nomination, followed USA TODAY stories that used government data and the newspaper's own air monitoring to examine industrial pollution outside schools from coast to coast. Although EPA has collected data on the amount of toxic chemicals that industries release and created a computer model showing the path those chemicals travel, the agency has never analyzed the impact on schools.

The consensus among scientists is that children are especially susceptible to toxic chemicals, which can cause respiratory illnesses, cancer or other diseases.

USA TODAY identified 435 schools in locations where the air outside appeared more dangerous than at an Ohio elementary school shut down three years ago. That school, Meredith Hitchens Elementary, was closed after Ohio officials found carcinogens outside at 50 times what the state considers acceptable.

The committee's chairwoman, Sen. Barbara Boxer, D-Calif., insisted that Jackson promise to send EPA experts to schools in potential hot spots to address health risks. Boxer's staff displayed enlarged copies of USA TODAY's front page as she questioned Jackson.

"Do I have your commitment that... you will immediately ensure that EPA will quickly deploy its experts to schools where there is an indication that there is a threat from toxic air pollution?" Boxer asked. "USA TODAY did what investigative journalists do, which is to find a problem that needs answers," Jackson said. She pledged to get answers.

Jackson, 46, was head of New Jersey's state Department of Environmental Protection. She worked for the federal agency from 1987 to 2002. She could be confirmed as early as next week, after Obama's inauguration.

### **Coalition calls for action on climate**

By H. Josef Hebert, Associated Press  
N.Y. Times and other papers, Thursday, Jan. 16, 2009

WASHINGTON -- A coalition of 31 major corporations and environmental groups is presenting a blueprint to a House committee for combatting climate change.

The group calls for aggressive reductions of greenhouse gases "that can be achieved at manageable costs to the economy."

The proposal from the U.S. Climate Action Partnership is likely to be a key focus as Congress debates climate legislation in the coming months. It calls for an emissions cap-and-trade program that would result in an 80 percent reduction in greenhouse gases with about half of that to be achieved by 2030.

The coalition includes 26 major corporations, including some of the countries biggest electric utilities and oil companies, and five environmental organizations.

### **Spills put coal ash on Obama environmental agenda**

By Dina Cappiello, Associated Press Writer  
Contra Costa Times, Thursday, Jan. 15, 2009

WASHINGTON—Coal ash spilled onto Barack Obama's agenda Wednesday when his pick to run the Environmental Protection Agency spoke of possibly regulating the waste from coal-fired power plants.

Lisa Jackson promised at a Senate hearing to immediately assess the hundreds of coal ash disposal sites at power plants across the country in the wake of two spills in Alabama and Tennessee.

The EPA also will consider whether to regulate how the ash is stored, she said. The EPA recommended that in 2000, but the Bush administration did not act on the idea.

"The EPA currently has, and has in the past, assessed its regulatory options, and I think it is time to re-ask those questions," Jackson told the Senate Environment and Public Works Committee.

Coal ash ponds storing waste created by burning coal are not subject to federal regulations. Oversight of the roughly 300 ponds located in 32 states varies by state.

Since the spills at two plants operated by the Tennessee Valley Authority, several lawmakers have urged the EPA to regulate the disposal of ash as a solid waste. Others have asked questions about why the agency does not consider the ash to be hazardous waste even though it contains toxic ingredients.

The chairman of the House Natural Resources, Rep. Nick Rahall, D-W.Va., introduced legislation Wednesday that would direct the Interior Department to set uniform design and engineering standards for coal ash ponds at power plants. The agency has similar regulations for coal slurry ponds at coal mines.

Other lawmakers, including the Senate committee head, Sen. Barbara Boxer, D-Calif., say that is the EPA's job. "You have the authority to regulate this," Boxer told Jackson.

Jackson, a chemical engineer, was less definitive on other pressing issues, including global warming.

She assured lawmakers that EPA decisions will be based on science and the law, not politics. Her statement was a clear signal that Obama plans to take the agency in a different direction from the outgoing Republican administration, which sometimes overruled the EPA's own experts on global warming and other matters.

"Science must be the backbone of what EPA does," said Jackson. "EPA's addressing of scientific decisions should reflect the expert judgment of the agency's career scientists and independent advisers."

Oklahoma Sen. James Inhofe, the top Republican on the committee and a supporter of Bush administration policies, said "that was music to my ears."

"I hope that includes a recognition that science changes," said Inhofe, who readily publicizes research from global warming detractors.

The committee also considered heard from Nancy Sutley, Obama's choice to lead the White House Council on Environmental Quality.

Sutley said she would be the "voice for the environment in the White House." But when asked how her role would work with that of climate and energy chief Carol Browner, Sutley offered few details.

Senators, as expected, pressed Jackson for details on how the incoming administration plans to tackle global warming, hazardous waste sites and water pollution.

Jackson left the door open to using current laws to regulate the gases blamed for global warming. Republican say laws aimed at reducing air pollution and protecting endangered species should not be used to address climate change.

Environmental laws, she said, "were meant to address not only the issues of today, but the issues of tomorrow."

Obama has called for legislation to curb gas emissions blamed for global warming. It is unclear whether he will pursue a new law first or use existing ones to address the problem more quickly.

Echoing a promise made by Obama, Jackson said she would revisit the decision by Bush's EPA and consider allowing California and other states to regulate greenhouse gases from tailpipes.

If confirmed, Jackson, 46, would be the first black person to lead the EPA—an agency with 17,000 employees and a \$7 billion budget.

Before running New Jersey's Environmental Protection Department, Jackson worked at the EPA for 16 years.

Sutley, 46, is the deputy mayor for energy and environment in Los Angeles. She is the daughter of Argentine immigrants and is a gay rights activist. She also worked at the EPA during the Clinton administration.

---

On the Net:

Senate Environment and Public Works Committee: <http://epw.senate.gov>

Environmental Protection Agency: <http://www.epa.gov>

White House Council on Environmental Quality: <http://www.whitehouse.gov/ceq/>

## **TVA dispute kicks US debate on emissions forward**

By Mike Baker - Associated Press Writer

Merced Sun-Star, Thursday, Jan. 15, 2009

RALEIGH, N.C. -- North Carolina's victory forcing a major utility to control emissions from coal-fired power plants outside the state's borders shows the need for Congress and President-elect Barack Obama's administration to move quickly for a national standard, observers said Wednesday.

The state used a "public nuisance" legal premise to sue the Tennessee Valley Authority and won an order from a federal judge Tuesday to speed up efforts to clean emissions from four TVA plants upwind of North Carolina's scenic western mountains.

Legal experts said the case has implications nationwide as many states struggle to address such emissions and their role in global warming and the health of residents.

Bart Melton, a southeast program analyst at the National Parks Conservation Association, said the ruling opens the door for states to begin pointing fingers at specific utilities - both outside and inside their borders. He said Congress should provide a nationwide solution, instead of expecting the courts to resolve the disputes on a case-by-case basis.

"Now that it's been shown that (a lawsuit) can work, the tough fix is a flurry of litigation," Melton said. "Hopefully, the more positive result will be more action by Congress."

Sen. Tom Carper, a Delaware Democrat who chairs the Senate Subcommittee on Clean Air and Nuclear Safety, agreed that the ruling had implications for Washington.

"This court ruling shows it is time to revisit the Clean Air Act on both the regulatory and legislative fronts," he said in a statement.

Obama has called for legislation to curb emissions blamed for global warming, but it was not immediately clear how his administration would handle state concerns about cross-border pollution. His nominee to head the U.S. Environmental Protection Agency, chemical engineer Lisa Jackson, attended a Senate hearing Wednesday where she left the door open to using current laws to regulate the gases blamed for global warming.

Dan Riedinger, a spokesman for power industry trade group Edison Electric Institute, said utilities don't foresee many similar lawsuits, since everyone involved in the debate expects more stringent emissions regulations to come from the new administration and Congress.

Riedinger said it would be more efficient for the EPA to handle the issue because it already has the power to force cleaner power plants if they're emitting across borders.

North Carolina tried that before suing TVA, the nation's largest public utility, but its request to the EPA still hasn't been resolved. In his ruling Tuesday, U.S. District Court Judge Lacy Thornburg

acknowledged that the public nuisance law isn't well-suited for "implementing the sweeping reforms that North Carolina desires."

In the absence of changes from Capitol Hill or the EPA, experts said North Carolina's victory would add weight to other public nuisance lawsuits filed in a bid to shape clean air policy.

California has two major public-nuisance cases pending: one against auto companies and one against utility companies, targeting both for their alleged roles in global warming.

Ken Alex, senior assistant attorney general in California, called the North Carolina case and opinion "very interesting."

"We think that public-nuisance law is a very good tool in certain types of cases, and will undoubtedly be used in the future," Alex said.

North Carolina complained in its January 2006 lawsuit the TVA wasn't doing enough to control emissions from its 11 coal-fired power plants, creating a public nuisance that sullied its mountains and hastened the deaths of about 100 people each year.

On Tuesday, Thornburg ordered the four plants closest to North Carolina - three in Tennessee and one in Alabama - to complete the installation of emissions controls and meet specific emissions caps.

Thornburg denied forcing measures at seven other TVA plants located farther from the state line. TVA officials said Wednesday they were still analyzing the decision and hadn't decided whether to appeal.

"This certainly is a groundbreaking case and one that is important for the health and economy for our state," North Carolina Attorney General Roy Cooper said. "Many people will also view this as a positive step nationally because it holds a public utility accountable for its pollution."

### **BBC: Govt to approve 3rd runway for Heathrow**

The Associated Press

In the Merced Sun-Star, Contra Costa Times and other papers, Thursday, Jan. 15, 2009

LONDON -- The British government will approve plans to add a controversial third runway to London's chronically congested Heathrow Airport, the British Broadcasting Corp. said Wednesday.

The British government said it already has agreed in principle to add capacity at Heathrow if it does not lead to Britain violating European air pollution targets, but an official announcement was not due until Thursday. The BBC cited unidentified government sources in its report.

Telephone calls seeking comment from British Prime Minister Gordon Brown's Downing Street office late Wednesday were not answered.

Environmental groups are fiercely opposed to the proposed expansion, saying it makes a mockery of the British government's pledge to cut down on carbon emissions. Area residents are also upset at an increase in noise pollution and the loss of hundreds of family homes, if the runway project goes forward.

Proponents say the runway would allow Heathrow to keep its position as Europe's top travel hub and help create 65,000 new jobs. The airport already is the busiest airport in Europe by passenger volume, but limited capacity and overcrowding are threatening its position.

Britain's Cabinet has appeared divided over the issue, and last year a decision was delayed to give ministers more time to think it over.

The BBC said the additional runway would be part of a wider transport plan.

[Bakersfield Californian, Letter to the Editor, Thursday, Jan. 15, 2009:](#)

**Burned by 'no-burn' whiners**

Reading the near-daily whining from people prevented from striking a match to their logs really burns me.

Have these writers ever looked at their valley from the crest of the Grapevine? Ever read *The Californian's* Weather section and taken note of the condition of our air quality? Or that they can actually see pollution particulates nearly right in front of their face? Have they ever experienced an asthma attack? Lung cancer? Evidently not.

No-burn days were established by reasonable science specifically for their safety. For those who choose to ignore the obvious visual and printed proof of their poor air quality, who, on days when wood burning is prohibited and they choose to strike that match anyway, those rules are there for the safety of their neighbors and community.

Most of us love the notion of a crackling fire during the cold months, so adapt to a gas stove or fireplace. Call it sacrifice, having empathy for an elderly neighbor, assisting for the good of your community or owning a sense of moral fortitude.

I can't count the number of times I've been told, "If you don't like our politics here, you're welcome to take the next train out of town."

That's my recommendation to "no-burn day" whiners: If they don't like it, move elsewhere and burn to their heart's content (despite the fact that the pollution has to land somewhere, most likely in a valley).

Or better yet: Quit their squawking, take a deep breath and chill. It might do them (and the rest of us) a bit of good.

*Sheila Alberg, Bakersfield*

[Note: The following clip in Spanish discusses group against air pollution delineate the agenda for the San Diego-Tijuana border area. The project is known as Frontera 2012, which seeks to guarantees to control pollution by that year and to have better access to health services to improve the quality of life. For more information on this Spanish clip, contact Claudia Encinas at \(559\) 230-5851.](#)

### **Grupo binacional contra la contaminación delinea agenda para la frontera San Diego- Tijuana**

Manuel Ocaño, Noticiero Latino  
Radio Bilingüe, Thursday, January 15, 2009

Los gobiernos de México y Estados Unidos elaboran esta semana una agenda de reuniones para el año en curso, con el fin de avanzar en el Programa Ambiental Frontera 2012, informó un comité binacional.

El Comité de Trabajo de Calidad del Aire de la frontera entre San Diego y Tijuana, la región urbana más grande y dinámica en la zona limítrofe, informó que en la agenda buscará identificar los puntos más importantes a resolver en forma conjunta en ambos lados de la frontera e identificar el apoyo que pudieran brindar los gobiernos federales de ambos países.

El programa es parte de un convenio conocido como Frontera 2012, que busca garantizar para ese año control de la contaminación y acceso a servicios de salud como parte de la calidad de vida de unos 25 millones de residentes regionales.