

Jue, Tyrone (MYR)

From: Jue, Tyrone (MYR)
Sent: Thursday, August 10, 2017 1:04 PM
To: Matt Edling
Subject: Re: call me back when you get a moment

Can you call my cell. [REDACTED] Thanks.

----- Original message -----

From: Matt Edling <matt@sheredling.com>
Date: 8/10/17 12:38 PM (GMT-08:00)
To: "Jue, Tyrone (MYR)" <tyrone.jue@sfgov.org>
Subject: call me back when you get a moment

Thank you

Matt Edling
Sher Edling LLP
425 California St., Ste. 810
San Francisco, CA 94104
(628) 231-2500
matt@sheredling.com
www.sheredling.com

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Jue, Tyrone (MYR)

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Jue, Tyrone (MYR)

From: Matt Edling <matt@sheredling.com>
Sent: Thursday, August 10, 2017 10:31 AM
To: Jue, Tyrone (MYR)
Subject: fuel to the fire

Thought you might appreciate this – our case in today’s NY Times.

https://www.nytimes.com/2017/08/10/climate/climate-change-lawsuits-courts.html?rref=collection%2Fsectioncollection%2Fus&action=click&contentCollection=us®ion=stream&module=stream_unit&version=latest&contentPlacement=2&pgtype=sectionfront

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Jue, Tyrone (MYR)

From: Matt Edling <matt@sheredling.com>
Sent: Friday, July 21, 2017 10:15 AM
To: Jue, Tyrone (MYR)
Subject: Re: great catching up

Great. Shall I call you?

Matt Edling
Sher Edling LLP

On Jul 21, 2017, at 10:14 AM, Jue, Tyrone (MYR) <tyrone.jue@sfgov.org> wrote:

4:30?

Tyrone Jue | Senior Advisor on the Environment
Office of Mayor Edwin M. Lee
City & County of San Francisco
415.554.6647

<image001.gif>

From: Matt Edling [<mailto:matt@sheredling.com>]
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Cc: Jue, Tyrone (MYR) <tyrone.jue@sfgov.org>

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Thanks Jeff.

Tyrone - nice to electronically meet you. The links below describe the lawsuits we recently filed on behalf of Marin and San Mateo County as well as the city of Imperial Beach. My partner Vic Sher and I would love to chat with you about the cases and the work we are doing.

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Cool blog by a well-known law professor about our cases

<http://blogs.law.columbia.edu/climatechange/2017/07/18/local-governments-in-california-file-common-law-claims-against-largest-fossil-fuel-companies/>

Matt Edling
Sher Edling LLP
425 California St., Ste. 810
San Francisco, CA 94104

(628) 231-2500
matt@sheredling.com
www.sheredling.com

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Jue, Tyrone (MYR)

From: Matt Edling <matt@sheredling.com>
Sent: Tuesday, August 01, 2017 1:25 PM
To: Jue, Tyrone (MYR)
Subject: RE: left you a vm

Tyrone –

Just following up. If it works for you Vic and I could come by on Friday and walk through the science and the law. I am not sure who you think might want to participate.

Thanks and look forward to hearing from you.

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PS: Email is definitely the best way to ping me. Be in touch soon!

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From: Jue, Tyrone (MYR) [mailto:tyrone.jue@sfgov.org]
Sent: Friday, July 21, 2017 5:17 PM
To: Matt Edling <matt@sheredling.com>
Subject: RE: left you a vm

Calling now.

Tyrone Jue | Senior Advisor on the Environment
Office of Mayor Edwin M. Lee
City & County of San Francisco



From: Matt Edling [mailto:matt@sheredling.com]
Sent: Friday, July 21, 2017 5:16 PM
To: Jue, Tyrone (MYR) <tyrone.jue@sfgov.org>
Subject: RE: left you a vm

Free?

Matt Edling
Sher Edling LLP
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San Francisco, CA 94104
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matt@sheredling.com
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Sent: Friday, July 21, 2017 4:45 PM
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yep

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Jue, Tyrone (MYR)

From: Judy Lococo <jlococo@baaqmd.gov>
Sent: Tuesday, July 18, 2017 11:43 AM
To: PI&E Bulletin Board
Subject: News Clips - Tuesday, July 18, 2017

Video Clips:

	<p>7/18/2017: KCBS-AM (Radio) - San Francisco, CA</p> <p>7:53:35 AM: ...around this to get this thing through well among those things of the we talked to Dan Kammen from Calif few minutes ago about this stripping of any local power including the regional districts over refinery admissions so you know the Bay Area Air Quality District cannot go ahead with a plan to further tighten restrictions on refineries year there's also the idea of doing away with this fire Prevention feed them back fill that some of this stuff seems had nothing to do with the broader goal of bringing them..."</p>
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News Clips:

San Francisco Chronicle: Cap-and-trade survives razor-thin votes in California Legislature

<http://www.sfgate.com/business/article/Crucial-vote-for-California-cap-and-trade-11295208.php>

OIA News: <http://oianews.com/capandtrade-survives-razorthin-votes-in-california-legislature>

My San Antonio: <http://www.mysanantonio.com/business/article/Crucial-vote-for-California-cap-and-trade-11295208.php>

Los Angeles Times: California Legislature extends state's cap-and-trade program in rare bipartisan effort to address climate change

<http://www.latimes.com/politics/la-pol-ca-california-climate-change-vote-republicans-20170717-story.html#nws=mcnewsletter>

East Bay Times: Big Win for Brown on Climate Change

<http://eastbaytimes.ca.newsmemory.com/?token=SEXxuYG3TlkbplsJQA7uHBs6sgvax%2bZ&product=eEditionCCT>

Columbia Basin Herald: Has California Hit The Brakes In Regulating Breath-Robbing Big Rigs?

<http://www.columbiabasinherald.com/article/20170718/AP/307189964>

Bonner County Daily Bee: <http://www.bonnercountydailybee.com/article/20170718/AP/307189995>

Coeur d'Alene/Post Falls Press: <http://www.cdapress.com/article/20170718/AP/307189992>

Daily Interlake: <http://www.dailyinterlake.com/article/20170718/AP/307189977>

Beloit Daily News: <http://www.beloitdailynews.com/article/20170718/AP/307189976>

Standard Examiner: <http://www.standard.net/Government/2017/07/18/Has-California-Hit-The-Brakes-In-Regulating-Breath-Robbing-Big-Rigs.html>

Kaiser Health News: <http://khn.org/news/has-california-hit-the-brakes-in-regulating-breath-robbing-big-rigs/>

Wisconsin Gazette: http://www.wisconsin Gazette.com/lifestyle/wellness/has-california-hit-the-brakes-in-regulating-breath-robbing-big/article_7f830983-412c-5fa8-b86e-e4609206e84a.html

News Medical Life Sciences (Australia): <http://www.news-medical.net/news/20170718/Has-California-hit-the-brakes-in-regulating-breath-robbing-big-rigs.aspx>

San Francisco Chronicle: Marin, San Mateo counties sue Big Oil over climate change
<http://www.sfgate.com/bayarea/article/Marin-San-Mateo-County-sue-big-oil-over-climate-11294549.php>

Marin Independent Journal: Marin sues energy companies over climate risks
<http://www.marinij.com/environment-and-nature/20170717/marin-sues-energy-companies-over-climate-risks>

San Francisco Chronicle: Editorial - Lawsuits rise against Big Oil
<http://www.sfchronicle.com/opinion/editorials/article/Lawsuits-rise-against-Big-Oil-11294919.php>

San Francisco Chronicle: Contract extension at West Coast ports would support jobs, trade
<http://www.sfchronicle.com/opinion/openforum/article/Contract-extension-at-West-Coast-ports-would-11295061.php>

The New York Times: Editorial - A Brighter Future for Electric Cars and the Planet
<https://www.nytimes.com/2017/07/18/opinion/a-brighter-future-for-electric-cars-and-the-planet.html?ref=opinion&r=0>

Scientific American: Utilities Are Giving People Cash for Clean Cars
<https://www.scientificamerican.com/article/utilities-are-giving-people-cash-for-clean-cars/>

Stanford News: Climate impacts of super-giant oilfields go up with age, Stanford scientists say
<http://news.stanford.edu/2017/07/17/climate-impacts-super-giant-oilfields-go-age/>

Construction Equipment: Volvo Reveals Results of California Hybrid Loader Test
<https://www.constructionequipment.com/volvo-reveals-results-california-hybrid-loader-test>

The New England Journal of Medicine: Air Pollution and Mortality in the Medicare Population
<http://www.nejm.org/doi/full/10.1056/NEJMoa1702747>

San Francisco Chronicle: Cap-and-trade survives razor-thin votes in California Legislature

Gov. Jerry Brown's bid to keep California's cap-and-trade system — a key weapon against global warming — running through 2030 won the approval Monday night of state legislators, by the narrowest of margins.

Despite fierce opposition from both the left and the right, Brown's bill won approval in the senate and assembly, with barely a vote to spare. The approvals ensured that a climate program Brown has touted as a model for other states and countries will continue past 2020.

"Tonight, California stood tall and once again, boldly confronted the existential threat of our time," Brown said in an emailed statement Monday night. "Republicans and Democrats set aside their differences, came together and took courageous action. That's what good government looks like."

The bill, AB 398, had been the subject of an intense week of lobbying, by the governor and his opponents. Republicans complained the bill would drive up prices for gasoline and electricity, while some environmentalists slammed it as being far too kind to industry.

Passage required two-thirds of the legislators in each house. Twenty-eight senators voted in favor — one more than needed. Surviving the assembly required 54 votes in favor, and the bill secured 55. Several assembly Republicans crossed party lines to support it, even though some noted that California represents just 1 percent of the world's greenhouse gas emissions.

"You're right, we're a very small component of the world on this," said Assemblyman Rocky Chavez, R-Oceanside (San Diego County). "But that doesn't mean we shouldn't be leaders on something that's threatening the world."

Both houses also approved a companion measure, AB 617, that will increase monitoring of industrial air pollution and toughen penalties for polluters. And they approved a related measure pitched by Republicans, ACA 1, that would put before California voters a ballot measure requiring a one-time, two-thirds vote of the Legislature to appropriate money raised by the cap-and-trade system.

Cap and trade sets an annual limit on California's greenhouse gas emissions and forces companies to buy a permit, called an allowance, for every metric ton of gas they emit. The number of allowances available each year matches the annual limit, and both decrease slowly over time, lowering emissions.

California law requires the state to cut its greenhouse gas emissions to 40 percent below 1990 levels by 2030. And yet, the state Legislative Analyst's Office had questioned whether the state's cap-and-trade system, launched in 2012, had legal authorization to continue running past 2020.

Opponents of cap and trade had for years tried to convince courts that the system constituted an illegal tax on businesses, since it was never approved by the two-thirds legislative vote required for new taxes. So Brown was determined that any extension pass by a two-thirds vote.

Democrats, who control both chambers, cast the bill as vital to California's leadership on global warming policy, even though many of their own environmental allies criticized its details.

"At a point in time when the president of the United States has withdrawn us from the Paris climate agreement and is doing everything in his power to eliminate American leadership on climate, it is more important than ever for California to send a crystal-clear message to the rest of the world," said Sen. Scott Wiener, D-San Francisco.

Republican senators hammered the cap-and-trade extension as a thinly veiled tax that would hit poor Californians hardest.

They cited a letter from the Legislative Analyst's Office in March that estimated cap and trade could raise gasoline prices anywhere from 24 to 73 cents per gallon in 2031. That letter, however, did not analyze AB 398, whose language was only unveiled last week and which contains measures to cap price impacts.

"We could shut down the entire state of California, and it would have absolutely no effect on the global climate," said Republican Sen. Andy Vidak from the Central Valley. "But what is measurable is the effect this tax will have on the poorest of the poor in my district and throughout California."

First used in the 1990s to control sulfur dioxide and acid rain, cap and trade gives companies flexibility in how, where and when they cut emissions. As a result, it has often been touted as a more business-friendly way to fight pollution than imposing strict limits on emissions from individual facilities.

That flexibility, however, has fed suspicion of cap and trade among some environmentalists, who say it gives companies the option of paying to pollute. Instead, they want tighter control of emissions from individual factories and refineries, in the hopes that forcing each facility to cut greenhouse gases will reduce other, harmful air pollutants as well.

Brown's bill would block that approach. It prohibits both state and local air pollution regulators from slapping hard limits on greenhouse gas emissions from any facilities already covered by cap and trade.

The move — a bid to win support from the oil industry and its legislative allies — infuriated environmental justice advocates, who waged a week-long lobbying campaign to kill the bill. The Bay Area Air Quality Management District, whose directors had been poised to vote on greenhouse gas limits for refineries, complained that Brown had undercut its authority.

The bill's backers readily acknowledged the compromises involved.

To win approval, Brown and legislative leaders tossed in measures sought by industry — and by Republicans. For example, the bill would suspend until 2031 the \$152 annual fire-prevention fee imposed on many rural homeowners, replacing the lost funding with money raised through cap and trade. Republican representatives from rural districts had long complained about the fee.

Los Angeles Times: California Legislature extends state's cap-and-trade program in rare bipartisan effort to address climate change

California lawmakers voted Monday evening to extend the state's premiere program on climate change, a victory for Gov. Jerry Brown that included unprecedented Republican support for fighting global warming.

In a break with party leaders and activists in California and Washington, eight Republicans joined with Democrats to continue the cap-and-trade program, which requires companies to buy permits to release greenhouse gases into the atmosphere.

The legislation would keep the 5-year-old program operating until 2030, providing a key tool for meeting the state's ambitious goal for slashing emissions. Cap and trade also generates important revenue for building the bullet train from Los Angeles to San Francisco, another priority for the governor.

California's program is the only one of its kind in the U.S. and has been considered an international model for using financial pressure to prod industry to reduce emissions. Bipartisan support for the system comes as Republicans in Washington, including President Trump, have blocked, resisted or undermined national efforts to fight global warming.

"California Republicans are different than national Republicans," said Assembly Republican leader Chad Mayes (R-Yucca Valley), who pushed members of his caucus to work with Democrats on the issue. "Many of us believe that climate change is real, and that it's a responsibility we have to work to address it."

The legislation to extend cap and trade, Assembly Bill 398, passed 55 to 21 in the Assembly and 28 to 12 in the Senate.

Lawmakers also approved a companion measure, AB 617, aimed at reducing pollution that cause local public health problems like asthma. It passed 50 to 24 in the Assembly and 27 to 13 in the Senate.

"Republicans and Democrats set aside their differences, came together and took courageous action," Brown said in a statement before holding a celebratory bipartisan press conference in the Capitol. "That's what good government looks like."

The willingness to support cap and trade was hardly unanimous among GOP lawmakers. Only one Republican in the Senate, Tom Berryhill of Modesto, voted for the proposal. A majority of Assembly Republicans, who were involved in negotiations for weeks, did not support the plan.

But Republican backing was much stronger than in the past, when major California climate policies never gained more than one or two votes from the minority party. Some grew emotional as they spoke on the floor.

"We have to make decisions as legislators — do we do what is right or do we do what is politically right?" said Assemblyman Devon Mathis (R-Visalia), choking up during his speech.

Support for cap and trade is a bid for political relevance for Republicans who have been shut out of all positions of power in state government and have paltry prospects to regain influence.

There is a "broad consensus" among California voters that global warming merits a response from Sacramento, said Mark Baldassare, who handles polling as president of Public Policy Institute of California.

"While Democrats are more supportive of climate change policy than Republican voters overall, there's a substantial number of Republican voters [who say] climate change is real and the state should be acting," he said.

Some advocates hope California could become a political trendsetter when it comes to broader political support for fighting climate change.

"There's an important signal coming from California Republicans' willingness to engage in the conversation," said Bob Inglis, a former South Carolina congressman who leads RepublicEn, an advocacy organization dedicated to persuading conservatives to back climate policies.

Former Republican Gov. Arnold Schwarzenegger, who signed the 2006 legislation that provided the foundation for cap and trade, said the bipartisan vote "fills me with tremendous pride."

"We can fight for free market policies to clean up our environment for our children at the same time we fight for a booming economy," Schwarzenegger said in a statement.

Others doubt there will be ripple effects.

"Is this California leading the way with a new Republican philosophy? No," said Mike Madrid, a Republican strategist. "That's not going to happen any more than Ohio Democrats advocating for backing off of gun control measures will spread to California."

Monday's vote involved an unusual coalition for a climate change measure because Brown wanted a two-thirds vote for the legislation to insulate cap and trade from legal challenges. The bill to extend cap and trade, AB 398, received the supermajority vote Brown hoped for.

National advocacy organizations, such as the Environmental Defense Fund and the Natural Resources Defense Council, backed the legislation despite initial concerns that it wouldn't be tough enough on greenhouse gas emissions.

Also supporting the deal were powerful business groups, including the California Chamber of Commerce and associations representing manufacturers and agriculture interests. Oil companies, while not staking a public position, backed the deal behind the scenes. Although businesses have fought the program in the past, they viewed it as less costly for their bottom line than other direct regulations that have been considered to reach the 2030 goal.

Senate leader Kevin de León (D-Los Angeles) called the measure a "legislative unicorn" because of its broad support from organizations usually at cross purposes.

Meanwhile, activists at the California Environmental Justice Alliance and the Sierra Club continued to criticize the measures as too favorable to industry. Particularly troublesome to them was a provision to limit some separate regulations on refineries.

Also opposing the legislation were conservative activists disappointed to see Republicans sign on to legislation that could increase costs for Californians.

Earlier this year, Republicans almost universally opposed funding road repairs with an increase in the gasoline tax.

However, cap and trade could boost prices at the pump 24 to 73 cents a gallon by 2031, according to the nonpartisan Legislative Analyst's Office. By voting to extend the program, Republicans are weakening a potential political cudgel they could have used against Democrats during next year's campaigns, said Jon Coupal, president of Howard Jarvis Taxpayers Assn.

"They lose the moral high ground of representing themselves as representing the middle class," Coupal said.

Cap-and-trade legislation was opposed by U.S. House Majority Leader Kevin McCarthy (R-Bakersfield), who had Mayes' position in the state Legislature a little more than a decade ago.

In a letter signed by some of his California House colleagues, McCarthy said the measure would end up "raising more taxes on California drivers and families so that Sacramento has more money to spend wastefully" on building the bullet train.

Some establishment Republicans tried to provide political cover. George Shultz, a former secretary of state who has supported climate policies, wrote in a letter that the late President Reagan "would be proud" to see cap and trade receive bipartisan support. Former California Gov. Pete Wilson also signaled his support.

Securing Republican support involved a number of concessions, including rolling back a fire prevention tax levied on landowners largely in rural areas of the state, which has long been a target for repeal by the GOP. Republicans also secured the extension of a tax credit for manufacturers, which was broadened to include some power companies.

More negotiations focused on a proposed ballot measure, Assembly Constitutional Amendment 1, that Republicans hope will give them more say over how cap-and-trade revenue is spent. The proposal was passed by lawmakers, and if approved by voters next year it would require a one-time two-thirds vote to continue spending the money in 2024.

The higher threshold could provide Republicans with an opportunity to undermine funding for the bullet train project, which counts on cap-and-trade revenue.

East Bay Times: Big Win for Brown on Climate Change

In a hard-wrought victory for Gov. Jerry Brown and top Democratic lawmakers, the California Legislature late Monday pulled off a political triumph: passing with a supermajority vote a proposal to extend California's signature program for regulating global-warming greenhouse gases through the end of 2030.

The deal — hashed out behind closed doors and blasted with opposition when it was unveiled this month — was thought to be in trouble as late as last week, when the vote was delayed until Monday. But it ultimately succeeded, a feat made possible largely by the pragmatic Brown and his liberal allies, who accompanied direct appeals with tax breaks and other deal-sweeteners to industry. Those moves brought major business interests — and business-friendly moderates — on board.

Climate

"Tonight, California stood tall and, once again, boldly confronted the existential threat of our time," a jubilant Brown said in a statement issued after the vote. Then, with a seeming nod toward Washington politicians who can't find a compromise to deliver a simple majority vote on health care, he continued: "Republicans and Democrats set aside their differences, came together and took courageous action. That's what good government looks like." Assembly Bill 398 won the support of 28 of 40 senators — including one Senate Republican, Sen. Tom Berryhill, of Modesto — and 55 of 80 lawmakers in the Assembly. The Assembly majority included seven Republicans, among them the East Bay's Catharine Baker.

"Today, we proved that Sacramento can rise above the partisan fray of our country to do right for all Californians," said Assembly Republican Leader Chad Mayes of Yucca Valley, one of the supportive Republicans, in a statement. "Protecting the earth and protecting your paycheck is no longer an either-or decision."

Leader on climate

Brown, who has been making a name for himself as an international climate leader as President Donald Trump stepped aside on the issue, was under tremendous pressure to pass this so-called cap-and-trade deal over objections from some on the left and the right. Talking of AB 398, he told lawmakers last week: “This is the most important vote of your life.”

Brown needed a two thirds vote in each house — the threshold required to pass new taxes — to ward off court challenges from those arguing the program amounts to an illegal tax because it charges businesses to pollute. And with the absence this week of one Democratic lawmaker and objections from a handful of others, he needed help from both sides of the aisle, despite the Democrats’ two-thirds supermajority in both houses.

To win GOP support in the Assembly, the Legislature passed a constitutional amendment introduced Friday by Mayes that should give Republicans more say in how the state spends money received from selling “allowances” — essentially, permits to pollute. Legislators also passed Assembly Bill 617, by Cristina Garcia, D-Bell Gardens, to strengthen monitoring and regulation of air pollution.

Two weeks ago, proponents could have counted on two more Democratic votes in the Assembly for the package. But former Assemblyman Jimmy Gomez, D-Los Angeles, was recently sworn into Congress, a vacant seat held by Attorney General Xavier Becerra, and Jacqui Irwin, D-Thousand Oaks, was away for a week-long absence approved in January.

Under California’s complex cap-and-trade program, previously in place until 2020, refineries, power plants and factories have their emissions capped and then must pay to pollute, buying permits at auction and sometimes selling them to each other. The permits correspond to an overall level of allowable emissions that ratchets down each year.

Key development

Momentum swung quickly in favor of the climate-change package in recent days. In a key development Monday morning, a number of agricultural groups came out in favor of the proposal, and the Western Growers Association withdrew its opposition.

No Republicans as of late last week had publicly committed to the bill, but their skepticism began to waver as they saw an opportunity to gain more control over the billions of dollars that could be raised at quarterly cap-and-trade auctions.

Ultimately, they negotiated the constitutional amendment — which still must be approved by California voters — that would in 2024 empower the minority party by requiring two-thirds approval for the auction proceeds spending plan. Currently, 25 percent of the proceeds go to the \$64 billion high-speed rail project — a bullet train connecting San Francisco, the Central Valley and Los Angeles — another priority of the governor’s. Republican lawmakers are generally opposed to the project, and may use this new power to hinder high speed rail, though they must wait seven years to do so.

One of the Assembly Republicans voting “yes,” Devon Mathis, of Visalia, said he prayed with his pastor about it on Sunday as he agonized over how to vote on the extension of a program he called “the most politicized piece of legislation I have seen yet.”

Mathis opened by saying that “cap and trade sucks,” but said that it was better than the alternative: direct regulation. Cap and trade, he said, will give his neighbors and friends in the agriculture industry some measure of economic certainty.

“He says follow your heart,” Mathis said. “My heart tells me this is the right thing to do and all the politics and all the B.S. ... my job is to have the backs of my friends and my neighbors who elected me to begin with.”

Who was for it: Business groups including the California Chamber of Commerce, Pacific Gas & Electric, the Bay Area Council and the Silicon Valley Leadership Group are supporting the measure, as are mainstream environmental groups such as the Natural Resources Defense Council and the Environmental Defense Fund, which say the cap-and-trade

program needs to be extended now to strengthen the program that has been clouded by uncertainty and give a measure of certainty to businesses. Several agricultural groups, including the California Farm Bureau and the Agricultural Council of California, announced their support at a hearing Monday morning. A tax-break extension for manufacturers garnered backing from that sector.

Diverse opponents

Who was opposed: Grassroots groups seeking “environmental justice” for poor and working-class areas hit hard by air pollution say the bill includes too many giveaways to the oil industry, from free permits to emit carbon to limits on local regulation that the industry demanded. Local air districts are opposed, as the bill would take away their ability to set additional rules to limit carbon dioxide emissions outside of the cap-and-trade program. They could still limit toxic contaminants and particulates associated with asthma, but not greenhouse gases. And Republicans in Congress, including House Majority Leader Kevin Mc-Carthy and other representatives from California, are urging their counterparts in Sacramento to sink the extension, arguing it would increase energy and gas costs for consumers.

Columbia Basin Herald: Has California Hit the Brakes In Regulating Breath-Robbing Big Rigs?

James Lockett sits on his bed and opens the drawer of his nightstand, revealing a stash of asthma inhalers: purple disc-shaped ones he uses twice a day to manage his symptoms and others for full-blown attacks.

Lockett, 70, says he never leaves home without an emergency inhaler.

His senior housing complex in East Oakland is less than a mile from Interstate 880, a major corridor for freight trucks shuttling to and from the Port of Oakland. On the way to factories and warehouses, the trucks often roll through streets near homes, schools and libraries.

The diesel-fueled big rigs are a major source of air pollution, spewing soot and other pollutants that can cause or aggravate respiratory conditions such as asthma and bronchitis.

Just walking while talking on his cellphone can leave him short of breath, Lockett said. “The [asthma] triggers here, without my medications, it would be terrible.”

California has cleaned up its diesel fleet significantly in recent years by phasing out older trucks and requiring operators to install the latest pollution-control equipment. But local air district officials and environmental advocates say more needs to be done and that the emissions goal should be close to zero.

Efforts to get there are stalled, they say, in part because of a provision in the \$52 billion road improvement law signed in April by Gov. Jerry Brown. That provision exempts most diesel trucks on the road from future emissions reduction requirements for many years.

Regulators and environmentalists warn that, without further reductions in emissions, many residents who live near major truck routes or the port remain at high risk of cancer, heart problems, asthma and other lung diseases, especially children and seniors.

Asthma is a critical problem in Oakland for these two groups. Among other indicators, the rate of emergency room visits for asthma among seniors (age 65 and older) in East Oakland, where Lockett lives, is nearly three times higher than it is statewide, and the rate in West Oakland is nearly two times higher, according to state and county data.

Similarly, children in these neighborhoods go to the emergency room for asthma at more than double the rate of their peers statewide, according to 2016 data. In the heart of West Oakland, near the port, nearly 21 percent of children have been diagnosed with asthma, according to 2014 data from the California Health Interview Survey. That’s well above the statewide average of 15 percent.

A mobile asthma clinic called a Breathmobile regularly parks at elementary schools near the port, and Darryl Carter makes good use of it for son Austin, 13. During a recent visit, he recalled a terrifying attack eight years ago that sent Austin to the hospital. Since then, the boy's been back to the hospital three or four times — not ideal, but the Breathmobile visits have made a difference.

Asthma has multiple causes and triggers, including poor housing conditions, a family history of the disease, certain weather conditions and exposure to cigarette smoke. Poverty, lack of access to health care and little knowledge of preventive care all can contribute to high rates of emergency visits, said Dr. Washington Burns, administrative director of the Breathmobile in Northern California.

However, "there's often more asthma around corridors with trucks and cars than in areas where there aren't," Washington said.

Diesel trucks account for 2 percent of vehicles but emit 30 percent of key smog-forming nitrogen oxides and 65 percent of the soot attributable to motor vehicles, according to the state Air Resources Board (ARB).

A 'Dirty Deal'?

In 2015, the Oakland City Council began diverting trucks from streets with homes, schools or senior centers. But some community activists say enforcement of these local ordinances has not been strong enough.

The provision in the state's new law exempts all but the oldest or highest-mileage trucks from any new emission reduction rules the state might impose. The exemption lasts 18 years from the time they meet current emissions standards or until they have traveled 800,000 miles.

It's unclear exactly how the exemption will affect local air districts and ports that want to cut emissions further. Environmentalists say these agencies may face resistance and risk being sued by the trucking industry if they forge ahead with more aggressive plans.

Critics say the governor agreed to the last-minute exemption to gain the trucking industry's support for higher diesel and gas taxes that, along with vehicle fees, are expected to raise \$5.2 billion annually over 10 years to repair roads and bridges and to expand public transit.

Bill Magavern, policy director for the Sacramento-based Coalition for Clean Air, said improving infrastructure is laudable but should not come at the cost of clean air.

"There's a lot to like in that bill, and we hated to oppose it," but there was a "dirty deal" thrown in at the last minute, Magavern said.

Gov. Brown's office referred questions on the truckers' amendment to the ARB, the state's clean-air agency.

The ARB said it can provide incentives to further reduce emissions without imposing additional requirements. And the new law, it said, will strengthen enforcement of existing rules.

Under the law, "truck operators can be denied [Department of Motor Vehicles] registration if they're not meeting the current rules," board spokesman David Clegern said. "Diesel pollution will be reduced by bringing 300,000 more trucks into compliance."

Local air managers in Southern California say greater enforcement of current rules is important, but it won't sufficiently accelerate turnover of the truck fleet. And that's crucial to helping Southern California meet federal clean-air standards, said Philip Fine, executive officer with the South Coast Air Quality Management District.

The problem for local air districts and ports is that when it comes to directly regulating mobile sources of pollution like diesel trucks, the state is the boss. It approves local district plans, and the local districts more or less oversee the ports. So the most effective way to reduce trucker emissions is to set stringent policy at the state level, as California has aggressively done in the past.

Emissions Way Down

But truckers say the state has imposed enough requirements. Chris Shimoda, vice president of government affairs for the California Trucking Association, said diesel emissions from trucks in California ports have fallen dramatically in recent years.

“This is attributable to the current \$1 billion annually being invested by truckers in the cleanest available technology throughout the state,” Shimoda said.

He also said that being exempted from any future state emissions-reduction requirements reassures the trucking industry that it will recoup the investment it is making in new engines to meet current state standards.

Under existing state rules, owners of heavy-duty trucks must have 2010 or newer-model engines by 2023.

Those rules have dramatically improved air quality. A study by the Bay Area Air Quality Management District, among others, found that from 2009 to 2013 emissions of black carbon from trucks at the Port of Oakland dropped by 76 percent and nitrogen oxides by 53 percent.

People living near ports like the one in Oakland have benefited from the state’s efforts to clean up the truck fleet — by phasing out older models and requiring operators to install the latest pollution-control equipment.

Still, ports throughout the state rely mostly on diesel to power vessels, yard equipment, trains and trucks. Ports in Southern California remain the single-largest fixed source of smog-forming pollution in the region. And the Port of Oakland is the largest fixed emitter of diesel pollution in the Bay Area, local air managers say.

That’s why local districts were alarmed by the governor’s concession to the trucking industry, said Tom Addison, legislative and policy adviser for the Bay Area Air District.

It “gives the trucking industry a get-out-of-jail-free card,” said David Pettit, senior attorney with the Natural Resources Defense Council. “It bars any kind of state regulations that might require truckers to move to a different kind of truck — natural gas-powered, electric or hydrogen fuels — when those become available in the market.”

Last month, the mayors of Los Angeles and Long Beach set ambitious goals for the ports to transition to zero-emission truck and yard equipment over the next 20 years. The mayors affirmed that the ports’ 2017 clean-air blueprint, which is expected to be released Wednesday, will include further emissions reductions from ships and the development of a zero-emissions truck pilot program.

But the new state law calls into question whether those plans — and others in coming years — will be enforceable.

If the ports in Southern California announced that in five years they’re going to have an all zero-emissions fleet, Pettit said, “they’d be sued [by the trucking association] in a heartbeat.”

San Francisco Chronicle: Marin, San Mateo counties sue Big Oil over climate change

Two Bay Area counties and a Southern California city concerned about rising sea levels sued 37 of the world's biggest oil and coal companies Monday, claiming the fossil fuel giants should pay for damages wrought by climate change — a first-of-its-kind challenge that some liken to the high-stakes litigation of the tobacco industry in the 1990s.

Marin County, San Mateo County and Imperial Beach (San Diego County) filed separate but nearly identical lawsuits in their respective Superior Court offices that seek to tie fossil fuel development to climate-related problems in coastal areas. Lawyers for the three communities worked together to document such effects as more frequent flooding and beach erosion as well as the possibility that water will eventually inundate roads, airports, sewage treatment plants and other real estate.

The lawyers contend that the oil companies knew about the damage their actions were causing, denied it and sought to discredit scientific findings that greenhouse gas emissions were heating the Earth's atmosphere.

The suits are the latest in a small but growing effort to hold Chevron, ExxonMobil, BP, Shell and other major energy companies accountable for the effects of global warming. Legal experts say the challenge is more comprehensive than previous endeavors, and is based on better climate science and more evidence to support a claim of conspiracy among oil company executives.

"This is a long-anticipated move in climate litigation," said Michael Burger, executive director of the Sabin Center for Climate Change Law at Columbia University. "You'll find pieces of it in other cases, but bringing it together like this is different than what's been done before. You can expect there will be a great deal of interest in how this litigation proceeds."

Representatives of several of the energy companies named in the suit declined to comment or did not respond to calls from The Chronicle.

The two Bay Area counties and Imperial Beach are seeking reimbursement for current and future losses caused by climate change, as well as punitive damages. The suits don't specify the value of losses so far, but estimate that the total will be in the billions of dollars over coming decades.

San Mateo County says the Bayshore Freeway, BART lines, San Francisco International Airport and \$39 billion worth of assessed property are threatened by projected sea-level rise. Marin County counts \$15.5 billion worth of North Bay real estate in harm's way, along with ferry terminals, SMART rail tracks and Highway 101 and Interstate 580.

"There's tremendous concern for us as a county on how do we address these issues," said Marin County Supervisor Kate Sears. "This case is about fairness and accountability and standing up for our residents and businesses."

Lawyers for Marin and San Mateo counties and Imperial Beach seek to show that the energy companies have created a public nuisance — legally, something that causes widespread harm. It's the same doctrine that state attorneys general used in the late 1990s to win a \$206 billion settlement from the tobacco industry over the health costs of cigarettes.

The three lawsuits also argue that the oil companies, again like the tobacco industry, conspired to mislead the public about side effects of their product. The suits claim that energy company executives knew for nearly 50 years that fossil-fuel development was warming the planet, but that they concealed their knowledge while continuing to push a destructive product.

Several past cases trying to hold the fossil fuel industry responsible for climate-related problems had little success.

A 2008 lawsuit filed by the Alaskan village of Kivalina claimed that about two dozen energy companies not only created a public nuisance by causing coastal flooding but also worked together to hide the effects of greenhouse gas emissions.

The case was tossed, with a federal appeals court determining that the federal Clean Air Act should govern greenhouse gases, not public nuisance doctrine.

John Beiers, San Mateo County counsel, said the California cases stand a better chance of succeeding because their claims are based on more up-to-date research on the effects of fossil fuels on global warming and more information on what oil company executives knew about those effects.

“We think we meet the elements of the public nuisance,” Beiers said, “but obviously we recognize this as the first lawsuit of its kind.”

In order to prove their public-nuisance argument, the Bay Area counties and Imperial Beach will have to show a specific connection between global warming and the actions of each energy company, said Burger, the climate-change legal expert. They will also have to show that the issue shouldn’t be handled through government regulation instead of a public nuisance complaint.

“It definitely has some significant hurdles, but in my own view, it’s not at all a frivolous case,” Burger said. “There are definitely legitimate legal claims that are being made here.”

Marin Independent Journal: Marin sues energy companies over climate risks

Marin County sued 37 oil, gas and coal companies Monday asserting the companies knew their fossil fuel products would cause sea level rise and coastal flooding but failed to reduce their greenhouse gas pollution.

The lawsuit was part of a coordinated litigation attack by Marin, San Mateo County and the city of Imperial Beach.

The Marin lawsuit, filed in Marin County Superior Court, alleges that “major corporate members of the fossil fuel industry, have known for nearly a half century that unrestricted production and use of their fossil fuel products create greenhouse gas pollution that warms the planet and changes our climate.”

The suit goes on to say that even though the fossil fuel companies knew there was a narrow window to take action before consequences would be irreversible, they engaged in a “coordinated, multi-front effort” to “discredit the growing body of publicly available scientific evidence and persistently create doubt.”

The suit asserts that the fossil fuel companies “have promoted and profited from a massive increase in the extraction and consumption of oil, coal and natural gas, which has in turn caused an enormous, foreseeable, and avoidable increase in global greenhouse gas pollution.”

And the suit states that this greenhouse gas pollution has “substantially contributed to a wide-range of dire climate-related effects including global warming, rising atmospheric and ocean temperatures, ocean acidification, melting polar ice caps and glaciers, more extreme and volatile weather and sea level rise.”

The defendants named in the suit include Chevron, ExxonMobil, BP and Shell.

Melissa Ritchie, a spokeswoman for Chevron, said the company was aware of the suit, but she provided no response. Other defendants could not be reached immediately.

The suit seeks compensatory damages, punitive damages, disgorgement of profits and lawyers’ fees, but it doesn’t specify how much they might amount to.

Asked if the suits were inspired by the legal action taken by state attorneys general against the tobacco industry in the 1990s, Marin County Supervisor Kate Sears said, “You could certainly think of it that way, because a lot of what these fossil fuel companies did was modeled after what the tobacco companies did.”

“Instead of taking steps to actually do something about the impact of their product,” Sears said, “they launched this multimillion dollar lobbying campaign to discredit scientific evidence about climate change.”

“Sea level rise is here and we’re experiencing it first hand in Marin, as roadways continually flood with king tides and storms,” Sears said in a statement.

According to an assessment of Marin’s vulnerability to sea level rise completed in June, more than 12,000 homes, businesses and institutions could be at risk from tides and surge flooding by the year 2100.

Sears said, “The cost of trying to protect them and the human anguish over those that will be lost, will be shocking and crippling.”

In a statement, Supervisor Damon Connolly said, “We’re doing our part to reduce our greenhouse gas emissions while educating and empowering our residents to do the same. Now it’s time for major polluters like Big Oil to take responsibility and prioritize the wellbeing of its customers and neighbors over their profit margins.”

Sears declined to say exactly where the idea for the lawsuits originated although she did say that her conversations with San Mateo County Supervisor Dave Pine played an important role.

Brian Case, a deputy county counsel, said Marin County lawyers will not argue the case in court.

“We’re using outside counsel, Sher Edling; they’re taking it on a contingency basis so the only cost involved is staff time,” Case said. “Our taxpayers are not being asked to front the costs or bear the risk of the lawsuit.”

San Francisco-based Sher Edling specializes in representing businesses, cities and public agencies in high-value environmental cases.

John Lamson, a spokesman for Sher Edling, said, “San Mateo Supervisor Dave Pine and Marin County Supervisor Kate Sears have been discussing how to respond to the impacts of sea level rise for some time.”

San Francisco Chronicle: Editorial - Lawsuits rise against Big Oil

While Washington dithers, the courthouse could become the next battleground against climate change. San Mateo and Marin counties, along with San Diego County’s Imperial Beach, filed lawsuits Monday against 37 oil, gas and coal companies, accusing them of ramping up extraction of fossil fuels for decades even though they knew the resulting carbon pollution would have devastating effects on the planet.

To anyone who followed the long legal fight against Big Tobacco, the arguments have a familiar ring. The plaintiffs claim the defendants:

- Have known for 50 years that their products contribute to global warming and “those impacts could be catastrophic and that only a narrow window existed to take action before the consequences would not be reversible.”
- Despite that knowledge, the companies engaged in a “coordinated, multifront effort” to discredit scientific evidence and created public doubt about the cause and danger of climate change.
- At the same time, they profited from “a massive increase in the extraction and consumption of oil, coal and natural gas.”

The lawsuits from the three coastal areas contend that they already are experiencing negative effects from rising seas, and are bracing for far more severe impacts in the coming decades. San Mateo County’s lawsuit, for example, notes that

it has spent millions of dollars to study and mitigate the effects of climate change. The threat extends to its sewer systems, beaches, parks and roads, and various government services.

According to the lawsuits, those 37 defendants — including big industry names such as Chevron, ExxonMobil, Shell, Citgo, Marathon and others — accounted for 20.3 percent of greenhouse emissions between 1965 and 2015.

If the history of Big Tobacco is any guide, these lawsuits will not be easy to win. Tobacco first started fending off lawsuits in the 1950s, and was aggressive and successful in defending against them by arguing that smokers lit up at their own risks and, besides, smoking was not necessarily the only cause of cancer. Expect the fossil fuels industry to fight back with similar logic: The lawsuits themselves concede that four-fifths of carbon emissions came from other sources, and that the decisions of elected officials, automakers and consumers themselves contributed to demand.

By the 1990s, as more evidence of Big Tobacco's duplicity became known, the legal landscape shifted against the industry.

This planet cannot afford to wait decades for industry and consumer behavior, and government policies — or legal outcomes — to respond. The best hope is that these lawsuits will provide a warning shot that will compel all 37 companies to work more assertively to address the global challenge their products helped create.

San Francisco Chronicle: Contract extension at West Coast ports would support jobs, trade

Twice in the last 15 years, labor disputes between dockworkers and the maritime companies that employ them have led to severe disruptions at West Coast ports. Now these parties have an opportunity to preserve labor peace and solidify West Coast trade for the foreseeable future. Doing so would be good for workers, good for the industry and good for the millions of Americans whose jobs depend on trade.

This summer, International Longshore and Warehouse Union members from Southern California to the Pacific Northwest will vote on a proposal that would extend their current labor contract through 2022. It would raise wages, preserve virtually no-cost health care coverage and increase pensions — all at a time when unions nationwide are facing challenging headwinds.

Approving this contract would send a strong signal to retailers, manufacturers and others who rely on the ports that the West Coast intends to remain competitive, despite slipping market share in recent years. It would also reward dockworkers by raising base wages to more than \$46 per hour, while preserving no-premium health insurance that features \$1 prescriptions, and increase pensions to a maximum of more than \$95,000 per year, according to news reports.

Among those who would breathe a sigh of relief would be West Coast agricultural growers, whose trade association reported that sales to Asian markets were down as much as 25 percent during the latest disruption in 2014-2015. Also impacted were automakers and other manufacturers, as well as retailers — large and small — across the country.

The stakes are high in markets from Washington state to Southern California. An estimated 2 in 5 Washington-state-area jobs are connected to international trade. In Southern California, the ports of Los Angeles and Long Beach support enormous economic activity, and are investing \$6.5 billion in capital projects toward a clean and reliable future for this crucial international gateway.

The Port of Oakland is the fourth-busiest of the 29 West Coast ports, ranking behind Los Angeles, Long Beach and Tacoma.

A report by maritime economist John Martin estimates that West Coast ports support upwards of 9 million American jobs. The cargo moving through these ports has a value in the trillions of dollars, supporting a healthy chunk of U.S. Gross Domestic Product.

Strong West Coast ports are also important for the environment. California and Washington ports are leading the way to reduce harmful emissions from ships, and by updating cargo terminals with the latest in low-impact environmental technology. That means electric yard equipment, more on-dock rail and other advances toward green terminals. In this case, environmental and economic growth can go hand in hand.

Few Americans understood the huge impacts of maritime trade on the national economy before the 2002 port shutdown, in which West Coast ports were shuttered for 10 days until President George W. Bush ordered them re-opened. The subsequent disruptions during the last contract talks — which once again required federal intervention — have left some wondering if the relationship between ILWU dockworkers and their employers, represented by the Pacific Maritime Association, is permanently broken.

Given the current political climate, there are those in Washington who have considered extreme solutions that would handcuff future negotiators and transfer local decision-making to Washington, D.C.

Such proposals would no doubt gather steam if the contract proposal is rejected, likely leading to acrimonious talks again in two years. Yet by agreeing to a contract extension now, workers and their bosses can show that no such intervention is needed, and that the West Coast can continue to be a thriving and vital trade hub with a stable and reliable workforce.

It is rare to have an opportunity in which workers, industry and the U.S. economy can all so clearly be winners. This is one such opportunity. At a time of much uncertainty, passage of this contract would be a step in the right direction.

The New York Times: Editorial - A Brighter Future for Electric Cars and the Planet

There is simply no credible way to address climate change without changing the way we get from here to there, meaning cars, trucks, planes and any other gas-guzzling forms of transportation. That is why it is so heartening to see electric cars, considered curios for the rich or eccentric or both not that long ago, now entering the mainstream.

A slew of recent announcements by researchers, auto companies and world leaders offer real promise. First up, a forecast by Bloomberg New Energy Finance said that electric cars would become cheaper than conventional cars without government subsidies between 2025 and 2030. At the same time, auto companies like Tesla, General Motors and Volvo are planning a slate of new models that they say will be not only more affordable but also more practical than earlier versions. And officials in such countries as France, India and Norway have set aggressive targets for putting these vehicles to use and phasing out emission-spewing gasoline and diesel cars.

Skeptics may see these announcements as wishful thinking. After all, just 1.1 percent of all cars sold globally in 2016 were electrics or plug-in hybrids. And many popular models still cost much more than comparable fossil-fuel cars.

The skeptics, however, have consistently been overly pessimistic about this technology. Electric cars face challenges, yet they have caught on much faster than was thought likely just a few years ago. There were two million of them on the world's roads last year, up 60 percent from 2015, according to the International Energy Agency. The cost of batteries, the single most expensive component of the cars, fell by more than half between 2012 and 2016, according to the Department of Energy. Tesla has indicated that it can produce batteries for about \$125 per kilowatt-hour. Researchers say the cost of electric cars will be at parity with conventional vehicles when battery prices reach \$100 per kilowatt-hour, which experts say is just a few years away. Electric cars are more efficient, of course, but they also require less maintenance, which should make them cheaper to own over time.

The potential environmental benefits of electric vehicles are huge. The transportation sector accounts for 14 percent of global greenhouse gas emissions and 27 percent of emissions in the United States. Moreover, countries have found it much more difficult to reduce planet-warming gases from transportation than from power plants. In America, for example, transportation emissions again regularly exceed those from the electricity sector for the first time since the

late 1970s. The switch to electric cars is good for the climate because petroleum vehicles produce more greenhouse gas emissions per unit of energy than power plants fueled by natural gas, according to the Energy Information Administration.

Proponents say the growth of electric cars, when combined with the surge in renewable energy sources, like solar and wind, could lead to big reductions in emissions over time. These forces should also help reduce local air pollution in countries like China and India, which is why their leaders are getting behind these technologies in a big way. Government incentives have turned China into the biggest market for electric vehicles. And an Indian government minister says his country wants all cars sold there by 2030 to be electric. France says it wants to end sales of new diesel and gasoline cars by 2040, while Norway's goal is 2025.

Government support could prove as crucial to the future of the technology as technical advances. If countries, states and localities encourage the spread of public charging stations, through tax breaks, other incentives or public spending, more people will take the plunge and convert. If the United States and other governments continue to spend money on research to help drive down battery costs, their economies and consumers will benefit.

Some parts of the fossil fuel industry will no doubt try to sabotage the electric car revolution. In the United States, the industry is lobbying states to eliminate subsidies for the vehicles. And many analysts expect the industry to seek similar changes at the federal level from President Trump and Republican leaders in Congress, who have already made clear that they do not see climate change as a major threat. They should know, though, that the most they can do is slow down the process. The electric car has already left the garage.

Scientific American: Utilities Are Giving People Cash for Clean Cars

Utilities have begun offering direct rebates for electric vehicles in an effort to jump-start sluggish sales in an emerging car market that stands to benefit them financially.

Electric companies in Vermont and California have offered customers \$450 to \$1,200 off their electric bill if they buy a plug-in car. Others have partnered with Nissan to offer \$10,000 in rebates.

With sales of electric vehicles barely cracking 1 percent nationally, it's a sign that proponents are increasingly willing to sweeten the deal for prospective owners. A \$7,500 federal tax credit and a constellation of state and local incentives, from rebates to access to carpool lanes to free parking, already lower the cost of purchasing one of the clean cars.

The trend also marks an expansion of efforts by electric companies to boost the market. Many have offered special rates for charging up the cars or financial help when building charging stations, but direct rebates to motorists are new.

That could open the door to criticism from conservatives and consumer advocates who could resist using ratepayer money to subsidize the purchase of what they see as a car for the elites.

For now, the rebates remain rare. No investor-owned utility has yet dipped into its pool of ratepayer funds to subsidize the vehicles, which stand to increase electricity sales. And they may be hesitant to do so.

Offering a rebate is motivated primarily by climate goals rather than the bottom line. Electric companies are making the move to meet emissions reduction legislation or as one-off special deals with automakers.

"There are a lot of levers we could potentially pull here," said Kellen Schefter, manager of sustainable technology at the Edison Electric Institute, a trade group that represents 70 percent of the electricity industry.

The group is urging members to get ready for 7 million plug-in EVs on the road by 2025 by building out charging stations and designing special rates. Direct rebates remain rare, Schefter said.

“Education, outreach, infrastructure — that's what our companies are comfortable addressing, because they are infrastructure companies,” he said.

The utility rebates largely dovetail with wider state initiatives to lower emissions.

California's three major investor-owned utilities — Pacific Gas and Electric Co., Southern California Edison Co. and San Diego Gas and Electric Co. — offer credits of between \$200 and \$500 to customers who drive an electric vehicle. They are paid for by the sale of California Air Resources Board credits aimed at lowering the carbon intensity of fuels.

Vermont's utilities are setting up direct rebates to comply with 2015 legislation to boost clean power. The state renewable energy standard requires electric companies to meet emissions targets by investing ratepayer money into programs that green the grid and electrify vehicles and buildings, or else pay into a state fund at the end of the year.

The Vermont Electric Cooperative is offering customers a \$250 credit for the purchase of a new or used plug-in electric vehicle. The Burlington Electric Department, a municipal utility, started offering a \$1,200 rebate on the purchase or lease of a new EV or a \$600 rebate for the purchase or lease of a new plug-in hybrid EV last month.

About half a dozen people have taken advantage of the rebate, said Chris Burns, BED's director of energy services. Around 60 to 70 more would need to buy an electric vehicle for the utility to meet its goal under the renewable energy standard to reduce the use of fossil fuels, he said. The funding comes straight out of the utility's cash reserves.

It's unclear if the utility would have made the same investment without the legislative requirement, but Burns cites other commitments: The city of Burlington has vowed to go zero-emissions, for example.

“As a rural state, we drive well above the national average in miles per car, so it's a big part of the climate problem,” he said. “We're going to give it the old college try.”

The utility is also partnering with dealers to offer a special promotion to customers: With an added \$10,000 rebate provided by Nissan, Burlington Electric customers can get a new 2017 Nissan Leaf for as low as \$11,300.

It's a more common tactic. Kansas City Power & Light Co. and the Hawaiian Electric Co. have also partnered with Nissan in the past to offer their clients the \$10,000 special rebate.

States running out of funds

Automakers, regulators, legislators and utilities are increasingly working together to boost sales of the clean cars. Often, they are facing stringent regulations. States with climate goals, like the 11 states that abide by California's zero-emission vehicle mandate, must expand sales by seven to 15 times to meet requirements.

“I'm not sure we could say there are enough incentives out there to give the market enough of a jump-start,” said Dan Gage, a spokesman for the Alliance of Automobile Manufacturers. The rebates paid for by utilities are “a big deal, and that should be continued to be encouraged and applauded,” he said.

States offering tax credits, ranging from \$1,000 to \$5,000, have regularly had to deal with shortfalls. California is set to again run out of funds in its rebate program, which hands out up to \$7,000 for new purchases, before fiscal 2017-18 funds are appropriated.

In May, Maryland legislators extended their state's tax credit, which provides up to \$3,000, for three more years. It had run out of funds six months early. An Oregon tax credit for charging stations ran out six months early in September 2016, as well.

Stanford News: Climate impacts of super-giant oilfields go up with age, Stanford scientists say

Even oilfields aren't immune to the ravages of time: A new study finds that as some of the world's largest oilfields age, the energy required to keep them operating can rise dramatically even as the amount of petroleum they produce drops.

Steam lines from an enhanced oil recovery project in California

Steam lines from an enhanced oil recovery project in California. A new software tool developed at Stanford analyzes each phase of the oil production process – from extraction and refinement to transportation – to calculate how much energy is consumed during each step and how much greenhouse gas an oilfield emits. (Image credit: Adam Brandt)

Failing to take the changing energy requirements of oilfields into account can cause oilfield managers or policymakers to underestimate the true climate impacts, Stanford scientists warn.

The new findings, published in the journal *Nature Climate Change*, have implications for long-term emissions and climate modeling, as well as climate policy. "Current climate and energy system models typically don't explore the impacts of oil reservoir depletion in any detail," said study co-author Adam Brandt, an assistant professor of energy resources engineering at Stanford's School of Earth, Energy and Environmental Sciences. "As oilfields run low, emissions per unit of oil increase. This should be accounted for in future modeling efforts."

An accurate estimate

In the new study, Stanford postdoctoral researcher Mohammad Masnadi worked with Brandt to apply a new software tool developed at Stanford for calculating greenhouse gas emissions to oilfields around the world that have produced more than 1 billion barrels of oil over their lifetimes, sometimes called "super-giant" oilfields.

Conventional greenhouse gas estimates calculate emissions through a kind of economic reverse engineering, whereby an economic index is used to convert the monetary value of an oilfield's final products – whether it be processed oil, natural gas or petroleum-based products – into greenhouse gas emissions. "This top-down approach for converting economic values into environmental and energetic costs misses a lot of underlying information," Masnadi said.

What's more, many studies look at data from only a single point in time, and as a result capture only a snapshot of an oilfield's greenhouse gas emissions. But the Stanford scientists argue that in order to paint the most accurate picture of an oilfield's true climate impacts – and also have the best chance of reducing those impacts – it's necessary to assess the energy costs associated with every stage of the petroleum production process, and to do so for the oilfield's entire lifetime.

Developed in Brandt's lab at Stanford, a software tool called the Oil Production Greenhouse gas Emissions Estimator (OPGEE) is designed to do just that. For any given oilfield, OPGEE performs what's known as a lifecycle assessment, analyzing each phase of the oil production process – extraction, refinement and transportation. It then uses computer models to calculate how much energy is consumed during each step. From this, scientists can calculate precisely how much greenhouse gas each oilfield emits.

"This bottom-up type of analysis hasn't been done before because it's difficult," Masnadi said. "For this study, we needed over 50 different pieces of data for each oilfield for each year. When you're trying to analyze an oilfield across decades, that's a lot of data."

Unfortunately, most oil companies are reluctant to release this type of temporal data about their oilfields. The Stanford researchers developed two workarounds to this problem. First, they gathered data from places where transparency laws require oil production data be made publically available. These included Canada, Norway and the U.K., and the state of California in the U.S. Secondly, the pair conducted a deep data mine of the scientific literature to seek out clues about oilfield production levels in published studies.

Diminishing returns

In the end, the pair ended up with data going back decades for 25 globally important super-giant oilfields. Applying OPGEE to this group, the scientists found that for many of the super-giant oilfields, oil production declined with time as the wells were depleted, but the energy expended to capture the remaining oil went up.

“The more oil that is extracted, the more difficult it becomes to extract the oil that remains, so companies have to resort to increasingly energy-intensive recovery methods, such as water, steam or gas flooding,” Masnadi said.

Making matters worse, oil recovered through such methods has to undergo more intense surface processing to filter out the excess water and gas. In the latter case, this can result in an excess of carbon dioxide and methane gas that is typically eliminated through burning – a process called “flaring” – or venting into the atmosphere.

“We can show with these results that a typical large oilfield will have a doubling of emissions per barrel of oil over a 25-year operating period,” Brandt said.

Win-win

How to stop this harmful cycle? One way is through tougher government regulations that force companies to reduce their greenhouse gas emissions or risk having to lower production. This has been shown to work at two Canadian offshore fields, Hibernia and Terra Nova, where regulations have sharply lowered greenhouse gas emissions by limiting oil production in fields where gas is wasted through flaring and venting.

“Better regulation is certainly part of the answer, but a more progressive solution is to encourage energy companies to draw the energy they need to operate their aging oilfields from renewable sources such as solar, wind or geothermal,” Masnadi said.

He cites the example of the California-based company GlassPoint Solar, which uses solar-powered steam generators to reduce the gas consumption and carbon emissions of its oilfields by up to 80 percent.

Done right, such solutions could end up being a win-win for industry and the environment, the Stanford scientists said, by helping oil companies drive down energy costs while simultaneously reducing their climate impacts.

The OPGEE tool Brandt’s team developed has already been adopted by the California Air Resources Board to help reduce greenhouse gas emissions from transport fuels, but Brandt thinks it could also prove useful to industry.

“This can serve as a stepping stone toward lifecycle management of field emissions,” Brandt said. “Companies could plan operations to maximize production while minimizing emissions.”

Construction Equipment: Volvo Reveals Results of California Hybrid Loader Test

Volvo Construction Equipment’s prototype LX1 electric hybrid wheel loader, teased as far back as 2008 and unveiled to the press and potential customers last September in Sweden, finally has some real world results under its belt.

Waste Management tested the unit for six months and hundreds of hours at its Redwood Landfill and Recycling Center, a green waste facility in Novato, Calif., as well as its Moreno Valley, Calif., transfer station.

The LX1 incorporates a driveline that consists of electric drive motors mounted at the wheels, electric-driven hydraulics, a battery energy storage system, a significantly smaller diesel engine (3.5L) and new machine architecture. Volvo says the prototype features 98 percent new parts and is capable of doing the work of a wheel loader one size larger.

In Novato, both fuel efficiency and greenhouse gas emission tests were conducted, and although the data is still being analyzed, Volvo says, the results so far show an average improvement of 50 percent in fuel efficiency, equating to a reduction of 35 percent in fuel consumption and greenhouse gas emissions. At Moreno Valley, the loader achieved an average fuel efficiency improvement of around 45 percent. Volvo noted that both sets of results exceed the 35 percent fuel efficiency improvement target set for the project.

CALSTART conducted emissions tests on the machine, and the California Energy Commission helped fund the LX1 project in California to the tune of \$1.8 million through its Alternative and Renewable Fuel and Vehicle Technology Program. The program invests up to \$100 million per year to support advancements in alternative, renewable fuels and the vehicles powered by them.

“We’re pleased with the results from the field testing,” says Scott Young, electromobility director at Volvo CE. “Although we’d already seen the LX1 reach up to a 50 percent improvement in fuel efficiency in our internal tests, every application and operator are different. Because of this, we were aiming for a 35 percent improvement in fuel efficiency in this project. We’re happy to say that we’ve significantly exceeded this figure and achieved similar results to those recorded at our test site in Sweden.

“Now that we’ve concluded the field tests, the machine will be shipped back to Sweden for updates and tuning based on what we’ve learned over the last six months,” Young says. “At this stage, the LX1 is still part of a development project and it is not commercially available.”

John Meese, senior director of heavy equipment for Waste Management, believes commercial availability is three years away, but the equipment managers who will have pride in being early adopters will need to balance the technology’s initial cost with lifecycle savings.

“I think there are a lot of end users that are going to jump on board to say ‘I got the first one in Chicago,’ ‘I got the first one in California,’” Meese says. “But there’s a price point issue that nobody knows yet what it [the initial cost] is.

“We kind of push and push, and hear, ‘Well, it’s not commercially available yet.’ I understand it’s going to cost more, but I have to start doing the business cases. I’ve got tire savings I can acknowledge. I have fuel savings that are pretty easy to acknowledge. I have wear and tear, because of the design differential—fewer wear parts,” Meese says. “Safety, I don’t know how you put a number on that, but that’s there.”

The LX1’s dramatically sloped hood due to a lack of Tier 4 emissions equipment allows increased visibility to the rear of the machine, and the hybrid runs quieter than conventional wheel loaders, potentially boosting job site communication.

“On the opposite side, that technology is not something our technicians are going to be able to deal with,” Meese says. “So I’m going to look at higher expense because it’s going to be dealer technicians that work on it, and are they going to be trained? So there are points to look to for a business case on why you could, besides the emotional factor of ‘Wow it’s the greatest thing since sliced bread.’ It’s going to be a tough call.”

Meese likened the adoption of the LX1 to the adoption of telematics. “I think it’s a little bit like telematics. Why would I want telematics? Why would I want a diesel electric hybrid? Well, think of all the things it could do for you.”

He also drew a parallel to federal jobs that mandated contractors use equipment conforming to the current Tier level. “If you look back when [regulations] went to Tier 3, there were a lot of customers who weren’t going to be able to bid or that were going to have to put a lot of rental equipment out there,” Meese says. “Will we get to the point where governmental agencies mandate that you have a certain percentage of your fleet as hybrids? That could be a point that drives some of those purchases, as well.”

The New England Journal of Medicine: Air Pollution and Mortality in the Medicare Population

Background

Studies have shown that long-term exposure to air pollution increases mortality. However, evidence is limited for air-pollution levels below the most recent National Ambient Air Quality Standards. Previous studies involved predominantly urban populations and did not have the statistical power to estimate the health effects in underrepresented groups.

Methods

We constructed an open cohort of all Medicare beneficiaries (60,925,443 persons) in the continental United States from the years 2000 through 2012, with 460,310,521 person-years of follow-up. Annual averages of fine particulate matter (particles with a mass median aerodynamic diameter of less than 2.5 μm [PM_{2.5}]) and ozone were estimated according to the ZIP Code of residence for each enrollee with the use of previously validated prediction models. We estimated the risk of death associated with exposure to increases of 10 μg per cubic meter for PM_{2.5} and 10 parts per billion (ppb) for ozone using a two-pollutant Cox proportional-hazards model that controlled for demographic characteristics, Medicaid eligibility, and area-level covariates.

Results

Increases of 10 μg per cubic meter in PM_{2.5} and of 10 ppb in ozone were associated with increases in all-cause mortality of 7.3% (95% confidence interval [CI], 7.1 to 7.5) and 1.1% (95% CI, 1.0 to 1.2), respectively. When the analysis was restricted to person-years with exposure to PM_{2.5} of less than 12 μg per cubic meter and ozone of less than 50 ppb, the same increases in PM_{2.5} and ozone were associated with increases in the risk of death of 13.6% (95% CI, 13.1 to 14.1) and 1.0% (95% CI, 0.9 to 1.1), respectively. For PM_{2.5}, the risk of death among men, blacks, and people with Medicaid eligibility was higher than that in the rest of the population.

Conclusions

In the entire Medicare population, there was significant evidence of adverse effects related to exposure to PM_{2.5} and ozone at concentrations below current national standards. This effect was most pronounced among self-identified racial minorities and people with low income.

Jue, Tyrone (MYR)

From: Jessica Sanchez <jsanchez@baaqmd.gov>
Sent: Wednesday, March 28, 2018 1:36 PM
To: PI&E Bulletin Board
Subject: NEWS CLIPS – Wednesday, March 28, 2018

NEWS CLIPS

Bay Area/Local

SF Examiner: Electrification expands from San Francisco streets to the Bay
<http://www.sfexaminer.com/electrification-expands-san-francisco-streets-bay/>

SF Examiner: Scooter share firms roll out service in SF ahead of city efforts at regulation
<http://www.sfexaminer.com/scooter-share-firms-roll-service-sf-ahead-city-efforts-regulation/>

Napa Valley Register: Napa transportation leaders endorse efforts to save threatened Highway 37
http://napavalleyregister.com/news/local/napa-transportation-leaders-endorse-efforts-to-save-threatened-highway/article_fae57196-99c1-5332-b9f8-89e12544a1e1.html

California

Reuters: California attorney general says ready to defend vehicle efficiency standards
<https://www.reuters.com/article/us-usa-autos-emissions-california/california-attorney-general-says-ready-to-defend-vehicle-efficiency-standards-idUSKBN1H402I>

ClimateWire: Here's the strategy behind cities' lawsuits against Big Oil
<https://www.eenews.net/stories/1060077579>

Bloomberg: How California Taught China to Sell Electric Cars
<https://www.bloomberg.com/news/articles/2018-03-27/how-california-taught-china-to-sell-electric-cars>

US/International

VegNews: Beef-Eaters Produce Half of US Greenhouse Gases
<http://vegnews.com/articles/page.do?pageId=11017&catId=1>

CNN: Teen serial inventor returns with pollution filter to clear city skies
<https://www.cnn.com/2018/03/28/health/angad-daryani-tomorrows-hero/index.html>

The Hill: Moms call on US automakers to stand up for public health
<http://thehill.com/opinion/energy-environment/380535-moms-call-on-us-automakers-to-stand-up-for-public-health>

NPR: Energy Supplies And Prices Have Grown More Unpredictable
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PhysOrg: BMW sued in US over diesel emissions
<https://phys.org/news/2018-03-bmw-sued-diesel-emissions.html>

Huffington Post: Leaked Memo: EPA Issues Approved Talking Points Downplaying Climate Change
https://www.huffingtonpost.com/entry/epa-climate-adaptation_us_5abbb5e3e4b04a59a31387d7

SF Examiner: Electrification expands from San Francisco streets to the Bay

Every day, people gather on The Embarcadero to board excursions around the San Francisco Bay. As the boats set off to Sausalito, Angel Island and beyond, the sound and smell of their diesel engines fills the air.

California's seas stand in contrast to its streets. The push to meet climate goals and cut air pollution has made the state's roads quieter and cleaner.

Earlier this year, Gov. Jerry Brown introduced a \$2.5 billion plan to help Californians buy electric cars and expand high-speed charging stations. The goal is to put 5 million zero-emission vehicles on the road by 2030. Right now, California has about 350,000 electric cars, much more than any other state. Thousands of those are in San Francisco.

While electric vehicle use is propelling The City and state into a more sustainable future, electric commercial harbor crafts, like ferries and tour boats, seem stalled. Instead, vessel operators focus on filtering systems and cleaner fuels, such as low-sulfur diesel and natural gas. There's even talk some may soon start using local, renewable diesel made from refined vegetable oils and animal fats.

But it's possible for passenger vessels to ditch diesel completely. Red and White Fleet, a family-owned sightseeing company operating in San Francisco since 1892, is adopting battery technology used on electric ferries in Europe. The company hopes its new vessel, the Enhydra, will expand California's fuel-free future from the streets to the seas.

"This boat will show that you can have viable electric boats for sightseeing and other uses," Tom Escher, president of Red and White Fleet and the founder's grandson, told me. "It will be a beacon for everyone else."

The company may be the first in the United States to develop a vessel with the potential for zero emissions, but it isn't the first to explore electrification.

Alcatraz Cruises has operated hybrid vessels since 2008. The company's three crafts are powered using a combination of diesel-powered generators, electric motors, wind turbines and photovoltaic solar panels. Each vessel can operate on propulsion batteries alone for more than one hour, according to Alcatraz Cruises' website.

Like hybrid cars, hybrid vessels offer benefits beyond the environment. Operators can save money on fuel and maintenance costs. With the increasing cost of cleaner fossil fuels and vessels' long, usable life, these savings can be significant. Margaret Foster-Roesner, director of ISO, sustainability and training at Alcatraz Cruises, said the fleet has lowered the company's emissions and expenses.

"Our carbon dioxide emissions went down approximately 70 percent," she told me. "We've also saved quite a bit of money."

Red and White Fleet hopes to lower emissions and expenses even more. Scheduled for completion this summer, the Enhydra could be the first 700-passenger, lithium-ion battery hybrid vessel operating in the U.S.

Putting lithium-ion batteries on ships has raised concerns in the past. But ferry operators in Europe have successfully implemented design features to maintain thermal control and avoid damaging moisture. Lithium-ion-powered ferries regularly traverse Scandinavia's fjords. All Red and White Fleet had to do was copy their features.

When it first launches, the Enhydra will run on cleaner diesel in addition to battery power. But once charging capabilities improve in San Francisco, the vessel can propel passengers around the Bay without sound or smoke. It could be entirely electric.

“We see a pathway to zero emissions in the future,” Joe Burgard, Red and White Fleet’s vice president of operations, told me. “We just need to get the infrastructure in place.”

In addition to infrastructure needs, there also isn’t much funding for wide-spread electric vessel implementation. The state doesn’t incentivize electric vessels the way it does electric cars. Red and White Fleet paid for the Enhydra out of pocket. The company did not receive any state or federal planning or assistance grants.

The Embarcadero is a reminder that the path to zero emissions isn’t limited to streets. Electrifying the sea needs to be part of the conversation. The Enhydra is a glimpse at a fuel-free future where operators can reduce their emissions and their expenses. California and San Francisco can make even bigger waves for the environment if they make incentives and infrastructure available for electric vehicles and vessels.

SF Examiner: Scooter share firms roll out service in SF ahead of city efforts at regulation

Two companies launched app-based motorized scooter rentals in San Francisco this month even as city officials scrambled to craft regulations to manage the services.

Those companies, Bird and Limebike, tout their scooters as a replacement for car trips, in an effort to help The City go green. But officials are publicly asking them to hold off, and work with The City, not against it.

Bird officially launched its mobile phone-enabled scooter rental services in San Francisco Tuesday, and Limebike made its own scooter rentals available this month.

“Bird is pleased to bring our safe, affordable, environmentally-friendly transportation solution to the people of San Francisco,” wrote a spokesperson for the company in a statement. “This is new technology, so we understand cities may still be determining the best way to regulate it and we look forward to working closely with local officials to develop a framework that works for everyone.”

Supervisor Aaron Peskin and the San Francisco Municipal Transportation Agency are both working to create a fine and permit structure for dockless, motorized scooters in San Francisco.

Peskin and the SFMTA worked last year to create regulations for dockless bicycle rentals and electric bikes, following concerns that these bikes would be left on city sidewalks and block walking paths when not in use. Photos taken in China, where dockless bike share proliferated last year, show piles and piles of unused dockless bikes.

The same fear persists for motorized scooters, which when not rented can be left on sidewalks awaiting their next customer.

Peskin’s legislative aide, Sunny Angulo, said city officials hope the motorized scooter companies will wait for regulations to be crafted before expanding throughout San Francisco.

“The hope is that they wait until we have a process in place that’s crafted with our city partners,” Angulo said. “I would hope any company that would want to work with the city partners with us, versus going off on their own and making up their own rules.”

“Shared” scooters are not explicitly covered in transportation code, however it is illegal to place a scooter or any other object in a manner that obstructs the sidewalk or other pedestrian paths of travel, said Paul Rose, an SFMTA spokesperson.

“We would urge any potential operators of new transportation services to work closely with us prior to launching a new program,” Rose told the San Francisco Examiner. “While we welcome improved mobility options, we want to carefully consider the potential benefits and impacts of any new private transportation service to ensure that it serves the public interest.”

LimeBike spokesman Joe Arellano said the company’s scooters were in San Francisco this past weekend as a popup for the Sunday Streets Fair and the previous weekend for St. Patrick’s Day events as part of an effort to introduce them to the public and train recently employed employees.

The employees came from the community and were hired with the help of nonprofits including Collective Impact, Young Community Developers and the Center for Employment Opportunities, he said.

“As a Bay Area headquartered company, LimeBike is fully committed to ensuring we are positive contributors to San Francisco,” Arellano said. “We are excited to continue working with the SFMTA, Board of Supervisors and community as the formal permit process is developed, to identify mobility solutions that meet the City’s equity goals and help connect all parts of the city.”

Arellano said the LimeBike scooters are powered by batteries and require collection every night, limiting the amount of time they are on the streets.

Bird, for its part, has crafted a “Save our Sidewalks” pledge that it promises to adhere to, addressing the concerns of sidewalk blight head on.

The pledge commits the company to retrieving its vehicles “every night” so they are “not cluttering up our neighborhoods,” according to the pledge. The company also promised not to increase its supply of vehicles unless those vehicles are used at least three times per day, and to share the company’s data to help cities verify the scooters are being used.

Lastly, Bird promised to pay “\$1 per vehicle per day” to city governments to put towards bike lanes and other street infrastructure.

“Operating these past months in Southern California, we have helped thousands of people avoid the traffic and carbon emissions that come from driving a car,” wrote Travis VanderZanden, CEO and Founder of Bird, in a statement. “We are thrilled to expand north and help the people of northern California take those last-mile trips without a car.”

Napa Valley Register: Napa transportation leaders endorse efforts to save threatened Highway 37

Napa County transportation leaders have endorsed a Highway 37 plan that offers options to address congestion and predicted sea level rise without dictating the ultimate solution.

It’s just one step in a process that could place segments of Highway 37 on a causeway or embankment, cost \$1.5 billion to \$4.5 billion and take 10 years to 20 years or longer to complete, with smaller improvements in the interim.

The 21-mile highway runs amid wetlands to link Vallejo and Novato. Public transportation agencies from Napa, Solano, Marin and Sonoma counties are exploring ways to improve an already-congested highway predicted to go partly under tidal waters by mid-century.

Last week, the Napa Valley Transportation Authority (NVTA) Board of Directors approved the “State Route 37 Transportation and Sea Level Rise Corridor Improvement Plan.” The other transportation agencies are to take the same step.

“We can’t afford to wait on State Route 37,” NVTA Board Member and county Supervisor Alfredo Pedroza said.

The highway should take 20 minutes to drive in free-flowing traffic, said Danielle Schmitz, NVTA’s director of Programs, Projects and Planning. Instead, drivers can face a 50-minute westbound trip in the morning and a 100-minute eastbound trip in the evening.

Plus, the Highway 37 plan says various parts of the road could be underwater by 2050 because of sea level rise. It based its conclusions on a predicted 36-inch sea level rise by 2100.

A priority is improving the two-lane, 9.3-mile section over wetlands from Mare Island to Sears Point. Potential solutions for this area include placing a four-lane road on an embankment or a causeway at a cost \$1.1 billion to \$2.5 billion.

Schmitz mentioned the cost-saving possibility of creating a three-lane instead of a four-lane road, with a movable barrier dedicating the extra lane to the high-traffic direction in the morning and evening. Special vehicles would move the barrier, as is done on the Golden Gate Bridge.

Complicating any construction project are the presence of species protected by state and federal environmental laws. They include the salt marsh harvest mouse, the California red-legged frog, the longfin smelt and the San Pablo song sparrow.

“The corridor is rich with wetlands, baylands and wildlife,” Schmitz said.

Highway 37 commuters recently voiced their opinions in a survey with 3,750 respondents, 11 percent of them from Napa County. The survey found most respondents worked in Marin County and in San Francisco.

Reuters: California attorney general says ready to defend vehicle efficiency standards

California is prepared to sue the Environmental Protection Agency if it tries to weaken Obama-era vehicle efficiency standards, the state’s attorney general said on Tuesday, setting up another in a series of legal fights between Sacramento and the Trump administration.

The EPA is expected to declare by April 1 that current rules aimed at doubling average fleet-wide fuel efficiency to about 50 miles (80 km) per gallon by 2025 are “not appropriate,” sources told Reuters last week.

The declaration would enable the EPA to take steps to weaken those federal standards, which had been implemented by the administration of former President Barack Obama, a Democrat, with the backing of automakers.

“We are going to do everything that can be done to defend these standards,” California Attorney General Xavier Becerra told Reuters in an interview. “So far, when we have been challenged on environmental standards we have had a good record in court. We haven’t lost a case.”

In 2011, California's air emissions regulator and the Obama administration reached an agreement with major automakers to nearly double average fleetwide fuel efficiency by 2025, but included a "midterm review" to determine by April 2018 whether the final requirements were feasible.

But if the administration of Republican President Donald Trump weakens federal auto efficiency standards, then California - the most populous U.S. state and a massive market for automakers - could enforce its own stricter rules that nearly a dozen other states, including New York, would follow.

Carmakers are worried that such a dispute would lead to a patchwork of different standards across the country.

EPA Administrator Scott Pruitt told Reuters in January that "California doesn't have the authority to set the standards for the rest of the country" - leading some officials in the state to worry the administration could attempt to revoke Sacramento's authority to set its own rules.

EPA spokeswoman Liz Bowman confirmed its recommendation is under interagency review and will be completed by the April 1 deadline.

Becerra said he is confident courts would side with California if EPA tries to weaken the federal standards or, further down the road, undercut the state's special authority under the federal Clean Air Act to set its own.

"We are not yet at round one and we think we have some good knockout punches for the next rounds," he said.

ClimateWire: Here's the strategy behind cities' lawsuits against Big Oil

Lawsuits seeking to make oil companies pay for climate-related damages in California could go forward in both state and federal courts, after judges issued split decisions on where the cases belong.

That could give cities and counties behind the claims multiple chances to win. Oil companies need to prevent even one loss to avoid a powerful precedent, legal experts said.

"You have a bunch of different judges. If one of them holds the defendants liable even if [others] don't, that is a huge victory for plaintiffs seeking to establish the defendants are responsible for the harms," said Ann Carlson, co-director of UCLA School of Law's Emmett Institute on Climate Change and the Environment.

Eight California cities and counties have sued multiple oil companies in separate cases, arguing that combustion of fossil fuels contributes to sea-level rise and other costly impacts. The oil companies petitioned to move the cases to federal court, arguing there were federal issues. That happened automatically. Cities and counties sought to return the cases to state court.

Two federal judges — located two floors apart at the U.S. District Court for the Northern District of California in San Francisco — reached different conclusions. Judge William Alsup said late last month that climate change is a global problem, making federal law more appropriate. He kept lawsuits filed by San Francisco and Oakland in his court, against Chevron Corp., BP PLC, ConocoPhillips, Exxon Mobil Corp. and Royal Dutch Shell PLC.

Then District Judge Vince Chhabria ruled on March 16 that lawsuits from Imperial Beach, San Mateo and Marin County against 26 fossil fuel companies and trade associations should go back to state court. He said that federal common law does not govern their claims. He's also handling suits from Richmond, Santa Cruz and Santa Cruz County against more than two dozen oil defendants. A decision on whether to return those to state court is pending.

Oil companies and other defendants Monday filed paperwork asking the 9th U.S. Circuit Court of Appeals to overturn Chhabria's decision sending the Imperial Beach, San Mateo and Marin County cases back to state court.

"Given the global implications of the lawsuits and the billions of dollars at stake, it would make no sense for both sets of cases to proceed simultaneously, with one set in state court and one set in federal court," the defendants said in a motion filed with Chhabria's court. The 9th Circuit should weigh in "before these cases go back to state court, raising the risk of inconsistent outcomes in these cases and the nearly identical cases being litigated on the merits before Judge Alsup."

If some of the cases ultimately return to state court, "this is actually about the best outcome for the cities," said Dan Farber, professor of environmental law at the University of California, Berkeley. While it increases their litigation expenses, "it gives them two different bites of the apple" with state and federal judges. "The plaintiffs get to bring cases under different sets of rules and sort of give it a shot both ways."

The stakes potentially are very large, Carlson said. In lawsuits against tobacco companies for harms caused by their products, multiple plaintiffs lost case after case. But when one plaintiff finally won, "that just changed the entire picture."

Similarly, one victory for the cities in these cases "has the potential to set off a cascade of lawsuits that establish liability and could cost the defendants billions of dollars," Carlson said. "It's why they're fighting these cases so hard."

Oil companies want all the cases thrown out. They've filed motions to dismiss the suits from San Francisco and Oakland in Alsup's court. ConocoPhillips said the suits lacked jurisdiction because the company is headquartered in Houston. Chevron, based in California, cited prior climate-related cases that lost in federal courts.

Chevron spokesman Sean Comey said in an email that the cities' suits "should not proceed in any court, state or federal."

"Chevron welcomes meaningful efforts to address the issue of climate change, but litigation is not an appropriate tool for accomplishing that objective," he said. "Under the Clean Air Act, the responsibility for regulating greenhouse gas emissions has been assigned to the EPA. The relief Plaintiffs seek would require the court to unilaterally change the nation's energy and environmental policies. That would be improper and unconstitutional."

New issues raised

The lawsuits charge that oil products are a public nuisance. It's an "unsettled area of the law" with no direct precedents, Farber said. That makes the federal judges' conflicting rulings not as surprising.

"Where they think the law is unclear, different judges can have different views," Farber said. "That happens all the time. We don't see it in such high-profile cases all the time."

In addition, the cities and counties claim that the companies knew for decades that their products contributed to climate change and hid that information, while making business changes to protect their profits. That's different from a basic public nuisance lawsuit, said Michael Wara, director of the Climate and Energy Policy Program at the Woods Institute for the Environment at Stanford University.

"There's not a lot of clarity about how it will play out," Wara said. "It's raising a whole bunch of new issues under federal law and state law."

Unless the 9th U.S. Circuit Court of Appeals reverses Chhabria, the cases he ordered back to state court will be assigned to different judges in four Superior courthouses, in Santa Cruz, San Mateo County, Marin County and Contra Costa County.

Eventually they might be moved to a single courtroom, said a lawyer at the firm Sher Edling LLP. It's handling the cases from Imperial Beach, San Mateo, Marin County, Richmond, Santa Cruz and Santa Cruz County. Vic Sher, partner at Sher Edling, welcomed the order returning the cases to state court.

"We believe, as did Judge Chhabria, that these cases do not satisfy any of the legal criteria for proceeding in federal court," Sher said. "It makes no sense to spend time and resources trying the cases in federal court only to have the appellate courts — whether the 9th Circuit or the Supreme Court — determine at the end that they should have been in state court all along."

It's not uncommon to have cases in both state and federal courts, Sher said.

"The import, in sharp contrast to the fossil fuel industry's position, is that the courts are appropriate places to deal with who should pay for the necessary planning and adaptation costs," Sher said.

State court vs. federal

There's good reasons for the cities and counties to keep the cases in state court, and for the oil companies to want federal court, legal experts said.

"California nuisance law is really probably the most favorable pro-plaintiff nuisance law in the country," Carlson said. "That's not going to be true for federal common law."

Under California nuisance law, "efforts to deceive the public about the harms that a product can cause, or to hide negative information, or to engage in a campaign to prevent regulation of that product is relevant," Carlson added.

That could become a factor with the municipalities' claims that the oil companies knew about the threat of global warming and funded campaigns to try to undermine the credibility of climate science, Carlson said.

Federal court, in comparison, has much narrower rules around nuisance law. It's not clear that any evidence related to what the companies knew and didn't disclose about climate change would be relevant under federal nuisance law, she said. There isn't a federal statute "that really defined what nuisance is."

The lawsuits contain other charges that would be relevant in state court. Those include product liability claims. California law allows damages for liability related to failure to warn consumers if a product is harmful, Carlson said.

In the federal cases, the oil companies and their allies argue that the Clean Air Act governs greenhouse gas emissions. That "displaces," or cancels out, the nuisance claims at the federal level.

They cite cases such as American Electric Power Co. v. Connecticut, in which states sought to cap utility emissions. That case went to the U.S. Supreme Court, which held that corporations cannot be sued for greenhouse gas emissions because EPA regulates those through the Clean Air Act.

However, Carlson, Farber and others said that Alsup appeared to indicate AEP is not a barrier in his order to keep the San Francisco and Oakland cases in federal court. That's because the oil companies are not the ones emitting, unlike the utilities in the AEP case.

In state court, the AEP case is less of a factor. The Supreme Court in its ruling "was very careful not to say anything about a state nuisance claim," Wara said. The high court left open the question of what happens at the state level, he said.

That's why the municipalities hope that their cases are eventually heard by the California Supreme Court.

"State court is going to be open to the idea of doing something that's kind of unprecedented," Farber said. "It's going to be hard to get the [U.S.] Supreme Court to be activist on the climate change issue."

Bloomberg: How California Taught China to Sell Electric Cars

California wants 5 million emission-free cars on the road by 2030. China, with a far larger population, wants 7 million electric vehicles by 2025. California has a cap-and-trade program to limit emissions from power plants, factories and fuel suppliers. China is launching a cap-and-trade system to lower fuel consumption and cut reliance on oil imports.

While the liberal and authoritarian politics of California and China are a study in contrasts, both places are taking a top-down approach to combating climate change by forcing a shift in energy and transportation. China, in fact, has modeled its electric car mandate on California's program, following years of collaboration between officials on opposite sides of the Pacific.

"China has referenced and learned from California," said Yunshi Wang, director of the China Center for Energy and Transportation at the University of California at Davis.

California Governor Jerry Brown met in China last year with President Xi Jinping. The talks focused on strategies to combat global warming and came shortly after President Donald Trump said the U.S. would pull out of the Paris climate accord. The ties between political leaders in China and California are all the more striking at a time when Washington and Beijing are on the cusp of a trade war.

Brown's approach to energy policy may soon come under fire from the Trump administration, which is considering revoking California's ability to set its own auto-emissions standards. U.S. automakers are trying to broker a compromise between California and Washington, worried that potential legal battles could lead to years of uncertainty regarding pollution-control policies. California, as the biggest auto market, tends to shape national policy; New York and several additional states that account for a third of U.S. vehicle sales have adopted California's standards.

China and California, taken together, can exert a similar pull on the adoption of electric vehicles. China surpassed the U.S. in 2015 to become the world's biggest market for electric cars, with sales of new-energy vehicles—a category that includes battery-powered, plug-in hybrid and fuel cell cars—possibly surpassing 1 million this year, according to the China Association of Automobile Manufacturers. California likewise makes up about half of the U.S. electric car market and now has more than 375,000 plug-ins on the road.

For the time being, as long as battery-charged cars are more expensive than gasoline-powered equivalents, the subsidies and mandates used by China, California and others to encourage adoption will remain vital. Electric cars accounted for less than 2 percent of worldwide new-car sales in 2017, according to Bloomberg New Energy Finance. Clean-energy advocates point to the example of solar and wind power, for which mandates helped drive demand that eventually pushed down costs to where renewable energy can compete on price with fossil fuel power plants.

"The hope is that these mandates and incentives will help create new knowledge that will drive down the costs and improve the quality—and, by doing so, will make the cost competitive with the internal combustion engine," said

Severin Borenstein, an energy expert and business professor at the University of California at Berkeley. “It’s a real stretch, because the internal combustion engine is really cost-competitive.”

Here’s a look at the policies California and China are using to usher in the electric car era:

Mandates for Automakers

California requires automakers that do business in the state to sell a certain number of electric cars through its zero-emission vehicle program. There are two ways to meet the requirement: Sell nonpolluting cars or buy surplus credits earned by competitors that do.

While the program has forced automakers to offer more electric car choices—more than 20 electric or plug-in hybrid models are now available, up from a handful a few years ago—there are indications that it also needs to be tweaked. Tesla Inc. has sold more than \$1.2 billion in credits, and some automakers have stockpiled enough that they won’t need to sell electric cars for years.

China is adopting a similar program. Automakers in China must earn new-energy vehicle credits by producing electric cars, part of the country’s gradual phaseout of other subsidies. Carmakers will need to have at least 10 percent of vehicles sold in 2019 qualify for the credits. Companies that fail to meet the requirement can either pay fines or buy credits from rivals.

“China is using the stick more than the carrot approach,” said Steve Man, a Hong Kong-based analyst with Bloomberg Intelligence. “Those generous subsidies are nearly gone, and emission controls are getting more stringent.”

Incentives for Consumers

Consumers looking to buy an electric vehicle in California can take advantage of a \$2,500 rebate. The state has spent about half a billion dollars on rebates for battery-powered, plug-in and fuel cell cars, according to state data, and Governor Brown has proposed extending subsidies as part of a \$2.5 billion electric car initiative proposed in January. Combined with a \$7,500 federal tax credit and manufacturer discounts, Californians can reduce their effective monthly lease payments for clean cars to almost zero, the Alliance of Automobile Manufacturers told the state last year.

China has been increasing subsidies to reward electric vehicles that can travel longer distances on a single charge. In a plan announced last month, the central government’s incentive for electric cars that have a range of 400 kilometers (249 miles) and beyond has been raised to 50,000 yuan (\$8,000), up from 44,000 yuan. At the same time, vehicles have to be able to go at least 150 kilometers on a single charge to be eligible for incentives, up from 100 kilometers previously.

Investing in Car Charging

One of the main bottlenecks to widespread adoption of electric cars is access to public charging stations. “You’ve got a lot of vehicles coming out, but not all consumers have access to charge up,” said Simon Mui, director of a program focused on California’s transportation policy at the Natural Resources Defense Council.

While California has the largest number of car-charging ports in the U.S., it has one of the lowest ratios of public outlets to electric cars in the country, according to an analysis by Beacon Economics provided by Next 10, an environment and policy group. Governor Brown’s latest plan also calls for \$900 million spent, in part, on installing 250,000 electric charging stations, up from about 14,000 now.

China’s government has also been pushing construction of charging facilities nationwide. The country plans to add 600,000 stations this year, according to work plans of the National Energy Administration. The central government last

month urged local governments to gradually shift subsidies away from helping drivers buy non-gasoline vehicles and toward the construction of charging facilities.

VegNews: Beef-Eaters Produce Half of US Greenhouse Gases

A new study shows that 20 percent of Americans—those who eat the most beef—are responsible for a disproportionate amount of environmental damage.

A new study published this month in Environmental Research Letters found that individuals who consume the highest amount of beef are responsible for 46 percent of the total greenhouse gases emitted by the food industry in the United States. Researchers compiled a database of the environmental impact of 332 foods and connected it to the National Health and Nutrition Examination Survey, a collection of self-reported dietary habits of 16,800 Americans. The data showed that individuals in the high-impact group (which was characterized by those who consumed the largest amount of meat, particularly beef, and comprised 20 percent of study participants) were responsible for 7.9 times more greenhouse gas emissions than the low-impact group. Additionally, researchers found that the high-impact group consumed an average of 3,000 calories per day, with the low-impact group consuming approximately 1,300 calories daily. "Agriculture is a key contributor to many environmental problems, including climate change, biodiversity loss, and land and freshwater degradation," the study researchers stated. "Thus, diet composition has been identified as an important leverage point in reducing the environmental impact of food systems and in freeing up production capacity to feed future population growth." The researchers recommended that if the US is to meet emissions reduction goals (as set forth during The Paris Agreement), individuals in the high-impact group would need to shift their diets to align more closely to those of the low-impact group. On a global scale, the United Nations reported that animal agriculture emits more greenhouse gases than all of the transportation sector combined.

CNN: Teen serial inventor returns with pollution filter to clear city skies

Angad Daryani. Remember the name.

The 19-year-old from Mumbai has already gained a reputation. He left school in the ninth grade and then self-educated while working with MIT Media Lab until the age of 17. Daryani has launched multiple startups and social initiatives, and collaborated on a string of inventions that fall squarely into the "Why hasn't someone thought of that before?" category.

There was the "eye-pad," designed to instantly convert written English and French into Braille. The Sharkbot, a \$350 3-D printer. A low-cost ECG heart monitor and a vehicle controlled by hand gestures.

Now, Daryani is pushing forward with an industrial-scale air filter to rid skies of pollutants and carcinogens that plague modern cities.

"Growing up, I had asthma," he explained. "I used to have a lot of breathing problems growing up in India."

The World Health Organization estimates that India has 15 million to 20 million asthmatics, the condition affecting roughly 10% to 15% of 5- to 11-year-olds.

Air quality has been a longstanding issue. India is the world's third largest emitter of carbon dioxide, according to Global Carbon Atlas, and an economic boom is putting more cars on the streets. Garbage fires, crop burning and road dust also

contribute to air pollution. During one bad period of smog in New Delhi in late 2017, breathing outdoors was equivalent to smoking 44 cigarettes a day.

The problem is not going to vanish overnight. In 2016, a report by the International Energy Agency estimated that car ownership in the world's second most populous nation would jump 775% by 2040. With the government announcing a \$2.5 billion scheme to electrify every household in the country, demands on energy -- over half currently coming from coal -- are only going to rise.

Large-scale air filtration has entered the public imagination in recent years. A pagoda-esque "Smog Free Tower" popped up in Beijing in 2016 and the "CityTree" in Paris in 2017. But the technology has yet to take off at scale.

Daryani is a frequent public speaker. One day, he was sharing the stage with someone who spoke about air filters. But Daryani says that when he approached him about bringing the technology to India, the other speaker rebuffed him. "That really upset me," Daryani said, "so I said, 'OK, I'm going to take this up myself and solve this problem on my own.' "

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Now an undergraduate at the Georgia Institute of Technology, he shows CNN a small-scale version of his solution in a university workshop. He's working toward a 20-foot cylindrical tower that sucks in air, separating pollutants in a five-phase process. He says his method adapts and shrinks techniques used by the energy sector and gas-emitting industries.

"There's two things that we want to separate: One is dust and other heavy solid particles in the air, and second is microscopic carbon particles, which are actually causing lung cancer," he explained.

Using replaceable filters like household air purifiers is not an option, Daryani says: They'd need to be replaced every day in the city. His system will instead contain two tanks for collecting dust and carbon, which he estimates would need emptying only every one to two weeks.

Carbon stripped from the air is potentially profitable, too. Indian startup Graviky Labs is creating ink from particles emitted by car exhausts. "If we're capturing that same amount of carbon and the same quality of carbon through our technology, we can obviously pass (it) on," Daryani said.

The teen has made sacrifices to get here, shutting down his startups in India to pursue university and the project. Daryani says his tutor is allowing the pollution filter to count toward his electrical engineering course credits, but he's looking beyond that.

"If this tower performs the way that we want it to perform, we can scale it up in the thousands in the city in the next five or six years."

He cites Elon Musk, a clear inspiration for the type of business model he wants to construct: an entrepreneur whose ambitions the world can barely keep up with.

"I want things like this (tower) to be implemented on a scale until the time developing countries like India, China and (countries in) Africa actually reach an all-electric method of transportation," Daryani said.

"My eventual dream is to build companies that solve problems like this. That's what I tried to do before, and that's what I hope to do after school."

The Hill: Moms call on US automakers to stand up for public health

I try to teach my kids to stand up for what's right. It's only fair to hold American automakers to the same standard. That's why I'm calling on GM, Ford, and Chrysler to stand up for America's clean cars standards, and reject attacks on these commonsense protections.

GM, Ford, and Chrysler, together with their trade association the Alliance of Automobile Manufacturers, agreed to and supported these standards just a few years ago. Yet now, these safeguards are under threat of serious rollbacks. I would expect these American automakers to lead the defense of standards they helped craft.

Instead, acting through their trade association, they're using shady science to justify weakening them, sowing doubt about the well-established and fairly basic scientific fact that air pollution is bad for your health. They've also cherry-picked from climate studies to cast doubt on the fact that climate change is real, and that burning less gasoline can help curb its worst effects.

The truth is that the science is unambiguous, on both fronts. Decades of scientific research have established that climate change is happening and is caused by people, and car pollution is a major contributor to this problem.

We also know that soot worsens respiratory and heart conditions, and increases the risk of stroke and heart attacks. Bad air can trigger asthma attacks and interfere with normal lung development. Children and the elderly are at particular risk. To claim otherwise is like saying that smoking cigarettes may not actually cause cancer.

Tailpipe pollution is a major contributor to harmful air pollution. So it's especially egregious that GM, Ford, Chrysler, and other automakers are pushing a compilation of "research" that tries to deny the link between air pollution and its health impacts, and that they are quietly submitting this fringe science to government offices in an effort to loosen the rules keeping auto emissions in check.

Strong national clean car standards increase fuel efficiency and reduce pollution. These standards are working, and they help families like mine save money at the pump. They protect my children's lungs in the short term, and our planet's climate in the long term. Controlling air pollution saves lives and helps address climate change. Major automakers should be capable of understanding that, too.

GM, Ford, and Chrysler go to great lengths to sell the public on their commitment to sustainability in their commercials. They say they recognize the threat posed by climate change. But their trade association doesn't appear to be playing the same tune.

These car companies cannot hide behind the trade association they control. It is inexcusable to see any automaker endorse any claims — directly or indirectly — that suggest harmful air pollutants are not dangerous to American

families, or to suggest that these claims,— which lie far outside the scientific mainstream — should be the basis for national policy.

We moms spend a lot of time behind the wheel. Just as we depend on our family cars when we drive our kids to school, sports and activities, we want to be able to depend on American carmakers to have our backs in terms of children's health and the environment. It's time they stand up for clean car protections that improve gas mileage, address dangerous climate change, and contribute to better air quality — and make American moms proud.

NPR: Energy Supplies And Prices Have Grown More Unpredictable

A lot of smart people spend a lot of time trying to predict how much oil and gas is going to come out of the ground in the future.

Lately, they've been getting it wrong.

"Unpredictability, measured as the frequency of extreme errors in ... projections, has increased in the most recent decade," according to an unusual new study by a team at Carnegie Mellon University that found analysts are getting worse at predicting both how much oil and gas will be produced and how much Americans will need.

That's not good news, according to Ines Azevedo, an engineer at Carnegie Mellon who supervised the study. Oil and gas alone contribute about \$250 billion per year to the economy, and fuel-dependent transportation of people and goods add almost a trillion dollars more.

Azevedo's team examined the last six decades of data on energy supply, demand and prices, as well as several decades of projections by the U.S. Energy Information Administration. Part of the federal government, the EIA makes projections each year that lay out how much oil, gas and coal will be produced in the near future, as well as what consumers are likely to demand.

These projections are the gold standard for business and power companies, and anyone else who cares about energy economics. Businesses, state governments and utilities depend on the projections to plan how much fuel to buy, what to charge consumers for electricity and fuel and what kind of new power plants to build.

How much consumers pay at the pump or to your power company depends on how well energy producers plan.

Steven Davis, an energy expert at the University of California, Irvine who was not involved in the study, says predictions have gotten worse for two main reasons. "One was this revolution in how we were able to extract gas and oil through fracking and horizontal drilling, which really shook up the energy sector," he says. Suddenly, oil and gas that was once thought unreachable could be extracted using this new technology. Supplies shot up, and prices dropped.

Economic volatility is also to blame. "The recession that struck around 2007 and 2008," he adds, "really started tanking economies around the world."

The new study shows how prices, production and consumption sometimes exceeded expectations, and sometimes fell below what had been predicted.

Davis says the uncertainty has real consequences beyond making hedge fund managers nervous. It leads businesses to be more conservative.

"You're less inclined to take on big, irreversible investments on things like a gigantic power plant, and instead you may sort of hedge by holding tight with what you have," Davis explains. If "what you have" is an old, polluting power plant, that could be bad for the environment.

One part of the energy business left out of the analysis, published in the journal *Nature Energy*, is the market for electricity from solar energy and wind power. But past analyses have found the unpredictability holds true there as well; prices have been significantly lower and growth higher than what was projected a decade ago.

Azevedo acknowledges this may not be a permanent situation. Volatility and unpredictability were equally extreme during the 1950s, for example, but in the decades leading up to the early 2000s things were a lot less volatile and more predictable.

But she notes that the energy world looks very different now. It's truly an international business, with oil and gas coming from scores of countries and new technologies changing the energy landscape constantly. Meanwhile, numerous economies that used to be small players, especially China and other Asian countries, now have huge influence over world supply and demand.

Azevedo says the current volatility is a "stark reminder" that "surprises" may be the new norm.

PhysOrg: BMW sued in US over diesel emissions

German luxury carmaker BMW has been sued in the United States over "defeat devices" installed in tens of thousands of vehicles in order to cheat diesel emissions tests, lawyers for the plaintiffs said Tuesday.

The case, filed in federal court in New Jersey, will become a class-action suit once it is certified by a judge.

The suit singles out the BMW X5 and 335D model diesel cars sold between 2009 and 2013.

The attorneys at the Hagens Berman firm claim emissions from those cars were as much as 27 times higher than the standard allowed—a fact masked by the "defeat devices" and their "manipulative software."

"At these levels, these cars aren't just dirty—they don't meet standards to be legally driven on US streets and no one would have bought these cars if BMW had told the truth," said Steve Berman, the firm's managing partner.

"BMW blatantly chose to leave its loyal customers in the dark, forcing them to unknowingly fit the bill for its degradation of the environment."

BMW is the latest automaker to face legal action over emissions violations—rival Volkswagen was found to have built "defeat devices" into more than 11 million cars worldwide in the so-called "dieselpgate" scandal.

The attorneys are seeking reimbursement for their clients for their car purchases.

A week ago, German authorities raided BMW headquarters in Munich and another site in Austria in connection with a preliminary investigation into possible fraud relating to emissions cheat systems built into more than 11,000 cars.

BMW confirmed the raids and repeated the company's stance that "a correctly programmed software subroutine was mistakenly allocated to incompatible models."

In February, the German automaker admitted the software was present in some vehicles and said it would recall them for a software update as soon as one was approved by the KBA German vehicle licensing authority.

Volkswagen eventually was ordered to pay huge fines in the United States in connection with "dieseldgate".

Since that scandal erupted, several automakers have been accused of using software to skirt emissions standards.

Huffington Post: Leaked Memo: EPA Issues Approved Talking Points Downplaying Climate Change

The Environmental Protection Agency on Tuesday evening sent employees a list of eight approved talking points on climate change from its Office of Public Affairs — guidelines that promote a message of uncertainty about climate science and gloss over proposed cuts to key adaptation programs.

In an internal email obtained by HuffPost, Joel Scheraga, a career staffer who served under President Barack Obama, urges communications directors and regional office public affairs directors to note that the EPA “promotes science that helps inform states, municipalities and tribes on how to plan for and respond to extreme events and environmental emergencies” and “works with state, local, and tribal government to improve infrastructure to protect against the consequences of climate change and natural disasters.”

But beyond those benign statements acknowledging the threats climate change poses are talking points boiled down from the sort of climate misinformation EPA Administrator Scott Pruitt has long trumpeted.

“Human activity impacts our changing climate in some manner,” one point reads. “The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.”

The other states: “While there has been extensive research and a host of published reports on climate change, clear gaps remain including our understanding of the role of human activity and what we can do it about.”

The email was sent under the subject line: “Consistent Messages on Climate Adaptation.”

In a statement to HuffPost, the EPA confirmed the memo and said the agency’s “work on climate adaptation continues under the leadership of Dr. Scheraga.”

The delivery of the talking points comes a week after Pruitt announced plans to restrict the agency’s use of science in writing environmental rules, barring the use of research unless the raw data can be made public for other scientists and industry to scrutinize. That directive would disqualify huge amounts of public health research conducted on the condition that subjects’ personal information will remain private. Two former top EPA officials called the move an “attack on science” in a New York Times op-ed published Monday.

Last year, the EPA reassigned the four staffers in the policy office who worked on climate adaptation, shuttered its program on climate adaptation and proposed eliminating funding for programs that deal with rising seas and warming temperatures.

Pruitt personally oversaw efforts to scrub climate change from EPA websites, and staunchly defended President Donald Trump’s decision last June to withdraw the United States from the Paris climate accord. In October, Pruitt proposed repealing the Clean Power Plan, the only major federal policy to reduce greenhouse gas emissions.

The agency had also suggested zeroing out funding for most of its major climate and regional science grant programs, only to see Congress reject most of the cuts in the budget bill passed last week.

The assertions made in the new EPA talking points are not rooted in science. Ninety-seven percent of peer-reviewed research agrees with the conclusion that emissions from burning fossil fuels, deforestation and industrial farming are enshrouding the planet in heat-trapping gases, and are the primary causes of rising planetary temperatures. A research review published in November 2016 found significant flaws in the methodologies, assumptions or analyses used by the 3 percent of scientists who concluded otherwise.

But for the past three decades, a Big Tobacco-style misinformation campaign funded primarily by oil, gas and coal interests has fueled political debate over the integrity of the scientific consensus.

“Administrator Pruitt encourages an open, transparent debate on climate science,” the final point states.

Here’s the full email (emphasis theirs):

Dear Colleagues:

During the recent meeting of our Cross-EPA Work Group on Climate Adaptation, several individuals suggested it would be helpful to develop consistent messages about EPA’s climate adaptation efforts that could be used across all Program and Regional Offices. I’m pleased to report that the Office of Public Affairs (OPA) has developed a set of talking points about climate change that include several related to climate adaptation. These talking points were distributed today by Nancy Grantham (OPA) to the Communications Directors and the Regional Public Affairs Directors.

The following are the talking points distributed by OPA. I have highlighted those relating specifically to our adaptation work.

- EPA recognizes the challenges that communities face in adapting to a changing climate.
- EPA works with state, local, and tribal governments to improve infrastructure to protect against the consequences of climate change and natural disasters.
- EPA also promotes science that helps inform states, municipalities, and tribes on how to plan for and respond to extreme events and environmental emergencies.
- Moving forward, EPA will continue to advance its climate adaptation efforts, and has reconvened the cross-EPA Adaptation Working Group in support of those efforts.
- Human activity impacts our changing climate in some manner. The ability to measure with precision the degree and extent of that impact, and what to do about it, are subject to continuing debate and dialogue.
- While there has been extensive research and a host of published reports on climate change, clear gaps remain including our understanding of the role of human activity and what we can do about it.
- As a key regulatory voice, it is important for the Agency to strive for a better understanding of these gaps given their potential significant influence on our country’s domestic economic viability
- Administrator Pruitt encourages an open, transparent debate on climate science.

Best regards,

Joel

Joel D. Scheraga, Ph.D
Senior Advisor for Climate Adaptation
Office of Policy

Jue, Tyrone (MYR)

From: Jue, Tyrone (MYR)
Sent: Tuesday, August 08, 2017 1:15 PM
To: Matt Edling
Subject: RE: thanks

Actually free now for the next 45 minutes if that works. Just give me a call.

Tyrone Jue | Senior Advisor on the Environment
Office of Mayor Edwin M. Lee
City & County of San Francisco



From: Matt Edling [mailto:matt@sheredling.com]
Sent: Tuesday, August 08, 2017 1:13 PM
To: Jue, Tyrone (MYR) <tyrone.jue@sfgov.org>
Subject: RE: thanks

I do. What time do you suggest?

Matt Edling
Sher Edling LLP
425 California St., Ste. 810
San Francisco, CA 94104
(628) 231-2500
matt@sheredling.com
www.sheredling.com

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From: Jue, Tyrone (MYR) [mailto:tyrone.jue@sfgov.org]
Sent: Tuesday, August 8, 2017 1:10 PM
To: Matt Edling <matt@sheredling.com>
Subject: RE: thanks

I do. Do you have time to chat over the phone today?

Tyrone Jue | Senior Advisor on the Environment
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From: Matt Edling [<mailto:matt@sheredling.com>]
Sent: Tuesday, August 08, 2017 12:06 PM
To: Jue, Tyrone (MYR) <tyrone.jue@sfgov.org>
Subject: thanks

Tyrone –
Any update on your end? I have some on mine and would prefer not to step on any toes.

Thanks very much.

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