

Charlie Peters

Clean Air Performance Professionals

21860 Main Street Ste A
Hayward, California 94541

Thursday, May 10, 2012

Honorable John L. Burton
Chairman, California Democratic Party
1401 21st St # 200, Sacramento, CA 95811
(916) 442-5707 / 5715 fax
shawanda@caden.org

RE: NO on SB 1396 Dutton & AB 523 Valadao unless amended.

Good afternoon Senator Burton,

Federal ethanol policy increases Government motors oil use and Big oil profit.

It is reported that today California is using Brazil sugar cane ethanol at \$0.16 per gal increase over using GMO corn fuel ethanol. In this game the cars and trucks get to pay and Big oil profits are the result that may be ready for change.

We do NOT support AB 523 or SB 1396 unless the ethanol mandate is changed to voluntary ethanol in our gas.

Folks that pay more at the pump for less from Cars, trucks, food, water & air need better, it is time.

The car tax of AB 118 Nunez is just a simple Big oil welfare program, AAA questioned the policy and some folks still agree.

AB 523 & SB 1326 are just a short put (waiver) from better results.

Thank you for your life time of service.

Clean Air Performance Professionals (CAPP) / An award winning coalition of motorists.

Charlie Peters
Cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 [cappcharlie \[at\] earthlink.net](mailto:cappcharlie@earthlink.net)



YOU'LL
HAVE TO
REDUCE YOUR
CONSUMPTION

CHAPPATTE
PATRICK CHAPPATTE/LE TEMPS, SWITZERLAND

.BUSINESS WIRE Aug. 2, 1999

Monday August 2, 6:04 pm Eastern Time

Company Press Release

Refiners Applaud EPA Panel Recommendations Support Federal Law to Facilitate California MTBE Phase-out

GLENDALE, Calif.--(BUSINESS WIRE)--Aug. 2, 1999--California's petroleum industry applauded the recommendations of the US Environmental Protection Agency's (EPA) Blue Ribbon Panel, which called for the removal by Congress of the current Clean Air Act requirement that cleaner-burning gasoline include oxygenate additives such as MTBE.

"One of the greatest hurdles to a smooth and cost-effective phase-out of MTBE in California gasoline is the federal government's oxygenate mandate. The Panel's action is a very positive step," said Douglas F. Henderson, executive director of the Western States Petroleum Association. "In his March 1999 Executive Order Governor Gray Davis called removing the federal oxygenate mandate an 'essential element' for the phase-out of MTBE in California. We couldn't agree more," said Henderson.

California air quality laws are the strictest in the nation, requiring our gasoline to be even cleaner than the cleaner-burning gasoline required under US regulations covering the other states. Yet California does not require the addition of oxygenates to achieve these higher standards. "We can still produce the cleanest gas in the country without the federal government mandating arbitrary amounts of oxygenates in California gasoline," Henderson concluded.

To pave the way for the phase-out, California Senator Dianne Feinstein and Congressman Brian Bilbray have introduced legislation, S 266 and HR 11, which would keep California's strict environmental standards for gasoline intact while exempting our state from the federal oxygenate mandate.

"The Feinstein/Bilbray legislation was strongly supported by the University of California's SB 521 report on MTBE requested by the state legislature. Further, the California Energy Commission concluded that passage of Feinstein/Bilbray could reduce the costs of an MTBE phase-out in California by as much as half," said Henderson.

S 266 and HR 11 enjoy broad bi-partisan support, including but not limited to Governor Gray Davis, California Air Resources Board, California Environmental Protection Agency, the California Chamber of Commerce, California Manufacturers Association, California Council for Environmental and Economic Balance, Natural Resources Defense Council (California chapter), Sierra Club, Planning and Conservation League, Association of California Water Agencies, Western States Petroleum Association and virtually the entire California Congressional delegation.

The Western States Petroleum Association (WSPA) is the non-profit trade association representing approximately 36 companies that account for the bulk of petroleum exploration, production, refining, transportation and marketing in the six western states of Arizona, California, Hawaii, Nevada, Oregon and Washington.

Contact:

Western States Petroleum Association
Jeff Wilson, 818/543-5344
Dave Fogarty, 650/340-0470

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April 7, 2000

The process can seem agonizingly slow and filled with detours into the legislative back country. But it has begun to seem possible that California legislators will finally get the controversial gasoline additive MTBE out of the state's gasoline and make progress on the difficult matter of instituting a balanced approach to the difficult issues revolving around motor fuels and environmental concerns.

It is important to remember that MTBE, which has had a propensity to leak through storage tanks and infiltrate water supplies at a very fast rate, making water at least noxious to smell and possibly a health hazard, was introduced at the behest of government clean-air regulators. The substance is an oxygenate, which means (in layman's terms) it makes fuels burn more efficiently so fewer noxious chemicals are released into the air.

MTBE was viewed as the least expensive way for petroleum refiners to meet new state and federal clean-fuel standards - the alternative is ethanol, refined from corn and beloved of Midwest farmers and corporate giants such as Archer-Daniels Midland. Oil companies invested millions in converting to MTBE-laden fuels and even though numerous environmental problems, including wells and the shutdown of entire water systems, have been connected to MTBE, they have been reluctant to phase it out quickly. Gov. Davis has announced a phase-out, but it is not scheduled to go into full effect until 2002.

Perhaps that is why business heavyweights such as the Chamber of Commerce appeared at Tuesday's state Senate Transportation Committee hearings to oppose Arcadia Republican Sen. Richard Mountjoy's SB 1971, which would remove MTBE from gasoline in California by the end of the year. But the committee approved SB 1971 by a 7-3 vote. It also approved SB 1972 (by a 10-1 vote), which directs the University of California to study oxygenates and alkylates now being considered as MTBE replacements - before their use is

mandated.

Gov. Davis has also asked for an exemption from federal oxygenation mandates issued by the Environmental Protection Agency. But the request puts Democratic presidential hopeful Al Gore in a ticklish position, since he wants to appeal both to Iowa farmers and California motorists. Whatever the reason, the federal government has not responded to the waiver request.

Charlie Peters, who has represented Clean Air Performance Professionals, the mechanics who do smog checks, told the committee that a waiver is not needed, that the federal government's oxygenate standards do not represent a legally enforceable mandate. 'I said that fuel in California already exceeds federal standards and has for a long time,' he told us, 'so there is no legal problem with using something other than oxygenates in California.'

Whether that's true or not - it could be a topic that can keep lawyers on either side busy for a while - it is important to get the MTBE out of California gasoline as quickly as possible and to have a thorough understanding of alternative additives before mandating their use.

We hope SB 1971 and SB 1972 - which go next to the Senate Environmental Quality Committee - become law quickly.

#1 newspaper in Orange County, California

Register

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Please send comments to ocregister@link.freedom.com



United States Senate

WASHINGTON, DC 20510-0504

April 30, 2001

The Honorable George W. Bush
The White House
1600 Pennsylvania Avenue NW
Washington, DC 20510

Dear Mr. President:

The State of California needs your help. Californians have been besieged by a huge increase in natural gas costs and the likelihood of energy blackouts this summer, coupled with a dramatic rise in electricity rates. At the same time, there are predictions that retail gasoline prices may soon climb to \$3 per gallon or more.

Oil refiners and other energy industry experts agree that one of the factors leading to the high cost of gasoline in California is the Clean Air Act's two percent oxygenate requirement for reformulated gasoline.

I have previously written to you requesting that you direct the Environmental Protection Agency (EPA) to approve California's request for a waiver of the two percent oxygenate mandate. But aside from a brief note acknowledging a receipt of my letter from a member of your staff, I've gotten no response to this urgent request.

Failure to grant this waiver, I fear, could lead to even higher gasoline prices and possible gasoline shortages. So, I am asking you once again to direct EPA Administrator Whitman to grant the waiver.

The two percent oxygenate requirement has led to the widespread use of methyl tertiary butyl ether (MTBE) in gasoline. MTBE, in turn, has contaminated water supplies in many communities in California and across the country.

At a hearing on the subject this past Thursday, Senator Frank Murkowski, who chairs the Energy and Natural Resources Committee, noted that the oxygenate mandate is unnecessary to protect air quality, and has led to higher gasoline prices and water supply contamination. Senator Jeff Bingaman (the Ranking Member) and other Committee members joined Chairman Murkowski in suggesting that we need to rethink the mandate. But even if this legislation does move ahead during this Congress, California needs the waiver now.

Letter to President Bush
Page Two

With the two percent oxygenate requirement in place, the only alternative to MTBE is ethanol. There is not a sufficient supply of ethanol, however, to meet demand in California and across the nation. With supplies inadequate to meet demand, we can be assured of disruptions and price spikes during the peak driving months of the summer.

Let me give you an example. Tosco is committed to eliminating MTBE. But, according to Tosco's CEO Thomas O'Malley, the company's refineries simply cannot get enough ethanol at a reasonable price to meet the two percent requirement.

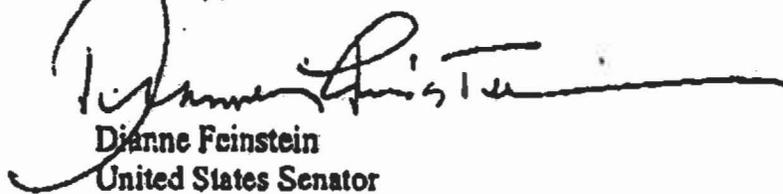
A waiver is good for the environment. A broad-based EPA "Blue Ribbon Panel" concluded in 1999 that the oxygenate requirement is not necessary for clean air. A waiver would mean cleaner air and cleaner drinking water for millions of Californians. California's own clean air and reformulated gasoline requirements are the most stringent in the nation and would continue to be in effect, even if a waiver were granted.

California uses a "performance model" under which refiners have the flexibility to make clean-burning gasoline with or without oxygenates. This "performance model" approach gives refiners both stringent requirements for clean air and flexibility in determining the constituents of gasoline. This approach enables refiners to meet changes in demand and keep prices in check.

The bottom line, Mr. President, is that an arbitrary two percent oxygenate requirement creates an unneeded federal "recipe" for gasoline. The requirement is causing groundwater contamination. It adds to the price of gasoline unnecessarily and it will probably trigger disruptions in gasoline supplies this summer.

I hope you will agree that the California waiver application has great merit and that you will direct that your Administration to grant it.

Sincerely,



Dianne Feinstein
United States Senator

Congress of the United States
House of Representatives
Washington, DC 20515

July 13, 2001

President George W. Bush
The White House
1600 Pennsylvania Ave, NW
Washington, DC 20500

Dear Mr. President:

We are writing to request that you reconsider your recent decision to deny California's request for a waiver of the Clean Air Act's oxygenate requirement within federal reformulated gas areas in California.

As you know in April 1999, Governor Gray Davis requested a waiver from the federal oxygenate requirement. After numerous exchanges between the state and the U.S. Environmental Protection Agency (EPA), EPA concluded that it had sufficient information to act on this request in February 2000. After a lengthy review, EPA's technical and professional staff concluded that a partial waiver of the oxygenate standard was indeed technically warranted and legally justified.

In fact, EPA prepared a proposed rule granting a partial waiver. This waiver proposal was approved at EPA and forwarded to the White House at the end of the Clinton Administration. Unfortunately, the proposal was not issued before the end of the last Administration.

EPA sought "to grant a waiver by allowing a year-round average oxygen level of 1.0 weight percent, through the end of 2004." EPA stated that "a partial waiver will enable California to achieve even greater reductions in NOx emissions." Additionally, according to EPA, "A partial waiver will have an effect on emissions other than NOx, and these overall effects support the conclusion that a partial waiver would aid California in attaining the ozone and particulate matter [national ambient air quality standards]." EPA went so far as to state:

We conclude that compliance with the 2.0 weight percent oxygen content requirement for [reformulated gasoline] would interfere with attainment of the [national ambient air quality standards] for ozone and [particulate matter] in the [reformulated gasoline] areas in the State.

EPA stated that the waiver would allow "the flexibility for the state to achieve the greatest additional NOx reductions possible."

The state of California has recently estimated that denying the waiver would cost the state an additional \$450 million each year. Additionally, the waiver would have significantly increased the flexibility available to refiners producing gasoline for California. According to some experts, denying the waiver request could lead to fuel supply disruptions in California.

In light of this information, denial of the waiver appears to be at odds with your proposed national energy policy. The policy prepared by the National Energy Policy Development (NEPD) group laments the "proliferation of distinct regional and state gasoline and diesel product standards," and states:

The NEPD group recommends that the President direct the Administrator of the EPA to study opportunities to maintain or improve the environmental benefits of state and local "boutique" clean fuels programs while exploring ways to increase the flexibility of the fuels distribution infrastructure, improve fungibility, and provide added gasoline market liquidity.

We are concerned that denial of the waiver accomplishes just the opposite of this policy goal. Specifically, granting California's request for a waiver from the oxygenate requirement would improve the environmental benefits of gasoline in California while increasing flexibility of the fuels distribution infrastructure, improving fungibility, and providing added gasoline market liquidity.

California has made a clear showing that the oxygenate standard is harmful to the state of California. Indeed, Linda Fisher, the Environmental Protection Agency's deputy administrator, recently testified before the Senate Energy and Natural Resources Committee that the federal reformulated gas program has delivered clean-air gains but questioned the need for any oxygenate mandate. *Los Angeles Times*, "EPA's Ethanol Mandate May Be Outdated," (June 22, 2001).

We urge you to avoid this expensive, polluting, and potentially disruptive mistake. Please reconsider California's request for a waiver from the oxygenate requirement.

Sincerely,

Danni Cristini

Barbara Boyer

Steve

Janice Willardson M. S. Lander

Jack Hurman

Tom Lantz

Car D. Jeff

Diane E. Watson

San Francisco Chronicle (10-31) 08:59 PST (AP)

..... "Orange County Register" Oct. 29, 01

San Francisco dumps MTBE; will others follow?

(AP) In terms of the overall market, gasoline for San Francisco's city vehicles isn't likely to have a huge impact. But the city-county supervisors' decision not to buy any gasoline containing the oxygenating additive MTBE (methyl tertiary butyl ether) for its own vehicles could have a significant political and legal impact.

MTBE, you may remember, is the additive favored to meet Environmental Protection Agency standards that call for oxygenates in the gasoline in parts of California that don't meet EPA clean-air standards. The trouble is that it leaks easily into water supplies and stays a long time.

While the health effects are subject to controversy -- some authorities claim a link to cancer and other diseases while others disagree -- MTBE has a noxious odor that makes water virtually undrinkable.

California has moved to ban MTBE in gasoline beginning January 2003. Gov. Davis petitioned the feds to grant California a waiver from the EPA decree demanding that oxygenates be added to California gasoline since the most viable alternative is ethanol, made from corn by agribusiness giant Archer Daniels Midland with heavy subsidies. Earlier this year the Bush administration refused to grant the waiver.

But some authorities believe the EPA oxygenate requirement is not an enforceable mandate at all. If California defied it on the credible grounds that requiring oxygenates would make pollution worse rather than better, the EPA might well back off.

Those forces carried the day in San Francisco.

San Francisco Supervisor Chris Daly, spurred by lobbyists for ethanol, began the move to ban MTBE a few weeks ago. But a coalition of environmental and community groups mobilized and convinced him that the EPA "mandate" for oxygenates was not enforceable.

So the resolution the San Francisco supervisors passed (Oct. 22) did not include language giving preference to ethanol. In a letter to the group Communities for a Better Environment, Daly praised the group's "tireless efforts" and said the final ordinance "will move San Francisco closer to protecting our water quality by phasing out MTBE quickly, without creating a massive giveaway to special interests who produce ethanol." ...

There's irony in the controversy. Most of the MTBE that got into California water supplies came through leaky tanks, most of which have been replaced. So the problem may not be as widespread as some fear.

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Getting High On Alcohol

By Stella, Hemmings Motor News, -- March 2002

This month's letter is being written in California. I flew out to attend the state's Inspection and Maintenance Review Committee (IMRC) meeting that was announced to be held on the 25th of January. To fly at an economical price these days, you must purchase a ticket at least two weeks beforehand. And because of the events of September 11th, even using your frequent flyer mileage must be done in advance. Notifications of the IMRC meetings are sent out one to two weeks before the meetings.

Years ago, the meetings were held on the last week of the month so you could plan ahead to attend. I flew out on January 22nd, and after the plane landed in San Francisco, CAPP president Charlie Peters informed me that the meeting had been cancelled. There was no "formal" cancellation, and Charlie had called more than one official to get an answer. Even a member of the IMRC committee indicated a lack of notification.

Last month, I wrote about the 166-page IMRC meeting transcript. An interesting comment from Richard Skaggs, a committee member, was, "Why weren't there more car

club people attending these meetings?"

How can somebody attend? When you call the phone number (916)-322-8181 on the IMRC letterhead, the phone is not answered.

More on Federal Scrappage

I received more information on S-1766 from Gail Barnes of www.FuelLine.com. In part: Tucked away in "The Energy Act of 2002" (S-1766), a bill sponsored by Sen. Tom Daschle (D-SD) and Sen. Jeff Bingaman (D-NM), is Section 803, which would provide federal funding to states that run automobile scrappage programs for vehicles more than 15 years old. S-1766 is expected to be debated in the U.S. Senate beginning February 11th.

The Daschle bill is also titled "A bill to provide for the energy security of the Nation, and for other purposes." One of those "other purposes" is to provide "Assistance for State Programs to Retire Fuel-Inefficient Motor Vehicles." According to sources, there are currently approximately 38 million vehicles on U.S. roads that are 15 years old or older, among them approximately 300,000

cars which are under restoration.

Representative W. J. (Billy) Tauzin (R-LA) is sponsor of a companion House bill, HR-2436. The full text of both S-1766 and HR-2436 is available at . Please voice your comments or concerns to your elected officials. As Charlie Peters says, "We have a system in this country and if we don't use it, we just might lose it." And, possibly because of the anthrax scare, letters may be delayed. Reports are recommending an e-mail, fax or phone call. Many may choose two ways just to be sure.

Regulating CO2 From Cars

California could become the first state to regulate gases from cars and trucks that are linked to alleged global warming, opening a new front in the fight against tailpipe exhaust. With AB-1058, the legislation targets carbon dioxide emitted by the state's 23 million passenger vehicles. Fran Pavley, a former schoolteacher from Agoura Hills and elected to the Assembly last year, is the sponsor of the bill. It requires the state Air Resources Board to adopt by January 2004

regulations that achieve the "maximum feasible and cost-effective reduction" of carbon dioxide from cars and light trucks. The controls would take effect in January 2005.

After three attempts, the bill passed 42 to 24. The interesting part of this story is the number of legislators who declined to vote. It was sent to the Senate despite a claim that it represents the worst form of environmental extremism.

"This bill gives the Air Resources Board, a group of un-elected bureaucrats, the ability to create sweeping regulations in less than two years," said Minority Leader Dave Cox of Fair Oaks. "Is there a possibility that (some) of these vehicles will be forced off the road? I think so."

Supporters of Pavley's bill said it would allow California to set an example in an area that it has traditionally excelled: control of auto emissions.

Some opposed say it is only a mandate for ethanol gasoline. Sources say that there was a similar bill during Governor George Deukmejian's term of office (1982-90), and that the Governor vetoed it.

A Voice From Ethanol's Past

The Indianapolis "Star" recently reported on bills that would phase out the use of a gasoline additive. "Friendly to the environment and beneficial to corn farmers," that's how supporters describe legislation being considered by both chambers of the Indiana

General Assembly. Senate Bill-381 and House Bill-1338 would phase out the use of methyl tertiary-butyl ether (MTBE) in gasoline by July 23, 2004. The measures would require that gas sold or used in Indiana contain no more than 0.5 percent of MTBE.

Still, the legislation has a long list of supporters, including environmental groups and petroleum companies. While the most enthusiastic supporters are the state's 30,000 corn growers, it has been reported that corn prices are set by federal subsidies (rather than the free market during the past several years), thus the real money-makers in this deal, should the legislation become law, could be the major petroleum companies.

One of the chief sponsors of Senate Bill-381, Sen. Robert Jackman of Milroy, says he's confident that increased demand for corn will raise crop values, which will help farmers in his central Indiana district. "I think its effect on agriculture would be absolutely phenomenal," said Jackman, who rents land that he owns to corn farmers. Most experts agree that increasing the use of ethanol wouldn't affect the price Hoosiers pay at the pump. Still, some believe that if the price of corn increases, gasoline prices could rise in states outside the corn-abundant Midwest. But for Indiana, the legislation is a win-win situation, say Jackman

and the bills' other chief supporters.

Nothing New Under The Sun

I received an article from "Nation's Business," for May 1933 -- yes, the year WAS 1933 -- titled "Mixing Alcohol and Gasoline." Some quotes may interest you: "Among the more recent farm relief proposals is a plan for adding alcohol, made from farm products, to motor fuel. The plan is receiving serious consideration in several quarters. Corn-belt states are particularly interested. It is estimated that more than five hundred million bushels of corn would be used in making the alcohol needed for a ten per cent dilution of the gasoline annually consumed here."

"There are many technical objections to the use of such fuels, however. Carburetors have to be adjusted, except for the weakest dilutions, and other mechanical changes might have to be made to obtain maximum efficiency. Problems of corrosion also arise. Less mileage is said to be obtained from the blended fuel. These and other difficulties, while serious, are hardly positive bars to the use of such fuels and are offset in a small degree by certain inherent advantages of the blended fuel, such as its anti-knock qualities. As someone has said, this utilization of our surplus farm crops is more of an economic than a practical problem. From

1937 Financial Reporting Stop



the economic view, formidable obstacles present themselves."

"Getting back to cost comparisons, the current selling price of gasoline at refineries is less than five cents a gallon--taxes and distribution costs bring this up to the 13 to 20 cents the motorist pays at the pump. Actual cost of making alcohol of 95 per cent purity from molasses is put at about 20 cents a gallon and the selling price at more than 30 cents... Petroleum also supplies raw materials for the manufacturer of alcohol. At current crude-oil prices, such alcohol can be made at costs as low or lower than alcohol from any other raw material, it is said."

"Also to be considered is the fact that few large commercial distilleries now make alcohol from corn. Heavy expenditures would be necessary to bring this division of the alcohol industry up to the needed production were the alcohol-gasoline plan adopted nationally. The groundwork for such expansion is reported already being laid by several distillers in anticipation of enactment of such legislation by the states or Congress."

"The plan is a bad proposition, its opponents say, of mixing an inferior dilutant costing, at a minimum, 18 to 20 cents a gallon with a product costing five cents a gallon and then finding someone to bear the added cost--in this case the motorist. It is, they say, merely a project to subsidize certain groups of the farm public at the expense of the gasoline-consuming public." 'Nation's Business' was published by The United States Chamber of Commerce.

And, I have a request for my readers: Recently, Charlie Peters and I noticed, at a rent-it-yourself yard in the San Francisco bay area, that all the license plates on their rentals were from Arizona, but that the phone numbers painted on them, were local. I thought this was odd. Charlie called the California Air Resources Board to find out if the environmental standards, DMV fees and fair competitive market issues deserve review. With all the fanfare about controlling emissions, I wonder if anyone has run across anything similar in their area? Please let me know, and I will share it.

Tribute To A Good Man

This may be the hardest paragraph that I have written. By now you know that Terry Ehrich has passed on. It's hard to believe that he was involved in the automotive hobby longer than many hobbyists have been around. I first heard of him when I started receiving "Hemmings" back in the 1970s, and first met him in 1993. Terry was unique in that he was not only an enthusiastic "car guy," but an ardent environmentalist; to most people the two are not compatible, but he managed to excel at both with ease. I was honored to be selected by him for the "Hobby Hero" award in 1995 and 1996. The "Hemmings" awards are given out on Press Day in Bennington, and after the presentations, the attendees are "turned loose" on the "Hemmings" fleet of collectible cars and trucks. I will never forget the look on his face when I pulled into the "Hemmings" lot behind the wheel of the "Hemmings" 1917 American LaFrance fire truck. I will miss his good humor and thoughtful comments on this column over the past ten years. He was my hero - and my friend.

More next month...

Stella

<http://clubs.hemmings.com/clubsites/capp/march02.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Industry Outlook - 4/17/2002

Water groups oppose ethanol as MTBE replacement

WASHINGTON — Replacing methyl tertiary butyl ether (MTBE) with the fuel additive ethanol could result in further water contamination and higher gas prices, three water organizations told Senate Majority Leader Tom Daschle this week.

The Association of California Water Agencies (ACWA), Sacramento; American Water Works Association (AWWA), Denver; and the Association of Metropolitan Water Agencies (AMWA), Washington, said in a letter to Daschle, D-SD, that they support ending the use of MTBE.

MTBE is a fuel oxygenator that purportedly helps clean emissions from vehicles, but is found to be a groundwater pollutant and health risk. Ethanol is often talked about as its replacement.

But "replacing MTBE with ethanol runs the serious risk of repeating costly environmental mistakes," the letter said, without evidence that it benefits clean air and without evidence there are no health risks associated with it.

"Putting ethanol on gasoline, at any levels, would almost certainly result in higher prices at the pump and new instances of possible water contamination," the letter stated.

ACWA, AWWA and AMWA also oppose language in the Energy Policy Act of 2002's ethanol provision that features the creation of a "renewable fuels safe harbor," that the groups claim gives liability protection to ethanol marketers.

The groups cited a 1999 study by the University of California that concluded the state could meet its clean air goals without oxygenated fuel.

Copies of the groups' letter were sent to US senators Dianne Feinstein, D-CA, and Barbara Boxer, D-CA, who also oppose the use of MTBE.

In October 2000, Feinstein introduced five bills to deal with MTBE, and on 11 April, Boxer said in a statement on her [website](#) that she would offer an amendment to hold ethanol producers responsible for any future damage to the environment or any threat to public health.

Boxer said she would also introduce a second amendment to encourage the use of ethanol produced from agricultural biomass, such as rice straw and sugarcane residue, as an alternative to corn-based ethanol. That approach, she said, would help prevent supply disruptions that can translate into unfair gas prices for consumers.

California once intended to stop using MTBE next year, but last month, concerned about possible increased gas prices at the pump caused by ethanol, Gov. Gray Davis postponed the MTBE ban, giving refineries up to an additional 12 months for the transition from MTBE to ethanol.

National Trade Publications Inc. http://waternet.com/news.asp?mode=4&N_ID=30919

CAPP contact: Charlie Peters / (510) 537-1796 / cappcharlie@earthlink.net

Greenhouse redux

Orange County Register, May 27, 2002

A.B. 1058, the controversial bill to limit carbon dioxide emissions in California, is scheduled for a possible vote in the Assembly on Tuesday. A final vote was delayed several times due to grassroots opposition and lobbying by the auto industry.

Clearly the pressure is on. Why the urgency?

Part of the reason is the desire of some environmental groups and state legislators for California to be the first state to limit the emission of "greenhouse gases."

But the reasons may go deeper. So far the debate has centered on the harsh measures that might be taken to meet the goals of A.B. 1058. In a report, the California Air Resources Board said it might have to impose gas taxes and sport utility vehicle fees.

Another scenario, however, is being raised: If those remedies prove too controversial, the board could propose ethanol credits to meet the requirements. The costs would be largely hidden in higher gasoline prices and ethanol producers would cash in.

Ah, the ethanol industry.

Midwest-based ethanol industry influence

is the chief reason the Bush administration refused to give California a waiver from a mandate to put oxygenates in gasoline. Californians have been using MTBE, but it has proven to be a water pollutant.

The only other practical alternative is ethanol, although some believe it could actually increase smog. So most environmentalists, including the Sierra Club, along with Sens. Boxer and Feinstein, support a lawsuit by Gov. Davis to get the federal oxygenate mandate waived.

Is the ethanol industry also in the 1058 debate? It's not readily apparent, but questions have been raised about a group called the Bluewater Network, a self-described coalition of about 60 businesses and environmentalists. Bluewater stands out as one of the few environmental groups to support federal ethanol mandates. And, Bluewater has aligned itself with ethanol interests by signing an ad promoting ethanol benefits. In a recent Earth Island Journal, Bluewater Network founder Russell Long brags that Bluewater Network wrote A.B. 1058.

Californians should pay close attention to those who could benefit most from A.B. 1058 and how they might be shaping debate.

<http://ocregister.com/commentary/editorial5.shtml>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

The Orange County Register

Wednesday, August 15, 2001

Use states' rights to challenge mandate

Gov. Gray Davis' decision to sue the U.S. Environmental Protection Agency to force it to grant a waiver from an EPA mandate to include oxygenates in gasoline used in California is fine so far as it goes. The EPA mandate, recently reinforced by the Bush administration, is scientifically suspect, politically driven and could make California's smog situation worse rather than better.

But there might be better grounds on which to fight this battle.

The EPA, under the 1990 Clean Air Act, has required that gasoline sold in certain parts of California contain 2 percent oxygenates, which are said to make fuel burn cleaner. California refineries met the requirement by adding MTBE, which created water pollution problems when it leached into the groundwater through leaky tanks or spills. The Davis administration plans to phase out MTBE in January 2003.

That leaves ethanol, made from corn in the Midwest. But according to the California Air Resources Board, increasing the amount of ethanol in California gasoline could increase emissions of nitrogen oxides and volatile organic compounds, the major ingredients of smog.

Ethanol, whose major producer is the Archer Daniels Midland Co., a shrewd political contributor to both parties, is subsidized by the federal government through an excise tax exemption. It cannot be shipped in pipelines because it mixes with water and can cause corrosion, so it would have to be shipped by barge, rail or truck. It could cost California refiners as much as \$1 billion to convert to ethanol.

The Clean Air Act allows a waiver of the oxygenate requirement, but the issue has become a political football. A proposal in Congress to grant the waiver lost after heavy lobbying from the ethanol industry, with solid bipartisan opposition from Midwestern representatives.

Hint: George W. Bush lost Iowa by fewer than 5,000 votes last year and has a realistic chance of GOP gains in 2002 and 2004. He lost California by a much larger margin.

While a lawsuit asking the 9th Circuit Federal Appeals Court to force the EPA to grant the waiver might be successful, it could be more beneficial to take a stand on constitutional and states' rights grounds.

California has always imposed stricter rules for cleaner-burning gasoline than the federal government, and several refiners have developed cleaner and cheaper blends without oxygenates that cannot be sold in much of California due to the oxygenate mandate. Given this, it is

questionable whether the federal government even has the authority to mandate specific ingredients for gasoline in California rather than general standards (which California meets without oxygenates).

Charlie Peters, of Clean Air Performance Professionals, which represents independent smog check facilities, has suggested that California simply impose a 1 percent oxygenate cap, which would give refiners the option of adding up to 1 percent oxygenates to meet California standards. Under our federal system, in which most health and safety regulation is left to the states, the state government has full authority to issue standards that differ from federal standards. It is even possible that cities affected by MTBE pollution or local water boards have such authority.

Would the EPA then take California to court or would it back off? Most likely it would back off. If it didn't, California would have a powerful case incorporating legitimate state authority, federalism and serious questions as to whether the federal government has authority to veto standards without a clear interstate commerce issue involved. Our chances of winning in the current U.S. Supreme Court - or the court as it is likely to be changed by any Bush appointee - would be excellent.

A lawsuit against the EPA is an encouraging sign that Gov. Davis means to challenge an arbitrary decision. Using the powers the U.S. Constitution clearly gives to state governments might be even better.

This lawsuit was in part filed to meet a deadline, keeping that option open.

But according to California Environmental Protection Agency chief Winston Hickox, Gov. Davis is considering additional options and plans a comprehensive approach by the end of September. The federalism option should be high on the list.

<http://clubs.hemmings.com/capp/>

Clean Air Performance Professionals

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NEWS RELEASE
May 22, 2001

CONTACT: Dave Sebeck
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**BURTON: HOLIDAY WEEKEND
EMPHASIZES NEED FOR MTBE WAIVER**

SACRAMENTO—As an additional 4 million Californians take to the roads this weekend for the Memorial Day holiday, Senate President pro Tem John Burton today reiterated his call on President Bush to grant California's appeal for a waiver of the two percent oxygenate mandate for reformulated gasoline.

"This weekend is the start of the vacation driving season," Burton said. "Granting a waiver from the one-size-fits-all federal mandate will enable us to deal with the health and safety issues associated with MTBE and help keep the price of gasoline down for consumers during the critical summer months."

The two percent oxygenate mandate has resulted in the widespread use of MTBE (methyl tertiary butyl ether) in gasoline. MTBE has been found in water supplies in many California communities, and is being phased out in the state by 2003. Since California gives refiners flexibility to make clean burning gasoline without oxygenates, the two percent oxygenate mandate is unnecessary and adds approximately 6.4 cents per gallon to the cost of gasoline.

Burton and other California leaders wrote President Bush earlier this month requesting the waiver. Estimates show the cost to California consumers if the waiver is not granted would be approximately \$472 million.

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Clean Air Performance Professionals

What They Didn't Say

Stella, Hemmings Motor News, MARCH 2001

(Gary Condit, Dick Cheney, Chandra Levy, ENRON, Arnold, Gray Davis, MTBE, ethanol & Alex Farrell)

(snip)

"Rep. Gary A. Condit (D-Calif.) has introduced legislation, in the opening days of the 107th Congress, to help drive gasoline prices down while protecting the environment. HR 52 seeks to relieve California from federally mandated year-round gasoline oxygenate requirements while preserving the full benefits of California's reformulated gasoline program. Condit introduced the bipartisan legislation with another member of the California delegation, Rep. Chris Cox. 'California already meets Environmental Protection Agency requirements for reducing emissions of toxic air pollutants and ozone-forming compounds,' Condit said. 'When a state meets these requirements, under this legislation, they would not be required to add oxygenates to gasoline'."

<http://clubs.hemmings.com/clubsites/capp/mar01.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

July 12, 2001

California Faces Higher Prices At the Pump After Bush Ruling

Ruling That Ethanol Replace MTBE May Pinch Supplies
By ALEXEI BARRIONUEVO
Staff Reporter of THE WALL STREET JOURNAL

President Bush's recent decision requiring California to use ethanol as its gasoline additive will add to the state's already steep gasoline prices and could leave fuel supplies tight.

The ethanol industry says it can meet California's needs for about 600 million gallons a year of the corn-based additive, four times more than the state currently uses. But at a California Air Resources Board meeting Thursday, state energy officials are expected to release preliminary results of a survey predicting that ethanol supplies will be tight, at best.

No new plants are under construction in California, and construction would have to start by the fall to meet the state's December 2002 deadline for phasing out MTBE, the current additive for cutting emissions. At the same time, some Northeast states will be competing for the same supplies: Connecticut is phasing out MTBE in 2003 and New York in 2004.

Getting enough of the new additive "will be a major challenge, a huge challenge," says Pat Perez, manager for the fuels office at the California Energy Commission.

In fact, in recent days, members of the California Air Resources Board have met with refiners in the state to express their increasing concerns. State officials have told refiners that they are leaning toward asking the governor to postpone the phase-out of MTBE, refining executives say.

"People are definitely hearing various things, and different scenarios are being discussed, but no decision has been made," says William L. Rukeyser, assistant secretary at Cal/EPA, the state's environmental regulatory agency. He adds that "we continue to say there is no possibility of abandoning the MTBE phase-out." He expects a decision by mid-September.

Previously, California had applied for a waiver from using special pollution-reducing additives in gasoline, saying it could meet air standards without them, but Mr. Bush rejected the request last month.

Meanwhile, the California Energy Commission estimates that higher transportation costs and other expenses related to the switch will add at least 10 to 20 cents a gallon for consumers who already pay the nation's highest gasoline prices.

Unwilling to bet entirely on the U.S. ethanol industry, California officials, along with oil giant BP PLC, held discussions in May with ethanol producers from Brazil, the world's largest ethanol producer. Brazilian producers say they have idle capacity they could bring on line, and "we think we could do it for a competitive price," says Eduardo de Carvalho, president and chief executive officer of the Association of

Sugar and Alcohol Producers of Sao Paulo, which represents about 60% of Brazilian ethanol production.

California Gets No Exemption From U.S. on Gas (June 12)

White House Won't Exempt California From Rule Requiring Clean-Burning Gas (June 9)

Mr. Carvalho declined to discuss prices. But California Energy Commission officials say they believe they could get Brazilian ethanol for \$1.20 a gallon, below the recent Gulf Coast spot prices for ethanol of just under \$1.40 a gallon. But a current import tariff of 54 cents a gallon would boost the Brazilian price to \$1.74 a gallon.

Still, London-based BP, one of California's biggest refiners, says the Brazilian supply has to be considered, because it is worried about an ethanol shortfall that could cause prices to spike. "Our analysis shows that in the short term, there will probably not be enough ethanol," says Tom Mueller, a BP spokesman.

Importing from Brazil could be a political headache for Mr. Bush and others who supported ethanol in large part to give a boost to U.S. farmers. "What an irony it would be if our domestic effort would result in dependence on yet another foreign supplier," says Jason Grumet, executive director of the Northeast States for Coordinated Air Use Management, a consortium of air-quality-control agencies.

Still, even Brazilian supplies probably won't stave off higher prices. Because of the unique properties of ethanol, refiners have to use huge quantities of additional gasoline components to make the same amount of gasoline. California's energy commission estimates that switching to ethanol will reduce gasoline output in the state by 6% to 10% even after planned capacity expansions, a huge drop in a state where the balance between supply and demand is always tenuous.

Ethanol is also tougher to transport, and there aren't any dedicated ethanol pipelines to California, nor are there plans to build any. While most of California's MTBE comes from the Gulf Coast, ethanol will first have to travel to the Gulf by rail or barge from the Midwest, adding five to seven cents a gallon to gasoline prices.

Refiners, including BP and Valero Energy Corp., say they expect to encounter railroad congestion and a tough time finding more U.S.-flagged tankers for sea-borne shipments.

Ethanol lobbyists argue that the fears are overblown. Projects are in the works to expand the country's ethanol production by 40% to 2.5 billion gallons by early 2003 and to 3.5 billion gallons by 2004, says Monte Shaw, a spokesman for the Renewable Fuels Association in Washington. He said ethanol producers don't anticipate transport problems.

Write to Alexei Barrionuevo at alexei.barrionuevo@wsj.com
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The Sacramento Bee 8/12/01

California sues EPA over ethanol requirement

By Leon Drouin Keith Associated Press Writer

LOS ANGELES (AP) -- California officials are suing the U.S. Environmental Protection Agency in hopes of reversing a decision requiring the state to use what they consider a needlessly expensive and polluting gasoline additive.

The lawsuit, filed late Friday afternoon in the 9th U.S. Circuit Court of Appeals in San Francisco, calls on the agency to waive rules that effectively will require ethanol to be added to most of the state's gasoline. State officials announced the move in a conference call with reporters Sunday.

Gov. Gray Davis has ordered that the only oxygenate available besides ethanol -- MTBE -- be phased out by January 2003 because it pollutes ground water. State officials argue that California can meet federal air-quality goals with non-oxygenated, reformulated gasoline.

The EPA's oxygenate requirement is "a straitjacket mandate that will drive up gas prices while increasing air pollution," Davis said in a statement. "The potential for harm to Californians, both economically and environmentally, leaves me no choice but to fight back with guns blazing."

California produces 5 million to 7 million gallons of ethanol a year, a far cry from the estimated 600 million to 900 million gallons it would need to comply with the rules. That would make the state dependent on the Midwest, which grows the corn used to make most ethanol.

Winston Hickox, secretary of the California Environmental Protection Agency, said that because California's ethanol needs represent a huge portion of the roughly 2 billion

gallons expected to be produced this year, the chances are great that supply problems could send prices skyrocketing.

According to state estimates, the ethanol switch could add as little as 2 or 3 cents to the price of a gallon of gasoline, but supply problems could send pump prices soaring 50 cents or more.

Although ethanol producers have insisted they'll be able to handle the increased demand, Hickox said, "It would be a reckless play on our part to assume that is the case."

Representatives of two environmental groups, the Natural Resources Defense Council and the Clean Air Trust, joined state officials in the press conference and agreed that requiring ethanol could do more harm than good to California's famously polluted air.

Studies have shown that while ethanol blends reduce carbon monoxide levels, they increase levels of oxides of nitrogen, which are of greater concern in most of California.

"It's not sound science -- it's political science," Clean Air Trust Executive Director Frank O'Donnell said of the EPA's refusal to grant the waiver.

EPA officials in Washington, D.C., and San Francisco did not return several calls seeking comment Sunday.

But they have contended that under the Clean Air Act, they lack the authority to grant the state's request. Federal officials have said the state hasn't proven that complying with the oxygenate requirement would result in a net increase of air pollution.

Hickox said filing deadlines meant the suit had to be submitted Friday, but he is continuing to examine options to deal with the federal agency's rejection of the state's waiver request last month.

Davis has given Hickox until late September to come up with recommendations, which could include delaying the MTBE phase-out or pressing for more in-state production of ethanol using material such as rice straw instead of corn.

The state also is trying to get legislation passed in Congress that would allow the waiver, but O'Donnell said Bush administration officials have tried to block those efforts.

<http://www.sacbee.com/news/calreport/data/N2001-08-12-1300-1.html>

Davis Pursues EPA Waiver on Ethanol

By Elizabeth Douglass, Los Angeles Times, August 07, 2003

Gov. Gray Davis again urged the Environmental Protection Agency to end a federal mandate that gasoline sold in California include ethanol, a fuel additive that air quality officials say does not help the state reduce air pollution.

Davis has requested an EPA waiver for the state's fuel, which he said could meet federal air emission standards without using oxygen-boosting additives such as ethanol and MTBE.

MTBE, or methyl tertiary butyl ether, will be banned from California gasoline Jan. 1 because of environmental concerns.

Davis' move comes three weeks after the U.S. 9th Circuit Court of Appeals sided with California, ruling that the EPA "abused its discretion" when it refused to consider the state's waiver request.

<http://articles.latimes.com/2003/aug/07/business/fi-rup7.3>

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Please click here to return to the previous page.

Press Release



OFFICE OF THE GOVERNOR

**PR01:356
FOR IMMEDIATE RELEASE
08/13/2001**

GOVERNOR DAVIS SUES U.S. EPA OVER GASOLINE ADDITIVE 8/13/2001

SACRAMENTO

Governor Gray Davis today announced that California is suing the U.S. Environmental Protection Agency (EPA) to force the agency to drop a fuel additive requirement that will increase gasoline costs and air pollution.

"EPA made a decision that failed to follow sound science," Governor Davis said. "The EPA simply ignored the voluminous information we sent them showing that ethanol does nothing to clean the air and actually increases air pollution. We regret having to take this action, but we are left with no choice. California residents should not have to pay more for gasoline and suffer from increased air pollution."

The suit, filed in San Francisco's Ninth Circuit Court by the California Environmental Protection Agency's Air Resources Board (ARB), asks that the U. S. EPA drop its requirement that oxygenates be added to 70 percent of California gasoline.

ARB maintains that the U.S. EPA ignored extensive information that ethanol, the only oxygenate that will be available in sufficient quantity to California refiners in 2003, will drive up the cost of gasoline while increasing smog-forming nitrogen oxide (NOx) and cancer-causing particulate matter (PM) pollution.

Scientific studies have shown that gasoline formulated to California standards, which are stricter than U.S. EPA standards, burns cleaner without oxygenates such as ethanol. The studies also show that oxygenates in gasoline increase NOx emissions and the formation of ozone and PM. The federal oxygenate requirement is, however, seen as a boon to mid-western agri-business interests, which produce ethanol from corn.

California would need at least 660 million gallons of ethanol each year under the federal oxygenate mandate. Disruption in ethanol supplies would bring sharp gasoline price spikes to California consumers.

The waiver request came after Governor Davis signed an executive order banning the oxygenate MTBE by December 31, 2002. MTBE in gasoline can cause water pollution. On June 12, the U.S. EPA announced the rejection of California's waiver request.

If the EPA's action is allowed to stand, California would be hindered in its attempts to meet the ozone and PM clean air standards that the EPA has set.

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California State Senate

JOHN L. BURTON
PRESIDENT PRO TEMPORE

COMMITTEE
RULES
CHAIRMAN



June 6, 2002

Robert Bruce Bullard
20 Luna Lane #2
San Anselmo, CA 94960

Dear Mr. Bullard:

Thank you for your letter recommending that Governor Davis execute an executive order to remove the oxygenate requirements from the RFG gasoline program.

Your suggestion is interesting, and I believe the Governor's office should be aware of your proposal. Accordingly, I am forwarding your letter to Governor Davis.

Thank you for your interest and hard work on this MTBE issue. It is appreciated.

Peace and Friendship,

A handwritten signature in cursive script that reads "John L. Burton".

JOHN L. BURTON
President pro Tempore
State Senate

cc: Linda Adams, Chief Deputy, Legislative Secretary
Governor Gray Davis

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COMMERCE

Congress of the United States
House of Representatives
Washington, DC 20515-0529

HENRY A. WAXMAN
29TH DISTRICT, CALIFORNIA

October 22, 2003

The Honorable Arnold Schwarzenegger
Governor-elect
State of California
Sacramento, CA

Dear Mr. Schwarzenegger:

I am writing to share an analysis of how pending energy legislation in Congress will affect California.

This legislation is a pork-barrel, anti-environment bill. It tramples states' rights on land use, punches holes in the Clean Water Act and Safe Drinking Water Act, gives away billions of dollars in special interest favors, and establishes massive pro-pollution subsidies and incentives. It does all this while doing nothing to address our nation's dependence on oil or the threat of climate change.

And it is of special concern to California, which will be impacted more than any other state. The bill tilts management of public lands in California toward energy production. In a shocking transfer of wealth, the bill requires Californians to provide hundreds of millions of dollars in subsidies to ethanol producers in the Midwest each year. The bill shields oil companies from liability for having to clean up California groundwater that they are responsible for contaminating. It slants the relicensing of hydroelectric projects in California towards the energy industry by excluding the state, cities, businesses, and Indian tribes from participation in the new relicensing process.

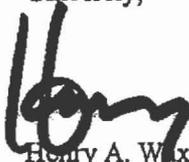
And even though congressional Republicans are dropping their proposal to inventory oil and gas reserves on the outer continental shelf, several provisions in the energy bill lay the groundwork for drilling off the California coast. In fact, one provision would authorize the federal government to issue coastal easements to support oil exploration and development without even consulting with the state.

Perhaps most significantly, the energy bill fails to address any of the Enron-style energy market manipulations that cost California consumers billions of dollars and began California's economic troubles.

There may be little you can do to influence the substance of this important legislation, but given its enormous impact on California, I thought the enclosed analysis would be of interest to you.

With best wishes,

Sincerely,



Henry A. Waxman
Member of Congress

NEWS FROM ...

U.S. REPS. CHRIS COX AND HENRY WAXMAN



Contact: Marilyn Cosenza (Cox): (202) 225-5611
Karen Lightfoot (Waxman): (202) 225-5051

California House Delegation Urges EPA Action on Cheaper, Cleaner Fuels

WASHINGTON (Thursday, March 18, 2004) — Rep. Chris Cox (CA-48), Rep. Henry Waxman (CA-30), and members of the California House delegation today sent a letter to EPA Administrator Michael Leavitt expressing support for Governor Arnold Schwarzenegger's recent request for a waiver of the Clean Air Act's ethanol/MTBE mandate for California. This waiver would allow California to use cleaner blends of gasoline, while saving consumers money at the pump.

The letter was signed by 52 of the 53 members of the California delegation.

For five years, California has sought a waiver allowing it to sell cleaner-burning gasoline without oxygenates such as MTBE and ethanol. EPA's Blue Ribbon Panel on Oxygenate in Gasoline reported on September 15, 1999, that "within California, lifting the oxygenate requirement will result in greater flexibility to maintain and enhance emission reductions, particularly as California pursues new formulation requirements for gasoline." Although last year the U.S. Ninth Circuit Court of Appeals vacated the EPA's 2001 decision to deny a waiver, the EPA still has not granted the waiver request.

"For over a decade, the congressional mandate that California use ethanol or MTBE has set back our efforts to achieve cleaner air and water, while driving up the cost of gasoline to consumers," said Rep. Cox. "The California congressional delegation has once again asked that the EPA consider a proposal that makes sense for California's environment and its economy."

California has already banned MTBE, one of the most commonly used oxygenates, because it poses significant risks to the state's groundwater and surface water resources. Without the requested waiver, California's efforts to meet its fuel needs will continue to require massive use of ethanol--a complicated and costly mandate that the California Air Resources Board asserts will jeopardize California's attainment of federal ozone standards.

The EPA recently found that the oxygenate requirement was not necessary for either New Hampshire or Arizona to meet their clean air goals. The resulting flexibility could allow the states to produce clean gasoline in the most cost-effective way possible. Today, the delegation asks EPA to allow California similar flexibility to use cleaner-burning gasoline, whether or not it contains oxygenates.

"California can improve its air quality, address the threat MTBE poses to our water, and alleviate the excessive prices for gasoline, but the oxygenate waiver is crucial to this effort. I am deeply disappointed that the U.S. EPA has not yet granted California's request," said Rep. Waxman (D-Los Angeles).

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The Clean Air Act: At what cost?

Oil firms, Sierra Club want waiver for state on adding ethanol to gas

By Mark Glover, Sacramento Bee, Sunday, March 28, 2004

With gasoline topping \$2 a gallon and fears of more price spikes ahead, California is eagerly awaiting a decision on its request for a federal waiver of a clean-air mandate the state believes contributes to unstable fuel prices.

And "state" is a nearly all-inclusive word when it comes to those who object to the Clean Air Act mandate that a percentage of fuel sold in smoggy areas contain oxygenated compounds.

The coalition that wants the Bush administration to waive the gas-additive requirement for California includes an eclectic combination of groups and individuals not usually seen on the same page when it comes to environmental issues. The chorus includes Gov. Arnold Schwarzenegger, the Sierra Club, the California Environmental Protection Agency, the American Automobile Association and oil companies.

In a Jan. 28 letter to federal EPA Administrator Michael Leavitt, Schwarzenegger requested a waiver of the minimum oxygen content mandate, saying it "slows environmental improvement, raises costs and is no longer required to ensure substantial and sustained ethanol use in California."

The governor's letter was followed by another sent by Terry Tamminen, California's environmental chief, who included data supporting Schwarzenegger's contentions. Much of the state's concern is tied to an ethanol-delivery system that originates far from California's borders.

Californians already pay about 20 cents a gallon more than the U.S. average, due primarily to the state's strict pollution standards. And while federal waiver advocates have not projected exact fuel pump savings, they agree that some savings are inevitable if the waiver is approved.

In leading the charge for the waiver, Schwarzenegger echoed previous efforts by the man whose job he took — former Gov. Gray Davis.

As governor, Davis repeatedly sought a waiver of the oxygenate mandate, going so far as to sue the federal EPA in August 2001.

At that time, Davis was also phasing out the oxygenate additive MTBE (methyl tertiary butyl ether). As of Jan. 1, California prohibited MTBE in gasoline because of water pollution concerns. The state's refineries have switched to ethanol as an alternative.

Oxygenates enhance combustion in motor vehicle engines, producing a cleaner burn and accompanying lower levels of emissions. But MTBE and ethanol must be handled differently, with a primary concern being ethanol's tendency to corrode pipelines. Oil companies add it at distribution points — where gas goes from pipelines to trucks or ships — while MTBE was typically mixed at refineries and moved through pipelines to distributors.

Now, many in California would prefer to see ethanol go the way of MTBE.

Their arguments could fill a book. They cite everything from refiners' ability to blend cheaper, cleaner-

burning fuels to California's already strict standards for auto emissions.

And they cite multiple scenarios where ethanol could — and already has — been blamed for higher prices at the pump: the cost to transport ethanol hundreds or thousands of miles, tanker or rail transportation tie-ups that create spot ethanol shortages, weather conditions that produce a bad crop of corn (from which ethanol is derived), refiners that pour more gas into their blends because ethanol takes up less volume than MTBE and refiners that struggle to add proper ethanol amounts to the already tricky formula for summertime gasoline.

"Basically, we don't like the federal ingredients to meet the standard," said Jennifer Mack, spokeswoman at the AAA office in San Francisco.

Jeff Wilson, a spokesman for the Sacramento-based Western States Petroleum Association, called the ethanol-additive process "an unnecessary cost to consumers and a burden on refiners that doesn't make sense. The forced use of ethanol in California doesn't make sense.

"Give the (oil) industry a goal, and it will work to meet it. But don't mandate a government gasoline recipe."

The petroleum association has an unlikely ally in the Sierra Club, historically one of the harshest critics of the oil industry.

"In ethanol, there is a concern about evaporation, where you could actually have an increase in smog

instead of a decrease," said Bill Magavern, a Sierra Club lobbyist in Sacramento. "We support the waiver. We can meet the standard without the oxygenate requirement."

The petroleum association, which represents major oil refiners such as ExxonMobil, BP and ConocoPhillips, and the Sierra Club have differing priorities for meeting clean-air standards without ethanol.

Wilson said the oil industry has an army of fuel-blending experts to turn loose on producing gasoline that is more environmentally friendly. Noting that "no two refineries are alike," Wilson said different clean-air solutions would likely be developed at different sites.

He contended that refiners' developing cleaner fuels is far better than relying on ethanol and its related transportation costs: "Ethanol adds complications. Ethanol is depending on rail (transportation) or a tanker on the Mississippi River or through the Panama Canal."

Magavern noted that the Sierra Club has long favored clean-air solutions at the manufacturing source, such as development of vehicles that do not require high-octane fuels and sophisticated engines that produce fewer emissions.

An informal sampling of Sacramento-area residents who were filling up at local pumps last week showed squeamishness about turning a possible clean-air solution over to oil companies. In a reversal of contemporary voter trends, most favored a continuation of federal regulation.

"At least with the federal

government watching it, if something is not right, we can go to them and demand some answers," said Carlos Becknell, a 46-year-old Sacramentan filling up at the Unocal 76 service station at 15th and X streets.

Andrew James, a 43-year-old who moved from New York City to Sacramento almost a year ago, offered similar sentiments at a nearby pump: "When I came here from Manhattan, the cost of (homes) wasn't that bad, but the price of gas was the worst part. But I don't think I want the oil companies to have that much power in this. I think I want the (federal) government to keep an eye on it."

Others were more willing to let the oil industry have its crack at reducing air pollution.

"The people who make the gas have all the scientific knowledge to make it cleaner. Why not let them try to solve the problem?" said Carmichael resident Geraldine Leonard, filling up at a Chevron station on Greenback Lane in Citrus Heights. "I think it's in the best interest of the oil companies to make cleaner gas, and the (emissions) could be monitored by the state anyway."

That's a key point. No matter what gasoline blend oil companies might come up with, it would still have to meet California clean-fuel standards that are tougher than federal standards.

In the end, the federal EPA will make the call. And while some politicians and oil industry experts believe the agency will answer Schwarzenegger's request within a few weeks, Washington, D.C.-based

EPA spokesman John Millett warned that California's case is "painstaking and technical."

Millett added: "There's a wide range of issues in California. It's certainly vehicle miles traveled, congestion, climate and geography as well. ... All I can say right now is that we're still reviewing the information."

Millett also indicated that attempts to compare California's request for a waiver with two states that have already received EPA exemptions on the oxygenate requirement — Arizona and New Hampshire— were far-fetched.

"Those are different cases with different issues," he said.

Analysts noted that New Hampshire's population density, traffic volume and climate are vastly different from California. And the New England state originally opted to go into the oxygenate program before initiating a prolonged effort to phase out MTBE.

Not surprisingly, one of the few voices calling for the preservation of the ethanol additive in California belongs to the ethanol lobby. Corn Belt states that produce ethanol stand to lose out on billions of dollars in the Golden State's massive fuel market.

In his letter to the EPA's Leavitt, however, Schwarzenegger saw a silver lining for ethanol interests, alluding to "California's fuel regulations that allow, but not require, oxygen in gasoline." The governor also mentioned the possibility of spurring ethanol production within California.

But for now, those plans are on hold as everyone waits to hear an answer from the EPA.

The Bee's Mark Glover can be reached at (916) 321-1184 ormglover@sacbee.com

<http://www.sacbee.com/content/news/environment/story/8672810p-9600654c.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Ethanol waiver available

Orange County Register, Sept. 20, 2005 3:00 a.m.

Tucked in among the pork and subsidies Congress passed in the energy bill this summer was a provision that could work to California's advantage - if California officials take advantage of it.

According to Congressional Quarterly magazine, the Environmental Protection Agency "would have the authority to reduce or waive the requirement for a state in which a percentage of fuel sold in that state contains renewable fuel additives. The requirement could be waived if it is determined that the mandate would have a significant adverse economic or environmental impact on the state or region." The waiver would be for one year, but it can be renewed.

As we have noted previously, California has had problems with the federal mandates under the Clean Air Act amendments of 1990, which mandated that "reformulated gasoline contain 2 percent oxygen." Most California refiners chose to meet that requirement by adding methyl tertiary butyl ether (MTBE), but it created both environmental and economic problems. It escaped easily from storage tanks and in some cases led to water supplies and

bodies of water having an unpalatable taste and odor. There are also allegations that MTBE can lead to diseases.

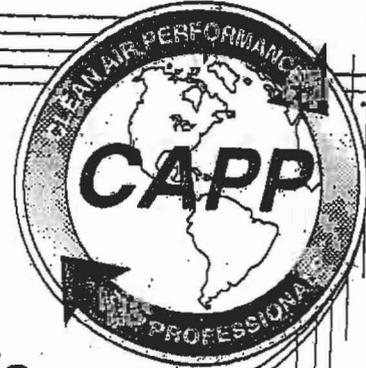
California governors Gray Davis and Arnold Schwarzenegger, supported by elected officials from both parties, have in the past applied for a waiver from the federal oxygenate mandate without success. The energy bill, according to the Congressional Research Service, eliminates the oxygenate mandate but replaces it with a mandate to use increasing amounts of ethanol, made from corn. And it allows states to apply for a waiver.

California has led the nation in regulating fuel to reduce air pollution, and California regulators believe the oxygenate mandate and ethanol are not necessary to reduce smog; indeed, some environmentalists believe ethanol makes certain aspects of smog worse.

Gasoline with ethanol is also more expensive, so mandated ethanol use is a factor - though not the only one - in gasoline being more expensive in California. Gov. Schwarzenegger should move aggressively to apply for a waiver from this unnecessary mandate to subsidize agribusiness in the Midwest.

<http://www.ocregister.com/opinion/california-42628-mandate-ethanol.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net



Clean Air Performance Professionals

Sunday, October 15, 2006

VOTE **NO** on Prop. **87**

The \$0.51 per gal. corporate welfare to the oil refiners for adding 5.6% ethanol to California gas is about \$500,000,000.00 per year

The ethanol may add over \$1.00 per gal. to the gas profit in California.

That may be about \$100 billion in oil profit from California motorists.

The science is interesting but so is the money.

A \$4 billion Prop. 87 oil tax may add \$40 billion in oil profit.

Charlie Peters

(510) 537-1796

Clean Air Performance Professionals

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Ethanol Economics...

Tom McClintock, Citizens for the California Republic, 6/18/07

The public policy farce that the "Green Governor" unleashed with AB 32 (the so-called "greenhouse gas" law) continues. Using their newly granted power to slash carbon dioxide emissions, the California Air Resources Board (all Schwarzenegger appointees) has mandated that every gallon of gasoline sold in California must contain at least 10 percent ethanol by 2010.

First, a few basic facts. Californians use about 15 billion gallons of gasoline a year, meaning that the new ten percent CARB edict will require about 1.5 billion gallons of ethanol. Corn is the most common ethanol-producing crop in the country, yielding about 350 gallons of ethanol fuel per acre. That means converting about 4.3 million acres of farmland to ethanol production, just to meet the California requirement. But according to the USDA, California currently has only 11 million acres devoted to growing crops of all kinds. Get the picture?

The entire purpose of this exercise is to reduce the carbon dioxide emissions from California automobiles (although Californians already have the 8th lowest per capita gasoline consumption in the country). And that's where the public policy discussion becomes farce.

As more acres are brought into agricultural production, the demand for nitrogen fertilizer will grow accordingly, which is itself produced through the use of fossil fuels. And the most likely source of new agricultural

land will be converting rain forests to agriculture, although deforestation is already the second biggest man-made contributor of carbon dioxide emissions, ranking just behind internal combustion. And here's the clincher: ethanol is produced through fermentation, by which glucose is broken down into equal parts of ethanol and – you guessed it – carbon dioxide.

Obviously, this edict will hit gasoline consumers hard: ethanol is less efficient than gasoline and it's more expensive – meaning you'll have to buy more gallons at the pump and pay more per gallon.

The bigger impact, though, will be at the grocery store. By radically and artificially increasing the demand for ethanol, the cost pressure on all agricultural products (including meat and dairy products that rely on grain feed) will be devastating. Earlier this year, spiraling corn prices forced up by artificially increased demand for ethanol produced riots throughout Mexico.

The CARB regulations will undoubtedly hit Californians hard – but they will hit starving third world populations even harder. Basic foodstuffs are a small portion of the family incomes in affluent nations, but they consume more than half of family earnings in third world countries.

So when the global warming alarmists predict worldwide starvation, they're right. They're creating it.

<http://www.indybay.org/newsitems/2003/12/15/16659021.php>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

The Farce About Ethanol..

By State Senator Tom McClintock, Free Republic, June 28, 2007

In response to my blog, "Ethanol Economics," Former Secretary of State Bill Jones (now Chairman of Pacific Ethanol), made five key points in his piece, "The Facts About Ethanol." Just for fun, let's run "The Facts About Ethanol" through the old fact-checker:

"Today, ethanol is about 65 cents per gallon cheaper than gasoline in the California market." That's only after taxpayers and consumers have kicked in a subsidy of \$1.50 per gallon - or \$7 billion a year paid into the pockets of ethanol producers to hide the staggering price of ethanol production. And even with the subsidy, the California Energy Commission estimates that the new CARB edict will INCREASE the price per gallon by between 4.2 and 6.5 cents - on top of the tax subsidies. Ouch.

"Allowing a 10 percent blend of ethanol into gasoline provides a 4 percent supply increase to the marketplace at a price far below current gasoline prices." Not only is the price far ABOVE current gasoline prices (see above) but Bill ignores the fact that ethanol produces less energy than gasoline - meaning you'll have to buy more gallons for the same mileage.

"CARB's recent vote reduces our reliance on oil from overseas..." Let's walk through the numbers again. One acre of corn produces 350 gallons of ethanol; the CARB edict will require 1.5 billion gallons of ethanol, in turn requiring 4.3 million acres of corn for ethanol production. Yet California only has 11 million acres devoted to growing crops of any kind. And that, in turn, means an increasing reliance on foreign agricultural produce, shifting our energy dependence from King Abdullah to Hu Jintao.

"Further, it sends a signal to companies like ours to continue to invest in California production to help make this state energy independent." Yes, you can sell a lot more ethanol with a kind word and a gun than with a kind word alone. You got me there. But it also sends a signal to the market to raise prices on every product that relies upon corn for both food and grain feed - meaning skyrocketing prices for everything from corn meal to milk. Remember the tortilla riots in Mexico in January?

"Pacific Ethanol uses state-of-the-art production practices that reduce carbon dioxide emissions by up to 40 percent compared to conventional gasoline." Unless Pacific Ethanol has re-written the laws of chemistry, ethanol is produced by converting glucose into two parts ethanol and two parts carbon dioxide. The chemical equation is $C_6H_{12}O_6 = 2C_2H_5OH + 2CO_2$. (Memo to Bill: If you're not using this formula, you're not producing ethanol. And if you are, you're also producing lots of carbon dioxide. Better check.)

<http://www.freerepublic.com/focus/f-news/1858095/posts>

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Bill Jones as subsidized ethanol magnate

* From Alan Bock, Orange County Register (blog),
December 4th, 2007

* Here's an interesting piece from the Mercury-News on the "post-politics" of Bill Jones, former Republican Assemblyman and Secretary of State Bill Jones, who has now become one of California's biggest Welfare Queens as an entrepreneur in the subsidized world of ethanol. His family had some farmland near Madera, and for years he's been eyeing corn likker — ethanol — as a way to maximize profits. Since retiring from politics, but using his political influence, he's becoming a magnate, having formed Pacific Ethanol. Having pocketed \$15 million from selling stock after the company went public, he's looking for a controversial \$14 million tax break from the state to build two more ethanol plants.

* I remember when Bill Jones used to come in for editorial boards and talk about how he was a limited-government conservative eager to get rid of boondoggles and use taxpayers' money responsibly. Now he's profiting from one of the biggest boondoggles in California history. Sad case — but then he's pocketed \$15 million and I haven't.

<http://itsgettinghotinhere.org/2007/03/21/the-next-british-invasion-public-acceptance-of-climate-change/>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

Lay off ethanol

Our View, News Herald, July 14, 2008 10:51:57 AM

Our View Lay off ethanol It is predicted that gasoline prices will jump 10 percent if the Senate version of a federal energy bill becomes law.

The bill would mandate tripling ethanol use in the whole country to 5 billion gallons by 2012. Agribusiness leader Archer Daniels Midland would receive 41 percent of the business.

Ethanol can harm the environment. It increases the production of "hydrocarbon and nitrogen oxide emissions," said Charlie Peters, president of the Clean Air Performance Professionals.

He pointed out that oxygenates such as ethanol "cause a degradation of the fuel process in cars," which "increases the volume of fuel you need." He estimated ethanol will increase fuel consumption up to 10 percent.

The best way to reduce pollution is to make it as easy as possible to buy new cars with high emissions standards and to repair or junk older cars that are polluters. Increasing the cost of driving means people will have less money for new cars and repairs.

The House of Representatives' version of the bill doesn't include the ethanol mandate. President Bush, aided by representatives, should make sure that this unneeded and costly ethanol mandate is not made law.-

Freedom Communications

<http://www.newsherald.com/news/ethanol-15462-cars-mandate.html>

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

THE WHITE HOUSE

WASHINGTON

March 11, 2011

Mr. Charlie Peters
Apartment A
21860 Main Street
Hayward, California 94541

Dear Charlie:

Thank you for sending me materials to review. I appreciate hearing from you.

I am encouraged by the outpouring of messages and suggestions from Americans across the country. Some comments are supportive, others are critical, but all reflect the desire of Americans to participate in a dialogue about our common concerns and challenges. To learn more about my Administration's agenda, please visit: www.WhiteHouse.gov.

Thank you again for contacting me and for your continued participation.

Sincerely,

A handwritten signature in black ink, appearing to be Barack Obama's signature, consisting of a large 'B' followed by a stylized 'O' and a horizontal line extending to the right.

Clean Air Performance Professionals

21860 Main Street Ste A
Hayward, California 94541
Sunday, July 17, 2011

Mr. President
Barack Obama
The White House
1600 Pennsylvania Ave NW
Washington, DC 20500
(202) 456-1414
fax: (202) 456-2461

RE: Jobs and food.

Good afternoon Mr. President,

Thank you for raising the issue of change.

The **genetically modified organism** (GMO) corn fuel ethanol, welfare for Big oil refiners and Government Motors, seems to add more cars on the road.

I also was born in Hawaii and left soon after December 7 1941.

Will GMO corn from ethanol production affect the beef?

(CAPP is a coalition of motorists)

Clean Air Performance Professionals



Charlie Peters

(510) 537-1796

cc to interested parties.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

COMMITTEE ON
WAYS AND MEANS
JOINT COMMITTEE
ON TAXATION

WWW.HOUSE.GOV/STARK

CONGRESS OF THE UNITED STATES
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(510) 494-1

PETEMAIL@MAIL.H

July 29, 2011

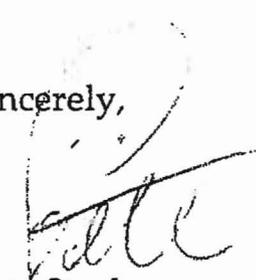
Mr. Charlie Peters
21860 Main Street
Hayward, CA 94541-2614

Dear Mr. Peters:

Thank for your letter regarding H.R. 459 and corn ethanol in gasoline. I'm happy to inform you that I am a cosponsor of Rep. Paul's bill for Federal Reserve Transparency. This bill would require a full audit of the Fed before the end of 2012.

I am not a supporter of corn in gasoline. Ethanol derived from corn has zero environmental benefits and drives up food prices. I am strongly opposed to all government subsidies for the ethanol industry and I am working to repeal them.

Sincerely,



Pete Stark
Member of Congress

FHS/eh

November 8th, 2011

The Honorable Harry Reid
Majority Leader
United States Senate
S-221 Capitol Building
Washington, DC 20510

The Honorable Mitch McConnell
Minority Leader
United States Senate
S-230 Capitol Building
Washington, DC 20510

The Honorable John Boehner
Speaker
United States House of Representatives
H-232 Capitol Building
Washington, DC 20515

The Honorable Nancy Pelosi
Minority Leader
United States House of Representatives
H-204 Capitol Building
Washington, DC 20515

Dear Congressional Leaders:

The undersigned diverse group of business associations, hunger and development organizations, agricultural groups, environmental groups, budget hawks, grassroots groups and free marketers urge you to reject efforts to continue or expand federal support for corn ethanol in any appropriations, tax, or debt reduction package. In particular, we oppose:

- Altering the requirements of the Renewable Fuels Standard in a way that would open the definition of advanced biofuels to include corn-based fuels.
- Any expansion of the Alternative Fuels Tax Credit that would allow 85 percent ethanol blends (E85) to qualify for the credit.
- Funding for ethanol "blender pumps" or any other ethanol infrastructure projects.
- Any extension of the Volumetric Ethanol Excise Tax Credit.

Any combination of these policies would only serve to expand the market for fuels derived from corn, especially corn ethanol, and exacerbate the many challenges associated with those fuels. Again, we urge you to reject efforts to expand federal support for corn ethanol in any appropriations, tax, or debt reduction package.

Sincerely,

ActionAid USA
American Bakers Association
American Frozen Food Institute
Americans for Limited Government
American Meat Institute
Americans for Prosperity
Americans for Tax Reform
California Dairy Campaign
Clean Air Task Force
Clean Water Action
Competitive Enterprise Institute
Environmental Working Group
Freedom Action
Friends of the Earth
Greenpeace USA
Grocery Manufacturers Association
Milk Producers Council
National Black Chamber of Commerce
National Chicken Council
National Council of Chain Restaurants
National Meat Association
National Wildlife Federation
National Restaurant Association
National Taxpayers Union
National Turkey Federation
Natural Resources Defense Council
Oxfam America
Snack Food Association
Southeast Milk Inc.
Taxpayers for Common Sense
Taxpayers Protection Alliance

Clean Air Performance Professionals

21860 Main Street Ste A
Hayward, California 94541

Tuesday, February 7, 2012
Honorable David Valadao
State Capitol
(916) 319-2030 / 319-2130 fax

RE: Vote **NO** on Assembly Bill 523 unless amended.

Goodmorning Mr. Valadao,

Federal ethanol policy increases Government motors oil use and Big oil profit.

It is reported that today California in using Brazil sugar cane ethanol at \$0.16 per gal (\$8billion for Big oil) increase over using GMO corn fuel ethanol. This game of the cars and trucks get to pay and Big oil profits are the result is ready for change.

The car tax of AB 118 Nunez is just a simple Big oil welfare program, AAA questioned the policy and some folks still agree.

Your AB 523 is just a short put (waiver) from better results, fuel ethanol stinks.

Folks that pay more at the pump for less from Cars, trucks, food, water & air need better, it is time.

Thank you for your service

Clean Air Performance Professionals

Charlie Peters
(510) 537-1796
cappcharlie@earthlink.net
cc: interested parties

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

"I know of two retailers in Memphis who offer ethanol-free gas. What we all need to do as consumers is demand that ethanol-free gas be made more widely available. Ask your favorite gasoline retailer to make ethanol-free gas an option at their station. It is better for the environment and better for your car." -----

Pure gasoline is a better choice

By Cooper Samuel, Memphis Commercial Appeal, May 13, 2012

Little is either known or thought about by the consumer in general about the ethanol blended into the gasoline we buy for our cars, motorcycles, lawnmowers and so on. It is something we all should think about.

Corn ethanol has had many opponents, including environmentalists who say it contributes to climate pollution, deforestation and agricultural runoff that pollutes waterways. It should also be noted that ethanol is bad for cars, lawnmowers and aircraft. Ethanol, which is a form of alcohol, dries out plastics and deteriorates rubber/neoprene, which make up many of the components in a car's fuel system. It is corrosive to many metals and contributes to gumming in

carburetors and fuel injectors.

Gasoline has a higher energy content than alcohol and therefore cars get anywhere from four to six more miles per gallon on pure gasoline than an ethanol-blended gas. Pure gasoline also results in reduced costs of maintenance associated with the damage done to your car by ethanol.

I know of two retailers in Memphis who offer ethanol-free gas. What we all need to do as consumers is demand that ethanol-free gas be made more widely available. Ask your favorite gasoline retailer to make ethanol-free gas an option at their station. It is better for the environment and better for your car.

Cooper Samuel

Memphis

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<http://www.commercialappeal.com/news/2012/may/13/letter-pure-gasoline-better-choice/>

California (GMO) AB 523 & SB 1326 are just a short put (waiver) from better results.

CAPP contact: Charlie Peters (510) 537-1796 cappcharlie@earthlink.net

WAIT!
IT TURNS OUT BIOFUELS
MAY BE WORSE FOR
GLOBAL WARMING!

**TOO
LATE!**



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DON'T FOCUS -
ABOUT THE SCIENCE? A. -GUESS