



California Association of Wheat Growers

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## Newsletter

December 12, 2010

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Upcoming Events

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**-January 17-19 NAWG USW Winter Conference**

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### HAPPY NEW YEAR

Each year the Holidays remind us how fortunate we are to have wonderful family, friends and colleagues. May the Joy of the Season be with you all into the new year.

*Wishing you all a Healthy, Happy and Prosperous New Year!*



### **EPA Greenhouse Gas Regs Kick in January 2 for Large Emitters; Implementation Plan Released**

Despite growing congressional and state government opposition, the Obama Administration is moving full steam ahead with plans to implement its first greenhouse gas (GHG) regulations on January 2, 2011. EPA last week issued its announcement of the plan under which it will implement the first phase of GHG regulation targeted to the nation's largest oil refineries and power plants, so-called "large stationary sources" and those which plan to build new facilities or make major modifications to existing plants. These facilities will be required to obtain Clean Air Act (CAA) permits covering their emissions as outlined in the so-called "tailoring rule" published last spring. The first set of implementation actions released last week will give the agency authority to issue GHG permits in Arizona, Arkansas, Florida, Idaho, Kansas, Oregon and Wyoming "until the state or local agencies can revise their permitting regulations," the agency said. Further, EPA is taking the unprecedented step of moving to disapprove part of Texas' CAA permitting program and will issue permits in that state. The second set of actions announced will be to ensure there are no federal laws requiring any state to issue a CAA permit for GHG emissions below the levels outlined in the EPA tailoring rule. "Small sources," including farms and restaurants aren't covered by the EPA actions. Further standards for power plants will be published in July, 2011, and for refineries in December, 2011. Final standards are expected in May, 2012, and November, 2012, respectively. The agency also plans to hold "listening sessions" with business and the states early in 2011, "well in advance of the rulemaking schedule."

### **Hill, Industry Reaction to EPA Greenhouse Gas Rulemaking Schedule**

Capitol Hill and the energy industry wasted no time this week reacting strongly to EPA's published schedule of greenhouse gas (GHG) regulation steps. Rep. Fred Upton (R, MI), who will chair the House Energy & Commerce Committee in the new Republican-controlled chamber, said this week EPA should stand down from its schedule until a federal court case is decided challenging the agency's original "endangerment" finding that GHG emissions pose a serious threat to humans and animals. Upton, writing in the *Wall Street Journal*, said Congress should act to end EPA's action if the agency won't delay its rulemaking until the court action is settled. Rep. Mike Simpson (R, ID), who will chair the House Appropriations Committee subcommittee overseeing EPA, said he favors beginning with a two-year congressional stay on EPA's actions, similar to an approach favored by Sen. Jay Rockefeller (D, WV), but which saw no action in the Senate. Simpson said his first chance will be when the new Congress takes up a permanent FY2011 spending bill in early 2011. Upton

disagrees, saying the two-year limit is "arbitrary." The court case was brought by several states, most notably Texas, as well as several individual companies and industry groups, but the federal court said it would not halt EPA's actions while it deliberates. EPA Administrator Lisa Jackson, responding to congressional critics, said the Clean Air Act (CAA) is "a tool. It's not the optimal tool, but it can be used, and in fact, I'm legally obligated now to use it." For its part, the American Petroleum Institute (API) said, "In unprecedented fashion, EPA is now coercing some states to relinquish their authority and is directly usurping state regulatory authority in Texas. The agency's stationary source GHG regulations are set to take effect January 2, with a court review still pending and the EPA and state programs are still works in progress." API said the CAA was never intended to regulate stationary sources, and that Congress is given exclusive authority to set emissions standards.

### **NLRB Proposes Rule on Employee Right to Organize Notification**

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The National Labor Relations Board (NLRB) has published a proposed rule that would require private employers to post public notices informing employees of their "rights" under the National Labor Relations Act, similar to an action already taken by the Department of Labor for federal contractors. Under the new rule, employers would have to post notices detailing employee rights to act together to improve wages and working conditions, to form, join and assist a union, to bargain collectively with their bosses, or choose not to do any of these actions. The notice must also provide information on unlawful actions by employers and how to contact the NLRB with questions or complaints. Comments are due by February 22, 2011, and the full proposed rule can be read at <http://edocket.access.gpo.gov/2010/pdf/2010-32019.pdf>.

EPA Completes Framework for Greenhouse Gas Permitting Programs

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*EPA and states have worked closely to ensure a smooth transition*

**WASHINGTON** - U.S. Environmental Protection Agency (EPA) is issuing the final series of actions that will ensure that the largest industrial facilities can get Clean Air Act permits that cover greenhouse gas (GHG) emissions beginning in January 2011. These actions are part of EPA's common sense approach to GHG permitting outlined in the spring 2010 tailoring rule. The first set of actions will give EPA authority to permit GHGs in seven states (Ariz., Ark., Fla., Idaho, Kan., Ore., and Wyo.) until the state or local agencies can revise their permitting regulations to cover these emissions. EPA is taking additional steps to disapprove part of Texas' Clean Air Act permitting program and the agency will also issue GHG permits to facilities in the state. These actions will ensure that large industrial facilities will be able to receive permits for greenhouse gas emissions regardless of where they are located.

In the second set of actions, EPA has issued final rules that will ensure that there are no federal laws in place that require any state to issue a permit for GHG emissions below levels outlined in the tailoring rule.

EPA has worked closely with the states to ensure that the transition to permitting for GHGs is smooth. States are best suited to issue permits to sources of GHG emissions and have experience working with industrial facilities. EPA will continue to work with states to help develop, submit, and obtain approval of the necessary revisions to enable the affected states to issue air permits to

GHG-emitting sources.

Beginning in January 2011, industries that are large emitters of GHGs, and are planning to build new facilities or make major modifications to existing ones, must obtain air permits and implement energy efficiency measures or, where available, cost-effective technology to reduce their GHGs emissions. This includes the nation's largest GHG emitters, such as power plants, refineries and cement production facilities. Emissions from small sources, such as farms and restaurants are not covered by these GHG permitting requirements.

More information: <http://www.epa.gov/nsr>

## **California Retains 53 Congressional Seats**

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As many predicted, California failed to gain a seat in the House of Representatives for the first time since 1920. The U.S. Census reported 37,253,956 California residents in its official count of the population, a growth of 10 percent, the slowest rate in a century. These official numbers came out this week along with the results of how the 435 seats in the House will be redistributed among the states based on the current population figures.

Historically, California has done well, amassing 53 of the 435 seats in the House, still by far the largest delegation. The second biggest state delegation comes from Texas, with 36 representatives. Texas added four House seats in the apportionment yesterday - aided in part by the migration of post-Katrina residents from Louisiana.

Demographer William Frey, [in a recent presentation](#) for the Knight Digital Media Center's Census Workshop, noted California's "middle class" flight from the pricey coastal areas into the interior. Many predict that once the citizen's redistricting commission completes drawing the political boundaries there will be an additional seat shifted from the coast to the Central Valley.

All told, 18 states will either gain or lose house seats, while 32 will stay the same. Each new house district will include an average of 710,767 residents. The State Senate and Assembly numbers will stay the same with 40 state Senators and 80 state Assembly members.