

# DAILY READING FILE

THE WHITE HOUSE

WASHINGTON

January 20, 2012

RE

2012 JAN 30 PM 1:52

OFFICE OF THE  
EXECUTIVE SECRETARIAT

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

SUBJECT: Federal Support for the Randolph-Sheppard Vending Facility Program

Thousands of Americans who are blind have embraced the entrepreneurial spirit that helps define our Nation as a land of opportunity. Through the Federal Randolph-Sheppard Vending Facility Program administered by the Department of Education, talented and creative individuals who are blind have acquired the management training and business skills necessary to realize the American dream -- a lifetime of economic opportunity, independence, and self-sufficiency for themselves and their families.

For 75 years, blind business managers have successfully operated food services and commercial ventures at Federal, State, and private buildings and locations nationwide. We honor and celebrate this program's historic achievements. We also trust that the Randolph-Sheppard Program will continue to be a leading model for providing high-quality entrepreneurial opportunities for blind individuals. From a simple snack shop, to tourist services at the Hoover Dam, to full food-services operations at military installations, blind entrepreneurs have provided exceptional customer service to Federal and State employees, the Armed Forces, and the general public. With proven ability, they have challenged preconceived notions about disability.

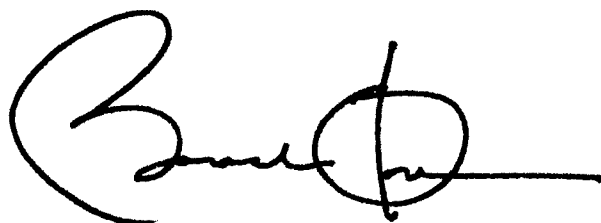
The Randolph-Sheppard Act (20 U.S.C. 107 et seq.) created the Vending Facility Program requiring qualified blind individuals be given a priority to operate vending facilities on Federal properties. This program is responsible today for providing entrepreneurial opportunities for over 2,500 individuals who are

blind. In turn, these business managers have hired thousands of workers, many of whom are individuals with disabilities. Every American, including persons with disabilities, deserves the opportunity to succeed without limits, earn equal pay for equal jobs, and aspire to full-time, career-oriented employment.

Continued support and cooperation are needed from executive departments, agencies, and offices (agencies) to extend the Randolph-Sheppard priority to qualified blind managers through the State licensing agencies that implement the program. Therefore, I direct all agencies that have property management responsibilities to ensure that agency officials, when pursuing the establishment and operation of vending facilities (including cafeterias and military dining facilities) as defined in 20 U.S.C. 107e, issue permits and contracts in compliance with the Randolph-Sheppard Program and consistent with existing regulations and law. I further direct the Secretary of Education, through the Commissioner of the Rehabilitation Services Administration, to submit a report to the President on agencies' implementation of the Randolph-Sheppard Program not later than 1 year from the date of this memorandum.

This memorandum is not intended to, and does not, create any right or benefit, substantive or procedural, enforceable at law or in equity by any party against the United States, its departments, agencies, or entities, its officers, employees, or agents, or any other person.

The Secretary of Education is hereby authorized and directed to publish this memorandum in the *Federal Register*.

A handwritten signature in black ink, appearing to be "B. G. ...", written in a cursive style. The signature is positioned at the bottom center of the page.







[www.ntaatribalair.org](http://www.ntaatribalair.org)  
(505) 242 – 2175 office  
(505) 242-2654 fax

**National Tribal Air Association**  
4520 Montgomery Blvd. NE, Suite 3  
Albuquerque, NM 87109

Executive Committee

Region 1  
Bill Thompson  
*Chairperson*  
Penobscot Nation

Region 2  
Angela Benedict-Dunn  
*Secretary*  
Saint Regis Mohawk Tribe

Region 4  
Katie Renwick  
Eastern Band of Cherokee Indians

Region 5  
Brandy Toft  
*Vice-Chairperson*  
Leech Lake Band of Ojibwe

Bryan Hoover  
Lac du Flambeau Tribe

Region 6  
Cody Braun  
Citizen Potawatomi Nation

Tammy Belone  
Jemez Pueblo

Region 7  
Anthony "Sam" Kitto  
Santee Sioux Nation

Scott Weir  
Sac & Fox Nation of Missouri

Region 8  
Randy Ashley  
Confederated Salish & Kootenai  
Tribes

Linda Weeks Reddoor  
Fort Peck Assiniboine-Sioux  
Tribes

Region 9  
Syndi Smallwood  
Pechanga Band of Luiseno  
Mission Indians

Helen Waquiu  
Pechanga Band of Luiseno  
Mission Indians

Region 10  
Kevin Greenleaf  
Kootenai Tribe of Idaho

Tim Outman  
Confederated Tribes of Warm  
Springs

Alaska  
Rosalie Kalistook  
*Treasurer*  
Orutsararmuit Native Council

Susan Flensburg  
Bristol Bay Native Association

January 29, 2011

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

In March 2008, the U.S. Environmental Protection Agency (EPA) established primary and secondary ozone National Ambient Air Quality Standards (NAAQS) of 0.075 parts per million, slightly more stringent than the 0.08 ppm ozone standards established in 1997. In September 2009, EPA agreed to reconsider the March 2008 ozone primary and secondary NAAQS to ensure that they "are clearly grounded in science, protect public health with an adequate margin of safety, and are sufficient to protect the environment." In January 2010, EPA proposed to reestablish the ozone NAAQS within a range of 0.060 ppm and 0.070 ppm, however this proposal was rescinded and the 2008 ozone primary and secondary NAAQS will be implemented.

The National Tribal Air Association (NTAA) recognizes EPA's ongoing commitment to improving and protecting what we already have achieved with respect to air quality. Therefore, we would like to support this commitment by reiterating our position for ozone primary and secondary NAAQS that provide an adequate margin of safety that is protective of Indian Country, Alaska Native Villages, and the nation as a whole. This position is one that EPA has publicly supported in the past.

In addition, the NTAA would like to emphasize the importance of consulting and coordinating with Tribes when air rules are revised or developed. The NTAA recognizes EPA's commitment to this important process as detailed in the Clean Air Act Tribal Authority Rule (CAA Section 301 (d)) and with the release of the May 2011 "EPA Policy on Consultation and Coordination with Indian Tribes" which ensures accountability and transparency. This process is absolutely fundamental in respecting Tribal sovereignty so Tribes can effectively and appropriately implement their air quality management programs for the benefit of their Tribal communities.

The NTAA is an autonomous organization of the National Tribal Environmental Council (NTEC) with more than 70 principal member Tribes. The NTAA's mission

is to advance air quality management policies and programs, consistent with the needs, interests, and unique legal status of Tribes. As such, the NTAA uses its resources to support the efforts of all federally recognized Tribes in protecting and improving the air quality within their respective jurisdictions. Although the NTAA always seeks to represent consensus perspectives on any given issue, it is important to note that its expressed views may not be agreed upon by all Tribes. Further, it is important that EPA understands interactions with the NTAA does not substitute for government-to-government consultation which can be achieved only through direct communication between the Federal Government and the Tribes.

### **Primary Standard**

Section 109(b)(1) of the Clean Air Act (CAA) requires EPA to establish primary NAAQS that are within an “adequate margin of safety” to protect public health. This is not the case for ozone whose standards continue to exceed what is reasonable based on their health effects and the levels at which states take action. When ozone concentrations reach 0.060 ppm, most states issue “moderate” ozone warnings, advising people with respiratory disease to limit strenuous activity. When these concentrations exceed 0.075 ppm, states further advise people to avoid strenuous activity altogether and ask children, the elderly, and people with respiratory diseases to stay indoors.

Indian Country and Alaska Native Villages are not unique in that they are often exposed to the same unhealthy ozone concentrations experienced by states. However, circumstances can make it difficult for Tribal members to simply head indoors, particularly when they are engaged in cultural and subsistence practices that have existed since time immemorial. This, in turn, makes Tribal members highly susceptible to the health effects of ozone such as asthma, bronchitis and chronic obstructive pulmonary disease. Compounding this problem is the physical location of most Tribal lands which is primarily rural in nature and for which few if any ozone monitors are present. This is problematic for Tribes in rural areas where EPA and others suspect that ozone concentrations are on the rise.

Exposure to unhealthy ozone concentrations has many effects, other than health, on Tribal communities. Tribal economic development may be hindered should Tribal lands be located in a nonattainment area for ozone. In the majority of cases, the Tribes themselves are not contributing to the nonattainment status; rather they are impacted by offsite transport. This disproportionate effect on Tribe’s is one that needs to be seriously addressed in order for Tribes to not be hindered from pursuing economic development that is meant to improve the livelihood of their respective communities.

### **Secondary Standard**

Section 109(b)(2) of the CAA requires EPA to establish secondary NAAQS that are “requisite to protect the public welfare from any known or anticipated adverse effects.” Outdoor plant-life is not afforded the same luxury as human beings who can escape high ozone concentrations by heading indoors. Further, the impact of ozone on plant-life is cumulative, *i.e.*, the effects carry over from year to year. Based on this, the NTAA remains supportive of EPA’s original proposal to consider the long-term seasonal effects of ozone on plant-life by establishing a W12 index (*e.g.*, 7-15 ppm-hours) to provide for the optimal secondary ozone NAAQS.

A number of Tribal members in Indian Country and Alaska Native Villages rely upon different forms of plant-life for their subsistence and cultural practices. Many of these practices may be impeded by varying ozone concentrations over which Tribes have no control. Further, these ozone concentrations may be contributing to chemical and physiological changes that could be having adverse health effects on Tribal members who are ingesting the plant-life. However, EPA and others are giving little if any attention to these effects nor to the cultural and subsistence practices in which Tribal members are involved.

### **Conclusion**

The NTAA highly recommends that, in future studies, EPA consider the unique exposure pathways of ozone on Tribes and its corresponding health effects. Further, we urge you to provide additional ozone monitors to Indian Country and Alaska Native Villages to acquire a better sense of the ozone concentrations to which these areas are being exposed. We strongly believe that this additional data will benefit you in your desire and effort to make the ozone primary NAAQS protective of public health.

In addition, not only should EPA establish secondary ozone NAAQS distinct from the primary ozone NAAQS, but it should also account for the types of cultural and subsistence practices used by Tribal members. This could be achieved by working with Tribes directly on a government-to-government basis. Such an approach will not only enhance your efforts and those of EPA to establish secondary ozone NAAQS that are properly protective of public welfare, but they will also go a long way in making the day-to-day environment of Indian Country and Alaska Native Villages more safe.

In order to accomplish improved Tribal air quality, the EPA needs to recognize the potential impacts to Tribes regarding ozone standard changes. The only way this understanding can be achieved is through appropriate consultation and coordination; each Tribe is unique and each Tribe has a fundamental right to exercise sovereign authority in the ozone revision and designation process. This becomes especially important when standard revisions have effects on Tribes that are not contributing to pollution levels that EPA considers are violating the NAAQS.

The NTAA is pleased to provide these comments and recommendations to you about the primary and secondary ozone NAAQS, and how they interface with the lives of Tribes in Indian Country and Alaska Native Villages. If you should have any questions or comments, please feel free to contact Ondrea Barber, NTAA Director at (505) 263-1074, or [Ondrea.Barber@ntec.org](mailto:Ondrea.Barber@ntec.org).

Respectfully,



Bill Thompson  
National Tribal Air Association Executive Committee Chairperson  
Tribal Vice-Chief, Penobscot Nation



# Correspondence Management System

Control Number: AX-12-000-2728

Printing Date: February 14, 2012 01:12:18



## Citizen Information

**Citizen/Originator:** Ezzell, Candy Spence

Organization: New Mexico House of Representatives

Address: PO Box 2125, Roswell, MN 88202

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-2728

**Alternate Number:** N/A

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Feb 29, 2012

**# of Extensions:** 0

**Letter Date:** Feb 3, 2012

**Received Date:** Feb 13, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** DX-Direct Reply

**Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

**Subject:** Daily Reading File - Request for EPA to deny the Petition to Regulate Lead Fishing Tackle Under the Toxic Substances Control Act

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
R4 - Region 4 -- Immediate Office

## Lead Information

**Lead Author:** N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSP	Feb 14, 2012	Feb 29, 2012	N/A
<b>Instruction:</b> N/A					

## Supporting Information

**Supporting Author:** N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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State of New Mexico  
House of Representatives  
Santa Fe

**CANDY SPENCE EZZELL**

R - Chaves  
District 58

P.O. Box 2125  
Roswell, NM 88202  
Home Phone: (575) 625-0550  
Fax: (575) 625-0590  
E-mail: csecows@aol.com

**COMMITTEES:**  
Energy & Natural Resources  
Labor & Human Resources

**INTERIM COMMITTEES:**  
New Mexico Finance Authority Oversight  
Water & Natural Resources

February 3, 2012

Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue N.W.  
Washington, DC 20460

Dear Administrator Jackson,

On behalf of the New Mexico Legislative Sportsmen's Caucus I urge you to deny the November 16, 2011 "Petition to the Environmental Protection Agency to Regulate Lead Fishing Tackle under the Toxic Substances Control Act." Such regulation is not biologically justified, would place an undue economic burden on the anglers of New Mexico and would supersede long-standing state authority to manage fish and wildlife resources.

I applaud the EPA for denying the 2010 petition to ban lead ammunition and fishing tackle. Likewise, I ask that you also deny the new petition to initiate federal regulation of lead fishing tackle. There is no substantial evidence to suggest that lead fishing tackle has detrimental impacts on loon, or other migratory waterfowl populations. In fact, a study by the United States Fish and Wildlife Service found that less than one percent of waterfowl and other bird mortality can be attributed to lead ingestion. In the few cases where localized problems have occurred, the individual state natural resource agencies have implemented measures to minimize those impacts and conserve wildlife populations.

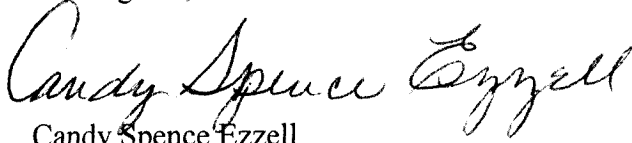
The use of lead in fishing tackle dates back thousands of years because of its unique qualities, including the fact that it is cheap and easy to obtain. Despite the claims of petitioners, substitute metals and alloys for lead sinkers are not readily available and can cost substantially more than equivalent lead weights. I fear that if this federal ban were imposed, it would discourage many anglers from participating in recreational fishing activities. A drop in participation would mean shortfalls in license sales and excise taxes that support fish and wildlife management efforts within our state.

2012 FEB 13 PM 12:52  
OFFICE OF THE  
EXECUTIVE SECRETARIAT  
PER



The development of policies surrounding the use of lead fishing tackle is biologically, socially and economically complex. The states are in the best position to understand and balance these factors in the interest of our natural resources and our constituents.

Best regards,

A handwritten signature in cursive script that reads "Candy Spence Ezzell". The signature is written in black ink and is positioned to the right of the typed name.

Candy Spence Ezzell  
State Representative  
District 58/Chaves County  
CSE:lrs



# State of Indiana



# Legislative Sportsmen's Caucus

Bank 1 Suite 1  
1602 "I" Street  
Bedford, IN 47421  
765-617-9333

RECEIVED  
2012 FEB 13 PM 12:53  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

February 7, 2012

Administrator Lisa Jackson  
U.S. Environmental Protection Agency  
Washington, DC 20460

Dear Administrator Jackson:

On behalf of the Indiana Legislative Sportsmen's Caucus we urge you to deny the November 16, 2011 "Petition to the Environmental Protection Agency to Regulate Lead Fishing Tackle Under the Toxic Substances Control Act." Such regulation is not biologically justified, would place an undue economic burden on the anglers of our states and would supersede long-standing state authority to manage fish and wildlife resources.

We applaud the EPA for denying the 2010 petition to ban lead ammunition and fishing tackle. Likewise, we ask that you also deny the new petition to initiate federal regulation of lead fishing tackle. There is no substantial evidence to suggest that lead fishing tackle has detrimental impacts on loon, or other migratory waterfowl populations. In fact, a study by the United States Fish and Wildlife Service found that less than one percent of waterfowl and other bird mortality can be attributed to lead ingestion. In the few cases where localized problems have occurred, the individual state natural resource agencies have implemented measures to minimize those impacts and conserve wildlife populations.

The use of lead in fishing tackle dates back thousands of years because of its unique qualities, including the fact that it is cheap and easy to obtain. Despite the claims of the petitioners, substitute metals and alloys for lead sinkers are not readily available and can cost substantially more than equivalent lead weights. We fear that if this federal ban were imposed, it would discourage many anglers from participating in recreational fishing activities. A drop in participation would mean shortfalls in license sales and excise taxes that support fish and wildlife management efforts within our states.

The development of policies surrounding the use of lead fishing tackle is biologically, socially and economically complex. The states are in the best position to understand and balance those factors in the interest of our natural resources and our constituents. Please deny the unjustified and unnecessary petition to impose federal regulation on lead fishing tackle.

Sincerely,

Brent Steele  
Senate  
Co-Chair

Lindel Hume  
Senate  
Co-Chair

Mark Messmer  
House of Representatives  
Co-Chair

Dale Grubb  
House of Representatives  
Co-Chair





THE CITY OF NEW YORK  
**OFFICE OF THE PRESIDENT**  
BOROUGH OF MANHATTAN

RECEIVED  
2012 FEB 13 PM 12:52  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

**SCOTT STRINGER**  
BOROUGH PRESIDENT

January 23, 2012

Administrator Lisa P. Jackson  
United States Environmental Protection Agency  
633 3rd Street, N.W.  
Washington, DC 20001

**Re: US EPA Urban Waters Small Grant, Region 2 Harlem River Watershed Protection and Partnership Action Plan**

Dear Administrator Jackson:

I am writing in support of the Highbridge Community Life Center's "Harlem River Working Group" (HRWG) application to the Environmental Protection Agency's Urban Waters Small Grant for the creation of the "*Harlem River Watershed Protection and Partnership Plan*."

As President of the Borough of Manhattan, I am committed to supporting the efforts of the HRWG, a grass-roots community organization, in their efforts to repair and protect the Harlem River and the land around it for the betterment of their community. I look forward to actively participating in the goals set forth by the group in their application and enthusiastically support them in forming a stakeholder partnership, identifying sources of pollution, and preparing a plan to remove such waste on both the Bronx and Manhattan sides of the Harlem River.

I am encouraged by the HRWG's goals and believe that the development of the "*Harlem River Watershed Protection and Partnership Plan*" will help to ensure the health and wellbeing of constituents living in the community as well as across greater New York. I believe the dedication of this group and the commitment of myself and others will prove vital in creating an effective program in collaboration with your agency and programs.

Thank you for your consideration.

Sincerely,

Scott M. Stringer  
Manhattan Borough President





# Correspondence Management System

Control Number: AX-12-000-2756

Printing Date: February 14, 2012 12:12:09



## Citizen Information

Citizen/Originator: Sweeney, Stephen M

Organization: New Jersey Senate

Address: Kingsway Commons, 935 Kings Highway, West Deptford, NJ 08086

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2756

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Feb 10, 2012

Received Date: Feb 14, 2012

Addressee: POTUS-President of the United States

Addressee Org: White House

Contact Type: FAX (Facsimile)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File - EPA-HQ-OAR-2010-0799; Clean Car Support Letter

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

R2 - Region 2 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Feb 14, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Feb 14, 2012



**NEW JERSEY SENATE**

**STEPHEN M. SWEENEY**  
Senate President  
Email: SenSweeney@njleg.org

February 10, 2012

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

Attn Docket ID No: EPA-HQ-OAR-2010-0799

Dear President Obama:

America's deepening dependence on oil puts our economy, environment, and national security at risk. I am writing to applaud you for taking an important step to confront the dangers of this dependence by proposing new global warming pollution and vehicle efficiency standards that would ensure new cars and light trucks meet the equivalent of the 54.5-mpg fleetwide standard by 2025.

The projected annual benefits of such standards by 2030 are enormous:

- \$45 billion in savings at the gas pump
- 23 billion gallons of gasoline saved
- 280 million metric tons of global warming pollution avoided

I applaud you for seizing this historic opportunity to do more than any previous administration to break America's dependence on oil, keep billions of dollars in our economy and reduce the threat of climate change. I urge you to maximize the consumer and environmental benefits of these standards by keeping the standards as strong as possible through the rulemaking process, in order to maximize their benefits for our economy, our environment and our national security.

Sincerely,

A handwritten signature in black ink, appearing to read "Stephen M. Sweeney".

Stephen M. Sweeney  
Senate President  
Third Legislative District

SMS/ks

cc: Ms. Lisa Jackson, Administrator  
U.S. Environmental Protection Agency





# Correspondence Management System

Control Number: AX-12-000-2865

Printing Date: February 14, 2012 02:30:03



## Citizen Information

Citizen/Originator: Gonzalez, Nancy

Organization: Alliance to Save Energy  
Address: 1850 M Street, NW, Washington, DC 20036

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2865 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Feb 29, 2012 # of Extensions: 0  
Letter Date: Feb 10, 2012 Received Date: Feb 14, 2012  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: EML (E-Mail) Priority Code: Normal  
Signature: DX-Direct Reply Signature Date: N/A  
File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.  
Subject: Daily Reading File - Coalition Letter Supporting EPA's Energy Star Program  
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns  
Instruction Note: N/A  
General Notes: N/A  
CC: OCFO - OCFO -- Immediate Office  
OEAEE - Office of External Affairs and Environmental Education

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Feb 14, 2012	Feb 29, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Feb 14, 2012

February 10, 2012

Ms. Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave NW  
Washington, DC 20460

Dear Administrator Jackson:

We are writing to express our great interest in working with you to ensure that the Fiscal Year (FY) 2012 funding allocated to the Climate Protection Program includes as close to last year's amount (\$52.606 million) for the ENERGY STAR program, and that its valued status within the agency is secured.

As you know, ENERGY STAR is a trusted brand that has significantly helped businesses, governments and consumers nationwide save money by investing in energy efficient products. Besides lowering expenditures for those who purchase such products, this important and long-standing program has delivered repeatedly on its promise to help alleviate the economic, environmental and security problems associated with growing energy use.

For these reasons, ENERGY STAR should receive adequate funding for FY 2012 to ensure the ongoing success of an enormously effective partnership. Failing to do so could impair the efficacy of the program, which saved Americans \$20 billion in 2010 on their utility bills and prevented the equivalent of greenhouse gas emissions from 38 million vehicles.

Moreover, retaining investment in the ENERGY STAR program is vital to America's short- and long-term interests of our nation. Without critical support for voluntary programs such as ENERGY STAR that compliment minimum energy efficiency standards, domestic businesses and consumers will continue to be vulnerable to rising energy costs and a challenging economy in the coming months.

We note as well that strong budgets will be needed for future years. It is our hope that the FY 2013 proposed budget is robust. To further highlight its remarkable achievements and standing since being launched nearly 20 years ago, the ENERGY STAR program also should continue to be a separate line-item in the Environmental Protection Agency's budget. We ask that you give full consideration to this request as you begin preparation for the FY 2014 request over the next few months.

Thank you for your consideration on this request, and we look forward to collaborating with you on ENERGY STAR and other matters of consequence in the near future.

Sincerely,

American Council for an Energy-Efficient Economy (ACEEE)



# Correspondence Management System

Control Number: AX-12-000-2854

Printing Date: February 15, 2012 09:33:29



## Citizen Information

**Citizen/Originator:** Shirilau, Mark S.

Organization: Aloha Systems, Incorporated  
Address: 8539 Barnwood Lane, Riverside, CA 92508-7126

**Constituent:** N/A

**Committee:** N/A **Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-2854 **Alternate Number:** N/A  
**Status:** Pending **Closed Date:** N/A  
**Due Date:** Feb 28, 2012 **# of Extensions:** 0  
**Letter Date:** Feb 13, 2012 **Received Date:** Feb 14, 2012  
**Addressee:** AD-Administrator **Addressee Org:** EPA  
**Contact Type:** LTR (Letter) **Priority Code:** Normal  
**Signature:** Margo Tsirigotis Oge, Director of Signature Date: N/A  
Office of Transportation and Air  
Quality (OTAQ)

**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

**Subject:** Daily Reading File- Propose a two stage project funded by federal government pertaining to Electric Vehicle infrastructure

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OCFO - OCFO -- Immediate Office  
OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy

## Lead Information

**Lead Author:** N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Feb 14, 2012	Feb 28, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					
Gloria Hammond	OAR	OAR-OTAQ	Feb 15, 2012	Feb 24, 2012	N/A
<b>Instruction:</b> DX - DIRECT REPLY - - PREPARE RESPONSE FOR THE SIGNATURE OF THE DIVISION DIRECTOR.					
Tanya Meekins	OAR-OTAQ	OAR-OTAQ-ATD	Feb 15, 2012	Feb 22, 2012	N/A
<b>Instruction:</b> OTAQ-OD - Prepare response for the signature of Margo Tsirigotis Oge, Director of the Office of Transportation and Air Quality (OTAQ)					



*Aloha*  
**SYSTEMS**

**Dr. Mark S. Shirilau, PE**  
President and CEO  
MarkS@alohasys.com

(951) 780-9903

February 13, 2012

Dr. Steven Chu  
Secretary of Energy  
1000 Independence Avenue SW  
Washington, DC 20585

Lisa P. Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue NW, MC 1101-A  
Washington, DC 20460

**RE: Electric Vehicle Infrastructure**

Dear Dr. Chu and Ms. Jackson:

As President Obama has so wisely stated in last year's State of the Union address, "*We can break our dependence on oil...and become the first country to have one million electric vehicles on the road by 2015.*" That goal is still achievable, and there is movement toward its accomplishment. And as Senators Merkley and Alexander stated in S.948 introduced last year, ) "in 2030, the United States could feasibly deploy more than 100,000,000 plug-in electric drive vehicles, which would result in a petroleum savings of more than 1,000,000,000 barrels of petroleum per year and greenhouse gas reductions of over 300,000,000 tons of carbon dioxide."

In fact, plug-in electric vehicles remain the single viable solution to our long-term transportation energy problems. The vehicles are here – actually they have been around for decades. There is certainly room for improvement, particularly in battery technology, but the major drawback to widespread adoption is not poor technology, but lack of infrastructure. According to a study by Detroit Edison, "at least 74% of respondents indicated that public fast charging ['Level 3'] facilities will influence their decision to purchase a PEV [plug-in electric vehicle]." (*Transmission & Distribution World*, May 2011, p. 34.)

8539 Barnwood Lane ✽ Riverside, California 92508-7126 ✽ (951) 780-9903 Fax (951) 789-0783  
CA Professional Engineer E-11818 ✽ NY PE 080236 ✽ TX PE 88014 ✽ CA Contractor 541443

[www.alohasys.com](http://www.alohasys.com)

Aloha Systems is a small engineering business specializing in energy conservation and renewable energy. With my Ph.D. in electric power systems, my career started at Southern California Edison when we built the first wind and solar plants in the 1980s. In the 30 years since starting Aloha, we have worked to help large energy users reduce load and are presently developing a solar power plant. But we are now steering our main focus toward the EV infrastructure because that is the single most important energy development on the near horizon. In it lies the greatest possible contribution toward reduction of both foreign oil dependence and air pollution. The success of the electric car is once more on the horizon, and as a society we simply cannot afford to let it rise and set without success as it did in the 1990s. It is for that reason that we are dedicating the professional expertise of our small company to making sure that does not happen again.

It is very encouraging to see the president, you, and many government officials pursuing the EV goal. Compressed natural gas, hydrogen fuel cells, and other technologies are scientifically interesting but not likely replacements for our massive gasoline- and diesel-fired vehicle fleets. On the other hand, the electric vehicle, including the 100% electric car, is fully capable of that, and Senators Merkley and Alexander's discussion of 100,000,000 such cars in the next 20 years is indeed a realistic goal. This would be a major step toward eliminating our spending hundreds of billions of dollars each year on foreign oil, most of which goes to unfriendly, unstable, and problematic regions of the world. The plug-in electric vehicle is, after all, the only means by which renewable energy such as solar and wind power can make its way into the transportation sector.

We are automobile society. We live by our cars. Whether wise or not, we define ourselves by our cars. We want speed, convenience, and mobility. The EV can provide that *if the infrastructure to support it is developed*. Yet this is a "catch-22" situation – there is little financial incentive to develop the infrastructure when there are so few EVs, and there are so few EVs because people do not trust them to be able to drive anywhere they want to go. This is precisely why the federal government is the proper source of infrastructure development. By spending a few hundred million dollars, hundreds of *billions* of dollars can be saved. That is a thousand-fold return on investment when viewed from a national security perspective.

There are some small steps being taken, such as the DOE's EV Project by ECOtality and various municipal and state-funded projects. But these projects focus primarily on Level II charging systems – systems that can fill a car in about six hours. While this is practical for use at home and at one's own workplace, it does very little to solve the driving range problem that holds people back, both realistically and emotionally, from EV use. Unless a huge improvement in battery technology is developed very quickly, the vast majority of EVs in the next decade will have ranges less than 100 miles, which becomes a serious problem unless *rapid charging stations* are readily available. Being able to leave your car at the shopping center for six hours is of little value. Being able to fully recharge a car while spending 20 minutes at the supermarket will overcome the drivers' anxiety about limited driving range.

At Aloha we are developing the MachoCharge™ and EVApp™ systems to enable drivers as well as host site owners (supermarkets, restaurants, etc.) to benefit from this



rapid charging system. Our pending patents are not for chargers themselves – these are already available and are common in Japan and Europe – but rather for systems that will assist drivers with locating and selecting charging stations and assist host sites to use their charging stations as a marketing benefit, promoting their core business services in conjunction with EV charging.

We eventually envision a world where such rapid charging stations will be direct profit centers, or at least indirectly profit their host sites by giving an advantage over their competitors. We have already spoken with some major corporations – chains with which you are no doubt personally familiar – about being early leaders in this field, and there is considerable enthusiasm.

However, the task at hand is larger than even these big companies can afford to subsidize. A grocery chain might, for example, install five or ten such systems for the publicity, good word, and marketing edge. But it will take thousands of such charging systems to enable the EV to catch on as a direct replacement for our gasoline-driven cars. Public, home, and office-based Level II chargers will never be sufficient. The auto manufacturers are already aware of this. The Nissan Leaf comes equipped with the connector to directly connect to a MachoCharge or other Level III charger. The BMW i3 will have that capability when it comes to market. Others will follow. But the chargers need to be in place now in order to build driver confidence.

The problem is that there is no immediate profit to be made by anyone when the infrastructure is first developed. Aloha is a small company with the knowledge, expertise, enthusiasm, vision, optimism, and flexibility to see this need and develop a viable solution, but no financial capability to push this forward. The host site major chain stores and restaurants could afford to install a few chargers, but installing large numbers would not prove cost-effective to them for a few more years. Meanwhile the clock is ticking. A million cars by 2015 and a hundred million by 2030 are not only dreams, but necessities. I remember when we expected the EV to be common by “the year 2000,” not so long ago symbolic of the wondrous future. Let’s not look back on 2020 with the same regret.

With this in mind, we propose a two-stage project funded by the federal government.

1. A \$2,000,000 grant to Aloha Systems provided as soon as possible for the purpose of developing the consortium of major host sites, finalizing the MachoCharge™ and EVApp™ systems to make sure they meet the needs of both drivers and host site owners, coordinating with charger manufacturers for the finalization of the physical charging system, and working with automobile manufacturers to promote readily accessible fast-charging in models that do not presently accommodate it. All of this work to be completed within one year of the grant award.
2. A \$100,000,000 grant to Aloha Systems and/or other organizations as proposed in detail in approximately one year. Although final approval will be dependent upon our success in the initial year, we would hope that this funding would be budgeted now so that the installation and deployment of approximately 1,000 Level III

charging systems will progress smoothly and promptly upon the plan's success. These stations would be installed at major host sites such as fast-food chains, sit-down restaurant chains, supermarkets, or other major retail sites or at public facilities such as highway rest stops. They will be in locations and along strategic highway transportation routes as delineated in the detailed proposal submitted during the next year.

We believe both that this Level III charging infrastructure will be the key to the EV's successful replacement of most internal combustion engine (ICE) vehicles and also that the replacement of ICE vehicles with EVs will be the key to our nation's move away from its present addiction to oil.

In addition, this project will create jobs and put unemployed construction workers to work. For the most part, the installation of 1,000 charging systems involves standard electrical construction trades – people who have suffered from our housing and construction slump.

I look forward to discussing this further with you or your staff and may be reached at (951) 780-9903 or by email at [MarkS@alohasys.com](mailto:MarkS@alohasys.com). You may also communicate with Brenda Riggs, our manager of project development, also at (951) 780-9903 or her cell phone of (951) 427-8626 or by email at [BrendaR@alohasys.com](mailto:BrendaR@alohasys.com).

Sincerely,

*+ Mark*

Mark S. Shirilau, PhD, PE  
President and CEO  
Aloha Systems, Incorporated

cc: Mario Arreola  
Brenda Riggs  
President Barack Obama  
Vice President Joe Biden  
Senators, Representatives, and Staff  
per attached list



# Correspondence Management System

Control Number: AX-12-000-2871

Printing Date: February 14, 2012 04:15:47



## Citizen Information

**Citizen/Originator:** Pepper, Mark

Organization: Wyoming Associates of Rural Water Systems  
Address: PO Box 1750, Glenrock, WY 82637

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-2871      **Alternate Number:** N/A  
**Status:** Pending      **Closed Date:** N/A  
**Due Date:** Feb 29, 2012      **# of Extensions:** 0  
**Letter Date:** Feb 11, 2012      **Received Date:** Feb 14, 2012  
**Addressee:** AD-Administrator      **Addressee Org:** EPA  
**Contact Type:** EML (E-Mail)      **Priority Code:** Normal  
**Signature:** DX-Direct Reply      **Signature Date:** N/A  
**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.  
**Subject:** Daily Reading File - Wyoming Rural Water Meeting  
**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns  
**Instruction Note:** N/A  
**General Notes:** N/A  
**CC:** OEAE - Office of External Affairs and Environmental Education  
OW - Office of Water -- Immediate Office

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	R8	Feb 14, 2012	Feb 29, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign R8 as lead office	Feb 14, 2012

RECEIVED

2012 FEB 14 AM 8:57

OFFICE OF THE  
EXECUTIVE SECRETARIAT

Message Information

Date 02/11/2012 06:30 PM  
From "Mark Pepper" <markp@wyoming.com>  
To LisaP Jackson/DC/USEPA/US@EPA  
cc  
Subject wyoming rural water meeting

Message Body

Ms. Jackson,

I am sorry that our schedules did not allow us to get together on my trip to DC last week. I did get a chance to meet Bob Perciasepe for just a minute or two after his talk at the NRWA Rally.

As you may or may not know, Wyoming Rural Water is assisting the agency in its work in the Pavillion area ground water investigation. While I, as many, are anxious for the peer review to take place, I am concerned that many other avenues of potential hydrocarbon contamination has not been investigated. Agricultural runoff, leachate from leaking landfills (you might know that WDEQ has determined that most if not all landfills in Wyoming are leaking into groundwater). There is a landfill just northwest of the Town of Pavillion that has been in use for decades by the Town, agricultural users and energy companies that could be a likely candidate for groundwater contamination with hydrocarbon based products. Hydrologists in the area indicate the flow of groundwater is northwest to southeast which would place groundwater flow directly in the affected area while missing the Town's wells. The fact that Indian tribes in the area had named creeks in the vicinity Poison Creek, Bad water Creek also contribute to the idea that the area has had notoriously bad water for most of its existence. My mother even indicated that they had to take their own water to Pavillion in the late 40's early 50's to school events due to the bad water in the area.

Additionally, the Midvale Irrigation District canal completed in the 60's (prior to energy development) was created due to poor water quality that prevented crop production, primarily high alkali. The ditch utilizes water from farther south and west of the affected area. Our source water protection work in the area previously funded through the NRWA source water protection program sub award agreement has allowed our association to participate to the extent we have. We have had tremendous success in the vicinity with our source water work. The train derailment in 2010 in the Wind River canyon was one example of how the program works to protect source water.

The Wind River runs through one of the most picturesque canyons in the world, and provides surface water sources to a number of communities along its path. In 2010 at the height of the spring runoff, the river was running in excess of 7,000 CFS (normally 2,400 CFS). A train derailment occurred at the mouth of the canyon only five miles upriver from the river intake of the Town of Thermopolis, Wyoming. Thermopolis is home to the world's largest natural mineral hot springs, and has hundreds of thousands of visitors annually. The Town has a population of approximately 2,000 – 3,000. At the time of the accident, WARWS's staff was onsite assisting the South Thermopolis Water and Sewer District (a consecutive system to the Town of Thermopolis), in updating its emergency response plan. The Town



of Thermopolis has a SWP Plan in place. The value of having a SWP Plan in place, and working with consecutive systems to update their plans during this emergency, became apparent. The Town's operators were able to shut down the intakes before contaminants reached them and were able to provide invaluable information to the emergency team dispatched from Burlington Northern Railroad and the National Transportation Safety Board.

The energy companies working in Wyoming have also embraced source water protection. As the energy company involved and the Town involved has not yet given permission to release disclosure information, the following is anecdotal for this message. As a result of including energy companies in the steering committee work as well as the education efforts of source water protection planning, the following was received from an energy company as a result of Source Water Protection Planning. (names and location hidden)

Sorry, but the wheels move very slowly within (our energy company). After our discussion in Aug, (our energy company) decided to re-examine the drilling plans for the 11 well pad in section ab and as a result did not ask the BLM to continue with the drilling permit approval process. The wells will not be drilled this year. The re-examination of the well plans have almost been completed and as a result of those efforts, the following changes have been made so far:

- 1) The central drill site (pad) for the wells has been moved approximately 1100 feet north of the original location.
- 2) The XXX well, which originally looked like it may pass within 300 feet of towns #9 at a depth of 3000 ft, has been eliminated from the pad and will not be drilled.
- 3) (Our energy company) has moved the planned bottom hole location of the xyz well approximately 230 feet E-NE to provide additional clearance from town #9. It has been renamed the xyzz.
- 4) none of the planned wells will penetrate 0-3000 ft below surface (town) #9 produces from sands 2820 feet and shallower) anywhere within 1/4 mile of (town) #9.

As I mentioned earlier, our energy company's evaluation is not yet completed. We are rethinking the bottom hole locations of one or two of the wells and taking another look at the casing/cementing programs to determine how we might reduce risk to groundwater even further. Once these efforts have been completed, I'd like to sit down with the group again to go over the final result. I suspect our energy company will be ready to do that before the end of this year. Our energy company plans to resubmit or amend the existing APD's in the December timeframe with drilling hopefully to occur in the summer/fall of 2012.

I am appreciative that the EPA Training, Technical Assistance and Source Water Protection Plan programs have been included in the budget and will be competitively bid soon. Again, sorry our schedules did not match up but wanted you to know some of our thoughts in the source water protection investigation in the Pavillion area and elsewhere.

Thank you.

Mark Pepper  
Executive Director  
Wyoming Assoc. of Rural Water Systems  
307-436-8636



# Correspondence Management System

Control Number: AX-12-000-2874

Printing Date: February 15, 2012 12:56:24



## Citizen Information

Citizen/Originator: Strickland, Carter H.

Organization: NYCDEP

Address: 59-17 Junction Boulevard, Flushing, NY 11373

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2874

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Feb 10, 2012

Received Date: Feb 14, 2012

Addressee: R2-Regional Administrator -  
Region 2

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File-Gowanus Canal Superfund Site

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA  
Kecia Thornton - OSWER  
Michelle Crews - OSWER  
OSWER - OSWER -- Immediate Office  
R2 - Region 2 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OSWER	Feb 15, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OSWER	Feb 15, 2012





Environmental  
Protection

February 10, 2012

Judith Enck  
Regional Administrator  
U.S. Environmental Protection Agency  
290 Broadway  
New York, NY 10007

Carter H. Strickland, Jr.  
Commissioner  
cstrickland@dep.nyc.gov

Re: Gowanus Canal Superfund Site

Dear Regional Administrator Enck:

59-17 Junction Boulevard  
Flushing, NY 11373  
T: (718) 595-6565  
F: (718) 595-3525

I am writing in advance of our February 15 meeting to suggest ways to advance the ultimate cleanup of the Gowanus Canal under the Comprehensive Environmental Response, Cleanup, and Liability Act (CERCLA) as the site approaches a critical stage in the remedy selection process required by the National Contingency Plan. The City of New York (the City) and the New York City Department Environmental Protection (DEP) remain committed to working with the U.S. Environmental Protection Agency (EPA) and other stakeholders to develop robust technical data and science-based strategies that will lead to sustainable improvements to the Canal. For instance, we believe that the Gowanus site offers a unique opportunity to evaluate green infrastructure technology as a key source control component, which could serve as a valuable model for other sediment sites around the country.

To that end, the City is concerned that the Region's current proposed schedule and approach will hinder all parties' ability to achieve a successful and implementable long term remedy for the Gowanus Canal. We detailed these and other concerns in numerous meetings with EPA staff as well as in the following written documents: (i) a May 25, 2011, letter to EPA on the overall draft Remedial Investigation; (ii) an October 6, 2011, presentation to EPA analyzing Remedial Investigation (RI) data with respect to Combined Sewer Overflow (CSO) contaminant levels for Contaminants of Concern (COCs) identified in sediment or surface water; (iii) a November 3, 2011, presentation to the national Contaminated Sediments Technical Advisory Group (CSTAG); (iv) a November 28, 2011, memorandum from Angela Licata to Dr. Marc S. Greenberg of CSTAG entitled "Gowanus Canal Superfund Site: Estimation of PAH Concentrations on Solids from CSO Water Column Data" (CSTAG Memo); and (v) a December 16, 2011, letter regarding the feasibility study.

While the City's input was not reflected in the December 2011 draft Feasibility Study report, CSTAG – which includes experts from every EPA region, EPA Headquarters, and the Army Corp of Engineers – issued recommendations for the Canal on January 30 that raise the same concerns. (A copy of the letter is attached.) Moreover, the CSTAG recommendations offer a way forward that

the City strongly believes offers the best chance for a successful, efficient, and cost-effective remediation of the Canal. We urge the Region to use the CSTAG recommendations as a roadmap for investigation and remediation of the site.

In general terms, CSTAG strongly recommends that the Region address non-aqueous phase liquids (NAPL) and coal-tar deposits from the manufactured gas plants (MGP) along the Canal first, before addressing other contaminant-related risks or evaluating additional source controls. CSTAG also recommends that the Region closely coordinate the timing of further investigations and remedial actions with other parties and regulatory programs, including the City's current CSO obligations with the State and the EPA's Office of Water, as well as the ongoing efforts to clean up adjacent upland sites, particularly MGP sites in the State Department of Environmental Conservation's (DEC) hazardous waste cleanup program. CSTAG also recommends a more thorough evaluation of alternatives to dredging. The City strongly agrees with the phased approach and the need for more thorough evaluation of remedial alternatives recommended by CSTAG, which has been used by EPA at other complex sediment sites.<sup>1</sup>

If the Region rejects the CSTAG recommendations and proceeds with the selection of a final remedy at this juncture, CSTAG identified significant additional data and technical analyses that must be undertaken before that selection is made. The City supports the need for that data and analysis, and is willing to undertake certain additional studies on an accelerated basis.

Specifically, CSTAG's recommendations to the Region included:

- **Coordination:** CSTAG's first recommendation was for the Region to coordinate the Superfund work with other parties and programs, including with the City, DEC, and EPA's water programs and the City's longstanding CSO program to meet water quality standards for pathogens and dissolved oxygen in the water column under the Clean Water Act. (Recommendation 1). Coordination is critical given the complexity of addressing ongoing CSO discharges and the lack of precedent for doing so under CERCLA. The cost-attainment curves for meeting water quality standards show sharply diminishing returns even at very high levels of investments; in that context, coordination with the water program is critical.
- **Interim and Final ROD:** CSTAG strongly recommended that the Region focus first on remediating areas where the sediments contain NAPL and coal tar deposits rather than seeking to address all contaminant-related risks to the Canal at once. They recommend an Interim ROD that would address remediation of NAPL sources near the MGPs. Also,

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<sup>1</sup> For instance, on Lower Passaic, EPA approved shorter term remedial actions to address certain areas of contaminated sediments, while it engages in a much more comprehensive investigation and evaluation of cleanup options for the lower eight miles of the River and possibly Newark Bay. See EPA "Preparations Underway to Remove Toxic Sediment from Lower Passaic River" (Aug. 18, 2011). Additionally, the Lower Duwamish Waterway Superfund Site in EPA Region 10 included several early action areas which informed the RI/FS process, as well as a collaborative and adaptive source control strategy involving local, state, and federal authorities. See "Draft Final Feasibility Study" (Oct. 15, 2010) and "Technical Memorandum", p. 7 (Aug. 1, 2011) (stating "*Adaptive management must be a key element of any LDW remedy*"). While we are not recommending any specific measures used at these sites, we believe that an overall phased strategy that permits flexibility and adaptive management merits careful consideration for Gowanus.

CSTAG recommends that a Final ROD be issued only “after the CSOs, ground-water, permitted and unpermitted discharges have been further controlled and their impacts understood.” (Recommendations 2, 7).

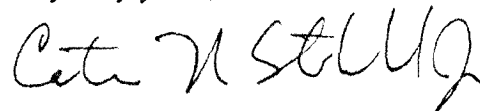
- **Unpermitted pipe discharges:** CSTAG recommended that the Region work with the appropriate regulatory authority (here, DEC under its stormwater permitting program) to expeditiously eliminate unpermitted discharges into the Canal from over 200 discrete point sources that drain industrial or former industrial properties. (Recommendation 3). We also note that the scope of such inquiries should include non-point source discharges via groundwater to the Canal from upland sources throughout this industrial zone.
- **Additional data:** Noting the Region’s and the City’s substantially different assessment of solid loading and contaminant sources to the Canal from CSOs, CSTAG recommended that the Region first develop a clearer conceptual site model. CSTAG identified specific additional data that it recommended be collected “to improve the conceptual understanding of sediment and contaminant transport in the Gowanus Canal, and for quantifying the mass balance of sediments and contaminants at this site.” (Recommendation 6). This is especially important as DEP undertakes a repair of a tunnel to take harbor water from Buttermilk Channel to the head of the Canal, which will fundamentally change the hydrology and sediment transport in what is now a dead-end waterbody to more closely mirror background conditions throughout New York Harbor.
- **Alternatives:** Voicing concern about the “expected limited effectiveness” and even counter-productive impacts of dredging given the risk of exposing the greater contamination in deeper sediments and the large amounts of sediments involved, CSTAG recommended that the Region develop and evaluate a range of remedial alternatives that focus on capping and minimizing removal of sediments. CSTAG identified specific remedial alternatives that should be evaluated, including a limited dredge and protective cap in the middle reaches of the Canal, where contamination is greatest. (Recommendation 8).
- **Refine objectives:** CSTAG recommended that the Region refine the Remedial Action Objectives so that they are “supported by quantifiable statements that specify the media and contaminant clean-up levels to be achieved by the remedy in the short-term and long-term.” (Recommendation 9).

The City supports these recommendations as necessary to achieve the City and EPA’s shared goal of ensuring that the remedy will be feasible, cost-effective, and successful over the long-term. The City is willing to assist EPA in carrying out these recommendations by integrating the schedule for additional data collection and analysis in support of defining a CERCLA remedy with the City’s Clean Water Act Long Term Control Plan (LTCP) process. As EPA is aware, DEP developed a Waterbody/Watershed Facility Plan that was approved by DEC in 2009. Following the substantial upgrades set forth in the Facility Plan to reduce CSOs, DEP will undertake the detailed planning and analyses to develop the Gowanus LTCP, which must be submitted to DEC in 2015.

DEP is prepared to assist EPA in fulfilling CSTAG's recommendations. For example, DEP is willing to pursue an aggressive schedule for conducting an engineering analysis of CSO volume and sediment control alternatives, to coincide with LTCP schedule. This would include evaluating alternatives for CSO volume reduction (e.g., use of the flushing tunnel, sewer separation, green infrastructure) and conducting a pilot study on sediment reduction alternatives, both to be undertaken concurrently with LTCP planning. DEP is also willing to collect additional data for CERCLA on schedule with LTCP planning activities. This could include conducting the CSO sampling recommended by CSTAG, such as additional CSO solids sampling, background sampling and ecological toxicity testing to refine the ecological preliminary remedial goals. DEP is also willing to provide the analysis needed to effectively evaluate alternatives to address any demonstrated contribution of any hazardous substances in CSOs that result in unacceptable risks to human health and ecological receptors in the Canal. As CSTAG recommended, the City would provide data and model future conditions after the City's current CSO infrastructure upgrades are completed in 2013.

I believe this approach will most efficiently allow the City to continue to meet its obligations under the Clean Water Act and to ensure the long-term improvement of Gowanus Canal under CERCLA. I look forward to discussing it with you.

Very truly yours,



Carter H. Strickland, Jr.

Enclosure

cc: Lisa Jackson, Administrator, U.S. EPA  
Robert Perciasepe, Deputy Administrator, U.S.EPA  
Mathy Stanislaus, Assistant Administrator, U.S.EPA Office of Solid Waste and  
Emergency Response  
Caswell Holloway, Deputy Mayor for Operations, New York City



# Correspondence Management System

Control Number: AX-12-000-2887

Printing Date: February 14, 2012 03:00:22



## Citizen Information

Citizen/Originator: Mull, Stephen D

Organization: United States Department of State  
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2887      Alternate Number: snr  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Feb 13, 2012      Received Date: Feb 14, 2012  
 Addressee: OEX-Director - OEX      Addressee Org: EPA  
 Contact Type: EML (E-Mail)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File The National Security Affairs Calendar for the upcoming months  
 January23-December7,2012

Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: Noah Dubin - OEX  
 OEAEE - Office of External Affairs and Environmental Education  
 OHS - Office of Homeland Security

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Feb 14, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Feb 14, 2012





201202607  
United States Department of State

*Washington, D.C. 20520*

February 13, 2012

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR VALERIE S. BOYD  
ACTING EXECUTIVE SECRETARY  
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "SDM", written in a stylized, cursive script.

Stephen D. Mull  
Executive Secretary

Attachment:  
As stated.

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

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February 13, 2012

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Jan 23-Feb 17      World Radiocommunications Conference 2012 (WRC-12), Geneva

Jan 30-Feb 19      Asia-Pacific Economic Cooperation (APEC) 1<sup>st</sup> Senior Officials Meeting (SOM1) and Related Meetings, Moscow

Feb 13\*              Visit of Foreign Minister Davutoglu of Turkey to Washington

Feb 13-15\*          Visit of Foreign Minister Choquehuanca of Bolivia to Washington

Feb 13-17            Arms Trade Treaty (ATT) Preparatory Committee (PrepCom) Meeting, New York

Feb 13-17\*          Visit of Vice President Xi of China to Washington, Iowa and California

Feb 13-15\*          3<sup>rd</sup> Regular Meeting of the Summit of the Americas Implementation Review Group (SIRG), Cartagena

Feb 14-15            Parliamentary Elections in Egypt (Upper House)-2<sup>nd</sup> Round

Feb 14-17            4<sup>th</sup> Annual Nuclear Deterrence Conference, Arlington

Feb 15-17            Paris Pact Ministerial on the Afghan Drug Trade, Vienna

Feb 16-17\*          Visit of Foreign Minister Tuomioja of Finland to Washington

Feb 18-20            Informal G-20 Foreign Ministers Meeting, Los Cabos

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2

Feb 19-21 Visit of Secretary of the Interior Salazar to Mexico

Feb 20-22 United Nations Environment Programme (UNEP) 12<sup>th</sup> Special Session of the General Council, Nairobi

Feb 21 Presidential Elections in Yemen

Feb 21\* Visit of Foreign Minister Caballeros of Guatemala to Washington

Feb 21\* Visit of Foreign Minister Reynders of Belgium to Washington

Feb 21-24 1<sup>st</sup> Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Hong Kong

Feb 23 UK-hosted Conference on Somalia, London

Feb 24\* Visit of Prime Minister Thorning-Schmidt of Denmark to Washington

Feb 25-26 G-20 Finance Ministers and Central Bank Governors Meeting, Mexico City

Feb 25-27\* U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Winter Meeting, Washington

Feb 26 Presidential Elections in Senegal—1<sup>st</sup> Round

Feb 26-28 High-Level Segment of the UN Human Rights Council, Geneva

Feb 27\* Visit of Defense Minister Aguiar-Branco of Portugal to Washington

Feb 27\* Visit of Foreign Minister Lamothe of Haiti to Washington

Feb 27-28 Mobile World Conference, Barcelona

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Feb 27-28\* Visit of NATO Secretary General Rasmussen to Washington

Feb 27-29\* Visit of Defense Minister Barak of Israel to Washington

Feb 27-Mar 9 Commission on Status of Women, 2012 Session, New York

Feb 27-Mar 23 19<sup>th</sup> Session of the Human Rights Council, Geneva

Feb 28-29\* Visit of Prime Minister Ramgoolam of Mauritius to Washington

Feb 29-Mar 2\* U.S.-Afghanistan Defense Security Consultation Forum, Washington

Feb 29-Mar 2\* Visit of Defense Minister Wardak and Interior Minister Khan of of Afghanistan to Washington

Mar 2 Parliamentary Elections in Iran

Mar 3-6\* Visit of President Peres of Israel to Washington

Mar 4 Presidential Elections in Russia

Mar 4-6 Visit of Vice President Biden to Mexico and Honduras

Mar 5-6\* Visit of Prime Minister Netanyahu of Israel to Washington

Mar 6-8 U.S.-China Forum on Illegal Logging, Beijing

Mar 6-9 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Mar 7\* U.S.-China Sub-Dialogue on Latin America, Washington

Mar 7-9\* Visit of Prime Minister al-Keib of Libya to Washington

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4

Mar 8\* Visit of President Mills of Ghana to Washington

Mar 8-9 4<sup>th</sup> ASEAN Regional Forum (ARF) Intersessional Meeting on Nonproliferation and Disarmament, Sydney

Mar 9 Organization for Economic Cooperation and Development (OECD) Urban Roundtable of Mayors and Ministers (HUD lead), Chicago

Mar 9-14\*(T) Visit of Foreign Minister Sikorski of Poland to Washington

Mar 10 Parliamentary Elections in Slovakia

Mar 11 Legislative Elections in El Salvador

Mar 12-14 International Energy Forum (IEF) Ministerial Meeting, Kuwait City

Mar 12-17 6<sup>th</sup> World Water Forum, Marseille

Mar 13-15\* Visit of Prime Minister Cameron of the United Kingdom to Washington

Mar 14-16\* 4th Regular Meeting of the Summit of the Americas Implementation Review Group (SIRG), Washington

Mar 15\* Meeting of the President's Interagency Task Force on Trafficking in Persons (PITF), Washington

Mar 17 Presidential Elections in Timor-Leste—1<sup>st</sup> Round

Mar 17-18 China Development Forum, Beijing

Mar 18 Presidential Elections in Senegal—2<sup>nd</sup> Round [if needed]

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5

Mar 18(T)	Presidential Elections in Guinea-Bissau (Snap)
Mar 20*	Visit of Prime Minister Kenny of Ireland to Washington
Mar 25	Hong Kong Chief Executive Selection
Mar 25	Presidential Elections in Russia—2 <sup>nd</sup> Round [if needed]
Mar 25-27	Arab League Summit, Baghdad
Mar 26-27	2 <sup>nd</sup> Nuclear Security Summit, Seoul
Mar 26-27	Visit of President Obama to South Korea
Mar 26-27	Regional Economic Conference for Cooperation in Afghanistan (RECCA), Dushanbe
Mar 26-28*	Visit of Prime Minister Thinley of Bhutan to Washington
Mar 26-29	U.S.-China Bilateral Consultations on Information and Communications Policy, Beijing
Mar 29	Legislative Elections in The Gambia
Mar 31	Parliamentary Elections in Mauritania
Mar 31-Apr 3	Boao Forum for Asia, Boao
Apr TBD*	U.S.-Philippines Strategic Dialogue, Washington
Apr TBD	Parliamentary Elections in Greece (Snap)
Apr 1	Parliamentary By-Elections in Burma

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6

Apr 2\* North American Leaders' Summit, Washington

Apr 2\* Visit of President Calderon of Mexico to Washington

Apr 2\* Visit of Prime Minister Harper of Canada to Washington

Apr 2-6\* U.S.-China Ten Year Framework on Energy and Environment, Washington

Apr 3-5 Pan-African Intellectual Property Rights (IPR) Summit, Cape Town

Apr 4-5\* Visit of Defense Minister NG Eng Hen of Singapore to Washington

Apr 9\* Visit of President Rouseff of Brazil to Washington

Apr 11-12\* G-8 Foreign Ministerial Meeting, Washington

Apr 13 Summit of the Americas Foreign Ministerial Meeting, Cartagena

Apr 14-15 6<sup>th</sup> Summit of the Americas, Cartagena

Apr 16 Presidential Elections in Timor-Leste—2<sup>nd</sup> Round (if necessary)

Apr 16-18 World Economic Forum on Latin America, Puerto Vallarta

Apr 17-18 Annual Open Government Partnership (OGP) Conference, Brasilia

Apr 17-19 World Travel & Tourism Council's 12<sup>th</sup> Global Summit, Tokyo

Apr 18 Joint NATO Foreign and Defense Ministerial Meeting, Brussels

Apr 18-19 Clean Energy Ministerial, London

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7

Apr 20-22\* G-20 Finance Ministers and Central Bank Governors Meeting,  
Washington

Apr 20-22\* World Bank Group/International Monetary Fund Spring Meeting,  
Washington

Apr 20-23 The World Investment Forum, Doha

Apr 20-26 United Nations Conference on Trade and Development (UNCTAD)  
XIII Ministerial Conference/World Investment Forum, Doha

Apr 22 Presidential Elections in France-1<sup>st</sup> Round

Apr 23 Nordic-Baltic-U.S. Cooperation Summit, Vilnius

Apr 29 Presidential Elections in Mali-1<sup>st</sup> Round

Apr 30-May 11 Nuclear Nonproliferation Treaty Preparatory Committee Meeting,  
Vienna

May 4 Presidential and Parliamentary Elections in Palestinian Authority

May 6 Presidential Elections in France-2<sup>nd</sup> Round

May 6 Parliamentary Elections in Armenia

May 9-11 World Economic Forum on Africa, Addis Ababa

May 11-13 5<sup>th</sup> Lennart Meri Conference, Tallinn

May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast

May 13 Presidential Elections in Mali-2<sup>nd</sup> Round

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May 14-15	Arctic Council Deputy Foreign Ministers Meeting, Stockholm
May 15-25	UN Framework Convention on Climate Change (UNFCCC) Meetings Of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn
May 17-20*	Visit of Prime Minister Najib of Malaysia to Washington
May 18-19	2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London
May 19-20	G-8 Summit, Chicago
May 20	Presidential Elections in the Dominican Republic
May 20	10 <sup>th</sup> Anniversary of Independence of Timor-Leste
May 20	Presidential Inauguration in Taiwan
May 20-21	NATO Summit, Chicago
May 20-Jun 5	Asia-Pacific Economic Cooperation (APEC) 2 <sup>nd</sup> Senior Officials Meeting (SOM2) and Related Meetings, Kazan
May 21-23	5 <sup>th</sup> Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju
May 21-24	2 <sup>nd</sup> Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur
May 21-26	65 <sup>th</sup> Session, World Health Organization (WHO) World Health Assembly, Geneva
May 23-24	Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris

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May 25-26	6 <sup>th</sup> Pacific Island Leaders (PALM 6) Meeting, Nago City
May 28-30	3 <sup>rd</sup> Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro
May 30-31	Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan
May 30-Jun 1	World Economic Forum on East Asia, Bangkok
May 31-Jun 1	African Development Bank Annual Meeting, Arusha
May 31-Jun 2	2012 Wroclaw Global Forum, Wroclaw
Jun TBD	Presidential Elections in Egypt
Jun TBD	Parliamentary Elections in Timor-Leste
Jun 1-3	Shangri-la Dialogue, Singapore
Jun 3-5	Organization of American States (OAS) General Assembly, Cochabamba
Jun 4-5	Asia-Pacific Economic Cooperation (APEC) Trade Ministerial Meeting, Kazan
Jun 4-6	World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul
Jun 4-8	International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

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Jun 4-8 25<sup>th</sup> World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur

Jun 10 Legislative Elections in France-1<sup>st</sup> Round

Jun 14 (T) Australia-U.S. Ministerial (AUSMIN), Australia

Jun 17 Legislative Elections in France-2<sup>nd</sup> Round

Jun 17 Parliamentary Elections in Senegal

Jun 18-19 G-20 Leaders Summit, Los Cabos

Jun 18-22\*(T) 2012 African Growth Opportunity Act (AGOA) Forum, Washington

Jun 18-Jul 6 20<sup>th</sup> Session of the Human Rights Council, Geneva

Jun 20-22 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

Jun 21 National Constitutional Assembly Elections in Libya

Jun 21\* U.S.-Portugal Standing Bilateral Commission, Washington

Jun 24-25 Asia-Pacific Economic Cooperation (APEC) 10<sup>th</sup> Energy Ministerial Meeting, St. Petersburg

Jun 25-Jul 5 36<sup>th</sup> World Heritage Committee Meeting, St. Petersburg

Jun 26-28 Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg

Jun 30 Presidential Elections in Iceland

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Jul TBD	Tokyo Development Coordination Conference for Afghanistan, Tokyo
Jul 1	Presidential and Legislative Elections in Mexico
Jul 1	Parliamentary Elections in Mali-1 <sup>st</sup> Round
Jul 2-27	Arms Trade Treaty (ATT) Conference, New York
Jul 9-13	East Asia Summit Foreign Ministers Meeting, 19 <sup>th</sup> Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh
Jul 13-15	U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg
Jul 16*	American Australian Leadership Dialogue (AALD), Washington
Jul 16-19	3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City
Jul 22	Parliamentary Elections in Mali-2 <sup>nd</sup> Round
Jul 22-27*	AIDS 2012 XIX, International AIDS Conference, Washington
Jul 27-Aug 12	XXX Summer Olympic Games, London
Aug TBD	Pacific Islands Forum Meetings, Cook Islands
Aug 3	Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg

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- Aug 6-8 Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg
- Aug 14 Presidential and Parliamentary in Kenya-1<sup>st</sup> Round
- Aug 29-Sep 9 Paralympic Games, London
- Aug 30 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow
- Sept TBD 7<sup>th</sup> Annual Internet Governance Forum, Baku
- Sept 2-9 Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok
- Sept 4-7 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok
- Sept 6-15 International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju
- Sep 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sept 10-28 21<sup>st</sup> Session of the Human Rights Council, Geneva
- Sept 11-13 Annual Meeting of the New Champions, Tianjin
- Sept 17-21 International Atomic Energy Agency (IAEA) General Conference, Vienna
- Sept 24 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sept 24-28 United Nations General Assembly High-Level Week, New York

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- Sept 24-Oct 15      25<sup>th</sup> Universal Postal Union Congress, Doha
- Oct 1-19              11<sup>th</sup> Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad
- Oct 7                  Presidential Elections in Venezuela
- Oct 8                  Presidential Elections in Slovenia
- Oct 12-14             World Bank Group/International Monetary Fund Annual Meeting, Tokyo
- Oct 28                Parliamentary Elections in Ukraine
- Nov 6-8              India Economic Summit, New Delhi
- Nov 7-10             15<sup>th</sup> International Anti-Corruption Conference (IACC), Brasilia
- Nov 17                Presidential and Parliamentary Elections in Sierra Leone
- Nov 18-20 (T)       21<sup>st</sup> Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh
- Nov 27-Dec 7        18<sup>th</sup> Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8<sup>th</sup> Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar
- Nov 29-30            International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Dec 6-7              Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin

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# Correspondence Management System

Control Number: AX-12-000-2911

Printing Date: February 15, 2012 02:15:13



## Citizen Information

Citizen/Originator: Dearden, Dick L.

Organization: State of Iowa  
Address: State House, Des Moines, IA 50319

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2911      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Feb 29, 2012      # of Extensions: 0  
 Letter Date: Feb 7, 2012      Received Date: Feb 14, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: DX-Direct Reply      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File-Petition to Regulate Lead Fishing Tackle  
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OCIR - Office of Congressional and Intergovernmental Relations  
 OEAE - Office of External Affairs and Environmental Education  
 R7 - Region 7 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCSP	Feb 15, 2012	Feb 29, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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DICK L. DEARDEN  
STATE SENATOR  
Thirty-fourth District  
Polk County  
Statehouse: (515) 281-3371  
dick.dearden@legis.iowa.gov



The Senate  
State of Iowa  
Eighty-fourth General Assembly  
STATEHOUSE 2012  
February  
Des Moines, IA 50319

## COMMITTEES

Labor and Business Relations  
Natural Resources and Environment, *Chair*  
Rules and Administration  
State Government  
Transportation

Agriculture and Natural Resources  
Appropriations Subcommittee,  
*Vice Chair*

Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Washington, DC 20460

Dear Administrator Jackson:

On behalf of the State Legislative Sportsmen's Caucus I urge you to deny the November 16, 2011 "Petition to the Environmental Protection Agency to Regulate Lead Fishing Tackle Under the Toxic Substances Control Act." Such regulation is not biologically justified, would place an undue economic burden on the anglers of our states and would supersede long-standing state authority to manage fish and wildlife resources.

I applaud the EPA for denying the 2010 petition to ban lead ammunition and fishing tackle. Likewise, we ask that you also deny the new petition to initiate federal regulation of lead fishing tackle. There is no substantial evidence to suggest that lead fishing tackle has detrimental impacts on loon, or other migratory waterfowl populations. In fact, a study by the United States Fish and Wildlife Service found that less than one percent of waterfowl and other bird mortality can be attributed to lead ingestion. In the few cases where localized problems have occurred, the individual state natural resource agencies have implemented measures to minimize those impacts and conserve wildlife populations.

The use of lead in fishing tackle dates back thousands of years because of its unique qualities, including the fact that it is cheap and easy to obtain. Despite the claims of the petitioners, substitute metals and alloys for lead sinkers are not readily available and can cost substantially more than equivalent lead weights. We fear that if this federal ban were imposed, it would discourage many anglers from participating in recreational fishing activities. A drop in participation would mean shortfalls in license sales and excise taxes that support fish and wildlife management efforts within our states.

The development of policies surrounding the use of lead fishing tackle is biologically, socially and economically complex. The states are in the best position to understand and balance those factors in the interest of our natural resources and our constituents.

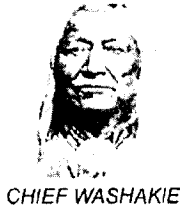
Please deny the unjustified and unnecessary petition to impose federal regulation on lead fishing tackle.

Sincerely,

A handwritten signature in blue ink, appearing to read "Dick Dearden".

RECEIVED  
2012 FEB 14 PM 12:39  
OFFICE OF THE  
EXECUTIVE SECRETARIAT





SHOSHONE & ARAPAHO TRIBES  
JOINT BUSINESS COUNCIL  
15 NORTH FORK ROAD  
P.O. BOX 217  
FORT WASHAKIE, WYOMING 82514  
(307) 332-6625 FAX (307) 332-4557



February 3, 2012

Ms. Lisa P. Jackson – Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Ave.  
Washington D.C. 20460

Dear Administrator Jackson:

The Eastern Shoshone and Northern Arapaho Tribes (Tribes) would like to thank the Environmental Protection Agency (EPA) for their diligent involvement regarding a very serious matter that is affecting trust resources on the Wind River Reservation here in Wyoming. We have been assured that you personally have been involved in this issue and we appreciate that effort. As the primary authority for the management, protection and administration of energy development on the Reservation we continually strive to uphold the government-to-government relationship between Tribes and the United States!

However, there is one critical matter that we would like to discuss with you and that is the fact that, for some reason, EPA officials seem more concerned with dealing with the State of Wyoming and other non-tribal entities than they do with dealing directly with the Tribes. From our perspective, this is a serious affront to our sovereignty and inherent governmental authority. As you well know, throughout this country states and counties are constantly seeking opportunities to chip away at tribal sovereignty and jurisdiction and when you place more emphasis on talking with non-tribal interests it can cause unintended consequences to arise that may not be in our best interests.

To reverse this course of action we believe that we must arrange, in the very near future, a meeting between your office and the Joint Business Council (JBC) of the Eastern Shoshone and Northern Arapaho Tribes to determine how we utilize the government-to-government relationship to insure meaningful discussions and deliberations are conducted to fully ascertain the legal, technical and administrative requirements to assess the Pavillion Field and how we cooperate and communicate to protect development while also giving due consideration to the environment. The EPA Policy of 1984, we believe, was fully intended to address a situation such as this and we ask for your concurrence so

we can uphold the unique legal and political relationship we share with the United States and also take advantage of the lessons learned to protect our future interests as well as those of other Tribes involved with oil and gas development.

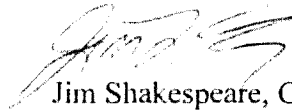
Just last week, January 26<sup>th</sup> and 27<sup>th</sup>, we had a meeting with Region 8 EPA Administrator Jim Martin and technical staff whereby we obtained a complete update of most of the actions associated with the Pavillion Field. We appreciate the Regional Office's response to our query and hope that your Office recognizes the importance of our inclusion. It is our firm belief, that we must work closely together to address present and future development and this can only happen with frequent and meaningful dialogue.

We thank you in advance for your time and attention to this matter and look forward to your positive response.

Sincerely,



Mike LaJeunesse, Chairman  
Eastern Shoshone Business Council



Jim Shakespeare, Chairman  
Northern Arapaho Business Council





DISTRICT OFFICE

67 HANSON PLACE  
BROOKLYN, NY 11217  
(718) 260-9191  
FAX: (718) 260-9099

CITY HALL OFFICE

250 BROADWAY, ROOM 1792  
NEW YORK, NY 10007  
(212) 788-7081  
FAX: (212) 788-7712  
ljames@council.nyc.com



THE COUNCIL OF  
THE CITY OF NEW YORK

**LETITIA JAMES**

COUNCIL MEMBER, 35<sup>TH</sup> DISTRICT

CHAIR  
SANITATION & SOLID WASTE

COMMITTEES

CONTRACTS  
ECONOMIC DEVELOPMENT  
HOUSING & BUILDINGS  
PUBLIC HOUSING  
SMALL BUSINESS

February 7, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

*Attn Docket ID No: EPA-HQ-OAR-2010-0799*

Dear President Obama:

Your administration has taken important steps to confront the dangers of our dependence on oil—most recently, proposing new global warming pollution and vehicle efficiency standards that would ensure new cars and light trucks meet the equivalent of the 54.5-mpg fleetwide standard by 2025. I am writing to applaud you for developing these standards, and on behalf of my constituents urge you to maximize the consumer and environmental benefits of these standards by keeping the standards as strong as possible through the rulemaking process.

The projected annual benefits of such standards are enormous. By 2030 the standards would:

- Save Americans \$45 billion at the gas pump
- Cut annual oil use by an amount equivalent to our imports from Saudi Arabia and Iraq in 2010
- Reduce annual global warming pollution by the amount equivalent to shutting down 70 coal-fired power plants for one year

These standards will determine the efficiency of cars and trucks our children will drive decades from now. I applaud you for seizing this historic opportunity to do more than any previous administration to break America's addiction to oil, keep billions of dollars in our economy and reduce the threat of climate change. I urge you to ensure that the standards your administration develops for 2017-2025 vehicles are as strong as possible, in order to maximize their benefits for our economy, our environment and our national security.

Sincerely,

Handwritten signature of Letitia James in cursive.

Letitia James  
Member of the City Council

LJ/AWD

CC— Administrator Lisa P. Jackson (United States Environmental Protection Agency)

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2012 FEB 14 PM 12:39

REC'D







THE SENATE  
STATE OF MICHIGAN

RECEIVED  
2012 FEB 15 PM 12:52

OFFICE OF THE  
EXECUTIVE SECRETARIAT

ARLAN B. MEEKHOF

30TH DISTRICT

P.O. BOX 30036

LANSING, MI 48909-7536

PHONE: (517) 373-8920

FAX: (517) 373-2751

senameekhof@senate.michigan.gov

February 9, 2012

The Honorable Lisa Jackson  
EPA Administrator  
Ariel Rios Building  
1200 Pennsylvania Ave., NW  
Washington, DC 20460

Dear Administrator Jackson:

I represent a district in the Michigan Legislature that includes thousands of acres of forestlands and the forestry industry employs many of my constituents. Timber plays a major role in our state, providing employment and economic growth. Forestry is a prominent industry across Michigan that employs more than 150,000 people statewide and contributes over \$12 billion to Michigan's economy annually. Our 19 million acres of forest land cover 53 percent of the state making our timberland acreage the fifth largest in the nation.

It is with these facts in mind that I write to express my concern about a recent ruling from the U.S. Court of Appeals for the Ninth Circuit, and ask for your help. Last May, the court ruled that the Environmental Protection Agency lacked authority to designate forest roads and associated storm water runoff systems as "nonpoint" sources. The court stated that forest roads and their runoff systems will be subject to the Clean Water Act's National Pollutant Elimination Discharge System (NPDES) permit system, with each culvert or drainage ditch on a forest logging road now considered a "point source," much like any large industrial facility or operation. This ruling overturns decades of existing EPA regulation that has allowed individual states to effectively and efficiently regulate and oversee logging industry practices.

The State of Oregon, twenty-six state Attorneys General, and many others have asked the Supreme Court to review the decision. Recently, the Supreme Court has asked for the views of the Solicitor General as to whether the Court should review the Ninth Circuit's decision. I ask you to explain to the Solicitor General the negative impacts of the Ninth Circuit's decision, and express your desire to see the Ninth Circuit's decision reviewed by the Supreme Court.

The Michigan Department of Natural Resources, with guidance and support from EPA, has done an excellent job regulating our state's best forest management practices (BMPs). This overreach from the Ninth Circuit will do nothing to improve the water and air quality in our state. If left to stand, the Ninth Circuit Court's decision will threaten jobs and a vital Michigan industry that thousands of families and businesses rely upon.

I write on behalf of my constituents and respectfully request I urge the Administration to support maintaining the current EPA standards that have been in place for 35 years. I respectfully ask the Administration to support the existing nonpoint source point regulations and to ask the Solicitor General to fully defend them by recommending Supreme Court review. Should the Court decide not to review the decision, I ask the Administration to support congressional efforts for a permanent legislative fix or to maintain the current EPA funding restrictions included in the recent Appropriations Act.

Sincerely,



Arlan B. Meekhof  
State Senator  
30<sup>th</sup> District

cc: John Bryson, Secretary, Department of Commerce

Lisa Jackson, Administrator, Environmental Protection Agency

Karen Mills, Administrator, Small Business Administration

Kenneth Salazar, Secretary, Department of the Interior

Nancy Sutley, Chair, Council on Environmental Quality

Thomas Tidwell, Chief, US Forest Service

Thomas Vilsack, Secretary, Department of Agriculture

Carl Levin, US Senator

Debbie Stabenow, US Senator

Justin Amash, US Congressman

Daniel Benishek, US Congressman

Dave Camp, US Congressman

Hansen Clarke, US Congressman

John Conyers, US Congressman

John Dingell, US Congressman

Bill Huizenga, US Congressman

Dale Kildee, US Congressman

Sander Levin, US Congressman

Thaddeus McCotter, US Congressman

Candice Miller, US Congresswoman

Gary Peters, US Congressman

Mike Rogers, US Congressman

Fred Upton, US Congressman

Tim Walberg, US Congressman





**National Advisory Council for  
Environmental Policy and Technology**

February 15, 2012

The Honorable Lisa P. Jackson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

RE: Technologies for Environmental Justice Communities and Other Vulnerable Populations

Dear Administrator Jackson:

In May 2010 you asked us to identify the needs for technologies that can help address environmental problems experienced by environmental justice communities and other vulnerable populations (which we refer to as EJ/VP communities). Your charge was straightforward: to provide “advice ... on the identification and use of existing, or needed, technologies ... to better protect vulnerable populations”, including “game-changing technologies” that have “potential to deliver relevant, actionable information” to all parties.

We studied the topic in detail, discussed needs for technologies in a dozen diverse communities, and prepared six community case studies that illustrate the needs for deployment of effective technologies in EJ/VP communities across the country.

Clearly most environmental justice communities and other vulnerable populations face unusually high risks to human health and the environment. We offer two broad recommendations and a number of specific suggestions to address this situation:

**1. EJ/VP communities need three kinds of technologies:**

- **Detection, monitoring, and assessment technologies**—from portable sensors that can be used by community members to complex monitoring systems operated by specially trained personnel—are the most important technology needs at this time in most EJ/VP communities and can be true game-changers.
- **Communication technologies** are needed to assure that residents, local agencies, and industry are fully informed about risks to the community, such as:

- real-time information about ambient pollution that may peak at dangerous levels and about steps that residents can take to reduce risks when peaks occur;
  - real-time information needed by first responders and local hospitals when accidents or other factors cause spikes in pollution; and
  - information that residents can use to protect themselves from localized environmental exposures in their homes, backyards, parks, and neighborhoods. This information could come from sensors of contaminated air and contaminated soils—as well as easily- understandable written, electronic, and face-to-face verbal information about what residents can do to understand and protect themselves from localized environmental threats.
- **Solution technologies**, that is, technological solutions to correct environmental problems, are also vitally important and need attention because they can be costly and difficult to identify and deploy at a particular clean-up site. There is a need to develop rapid, less expensive solution technologies that can be used to clean sites more effectively.
2. **EPA’s Office of Research and Development should enter into partnerships with EJ/VP communities to develop and deploy these technologies.**
- ORD and EPA’s regional offices should work with one or two communities in each region to develop needed technologies and become a national model for deployment of technologies in other communities;
  - ORD should establish a public-private task force to engage EJ/VP leaders from around the country, technology companies, investors, and other experts to inform and guide this national partnership.

This letter includes:

- A. A review of the distinctive nature of the problems facing EJ/VP communities and other vulnerable populations;
- B. A discussion of needs for technologies to detect and monitor, communicate, and solve environmental problems in EJ/VP communities, including six case studies and lists of specific needed technologies. Full case studies of all six communities are available at <http://www.epa.gov/ofacmo/nacept/reports/index.html>.
- C. Additional, detailed recommendations for a “game-changing” effort by ORD and other parts of EPA to work with EJ/VP communities, the private sector, and others to identify, develop, and deploy needed technologies.

## **A. PROBLEMS FACED BY ENVIRONMENTAL JUSTICE COMMUNITIES AND OTHER VULNERABLE POPULATIONS**

Vulnerable populations—including children, the elderly, people in poor health, and people living in environmental justice communities—experience health effects from environmental pollutants directly and profoundly. Vulnerable populations are often exposed to more pollutants, through more environmental pathways and at higher concentrations, than populations generally. Vulnerable populations are more susceptible to being harmed, are less prepared to withstand exposure, and are less able to recover.<sup>1</sup> Environmental justice communities also suffer from the additional stress of living in poverty, experiencing racism, or both; and they often lack influence and institutional strengths to organize effectively for change. They often feel, and, in fact are, disempowered.

The three distinctive threats to vulnerable populations generally and environmental justice communities in particular—multiple and cumulative exposures, additional stressors, and disempowerment—often make it hard for residents, governments, and businesses to understand and address the full scope and nature of environmental problems, even when human-health risks are significant. In many cases, problems persist until residents organize to become effective advocates for change.

This letter focuses on the technology needs of environmental justice communities and other vulnerable populations (EJ/VP communities). We have identified these needs through case studies of environmental justice communities, and we highlight these case studies throughout the letter. Some of the case study communities are facing problems that have only recently been identified and are still not fully understood. Others face environmental conditions that have been causing severe damage to the health of local residents and to the economic and social vitality of the local community for far too long. In all parts of the country, there are too many communities where EJ/VP communities have been experiencing severe environmental problems for far too long.

Whether their problems are new or long-standing, EJ/VP communities need technologies to effectively detect, monitor, and assess pollutants. They also need technologies to communicate risks. And they need technologies that can solve environmental problems. The first need is particularly pressing. Data gathered by residents can start a powerful, constructive process of community-driven environmental change. (See Table 1) The most persuasive detection, monitoring, and assessment data would track pollutants to their sources, link pollution to health outcomes, and provide timely, understandable information to local communities—residents, public-health and environmental regulatory agencies, first responders, businesses, and others—about what they can do to reduce human-health and environmental risks.

Although adequate detection, monitoring, and assessment; communications; and solutions technologies may be costly, that cost is small in comparison to healthcare and other costs paid by residents and by taxpayers.<sup>2</sup>



## B. NEEDS FOR TECHNOLOGIES

1. **The most important technology need in EJ/VP communities at this time is for better technologies to detect, monitor, and help residents and others understand ongoing environmental contamination—and for these technologies to be deployed effectively so that they can inform and drive near-term decisions about how to reduce risks on an individual as well as a community-wide basis.**

Residents of EJ/VP communities want to know:

How much hazardous and toxic stuff is in the air my children breathe, the water they drink, the soils in the backyards and school playgrounds, the food grown in our garden, and the fish we catch in local streams? Is my family safe?

EJ/VP communities confront multiple stressors, including sources of pollution and multiple pollutants, resulting in human-health and economic impacts. “Bucket samplers” have been useful to residents of EJ communities to detect and demonstrate the presence of plumes passing through fence-line neighborhoods.<sup>3,4</sup> But in most cases, existing monitoring technologies typically specified and deployed do not provide robust real-time and historic data on pollution levels. They provide insufficient bases for risk analysis and response, preventing assessment of cumulative and synergistic effects of multiple pollutants in combination with other stressors. New, effectively deployed technologies to adequately detect environmental contamination could be “game-changers” for environmental justice communities and other vulnerable populations, even if the technologies don’t contain all of these desired capabilities. Some such technologies are available and being deployed in a few locations.<sup>5,6,7,8,9,10</sup>

Two case studies illustrate the needs for credible and effectively deployed detection, monitoring, and assessment technologies.

### **Hartford, CT: The Need for Continuous Monitoring**

Hartford, Connecticut, is home to 125,000 people, 80% of whom are African American, Latino, or mixed race. Average income is very low. A large trash-to-energy incinerator handles waste from 70 towns around the state and, previously, from other states as well. Some of the trash contains large quantities of metals or toxics, and there are more than 10 fires or explosions each year. But local emissions of air toxics are measured only once a year. Local residents have asked for both detection and communication technologies:

1. Continuous emissions monitoring of air toxics on the stack of the incinerator.
2. Communications technologies connected to the emissions monitors so that at appropriately high levels of toxic emissions it will automatically alert the public, managers of the incinerator, and local emergency response and regulatory agencies by voice or text messages on cellular telephones of monitoring readings with or without suggestions on how they should respond.
3. Hand-held sensors that local residents could use to measure and send data about ambient air quality to the local agency, managers of the incinerator, and to local residents.

### **Rubbertown, KY: The Need for Detection and Communication Technologies**

Rubbertown is a large industrial section of west Louisville, Kentucky, that is home to 19 large plastics and petrochemical facilities, with low-income African American neighbors on the east and low-income whites to the south. Forty-five percent of the 3,000 people living within a half-mile of these facilities have a household income less than \$25,000. This is a typical “chemical corridor” community.

Some technologies are already in place, although arguably not being used enough: warning sirens, reverse 911 calling systems, and a 24-hour complaint hotline. Communities and residents are already using Tedlar<sup>®</sup> bag grab sample “bucket brigade” technology, but it is not sensitive or quick enough and is still somewhat expensive to the community residents.

Residents of Rubbertown want improved technologies to solve the environmental problems they encounter on a daily basis, plus:

1. Handheld monitors, operated by community members, to measure VOCs at health-threatening levels during short periods of time.
2. Real-time monitoring of air toxics at the stack or fenceline, accessible on the Internet and sent to regulators.
3. Phone and text-message alerts to local residents when emissions exceed limits and may cause health problems.

The greatest need in EJ/VP communities is for technologies that residents and community groups can use to detect and monitor environmental threats, because they can spark community-driven environmental change.

The technologies that are needed extend along a continuum from relatively simple citizen-operated sensors that are geo-located and sometimes hand-held to more powerful monitoring systems that are deployed and maintained by specialists. The continuum of technology needs has multiple dimensions including:

- Low-cost to expensive
- Single-observation to continuous
- Single-parameter to multi-parameter
- Point to area
- Fixed location to mobile
- Medium-sensitivity to high-sensitivity
- Volunteer-contributed to professionally collected data

New monitoring technologies that are embedded within sensor networks—using fixed as well as portable sensors—are especially important

More complex monitoring technologies are necessary as well. Complex technologies, operated and maintained by specially trained personnel, generate technically credible data that are particularly meaningful to regulators, emitters, and elected officials at all levels. These technologies can credibly document not only the background concentrations in plumes crossing fence-lines and passing through neighborhoods but also the frequency, magnitude (or concentration), and duration of excursions, accidents, and unscheduled releases. Some such cutting-edge technologies exist<sup>11,12,13,14</sup> and are available for deployment, and others need to be developed. Community organizations and local residents can and should participate in the use of the full continuum of technologies. They will learn and be empowered by doing so.

Many of these needed technologies for detection and monitoring are already in use in commercial settings. For example, the construction industry is developing “smart buildings” with sensor systems that measure heat, light, and energy use and use these data to fine-tune operating systems to reduce costs. Automobile manufacturers have developed “smart cars” that sense traffic lights, other cars, and other obstacles and can steer around them. The first “smart cities” in Spain, the Middle East, and China have “smart pipes” that sense water pressure as well as the contents of the pipes, so that pipes can be repaired before they spring big leaks. Some manufacturers of aircraft engines have stopped selling them; instead they lease engines equipped with sensors that send data to the manufacturers about the need for repairs.<sup>15</sup>

Sensor systems are also being constructed for environmental monitoring. For example, in October 2011, the National Science Foundation (NSF) awarded \$3 million to Clemson University to design, develop and deploy a basin-wide network of computerized sensors to monitor water quality along the length of the 312-mile Savannah River. The sensors will be attached to a system of buoys anchored to the river floor and will collect data on water temperature, flow rate, turbidity, oxygen levels and the presence of pollutants.<sup>16</sup>

Dense network observing systems are also developing rapidly for air emissions, including air toxics. Air emission inventories built from emissions factors have consistently underestimated emissions, because they often leave out small sources and leaks. New technologies might help fill some of these gaps. Also, high quality emissions data might be obtained from third party, private sector sources to supplement government observing practices.<sup>17</sup>

EPA should assure that all EJ/VP communities have access to and use similar smart, cost-effective state-of-practice sensor technologies to measure indoor air quality, water quality, and emissions from industrial facilities in their communities in real time.

Detection and monitoring technologies can be used very effectively in tandem with sophisticated assessment technologies, which can document the multiple, synergistic risks that EJ/VP communities face. Assessment technologies can also help identify solutions that advance health and environmental quality, economic opportunity, and social benefits. The assessment technologies that are needed in EJ/VP communities include risk assessment, life cycle assessment, environmental footprint assessment, resilience analysis, integrated assessment models, and sustainability impact assessment.<sup>18</sup>

#### **Examples of Needs for Detection, Monitoring, and Assessment Technologies in EJ/VP Communities**

- Simple sensors, analogous to carbon monoxide or smoke detectors, that are connected to cellular data networks that may be loaned to or permanently installed in community homes, schools, or other locations of interest.
- Fixed sensors installed at multiple locations along the property fenceline around industrial facilities.
- Geo-located, personal sensors that may be carried by persons for continuous monitoring of both ambient conditions and individual exposure.
- Monitoring and warning systems of air pollution in “fenceline” communities.
- Advanced assessment technologies that can be used in tandem with geo-coded detection and monitoring data to monitor multiple sources of pollution and multiple pathways of exposure.

**2. EJ/VP communities need effective communication technologies for both data access and information sharing.**

In addition to technologies to detect, monitor and assess pollution, EJ/VP communities need technologies to communicate information about pollution. In Hartford and Rubbertown, residents have asked for relatively simple communication technologies – email and cell phone systems to alert residents to high levels of pollution. Two additional case studies suggest other communication technologies that are needed in EJ/VP communities.

**Toledo, OH: The Need for Effective Communication Technologies**

The Dorr-Smead Brownfields in Toledo, Ohio is an old, inner-city industrialized area with large acreages of contaminated soils located close to housing in this low-income, predominantly minority community. Local residents and environmental agencies are concerned about exposure to contaminated soils from gardening and children playing in backyards and about the possibility that gases from contaminated soils may leak into basements.

Dorr-Smead is also a leader in urban revitalization, with many abandoned lands being used for urban agriculture. Often the crops grow in “clean” soils that are trucked in, but there is always the risk that contaminants may leak from the local soils into the pots and bins where vegetables and fruits are growing. One need in Dorr-Smead is for easy-to-use soil test sensors, with clear instructions on soil test sampling, and information about crops that can be grown safely.

In addition, there is a need for communication technologies in Dorr-Smead to educate residents who are raising crops about how to construct their gardens so that pollutants in contaminated soils do not pass into the “clean” soil where the crops are growing. EPA and state and local environmental agencies should develop and deploy communication technologies in partnership with non-governmental organizations, who may be met with greater trust than government, and tailor communication to specific audiences. Even though EPA’s mission is quite different from the US Census Bureau’s, EPA might look to the Census Bureau’s experience communicating with diverse communities. The Census Bureau has established partnerships with cell phone companies for effective messaging, used social media extensively, partnered with community-based organizations, and undertaken market segmentation research to tailor messaging to specific communities. In partnership with local professionals and lay experts and organizations, and working collaboratively with state and local environmental agencies, EPA should customize toolkits for use by residents in specific EJ/VP communities.

### **Graniteville, SC: The Need for Effective Communication Technologies**

Graniteville, South Carolina, is a low-to-middle-income community adjacent to several old abandoned textile mills—brownfields. A major rail line runs through Graniteville which facilitated picking up products from the textile mills before they closed. In January 2005, two trains collided, five cars carrying chlorine and other toxic chemicals went off the rails, and the tanks ruptured. The result was a full-scale emergency response situation, and it did not go well because of inadequate technologies and inadequate arrangements for analyzing and communicating information about the chemicals released.

Railroads and shippers generally keep close track of rail shipments of chemicals and can check to see where rail cars with chemicals are at any given time. But this information was not available to local government agencies in Graniteville on a real-time basis. Emergency teams rushed to the scene but had no information about the gases and fluids leaking from the railcars. Local residents were overcome by the gases, but when the rescuers took them to local hospitals, the doctors did not have information about the gases.

When federal responders arrived to assess damages, most victims had already been taken to hospitals, so the responders focused most of their attention on fish in a stream that had been contaminated by liquids spilled from the rail cars. Nine people died – eight immediately – and many homes were ruined by the cloud of chlorine gas.

If there had been appropriate sensors in place in Graniteville,<sup>19,20,21</sup> some of the deaths and illness might have been prevented. But local sensors would not have been enough. What was needed was an information system on the railcars themselves to communicate information about the location, types, and condition of the chemicals, the rail cars, the train, and the accident to officials, rescue teams, hospitals, and community residents. The technologies needed were not just electronic. Also needed were management systems to assure that information available to the railroad and the shippers would be made available to the community immediately after the accident.

Communications technologies must be accessible and provide information that local residents and agencies – as well as businesses and other entities that are sources of pollution – can obtain at very low cost and can use effectively. This means that communications technologies may need to provide information in other languages besides English in some communities and must be easily understandable by ordinary citizens in all communities. Communications technologies must also provide opportunities for local residents to get more information about the nature of specific problems, about how these problems relate to other potential exposure, and about how to deal with these problems in specific locations. In some cases, communications technologies should also enable local residents to ask questions and get information from agency staff or other trained personnel.

Local residents, agency staff and others may also need training and education in how to use communication technologies.

Communications technologies will often be more effective when they provide geo-coded information that can be mapped. Social media may be very useful in providing opportunities for residents and small businesses that are sources of pollution to understand and learn how to manage risks. Cellular telephones are often a useful platform for such communication, as many residents of EJ/VP use them as a comparatively inexpensive way to gain access to the web and to receive text and voice messages.

The development of communications technologies must go hand-in-hand with the development of monitoring and assessment technologies. Measurements of local conditions are meaningful only when they can be compared with thresholds that are built on scientific evaluation and that take multiple causes of risk into account. Experts at EPA and elsewhere are continuing to develop a sophisticated suite of analytic tools that should be accessible to EJ/VP communities through communications technologies, such as risk assessment, cumulative exposure assessment, life-cycle analysis, environmental footprint, ecosystem evaluation, decision support tools like cost-benefit and resilience analysis, and sustainability analytics.

#### **Examples of Needs for Communications Technologies in EJ/VP Communities**

- Residents need real-time information about concentrations of localized pollution that can peak at dangerous levels and about the steps they can take to reduce risks.
- Residents need technologies that can help them to avoid exposures and to protect themselves in their homes, backyards, parks, and neighborhoods—such as information from hand-held sensors of contaminated air and contaminated soils—as well as easily-understandable written, electronic, and face-to-face verbal information about how to protect themselves from environmental threats. With geo-coded sensors, residents could download information about the steps that they could take to reduce risks from indoor and outdoor air pollution.
- Community groups and agencies need reliable, actionable data to provide real-time human-health warnings to residents about local environmental conditions and possibly notices to industry about any need for adjustments in emissions.
- First responders and local hospitals need complete, real-time information in the event of a train derailment, major highway accident, or similar emergency release or spill event – both to protect local residents and to ensure that first responders do not rush in without proper information and become contaminated themselves.



### **3. EJ/VP communities need solution technologies.**

What all communities want is technologies that solve problems resulting from releases of hazardous and toxic pollutants that impact human health and the environment at low costs and in short periods of time.

In some cases, adequate monitoring and communication technologies can lead directly to the implementation of not-so-difficult solutions. Monitoring and communication may provide sufficient understanding of local problems and bring enough public as well as official attention to these problems to convince industry to take voluntary action to clean up or to persuade regulators to require cleanup to reduce human-health and environmental impacts in EJ/VP communities. Simply asking engineers to invest more energy in adjusting and managing manufacturing systems to reduce leaks and operate more efficiently can lead to big reductions in pollution emissions and operating costs. And the process of mobilizing the community to gather data and attract attention can empower residents, teaching them skills that may open doors to economic and social opportunities.

But in many communities, there are no easy answers. Many EJ/VP communities are located in brownfields where the soils, groundwater, and streams are seriously contaminated by decades of pollution. The contamination causes problems of indoor air quality in basements, backyards, parks where it is unsafe for children to play, and rivers where residents cannot safely fish or swim. Other EJ/VP communities have serious indoor air quality problems arising from substandard construction of homes and community buildings. In some communities, rising levels of groundwater cause mold and indoor air quality problems, or mobilize toxic pollution in contaminated soils. The direct dollar cost of clean-up of these properties and groundwater to safe levels is often very high. Clean-up approaching pristine levels is often unattainable. The economic and other costs to residents of EJ/VP communities and other vulnerable populations—and to state and federal taxpayers—from human-health impacts is great and should be considered by decision makers.

Some EJ communities across America are so contaminated, or so close to multiple sources of pollution, that they are not livable.<sup>22</sup> For example, the best permanent solution for the Norco community in the chemical corridor of Louisiana along the lower Mississippi River was determined to be for industry to finance the relocation of residents to different, safer locations. EPA can play an essential role in sites like these, both in effectively deploying monitoring and communication technologies so that local problems are fully documented and understood, and by using its regulatory authority to ensure that appropriate action is taken to protect human health in these communities.

But in other communities the challenge is to find solution technologies that are low cost and permanent. Too often, agencies and communities adopt policies that are not solutions at all - such as moving wastes from one contaminated site to another, often to another EJ/VP community.

Two of our case studies suggest ways that EPA can help develop and deploy effective solution technologies.

### **Indoor air quality in Pablo, MT**

Salish Kootenai College (SKC) is a Tribal College located in the unincorporated community of Pablo, on the Flathead Indian Reservation in northwest Montana. SKC has about 1,100 students. About 76% of the students are Native American. The students come from 66 tribes and 20 states. SKC has a mix of traditional and non-traditional students so many of the students are older students and low income. Also, many of the Tribal students often have a family who has moved with them as they attend SKC so family members include children and sometimes elder members of the family.

The major environmental problem of focus is the mold in school buildings and student housing units on the SKC campus. One contributing factor to the mold problem is groundwater. In the summer of 2011 the staff at SKC began to notice mold conditions in a few buildings. They begin an evaluation of the severity of the mold condition. Samples of mold were sent to a lab for testing. The staff decided to have the student housing units tested at the same time. It was then that they discovered that there was a significant mold problem in the student housing units. Once the officials at SKC learned of the mold severity they moved the students out of the housing units and placed them in alternative housing.

In all technology categories it is recommended that community based resources be made available. Technical resources at the Tribal, County or City level would be ideal. In the absence of community based resources personal use technology is recommended. Technology needs include: Monitoring and Analysis (humidity sensors, test kits), Data Management and Communication (sending and receiving information once a problem is detected is critical. Who do you contact? How reliable is the information? Do I have to pay for it? What can I do to fix it? These are some questions a household may have. One suggestion made was a hotline. Such a hotline could be useful for a variety of indoor air quality issues.) Mitigation and Remediation (Simple inexpensive methods for fixing problems are needed as well as good reliable resources for contractors when a simple fix is not the answer.)

### **Lower Passaic River, NJ: The Need for Solution Technologies**

The lower Passaic River flows through dozens of municipalities into Newark Bay. The residents of these communities are generally working class or low income, 80% are of various minority groups, and many are recent immigrants. The sediments of the lower Passaic include dioxins, mercury, lead, PAHs, and many other toxic industrial pollutants. Most of the fish in the river are too contaminated to be eaten.

EPA, the state of New Jersey, and the New York Academy of Sciences have been studying the river for more than 20 years; but technologies to remediate the pollution are quite expensive, and no action has been taken to clean up the river and the bay. Several years ago, a study suggested that the river should be dredged and that the sediments could be converted into a substance that would be a safe building material. The toxics in the blended “cement” would be immobilized, using a technology ready for commercialization. This European technology is being reviewed by experts in the US, with the hope that it will finally open the door to cleaning up the river.

EPA can contribute to finding solution technologies in five ways.

One is to develop standards for the identification and cleanup of contamination by mold. Tribal, public, institutional, and rental housing is often not cleaned of mold that is causing health problems because there is no standard for when this should be done.

A second is to conduct research and work with industry to develop new solution technologies for different kinds of pollution—e.g. mold-resistant paints and coatings, ventilation systems and air purifiers that can capture and bind mold spores so that they are no longer airborne, and remediation technologies for older buildings as well as different construction technologies for inexpensive new homes and community facilities. EPA’s Office of Research and Development (ORD) could work with EPA program offices in systematic, on-going efforts to monitor efforts to address the typical problems that EJ/VP communities face and to support the most promising ideas. For example, it might be worth focusing ORD research on technologies to manage rising levels of groundwater in contaminated soils or in places where groundwater could damage buildings or cause mold to grow and create problems of indoor air quality. (Indeed, ORD and media offices may already do things like this.)

Third, in addition to working with EPA media offices to develop new solution technologies, ORD should also work with other countries that are facing similar problems. ORD could play an active role in ensuring that technologies developed overseas are readily available to American communities by testing, publishing information about, and perhaps certifying technologies as cost-effective.

A fourth way that EPA can contribute to finding solutions is to work directly with state, local, and tribal agencies that have responsibilities for building and construction or for making decisions about the proper use of contaminated land or on wetlands. This could be done in partnership with other federal agencies that have the responsibility and legal authority for housing, construction standards, and related matters. EPA is already working with the Department of Housing and Urban Development and with the Department of Transportation, as well as with state and local governments, to encourage the development of “smart,” compact, energy-efficient communities. EPA could take the same approach to finding solution technologies for EJ/VP communities. The Federal Emergency Management Agency, HUD and DOT would be important partners in such an effort.

Fifth, EJ/VP communities will benefit not only from technologies that are targeted to meet their special needs but also from technologies that are needed by all communities, for example, cars with low (perhaps zero) emissions, healthier houses, inexpensive green infrastructure, and less polluting sources of electricity. EPA is already working on many of these technologies.

In all cases EPA should seek permanent solutions through a transparent process with a defined timeline for installation of industrial solution technologies, so that confidence can be established between the agency and the EJ community. It is not acceptable to say that the environmental problems facing EJ/VP communities cannot be solved. The search for permanent solutions technologies should continue until solutions have been developed and deployed.

#### **Examples of Solution Technologies Needed by EJ/VP Communities**

- Closed-loop sustainable solution technologies.
- Community/Soils: Technologies that can detect and confine hazardous chemicals so that edible crops can be grown on properly-designed urban farms in brownfields.
- Chemistry/Indoor Air: Technologies to ensure high standards of indoor air quality in public and institutional housing in Native American communities and generally in low-income communities across the country.
- Mold resistant and mold binding paints and coatings.

### C. RECOMMENDATIONS FOR GAME-CHANGING NEXT STEPS

NACEPT was asked to develop a list of needs for technologies to address problems in environmental justice communities and other vulnerable populations. Our report can provide initial answers, but to fully understand the needs and how EPA can meet them, ORD would have to work closely with EJ/VP communities themselves.

ORD should also reach out to the business community, researchers in the private and public sector, and to other federal agencies. EPA-ORD recognizes that such an effort would be a departure from past practice. In September, 2011, ORD published an implementation plan for developing and deploying “science tools” as part of EPA’s Plan EJ 14. This report says that:

“presently, ORD lacks any mechanism for public input into its research agenda.”  
(p. 16)

The September plan proposes greater efforts by ORD to work with EPA regional offices, the National Environmental Justice Advisory Committee, and others to reach out to EJ communities, both to inform ORD about conditions and needs in communities and to build capacity at the community level. Specifically, it says that ORD will:

- work with OSWER’s Community Engagement Initiative and similar efforts that other media offices develop to engage community stakeholders in ways that will help them participate in EPA decisions on topics of special concern to EJ communities;
- establish a workgroup within the National Environmental Justice Advisory Committee to advise the administrator and ORD about scientific research and health impacts related to environmental justice;
- support community-based participatory research;
- engage EJ stakeholders in efforts like its Regionally Applied Research Effort program.  
(pp. 16-17)

Our recommendations are consistent with this approach and are designed to reinforce these efforts.

#### **1. ORD should enter into partnerships with EJ/VP communities to develop and deploy these new technologies.**

Working with EPA regional offices and media offices, ORD should identify one or two “pilot communities” in each region to be test beds for effective detection, monitoring, and assessment technologies that are the highest priority for “game-changing” action. (EPA’s EJ Showcase Communities and Community Action for a Renewed Environment – “CARE” – communities might be possible sites.) These communities should become models for deployment of technologies in other communities. The regional offices and state agencies should assist communities in identifying needed technologies.

#### **2. ORD should also establish a public-private task force to provide strategic advice and supplement ORD’s technical expertise.**

This task force should:

- Compile an inventory of specific existing, cutting-edge, available-for-deployment technologies that could effectively address the needs of EJ/VP communities and human-health and environmental regulatory agencies.
- Identify specific technologies that are ready to enter the market as well as any legal, financial, or other barriers to the deployment of these technologies.
- Provide advice on incentives to encourage private development of needed technologies.

Members of the task force might be drawn from:

- Leading technology companies with experience in R&D, commercialization, production, and deployment.
- Companies in the regulated community, as well as research institutes, academia, and state and federal human-health and environmental regulators with successful experience in effectively and transparently monitoring releases.
- NGOs with experience in effective monitoring and communication technologies.
- Staff in key EPA offices.
- Experienced leaders from EJ/VP communities.

EPA might wish to work with the National Academies to participate in or lead this effort.

**3. EPA should reach out to other federal agencies to mobilize a multi-agency federal initiative to develop and deploy needed solution technologies, similar to EPA's work with the Department of Transportation and Department of Housing and Urban Development in support of state and local efforts to build "smart communities".**

- Several agencies in DHHS could be essential partners.

**4. ORD should publish a biennial update to EJ/VP communities about the progress of these activities.**

- This would include providing information about the needs for technologies and the pros and cons of newly emerging technologies to EJ/VP communities, EPA regional offices, state environmental agencies, interested partners in the private sector, and others.

**5. EPA must also strengthen its own IT capabilities in order to support monitoring, reporting, and mitigation activities in EJ/VP communities.**

A separate paper explaining these requirements in some detail is available at <http://www.epa.gov/afacmo/nacept/reports/index.html>. These requirements relate to the use of open interoperability standards to streamline both collection of measurements being generated by monitoring systems, and dissemination of data products derived from those systems. These standards range from general-purpose web services based upon the REST web service model (which in turn is based upon the HTTP standard protocol), to the suite of

more specific open standards from the Open Geospatial Consortium (OGC) relating to data visualization (Web Map Service - WMS), data access (Web Feature and Web Coverage Services - WFS and WCS respectively), and sensor control and communication (Sensor Web Enablement - SWE).

These services are the key components in the development of a services oriented architecture (SOA) that

- Lowers the barriers to data acquisition - decreasing the time required for collected data to be entered into the core management systems;
- Provides a logical separation between internal data management systems and the clients that consume products that are based upon the contents of that system;
- Enables publication of standards-based services that may be both used by EPA developers to provide specialized data access and visualization tools, but *also* may be used by external developers to provide custom *mashups* in support of specific user communities - particularly vulnerable populations.

EPA has initiated a number of programs that are developing these capabilities: EPA's "Apps for the Environment Challenge", "Environmental Dataset Gateway", "Geospatial Data Download Service", and the "National Geospatial Program" are all examples of programs that are making use of this SOA approach. What is needed within EPA's IT planning is a routine consideration and assessment of where interoperable services may be integrated into the development of new capabilities or updates to existing ones.

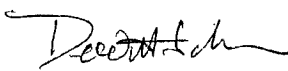
## CONCLUSION

EJ/VP communities are directly impacted by multiple environmental assaults, are more likely to suffer adverse health impacts from these exposures, and lack the power to change their situations. The technologies that we have identified as needed could help these communities begin a process of community-driven environmental change. With EPA's support, that process could result in solutions that could "change the game" of environmental degradation and adverse health impacts that EJ/VP communities continue to face every day. We thank you for the opportunity to work with ORD and other EPA offices toward that end. We also wish to thank ORD, the Office of Environmental Justice, and the Office of Children's Health Protection for their assistance with this advice letter.

Sincerely,



James H. Johnson, Jr., Ph.D.  
Chair



DeWitt John, Ph.D.  
Workgroup Co-Chair



Mark A. Mitchell, MD, MPH, FACPM  
Workgroup Co-Chair





# Correspondence Management System

Control Number: AX-12-000-3081

Printing Date: February 16, 2012 04:28:15



## Citizen Information

Citizen/Originator: Mull, Stephen D

Organization: United States Department of State  
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3081      Alternate Number: N/A  
Status: For Your Information      Closed Date: N/A  
Due Date: N/A      # of Extensions: 0  
Letter Date: Feb 15, 2012      Received Date: Feb 16, 2012  
Addressee: AD-Administrator      Addressee Org: EPA  
Contact Type: LTR (Letter)      Priority Code: Normal  
Signature: SNR-Signature Not Required      Signature Date: N/A  
File Code: 401\_127\_a General Correspondence Files Record copy  
Subject: Daily Reading File-Notice to Bearers of Official and Diplomatic Passports  
Instructions: For Your Information -- No action required  
Instruction Note: N/A  
General Notes: OECA., please provide a copy to (b) (6) Personal Privacy  
CC: Jose Lozano - AO-IO  
Linda Huffman - OECA  
OECA - OECA -- Immediate Office  
OHS - Office of Homeland Security

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OITA	Feb 16, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OITA	Feb 16, 2012



S/ES 201202600

**United States Department of State**

*Washington, D.C. 20520*

February 15, 2012

UNCLASSIFIED

**MEMORANDUM FOR ALL DEPARTMENT AND AGENCY  
EXECUTIVE SECRETARIES**

**SUBJECT: Notice to Bearers of Official and Diplomatic Passports**

The Department of State has updated the guidance for bearers of official and diplomatic passports. The new guidance can be found in the attached "Notice to Bearers of Official and Diplomatic Passports," a copy of which is included with every newly issued official or diplomatic passport.

Please distribute this information to your agency's personnel who have official or diplomatic passports as well as to those responsible for your agency's travel policies and procedures.

A handwritten signature in cursive script, appearing to read "S. Mull".

for **Stephen D. Mull**  
Executive Secretary

Attachment:

Notice to Bearers of Official and Diplomatic Passports

UNCLASSIFIED



United States Department of State

*Special Issuance Agency*  
1111 19th Street NW, Suite 200  
Washington, D.C. 20036-3617

**Important Notice to Bearers of Official and Diplomatic Passports**

A passport at all times remains the property of the United States and must be returned to the U.S. Government upon demand. 22 CFR § 51.7(a).

An official or diplomatic passport may be used **only** as long as you retain the position or status for which it was issued. An official or diplomatic passport must be returned to the Department of State upon the termination of the bearer's official or diplomatic status or at such other time as the Department may determine. 22 CFR §§ 51.4(c)-(d). State Department personnel may return their passport to the Special Issuance Agency directly or via their Bureau's Executive Office. Personnel of other agencies should return their passports through their agency headquarters.

Bearers of an official or diplomatic passport must use that passport when entering or exiting their country of assignment abroad and for return to the United States. Regular (tourist) passports must be used for personal travel except when entering or exiting the country of assignment abroad.

**An official or diplomatic passport DOES:**

- Attest that the bearer is traveling on official or diplomatic business for the U.S. Government, or is an accompanying family member of such a person. It implies no other status.

**An official or diplomatic passport DOES NOT:**

- Provide diplomatic immunity;
- Provide exemption from foreign laws, including customs, immigration or labor laws;
- Allow the bearer to carry classified or sensitive material across international borders;
- Allow the bearer to avoid questions by foreign immigration or to ignore security checkpoints;
- Provide a shield from arrest;
- Shield the bearer from the hazards of war, criminal violence, or terrorism;
- Grant benefits to which the bearer is not otherwise entitled.

**An official or diplomatic passport MAY:**

- Subject the bearer to increased scrutiny by foreign governments and other entities.

The enclosed passport carries the same message from the Secretary of State as appears in a regular passport requesting that the bearer be permitted "to pass without delay or hindrance" and given "all lawful aid and protection." In addition, the enclosed passport carries an endorsement announcing that the bearer is abroad on an official or diplomatic assignment for the U.S. Government. Thus, while traveling abroad with this passport you have a special obligation to respect the laws of the country in which you are present as well as to U.S. federal government and agency-specific standards of conduct.

Many countries have visa requirements for official or diplomatic passport holders that are greater than the requirements for tourist passport holders. You may have to obtain an official or diplomatic visa depending on the countries to which you will travel. Note that the placement of an official or diplomatic visa in a passport does not, in itself, result in diplomatic status or diplomatic immunity in the host state. You can obtain information on foreign visa requirements for official and diplomatic passport holders at: [http://travel.state.gov/travel/requirements/specialissuance/specialissuance\\_5339.html](http://travel.state.gov/travel/requirements/specialissuance/specialissuance_5339.html).



# Correspondence Management System

Control Number: AX-12-000-3084

Printing Date: February 16, 2012 03:36:26



## Citizen Information

Citizen/Originator: Bingham, Sally

Organization: Interfaith Power & Light

Address: 220 Montgomery Street, San Francisco, CA 94104

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3084

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Feb 10, 2012

Received Date: Feb 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File- thank you for your decision to support State Department's recommendation to deny TransCanada's application to build proposed Keystone XL tar sands pipeline

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAAE - Office of External Affairs and Environmental Education

OP - Office of Policy

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OECA	Feb 16, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OECA	Feb 16, 2012



# Interfaith Power & Light

A Religious Response to Global Warming

RECEIVED

2012 FEB 16 AM 11:15

OFFICE OF THE  
EXECUTIVE SECRETARIAT

February 10, 2012

President Barack Obama  
The White House  
1600 Pennsylvania Avenue, NW  
Washington, DC 20500

cc:  
U.S. Secretary of State Hillary Clinton  
EPA Administrator Lisa Jackson

Dear President Obama,

I am writing to thank you for your decision to support the State Department's recommendation to deny TransCanada's application to build the proposed Keystone XL tar sands pipeline.

Interfaith Power & Light reaches approximately 14,000 congregations of all major religions, in 39 states, representing around five million people of faith who are very concerned about global warming. All of our congregations have taken action on climate.

For months, our faith leaders have been speaking out against the Keystone XL pipeline at State Department hearings and in letters to the Administration and Congress. It is of great concern that Keystone 1 experienced 14 leaks in the first year, and the one million gallon tar sands oil spill into Michigan's Kalamazoo River in 2010 was nothing less than a national tragedy.

Transporting dirty tar sands oil through the heartland of America will unnecessarily risk catastrophic damage to ecosystems and aquifers that millions of people depend upon for their livelihood. In 2011, China surpassed America to become the world's number one energy consumer and naturally, they are buying full ownership stakes in the massive tar sands oil operations of Alberta. What good will it do if the United States addresses global warming here at home only to enable decades of global warming emissions overseas because we helped unlock the tar sands to the world? We have a moral obligation to leave this planet at least as clean as when we arrived here, if not improved. A few thousand jobs cannot justify our participation in mass tar sands exportation that will hasten global warming.

Your actions on Keystone XL, Mercury and Air Toxics, and now the proposed fuel efficiency standards, demonstrate your leadership to ensure a clean, healthy and safe world for our children. We can and must model a way forward for the world, create jobs, and care for God's Creation. We are looking to you Mr. President to continue leading the country toward a hopeful and flourishing future.

Many blessings,

The Rev. Canon Sally G. Bingham  
Interfaith Power & Light

Together with . . .

Steven Baty  
Alabama Interfaith Power & Light

Rev. Doug Bland  
Arizona Interfaith Power & Light

Mary Walker  
Alaska Interfaith Power & Light

Rev. Steve Copley  
Arkansas Interfaith Power & Light

*A Campaign of The Regeneration Project*  
220 Montgomery Street, Suite 450, San Francisco, CA 94104  
Phone 415-561-4891 • Fax 415-561-4892 • Web [www.InterfaithPowerandLight.org](http://www.InterfaithPowerandLight.org)





# Correspondence Management System

Control Number: AX-12-000-3089

Printing Date: February 16, 2012 04:33:32



## Citizen Information

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**Citizen/Originator:** Sarthou, Cynthia

Organization: Gulf Restoration Network  
Address: Post Office Box 2245, 338 Baronna Street, New Orleans, LA 70112

**Constituent:** Mastrototaro, Jill

Organization: Sierra Club  
Address: 85 Second Street, 2nd Floor, San Francisco, CA 94105

**Avila, Roberta**

Organization: Steps Coalition  
Address: 610 Water, Biloxi, MS 39530

**Grode, Jim**

Organization: South Wings Inc.  
Address: 35 Haywood Street, Asheville, NC 28801

**Galante, Elizabeth T.**

Organization: Global Green USA  
Address: 2218 Main Street, 2nd Floor, Santa Monica, CA 90405

**Collins, Terese P.**

Organization: Gulf Islands Conservancy, Inc.  
Address: Post Office Box 1203, Gulfport, MS 39502-1203

**Callaway, Casi**

Organization: Mobile Baykeeper  
Address: 450-C Government Street, Mobile, AL 36602

**Schumaker, Bonny**

Organization: On Wings of Care, Inc.  
Address: P.O.Box 583, LaCanada, CA 91012-0583

**Wells, Charlotte**

Organization: Texans for Alternatives to Pesticides  
Address: 3015 Richmond, Houston, TX 77098

**Scire, Grace**

Organization: Boat People SOS  
Address: 6066 Leesburg Pike, Falls Church, VA 22041-2220

**Evans, Derrick**

Organization: Gulf Coast Fund  
Address: 1712 Oretha Castle Haley Blvd, New Orleans, LA 70113

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

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**Control Number:** AX-12-000-3089

**Alternate Number:** N/A

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Mar 2, 2012

**# of Extensions:** 0

**Letter Date:** Feb 10, 2012

**Received Date:** Feb 16, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal



# Correspondence Management System

Control Number: AX-12-000-3089

Printing Date: February 16, 2012 04:33:32



**Signature:** DX-Direct Reply **Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

**Subject:** Daily Reading File- Formal comment on the Gulf of Mexico Regional Ecosystem Restoration Strategy

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** Brigid Lowery - OSWER-CPA  
 Kecia Thornton - OSWER  
 Michelle Crews - OSWER  
 OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 OSWER - OSWER -- Immediate Office  
 OW - Office of Water -- Immediate Office  
 R4 - Region 4 -- Immediate Office  
 R6 - Region 6 -- Immediate Office

## Lead Information

**Lead Author:** N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	GCERTF	Feb 16, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Feb 16, 2012
(b) (6) Personal Privacy	OEX	Forward control to GCERTF	Feb 16, 2012
(b) (6) Personal Privacy	OEX	Changed Status For Your Information Pending	Feb 16, 2012
(b) (6) Personal Privacy	OEX	Changed File Code 401_127_a General Correspondence Files Record copy 404-141-02-01_141_b Controlled and Major Corr. Record copy	Feb 16, 2012
(b) (6) Personal Privacy	OEX	Changed Signature SNR-Signature Not Required DX-Direct Reply	Feb 16, 2012
(b) (6) Personal Privacy	OEX	Changed Instruction For Your Information -- No action required DX-Respond directly to this citizen's questions, statements, or	Feb 16, 2012
(b) (6) Personal Privacy	OEX	Changed Due Date March 02, 2012	Feb 16, 2012



Boat People SOS, Inc • Galveston Baykeeper • Global Green USA • Gulf Coast Fund • Gulf Islands Conservancy, Inc. • Gulf Restoration Network • Mobile Baykeeper • On Wings of Care, Inc • Sierra Club • SouthWings, Inc • Steps Coalition

February 10, 2012

Lisa Jackson  
Administrator, USEPA  
Chair, Gulf of Mexico Ecosystem Restoration Task Force  
Washington, DC.

Dear Administrator Jackson,

The undersigned groups submit this letter as our formal comment on the Gulf of Mexico Regional Ecosystem Restoration Strategy (Final Strategy) released by the Gulf of Mexico Ecosystem Restoration Task Force (Task Force) on December 5, 2011.

First, we would like to thank the Task Force for the hard work that went into the development of this strategy and the commitment of the Task Force to promptly complete a plan for implementation of the Final Strategy. Additionally, we appreciate the opportunity that the Task Force provided the undersigned groups, as well as all concerned residents of the Gulf Coast, to voice our concerns and provide input on the Final Strategy.

The Final Strategy effectively incorporates many of our concerns. For example, it incorporates our belief that public outreach and education is an important part of successful restoration implementation. Additionally, the Task Force has broadened the focus of restoration contemplated by the Strategy to address our concerns that the Final Strategy acknowledges the need for restoration of marine, as well as coastal resources, particularly in light of the potentially significant impacts on the marine environment associated with the 2010 BP oil drilling disaster.

We are also pleased that the Task Force responded directly to the suggestion by impacted communities that they increase citizen involvement by committing to the creation of a citizens advisory committee to advise the Chair of the Task Force. (Final Strategy, p. 54). We urge the Task Force to quickly seat the citizen advisory committee so that they can play a hands-on role in implementation and promote community goals.

Additionally, we appreciate the addition of the action item "Developing a science advisory capacity to ensure that peer review, science and scientifically based findings are properly incorporated into the adaptive management and decision-making process" and the expansion in the "Science-Based Adaptive Management" section of the Final Strategy to provide practical examples of how adaptive management has been used in other contexts. (Final Strategy, pps. 50-51). Furthermore, we are pleased that within the Final Strategy the Task Force recognizes the need for intergovernmental collaboration and dedicated funding for large landscape-level restoration efforts by calling for:

- Formalizing long-term intergovernmental partnership among the Gulf Coast states and the federal government by establishing a successor coordinating body to the Task Force; and
- Dedicating a significant portion of the anticipated Clean Water Act civil penalties resulting from the *Deepwater Horizon* oil spill for Gulf recovery, in addition to current funding for Gulf programs.

Although we are disappointed that not all of our comments and concerns were addressed in the Final Strategy, we appreciate the Task Force's commitment to prompt development of an implementation plan for the Final Strategy. We continue to believe that to be effective, restoration planning must include:

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OFFICE OF THE  
EXECUTIVE SECRETARY  
REGISTRY

- Concrete goals, measurable objectives, benchmarks (with specific deliverables, a clear timeline, and metrics to assess performance focused on addressing root causes of problems).
- Consistency between ecological restoration and environmental permitting in the designated coastal zone of each Gulf state;
- The development of a decision-matrix to provide a general framework to prioritize projects and make funding decisions;
- A pathway to ensure that there is local infrastructure in place to support restoration activities and creation of a "restoration economy" that is linked to economic development (job creation, etc).

The undersigned groups believe that the members of the Task Force share with us a common vision for and commitment to restoration of the ecosystem, people, and economy, of the Gulf Coast. We commit to working with the Task Force as it develops an implementation plan to ensure that our common goals for restoration are met so that the Gulf Coast ecosystem is revitalized and strengthened to support sustainable communities and sustainable economies. To that end, we appreciate Task Force Executive Director John Hankinson's willingness to meet with us at Gulf Gathering and eagerly anticipate learning of the Task Force's next steps and identifying opportunities for our groups to engage in the restoration effort.

We look forward to working with you in the months ahead.

Respectfully,

Cynthia Sarthou, Executive Director  
Gulf Restoration Network  
[cyn@healthygulf.org](mailto:cyn@healthygulf.org)  
504-525-1528 ext 202

Jill Mastrototaro, Gulf Coast Protection Campaign Director  
Sierra Club

Roberta Avila, Executive Director  
Steps Coalition

Jim Grode, Conservation Director  
SouthWings, Inc

Elizabeth Teel Galante, Director of New Orleans and Gulf Coast Initiatives  
Global Green USA

Terese P. Collins, Chairperson  
Gulf Islands Conservancy, Inc.

Casi Callaway, Executive Director & Baykeeper  
Mobile Baykeeper



# Correspondence Management System

Control Number: AX-12-000-3117

Printing Date: February 16, 2012 04:07:46



## Citizen Information

Citizen/Originator: Bonarrigo, Angela

Organization: Ceres

Address: 1101 14th Street NW, Washington, DC 20005

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3117

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Feb 14, 2012

Received Date: Feb 15, 2012

Addressee: Jeffrey Zients

Addressee Org: OMB

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File-Letter Supporting GHG Rulemaking

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

OSBP - Office of Small Business Programs

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Feb 16, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Feb 16, 2012

## Comments



February 14, 2012

The Honorable Jeffrey Zients  
Acting Director  
Office of Management and Budget  
725 17<sup>th</sup> Street, N.W.  
Washington, DC 20503

Dear Acting Director Zients,

We represent a diverse set of business interests who support the implementation of strong federal clean air standards. Our business partner members range in size from Fortune 500 companies to small businesses and constitute more than 125,000 businesses and more than 300,000 individual business leaders, entrepreneurs, and investors with collective assets totaling more than \$9.5 trillion. As organizations representing both energy industries and the broader U.S. economy, we are united in our position that the Environmental Protection Agency (EPA) be allowed to maintain its authority to fulfill its legal obligation to develop and implement greenhouse gas (GHG) standards under the Clean Air Act.

We urge the Office of Management and Budget (OMB) to finalize its review of EPA's proposal to establish GHG emission limits for new and modified power plants under the New Source Performance Standards program and oppose attempts to block those important new power plant standards. We understand the importance of certainty and clear market signals and believe a national standard will both clarify risks and opportunities for US businesses, while also leading to technological innovation and investment in the domestic clean energy market. Derailing or delaying such standards leads to increased uncertainty and undermines the potential for capital investment and economic growth, weakening the opportunity presented to US businesses by the growing \$243 billion global clean energy market.

Investing in cleaner technologies and more efficient resources can be a pathway to profit and prosperity, boosting global and domestic economic growth and creating jobs while also providing competitive returns to investors. In fact, the US electricity industry is one of the most capital-intensive industries in the country, routinely investing between \$80 and \$110 billion per year on capital infrastructure projects. The Bureau of Labor Statistics shows that for every \$1 million of investment in a construction project 11 new jobs are created. For an infrastructure project requiring \$200 million worth of investment, this equates to 2,200 jobs. When multiplied by dozens of projects around the country, an investment in clean energy infrastructure becomes a meaningful step towards economic recovery and growth.

The uncertainty imposed by attempts to curtail GHG standards are stalling investments and jeopardizing much-needed American jobs that would be created both directly and indirectly from investments in low carbon technologies, such as carbon capture and sequestration, and new energy infrastructure as the electric sector transitions towards a cleaner generating fleet. It is our hope that you will move forward

with finalizing these rules. Doing so will create jobs, spur innovation, and unleash investment in new technologies.

On behalf of the business interests below, we urge you to uphold the authority of the EPA to promulgate GHG standards under the Clean Air Act.

Sincerely,

American Sustainable Business Council  
Ceres  
Environmental Entrepreneurs  
Main Street Alliance  
Small Business Majority

The American Sustainable Business Council (ASBC) is a growing coalition of business networks and businesses committed to advancing a new vision, framework and policies that support a vibrant, equitable and sustainable economy. The Council brings together the business perspective, experience and political will and strength to stimulate our economy, benefit our communities, and preserve our environment. Today, the organizations that have joined in this partnership represent over 100,000 businesses and more than 200,000 entrepreneurs, owners, executives, investors and business professionals. [www.asbcouncil.org](http://www.asbcouncil.org)

Ceres is a national coalition of major investors, businesses and public interest organizations working with companies to address sustainability challenges such as climate change and water scarcity. [www.ceres.org](http://www.ceres.org)

Environmental Entrepreneurs (E2) is the independent business voice for the environment. E2 is a national community of individual business leaders who advocate for good environmental policy while building economic prosperity. E2 takes a reasoned, economically sound approach to environmental issues by relying on fact-based policy expertise. As the independent business voice in the debate, E2 is effective and delivers results at both the state and national levels through its bipartisan efforts. [www.e2.org](http://www.e2.org)

The Main Street Alliance is a national network of state-based small business coalitions. The Alliance creates opportunities for small business owners to speak for ourselves, advancing public policies that are good for our businesses, our employees, and the communities we serve. [www.mainstreetalliance.org](http://www.mainstreetalliance.org)

Small Business Majority is a national nonpartisan small business advocacy organization founded and run by small business owners and focused on solving the biggest problems facing small businesses today. We speak for the nearly 28 million Americans who are self-employed or own businesses of up to 100 employees. Our organization sponsors scientific research that guides us to understand and advocate on behalf of the interests of small businesses across the country. [www.smallbusinessmajority.org](http://www.smallbusinessmajority.org)





# Oil Spill Task Force

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Alaska British Columbia California Hawaii Oregon Washington

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PO Box 1032  
Neskowin, OR 97149  
Tel/Fax (503) 392-5860  
Email: [JeanRCameron@oregoncoast.com](mailto:JeanRCameron@oregoncoast.com)  
<http://www.oilspilltaskforce.org>

February 13, 2012

Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

Dear Ms. Jackson,

I am writing on behalf of the U.S. member agencies of the Pacific States/British Columbia Oil Spill Task Force to petition that the U.S. Environmental Protection Agency take rulemaking action to increase the Limits of Liability for non-transportation related onshore facilities regulated by your agency by the total amount of increase in the Consumer Price Index since 1990.

The 1990 Oil Pollution Act (OPA) section 1004(d)(4) states that *"The President shall, by regulations issued not less often than every 3 years, adjust the limits of liability specified in subsection (a) to reflect significant increase in the Consumer Price Index (CPI)."* The authority to adjust liability limits for inflation pursuant to OPA section 1004 (d)(4) was delegated by the President to various agencies in section 4 of Executive Order 12777, October 18, 1991 and was to be accomplished through regulation. The Delaware River Protection Act of 2006 amended the provision authorizing further increases to limits based on consumer price index increases to begin from the date of enactment of the Act.

On January 6, 2010, the U.S. Coast Guard adopted a final rule adjusting Limits of Liability for vessels and deepwater ports. The following statement was in the rule: *...to ensure future consistency in inflation adjustments to the limits of liability for all OPA 90 oil spill source categories, the Coast Guard has coordinated the CPI adjustment methodology with DOT, EPA, and DOI. In addition, the Coast Guard, DOT, EPA, and DOI have agreed to coordinate the CPI inflation adjustments to the limits of liability for facilities (i.e., for MTR onshore facilities regulated by Coast Guard, NMTR onshore facilities regulated by DOT, **NTR onshore facilities regulated by EPA**, and offshore facilities regulated by DOI) as part of the next cycle of inflation adjustments to the limits of liability. This phased approach will allow adequate time for the additional interagency coordination necessary to ensure consistency in implementing the CPI adjustments to the OPA 90 limits of liability for all onshore and offshore facilities.*

Two years later – and almost twenty-two years since OPA 90 was passed - the OPA liability limits for non-transportation related onshore facilities still have not been adjusted for the increase in the CPI.

In the National Pollution Funds Center's 2010 Report on Oil Pollution Act Liability Limits to Congress (see <http://www.uscg.mil/npfc/> and click on "Liability Limits Report" on the home page) it is stated on page 11 that "Roughly half of the removal costs in Figure 11 (*Total Fund Expenditures*) are for facility discharges; liability limits for facilities, as previously discussed, are more than adequate at this time." Although the NPFC may consider them to be

adequate, oil spill data collected by the Pacific States/British Columbia Oil Spill Task Force in our U.S. member jurisdictions since 2002 consistently shows facilities as a major source of spills (53% of total non-crude volume and 41% of crude volume 2002-2011). This also applies to pipelines, which were the source for 57% of crude oil spilled by volume over that same nine-year period. We believe that the aging infrastructure in facilities and pipelines represents sufficient risk (equipment failure accounted for 52% of the non-crude volume and 72% of the crude volume in 2011 as well as 57% of the total volume for 2002-2011) to justify increasing their limits of liability by the CPI since 1990.

The U.S. member agencies of the Pacific States/British Columbia Oil Spill Task Force are the Alaska Department of Environmental Conservation, the Washington Department of Ecology, the Oregon Department of Environmental Quality, the Office of Spill Prevention and Response in the California Department of Fish and Game, and the Hawaii Department of Health. Each of these member agencies has a legal obligation to protect the environment within their jurisdictions from oil spills and ensuring a timely and effective response to oil spills is crucial to environmental protection. In addition, it is in the interest of the British Columbia Ministry of Environment - our Canadian member agency - that the jurisdictions of Alaska and Washington are able to respond efficiently and effectively to transboundary spill events.

Our U.S. member agencies' ability to respond to oil spills relies in part on response partnerships with federal agencies partially funded by the Oil Spill Liability Trust Fund. Our member agencies also rely on reimbursements of their own response costs from the Fund. As noted in the Oil Spill Liability Trust Fund's FY 2004-FY 2008 Report, oil spill response funds spent in our U.S. member jurisdictions during that period were as follows: Alaska: \$5,657,464; California: \$12,166,544; Hawaii: \$2,006,338; Oregon: \$3,904,391; and Washington: \$7,328,903.

In addition to our concerns regarding the solvency of the Oil Spill Liability Trust Fund, we feel that adequate Limits of Liability help prevent oil spills. Since the authority for increasing these Limits by the CPI has been in place for over twenty years, the U.S. Environmental Protection Agency should no longer shirk its responsibility to use that authority.

Thanking you for your prompt attention to this petition for rulemaking, I remain,

Sincerely yours,

*Jean R. Cameron*

Jean R. Cameron

Executive Coordinator

Pacific States/British Columbia Oil Spill Task Force

cc: Lynn Beasley, U.S. EPA  
Kathryn Lawrence, U.S. EPA Region 9  
Chris Field, U.S. EPA Region 10  
Benjamin White, U.S. Coast Guard  
Greg Buie, National Pollution Fund Center





# Correspondence Management System

Control Number: AX-12-000-3123

Printing Date: February 16, 2012 05:05:09



## Citizen Information

Citizen/Originator: Hill, Patricia

Organization: EPA

Address: 1200 Pennsylvania Avenue, NW, Washington, DC 20460

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3123

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

# of Extensions: 0

Letter Date: Feb 15, 2012

Received Date: Feb 15, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: MEM (Memo)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File- Qualifications of EPA Personnel with significant Security Responsibilities

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: Linda Huffman - OECA

OARM - OARM -- Immediate Office

OEAEE - Office of External Affairs and Environmental Education

OECA - OECA -- Immediate Office

OEI - Office of Environmental Information - Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OGC	Feb 16, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OGC	Feb 16, 2012



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
INSPECTOR GENERAL

February 15, 2012

**MEMORANDUM**

**SUBJECT:** Notification Memorandum for Project No. OMS-FY12-0006, *Assessment of the Qualifications of Environmental Protection Agency Personnel With Significant Security Responsibilities*

**FROM:** Patricia H. Hill  
Assistant Inspector General for Mission Systems

A handwritten signature in cursive script that reads "Patricia H. Hill".

**TO:** EPA Assistant Administrators and Regional Administrators

The U.S. Environmental Protection Agency (EPA) Office of Inspector General plans to begin preliminary research for the subject project, which will be performed by a contractor. The EPA Office of Inspector General has selected KPMG LLP to perform the subject audit. This project is included in our annual plan. The Product Line Director and Project Manager for this project will be Rudolph Brevard and Charles Dade, respectively.

The general project objectives are to:

- Evaluate the qualifications and current skills of EPA personnel with significant information security responsibilities and determine their training needs
- Determine whether EPA's security workforce possesses the knowledge, competencies, and skills necessary to meet Agency goals as mandated by Title III of the E-Government Act of 2002, known as the Federal Information Security Management Act (FISMA)

We plan to have the contractor conduct field work at EPA headquarters program offices, each of the regional offices, and the National Computing Center. We may have the contractor include other EPA sites as well.

We will contact you to arrange a mutually agreeable time to have the contractor discuss the objectives and purpose of the preliminary research phase of the project. We would also be particularly interested in any areas of concern that you may have. At that time, the contractor will answer any questions you may have about the project process, reporting procedures, methods used to gather and analyze data, and what we should expect of each other during the course of the project. We ask for your assistance in providing the contractor with timely responses and supporting its audit efforts.

Should you or your staff have any questions, please contact Rudolph Brevard at (202) 566-0893 or [brevard.rudy@epa.gov](mailto:brevard.rudy@epa.gov), or Charles Dade at (202) 566-2575 or [dade.chuck@epa.gov](mailto:dade.chuck@epa.gov).

cc: Program and Regional Office Audit Liaisons

DAF



# Correspondence Management System

Control Number: AX-12-000-1950

Printing Date: February 02, 2012 04:09:47



## Citizen Information

**Citizen/Originator:** Sarthou, Cynthia

Organization: Gulf Restoration Network

Address: Post Office Box 2245, 338 Baronna Street, New Orleans, LA 70112

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-1950

**Alternate Number:** N/A

**Status:** For Your Information

**Closed Date:** N/A

**Due Date:** N/A

**# of Extensions:** 0

**Letter Date:** Jan 26, 2012

**Received Date:** Feb 2, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** SNR-Signature Not Required

**Signature Date:** N/A

**File Code:** 401\_127\_a General Correspondence Files Record copy

**Subject:** Daily Reading File-Ensure that the Gulf Coast is restored, protected and enhanced after suffering from the BP drilling Disaster

**Instructions:** For Your Information -- No action required

**Instruction Note:** N/A

**General Notes:** N/A

**CC:**  
GCERTF - Gulf Coast Ecosystem Restoration Task Force  
OAR - Office of Air and Radiation -- Immediate Office  
OEAE - Office of External Affairs and Environmental Education  
OW - Office of Water -- Immediate Office  
R4 - Region 4 -- Immediate Office  
R6 - Region 6 -- Immediate Office

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OECA	Feb 2, 2012

## History

Action By	Office	Action	Date
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## *United for a Healthy Gulf*

Mailing address: P.O. Box 2245 • New Orleans, Louisiana 70176  
338 Baronne Street, Suite 200 • New Orleans, Louisiana 70112  
Phone (504) 525-1528 Fax (504) 525-0833  
www.healthygulf.org

January 26, 2012

The Honorable Barack Obama  
President of the United States  
The White House  
1600 Pennsylvania Avenue N.W.  
Washington, D.C. 20500

RECEIVED  
2012 FEB -2 AM 7:18  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

Dear President Obama,

We write, in light of current media reports of a possible universal settlement of all claims of the United States against BP arising from the BP drilling disaster, to you to ask you to take immediate action to ensure that the Gulf Coast is restored, protected and enhanced after suffering from the BP drilling disaster in April 2010. The BP drilling disaster is the worst environmental crisis of your term, and we urge you to ensure that long term protection and restoration are guaranteed under any settlement agreed to with BP.

The Gulf Restoration Network is the only environmental advocacy group with an exclusive focus on the health of the Gulf of Mexico. We have a 17 year history of advancing our mission to unite and empower people to protect and restore the Gulf. As such, GRN is uniquely suited to work with the Federal Government to help determine the long-term interests of the Gulf.

Please reject any settlement that fails to:

- Provide resources for long term science and monitoring of the Gulf;
- Allow the U.S. to utilize that science and monitoring to determine whether unanticipated damages have resulted from the BP drilling disaster and if so, reopen the settlement for further compensation;
- Establish and fund a Gulf Regional Citizens' Advisory Council to facilitate public engagement with ongoing oil activities in the Gulf; and
- Provide resources commensurate with Clean Water Act liabilities of \$5-\$21 billion for Gulf ecosystem enhancement restoration above and beyond Natural Resource Damage Assessment (NRDA) settlements.

You have shown consistent and committed leadership in ensuring that the Gulf Coast is not just restored from the impacts the BP drilling disaster, but enhanced, by charging Navy Secretary Ray Mabus with developing a long-term recovery plan for the Gulf, establishing the Oil Spill Commission and, in response to the Mabus Plan, the Gulf Coast Ecosystem Restoration Task



Force (“Task Force”). These initiatives have published detailed reports and recommendations on how protection and restoration can be best accomplished and settlement talks with BP are a critical opportunity to ensure that their efforts are actually implemented.

Should a settlement with BP be in the offing, funds paid under the settlement must be fair and reasonable in light of the damages suffered in the region and sufficient to act as a deterrent to the grossly negligent behavior exhibited by BP leading up to the explosion of the Deepwater Horizon. We have read that the settlement amount being contemplated may be as little as \$20 billion – a distressingly low amount if intended to settle all existing claims, including Natural Resource damages, Clean Water Act fines and punitive damages. A sum ten times that amount would be a more reasonable figure.

Moreover, it is clear that the possibility of latent, long-term injuries create a level of uncertainty in settlement of the natural resource damages arising from the BP drilling disaster. Accordingly, to ensure that should damages, unknown at this time, later be discovered, a settlement must:

- Establish a robust endowment (i.e. \$5 billion to \$10 billion) to fund long-term monitoring and science focused on the impacts of the disaster on Gulf resources; and
- A reopener provision in the agreement that:
  - Uses broad language to allow reopening for conditions unknown at this time;
  - Avoids language that bars recovery for injuries that could have been “anticipated” or “could have been known”, as use of these terms is ambiguous and would unduly restrict reopening of claims; and
  - Extends the time limit, if any, for reopening the process to at least 2042 or 30 years.

We recognize that, by law, any settlement must ensure that the required \$2.7 billion be deposited into the Oil Spill Trust fund. However, of the remaining monies BP is required to pay under the settlement, we ask that, in addition to securing reasonable monies for restoration of natural resources impacted by the BP drilling disaster as identified through the Natural Resource Damage Assessment (“NRDA”), you ensure that at least \$10 billion dollars is dedicated to the Task Force to implement their recently released restoration plan. Full funding of Task Force restoration plan implementation is needed to ensure that the long-term damage suffered by the Gulf region from oil and gas companies’ destructive activities over the last century is addressed and the resilience and sustainability of Gulf communities ensured through natural resource restoration and enhancement. Such an approach is supported by consent agreements entered into by the United States with the State of Alaska and Exxon Corporation in the aftermath of the Exxon Valdez spill. (Memorandum of Agreement and Consent Decree, U.S. vs. Alaska, Civil Action No. A91-081 CIV (August 27, 1991), Agreement and Consent Decree, U.S vs. Exxon Corporation et. al, Civil Action No. A91-082 CIV (Sept. 24, 1991).

Additionally, we ask that within any settlement, the interests of those most directly impacted by the mistakes of the oil industry are defended by establishing a Gulf of Mexico Regional Citizens’ Advisory Council. Similar Regional Citizens’ Advisory Councils were established in response to

the Exxon Valdez spill by agreement and later incorporated in to the Oil Pollution Act (OPA) of 1990. The reports issued by the Oil Spill Commission and Task Force both recommend improving citizen involvement, and establishing a Gulf of Mexico Regional Citizens' Advisory Council is the best way to ensure citizen involvement in industry accountability and maintaining the viability of the Gulf Coast. As the President you have the authority to direct the establishment of a regional advisory council.

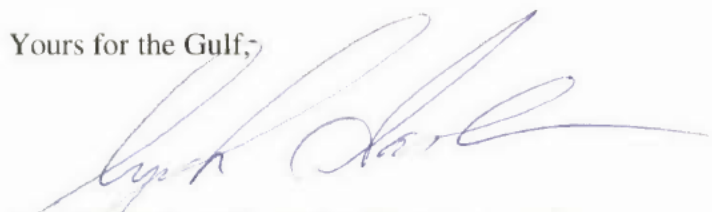
Moreover, to ensure that a Gulf of Mexico Regional Citizens' Advisory Council does not become a financial burden on the U. S. Treasury, any settlement with BP must establish a trust fund of at least \$100 million dollars for operation of the Gulf of Mexico Regional Citizens' Advisory Council. Such an endowment would allow the Council to hire staff technically qualified to monitor the operations of the oil and gas industry, the development of Department of Interior regulations and its permitting process, development of oil spill response technologies, and the oil and gas industries' and the Coast Guard's and industry's ability to effectively respond to any spill of significant magnitude.

You can't wait for Congress to act. It has been over 18 months since the disaster occurred, yet Congress has not passed a single piece of legislation to protect or restore the Gulf. Even though the RESTORE Act has sat in the hands of Congress since its introduction in April of 2011, it has yet to pass, and with a potential BP settlement in the near future, the Gulf Coast and nation cannot wait any longer.

*Executive action is needed immediately to ensure that the Gulf Coast is restored, protected, and enhanced.* Please ensure that any BP settlement includes funds dedicated to the items discussed above which are critically needed to ensure long term Gulf restoration, protection and sustainability.

On behalf of all of the citizens of the Gulf Coast region, and the entire nation, we are eager to see you act swiftly on this matter. Time is of the essence.

Yours for the Gulf,



Cynthia Sarthou, Executive Director  
Gulf Restoration Network

cc: Eric Holder, Department of Justice  
cc: Secretary Ken Salazar, U.S. Department of the Interior  
cc: Nancy H. Sutley, Council on Environmental Quality  
cc: Lisa P. Jackson, Environmental Protection Agency  
cc: Dr. Jane Lubchenco, National Oceanic and Atmospheric Administration



# Correspondence Management System

Control Number: AX-12-000-1952

Printing Date: February 02, 2012 03:45:24



## Citizen Information

Citizen/Originator: Korpi, Kevin W.

Organization: Michigan Forest Products Council  
Address: 110 W. Michigan Avenuenue, Lansing, MI 48933

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-1952      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Feb 16, 2012      # of Extensions: 0  
 Letter Date: Jan 31, 2012      Received Date: Feb 2, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: DX-Direct Reply      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.  
 Subject: Daily Reading File- Request additional review time of Boiler MACT rules proposed by EPA  
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education  
 OP - Office of Policy  
 R5 - Region 5 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Feb 2, 2012	Feb 16, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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**Michigan Forest Products Council**  
Business Advocacy for the Forest Products Industry

January 31, 2012

The Honorable Lisa P. Jackson, Administrator  
US Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

I write today to request additional time for review of the Boiler MACT rules proposed by the EPA in December 2011. The re-proposed EPA Boiler MACT rules created more stringent standards which will result in total costs of compliance increasing several hundred million dollars for manufacturers. Further complications include that some of the limits in the proposed rules may not even be achievable, especially in the three-year compliance timeframe. As a result, 200,000 jobs are at risk through the forced retirement of 73 industrial boilers.

I write today to respectfully ask you to extend the timeline for compliance from three to five years. The rules do not allow enough time for capital planning and compliance as a result of their complexity and competition for a limited pool of qualified domestic vendors and installers for emission controls and boilers. More time would also allow businesses to coordinate compliance with Boiler MACT and the upcoming National Ambient Air Quality Standard rules. More time would ensure that needed controls and boilers are built in the US by US workers, rather than outsourced overseas.

Additionally, an unresolved issue of the rules is that biomass materials are not listed as fuels. This means boilers which burn them can be regulated under onerous and stigmatizing incinerator standards, or the material would be land filled- a bad result for jobs and the environment. Finally, we are very concerned that, under the current schedule, EPA will not have the time to properly assess all the comments and data it will receive during the comment period. Rules that are rushed risk failing to address all important policy issues and are more likely to be overturned in court.

(Page 1 of 2)

(Page 2 of 2)

The Michigan Forest Products Council (MFPC) is the state's leading forest products trade association representing the entire value chain from landowners to manufacturers. The organization works to promote, protect and sustain a globally competitive forest products industry. Forest products in Michigan support 19.3 million acres of forest land, 150,000 jobs and nearly \$14 billion in annual economic activity.

Thank you for considering our opinion on the Boiler MACT proposed rules. We urge EPA to give the timeline for implementation of these rules greater thought and consideration.

Sincerely,

A handwritten signature in black ink that reads "Kevin W. Korpi". The signature is written in a cursive, flowing style.

Kevin W. Korpi  
Executive Director

cc: Carl Levin, U. S. Senator  
Debbie Stabenow, U.S. Senator  
Justin Amash, U.S. Congressman  
Daniel Benishek, U.S. Congressman  
Dave Camp, U.S. Congressman  
Hansen Clarke, U.S. Congressman  
John Conyers, U.S. Congressman  
John Dingell, U.S. Congressman  
Bill Huizenga, U.S. Congressman  
Dale Kildee, U.S. Congressman  
Sander Levin, U.S. Congressman  
Thaddeus McCotter, U.S. Congressman  
Candice Miller, U.S. Congressman  
Gary Peters, U.S. Congressman  
Mike Rogers, U.S. Congressman  
Fred Upton, U.S. Congressman  
Tim Walberg, U.S. Congressman



# Correspondence Management System

Control Number: AX-12-000-1986

Printing Date: February 02, 2012 04:04:38



## Citizen Information

**Citizen/Originator:** Earley, Anthony F.

Organization: PG&E Corporation

Address: P.O. Box 770000, San Francisco, CA 94177

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-1986

**Alternate Number:** N/A

**Status:** For Your Information

**Closed Date:** N/A

**Due Date:** N/A

**# of Extensions:** 0

**Letter Date:** Jan 20, 2012

**Received Date:** Feb 2, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** SNR-Signature Not Required

**Signature Date:** N/A

**File Code:** 401\_127\_a General Correspondence Files Record copy

**Subject:** Daily Reading File- Thank you for taking time to meet with me last month

**Instructions:** For Your Information -- No action required

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OCIR - Office of Congressional and Intergovernmental Relations  
OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy  
R9 - Region 9 - Immediate Office

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OAR	Feb 2, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OAR	Feb 2, 2012



Anthony F. Earley, Jr.  
Chairman of the Board,  
Chief Executive Officer,  
and President

77 Beale Street  
San Francisco, CA 94105

Mailing Address:  
Mail Code B32  
P.O. Box 770000  
San Francisco, CA 94177

Tel: 415.973.7118  
Fax: 415.973.7216

January 20, 2012

Administrator Lisa Jackson  
United States Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

Dear Administrator Jackson:

Thank you for taking the time to meet with me last month. I look forward to continuing our dialogue and working together to successfully implement both the 316(b) Once-Through Cooling Regulations (316(b)) and the Greenhouse Gas New Source Performance Standards (GHG NSPS).

We appreciate the constructive engagement of your team on both of these issues. The Agency has been open to understanding our concerns and willing to entertain new ideas to achieve the overall environmental objectives of these programs. For example, with regard to the proposed 316(b) regulations, your team has taken a considerable amount of time to understand the unique circumstances and technology constraints facing the Diablo Canyon Power Plant and the important role that the facility plays in meeting California's power needs and, ultimately, its greenhouse gas objectives.

As the Agency moves to finalize the 316(b) rule, we hope that it will reflect the need to take a site-specific approach both to entrainment and impingement and ensure that facilities like Diablo Canyon, which has unique geographic and location constraints and very low impingement levels, can continue to operate without modifications. PG&E has worked constructively with California as it developed site-specific determination of best technology available to comply with Section 316(b). We have provided the analyses and studies used by the State in developing this approach. We hope that, as EPA moves forward with finalizing its rule, it takes a similar approach to site-specific determinations and incorporates

Administrator Lisa Jackson

January 20, 2012

Page 2

a *de minimis* exemption for facilities with very low impingement levels. Taking this approach would ensure that the rule does not require significant investment in facilities without yielding environmental benefits.

Again, thank you for your willingness to work with our industry to protect our country's natural resources, while ensuring affordable and reliable electric power. Our team stands ready to continue to provide technical assistance as you work to finalize these rules.

Sincerely,





# Correspondence Management System

Control Number: AX-12-000-3610

Printing Date: February 24, 2012 12:52:33



## Citizen Information

**Citizen/Originator:** Graybill, Thea

Organization: National Association of Clean Water Agencies  
Address: 1816 Jefferson Place, NW, Washington, DC 20036

**Kirk, Ken**

Organization: National Association of Clean Water Agencies  
Address: 1816 Jefferson Place, NW, Washington, DC 20036-2505

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-3610      **Alternate Number:** N/A  
**Status:** Pending      **Closed Date:** N/A  
**Due Date:** Mar 12, 2012      **# of Extensions:** 0  
**Letter Date:** Feb 23, 2012      **Received Date:** Feb 24, 2012  
**Addressee:** AD-Administrator      **Addressee Org:** EPA  
**Contact Type:** EML (E-Mail)      **Priority Code:** Normal  
**Signature:** DX-Direct Reply      **Signature Date:** N/A  
**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.  
**Subject:** Daily Reading File - Florida's New Rules on Nutrients  
**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns  
**Instruction Note:** N/A  
**General Notes:** N/A  
**CC:** OEAE - Office of External Affairs and Environmental Education  
R4 - Region 4 -- Immediate Office

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	Feb 24, 2012	Mar 12, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History



**EXECUTIVE COMMITTEE**

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**David R. Williams**  
*Director of Wastewater*  
East Bay Municipal  
Utility District  
Oakland, CA

**VICE PRESIDENT**

**Suzanne E. Goss**  
*Government Relations Specialist*  
DEA (Electric, Water & Sewer)  
Jacksonville, FL

**MANAGER**

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Sewer District  
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Metropolitan St. Louis  
Sewer District  
Saint Louis, MO

**VICE PRESIDENT**

**Ken Kirk**

February 23, 2012

**Lisa Jackson**  
**Administrator**  
U.S. Environmental Protection Agency Headquarters  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

Dear Administrator Jackson:

After many months of debate, scientific study and careful consideration by Florida's environmental regulators, the Florida Legislature has unanimously approved the submission of new state rules to protect the state's many waterbodies from the harmful effects of nutrient enrichment.

The National Association of Clean Water Agencies (NACWA), which represents the interests of the nation's publicly owned wastewater treatment agencies, including 12 utilities in Florida, urges you to expeditiously approve these new Florida rules in their entirety.

The new state rules, which have been approved by the Florida Department of Environmental Protection and the Florida Environmental Regulatory Commission, will do an outstanding job protecting Florida's lakes, streams and springs from the harmful effects caused by excess levels of nitrogen and phosphorus. These state rules are comprehensive and stringent. Importantly, the state rules carefully direct limited resources to reduce nutrient loads as needed to protect Florida waters from harmful imbalances of flora and fauna. This feature of the Florida program squarely addresses the flaw in EPA's criteria for flowing waters that led the Federal District Court in Tallahassee to invalidate that portion of EPA's final rule establishing federal nutrient criteria for the state (*75 Fed. Reg. 75762*; December 6, 2010).

Consistent with the Agency's March 16, 2011, Memorandum "Working in Partnership with States to Address Phosphorus and Nitrogen Pollution through Use of a Framework for State Nutrient Reductions" – Florida has done everything that has been asked of it by EPA. The state's leaders have found a Florida-driven solution to preserving its water resources while protecting household budgets

National Association of  
Clean Water Agencies  
1816 Jefferson Place, NW  
Washington DC 20036-2505

p 202.833.2672 f 202.833.4657  
www.nacwa.org - info@nacwa.org



at a time when so many communities in Florida and across the country still struggle with a difficult economy. In fact, this rule will position Florida as one of the top leaders among the states on the issue of nutrients.

Given the recent federal court ruling, it is critical that EPA act now to put these Florida-written rules in place. The full implementation of the Florida rule that is before you now establishes tough standards that will accomplish the same goal as the EPA rules. In fact, in a November 2, 2011, letter from Nancy Stoner, Acting Assistant Administrator for Water, EPA provided a preliminary conclusion that it would be able to approve the rules under the Clean Water Act. Additionally, EPA approval of the Florida rules will send an important signal nationally about the appropriate lead role for states with delegated authority under the Clean Water Act in developing water quality criteria and standards.

Florida Governor Rick Scott signed legislation unanimously approved by the Florida House of Representative and the Florida Senate to move this process forward and bring this issue to closure. NACWA urges the Agency to recognize the significant efforts Florida has undertaken to ensure that it can protect the state's waters in a way that is best for Florida and its citizens and approve the Florida rules in their entirety.

Sincerely,

A handwritten signature in black ink, appearing to read "K Kirk". The signature is written in a cursive, slightly slanted style.

Ken Kirk  
Executive Director





# DAILY READING FILE



8403 Colesville Road  
Suite 920  
Silver Spring, MD 20910  
(202) 347-1895

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Ariel Rios Building  
Washington, DC 20460

Re: EPA's Dioxin Reassessment

Dear Administrator Jackson:

**As President of the National Medical Association (NMA), I write to urge you to finalize and release the EPA's long-delayed reassessment of the toxicity of dioxin, and release the non-cancer portion of the assessment by the end of this January as you have pledged.**

As the nation's oldest and largest organization representing African American physicians and health professionals in the United States, the NMA has led the fight for better medical care and opportunities for all Americans, with a strong focus on health issues related to minority populations and the medically underserved. The NMA is dedicated to reducing and eliminating disparities in health and improving the lives of our patients, their families, and their communities.

It is exactly this commitment to the health of our communities, and to reducing the health disparities they face, that inspires the NMA to support stronger regulation of toxic chemicals such as dioxin. A growing body of scientific evidence has confirmed what many of our members have long suspected: toxic chemicals like dioxin in our food, air, and water, are harming the health of women, men, and children. Low income communities and communities of color bear an unequal share of this toxic legacy. As health professionals, we are dedicated to protecting the public from the environmental health threats posed by chemicals such as dioxin.

We understand that dioxin is not intentionally produced – it is a byproduct of the combustion of chlorinated compounds with organic matter. However, it does bioaccumulate in fatty tissue of animals and spreads throughout the world with toxic effects. If EPA takes action to reassess and document the toxic levels of dioxin, and develop regulations to protect American families from dioxin, this exposure can be reduced substantially and we can live longer, more healthy lives.

RECEIVED  
2012 FEB 24 AM 9:13  
OFFICE OF THE  
EXECUTIVE SECRETARY

Dioxin has been ranked among the most dangerous of chemicals, a known carcinogen by the International Agency for Research on Cancer (IARC). Dioxin has been linked to liver, lung, stomach, soft and connective tissue cancers as well as Non-Hodgkins lymphoma. Learning disabilities, birth defects, male and female infertility, endometriosis and diabetes have all been linked to dioxin exposure. Dioxin weakens the human immune system and decreases the level of the male hormone testosterone. It can disrupt the proper function of hormones -- chemical messengers that the body uses for growth and regulation.

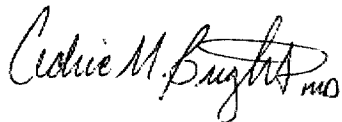
As you know, the EPA's study on dioxin has been in the works since 1985, but has never been finalized, due to political interference in the scientific decision-making process. Since that time, African American, Indigenous peoples and other communities of color continue to be disproportionately exposed to dioxin. Many state regulating agencies have failed to adequately address dioxin contamination and risks because of the lack of a final health assessment from the EPA. Dioxin contamination is particularly high in areas with dioxin sources like incinerators, smelters, pulp and paper mills, PVC chemical factories or other industries that use chlorine. African American living near PVC chemical plants in Mossville, LA had three times more dioxin in their blood than the average U.S. citizen. Dioxin has been found at hundreds of Superfund toxic waste sites. It was a contaminant at the Love Canal landfill in NY where over 900 families were relocated and in Agent Orange, the herbicide sprayed in Vietnam that resulted in major health impacts for Vietnam Veterans.

Every American eats dioxin when they consume fatty foods, and nearly every American has measurable levels of this chemical in their body. The toxicity of dioxin is of such concern that they have been targeted for global phase out by over 170 nations across the world through the Stockholm Convention on Persistent Organic Pollutants. They've also been targeted for virtual elimination in the Great Lakes through the U.S. and Canadian Great Lakes Binational Toxics Strategy.

**We strongly urge you to meet your schedule of finalizing the non-cancer portion of the dioxin reanalysis by the end of this month and to finalize the cancer portion as quickly as possible thereafter, as you have pledged.**

Thank you for your attention to this critical environmental health and justice concern, and to your commitment to protecting our health and environment.

Sincerely,



Cedric M. Bright, M.D., F.A.C.P.  
112<sup>th</sup> President of the National Medical Association

cc: Cass Sunstein, Administrator, Office of Information and Regulatory Affairs



# Correspondence Management System

Control Number: AX-12-000-3615

Printing Date: February 24, 2012 11:18:12



## Citizen Information

Citizen/Originator: Spiegel, Robert

Organization: Edison Wetlands Association  
Address: P.O. Box #1208, South Plainfield, NJ 07080

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3615 Alternate Number: N/A  
Status: Pending Closed Date: N/A  
Due Date: Mar 9, 2012 # of Extensions: 0  
Letter Date: Jan 24, 2012 Received Date: Feb 24, 2012  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: AA-ORD-Assistant Administrator Signature Date: N/A  
- ORD

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- Strongly urge you to finalize non-cancer dioxin IRIS assessment by the end of January

Instructions: AA-ORD-Prepare draft response for signature by the Assistant Administrator for ORD

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education  
OP - Office of Policy

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	ORD	Feb 24, 2012	Mar 9, 2012	N/A
Instruction: AA-ORD-Prepare draft response for signature by the Assistant Administrator for ORD					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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# EWA

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Ariel Rios Building  
Washington, DC 20460

January 24, 2011

Dear Administrator Jackson,

On behalf of the environmental nonprofit Edison Wetlands Association, I would like to thank you and the United States Environmental Protection Agency (USEPA) for your careful attention to the toxic chemical dioxin.

Because of its toxicity and health risks, we strongly urge you to finalize the non-cancer dioxin IRIS assessment by the end of January, and expeditiously release the cancer dioxin IRIS assessment as you have pledged to do. The Dioxin Reassessment document is extremely important to the health of the American people and we applaud your efforts to bring this long delayed process to closure.

Since 1985, efforts by USEPA to assess the risks of dioxin have unfortunately been delayed time and time again. Scientists at USEPA have long concluded dioxin and dioxin-like compounds are highly toxic, but a strong coalition of industries responsible for generating dioxins as a by-product of production and disposal have successfully stalled the completion of this health assessment report.

We are extremely dismayed that the American Chemistry Council and other industry trade associations are once again pressuring USEPA to further delay the release of this important document. We believe the American public has a right to know about the health consequences of exposure to dioxin, and USEPA must take steps to protect American families from this unnecessary harmful class of chemicals.

As USEPA has continued to work on the Dioxin Reassessment, people in communities across the country are continuing to be exposed to this highly toxic chemical. At the Ringwood mines and landfill Superfund sites in New Jersey, the Ramapough Mountain Indians were exposed to dioxin from fires caused by Ford Motor Company's dumping of toxic sludge and waste into old mine shafts in their backyards and Ringwood State Park. We are very concerned that industry is attempting to stall the release of this important report yet again. The communities deserve to know the risks of the chemicals that have been exposed to in the past so they can be tested and treated appropriately.

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2012 FEB 24 AM 9:09

RECEIVED

On August 29, 2011, USEPA announced its final plan for completing the Dioxin Reassessment. USEPA committed to completing the non-cancer portion of the reanalysis by the end of January 2012. USEPA also stated that once the agency completes both the non-cancer and cancer portions of the reanalysis, the Dioxin Reassessment would be considered final.

We urge you to meet your schedule of finalizing the non-cancer portion of the dioxin reanalysis by the end of this January and to finalize the cancer portion as quickly as possible thereafter as you have pledged to protect the human health and environmental of all American families.

Thank you for your attention to this matter, and for your commitment to protecting America's health and environment.

Respectfully,

Robert Spiegel  
Executive Director  
Edison Wetlands Association  
[rspiegel@edisonwetlands.org](mailto:rspiegel@edisonwetlands.org)

cc: U.S. Senator Frank Lautenberg  
U.S. Senator Robert Menendez  
U.S. Congressman Frank Pallone  
U.S. Representative Rush Holt  
Cass Sunstein, Administrator, Office of Information and Regulatory Affairs  
Nancy Sutley, Chair, White House Council on Environmental Quality (CEQ)  
Paul Anastas, Assistant Administrator, Office of Research and Development, USEPA  
Rebecca Clark, Acting Director, National Center for Environmental Assessment



# Correspondence Management System

Control Number: AX-12-000-3616

Printing Date: February 24, 2012 11:27:36



## Citizen Information

Citizen/Originator: Crowe, Elizabeth

Organization: Kentucky Environmental Foundation

Address: P.O. Box 467, Berea, KY 40403

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3616

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Mar 9, 2012

# of Extensions: 0

Letter Date: Feb 24, 2012

Received Date: Feb 24, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-ORD-Assistant Administrator Signature Date: N/A

- ORD

File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- strongly urge you to finalize the non-cancer dioxin IRIS assessment by the end of January, expeditiously release cancer dioxin IRIS assessment you pledged

Instructions: AA-ORD-Prepare draft response for signature by the Assistant Administrator for ORD

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	ORD	Feb 24, 2012	Mar 9, 2012	N/A
<b>Instruction:</b> AA-ORD-Prepare draft response for signature by the Assistant Administrator for ORD					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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## DAILY READING FILE

26 January 2012

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Ariel Rios Building  
Washington, DC 20460

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2012 FEB 24 AM 9:09

RECEIVED

Dear EPA Administrator Jackson:

Thank you for your attention to dioxin. The Dioxin Reassessment document is extremely important to the health of the American people and we applaud your efforts to bring this long delayed process to closure.

**We are writing to strongly urge you to finalize the non-cancer dioxin IRIS assessment by the end of January, and expeditiously release the cancer dioxin IRIS assessment as you have pledged to do.**

We are concerned about the effects of dioxin exposure for years, having worked with communities all over the state on existing and proposed dioxin-emitting incinerators and industrial facilities. One example, Westlake Chemical in Calvert City, was recently designated the number one dioxin emitter in the nation in the EPA's 2010 Toxic Release Inventory. The towns and counties surrounding that facility in particular have reported high incidences of cancer and a wide range of non-cancerous health issues, which may be connected to dioxin pollution. In short, federal regulatory agencies should do whatever we can to protect Kentucky—and American—citizens from additional releases of this dangerous chemical.

Since 1985, efforts by EPA to assess the risks of dioxin have been delayed time and time again. Scientists at EPA have long concluded dioxin and dioxin-like compounds are highly toxic, but a strong coalition of industries responsible for generating dioxins as a by-product of production and disposal have successfully stalled the completion of this health assessment report. As EPA has continued to work on the Dioxin Reassessment, people in communities across the country are continuing to be exposed to this highly toxic chemical. We are very concerned that industry is attempting to stall the release of this important report yet again.

On August 29, 2011, EPA announced its final plan for completing the Dioxin Reassessment. EPA committed to completing the non-cancer portion of the reanalysis and posting it to the IRIS database by the end of January 2012 and to then complete the cancer portion of the reanalysis "as quickly as possible." EPA stated that once the Agency completes both the non-cancer and cancer portions of the Reanalysis, the Dioxin Reassessment would be considered final.

We are extremely dismayed that the American Chemistry Council (ACC) and other industry trade associations are once again pressuring EPA to further delay the release of this important document. The lives and livelihoods of people in Kentuckians and all over the country are at stake. We believe the American public has a right to know about the health consequences of exposure to dioxin, and EPA needs to take steps to protect American families from this unnecessary harmful class of chemicals.

**We urge you to meet your schedule of finalizing the non-cancer portion of the dioxin reanalysis by the end of this January and to finalize the cancer portion as quickly as possible thereafter as you have pledged.**

Thank you for your attention to this matter, and for your commitment to protecting America's health and environment.

Sincerely,



Elizabeth Crowe  
Executive Director  
Kentucky Environmental Foundation

And on behalf of:

Miranda Brown	Winchester, Kentucky
Danielle Capillo	Berea, Kentucky
Allison Crawford	Murray, Kentucky
Cynthia Leigh Crowe	Cherokee, North Carolina
Diane Dehoney	Frankfort, Kentucky
Jeanie Embry	Paducah, Kentucky
Amber Field	Berea, Kentucky
Marcy Hayden	Pineville, Kentucky
Silas House	Berea, Kentucky
Jason Howard	Berea, Kentucky
Caleb Johnson	Murray, Kentucky
Guinevere Lewis	Murray, Kentucky
Harold McDaniel	Paducah, Kentucky
Magan Meade	Richmond, Kentucky
Jennifer Miller	Lexington, Kentucky
Megan Naseman	Berea, Kentucky
Deborah Payne	Berea, Kentucky
Donna Smith	Paducah, Kentucky
Jennifer Smith	Paducah, Kentucky
Lynne Perkins Spencer	Berea, Kentucky

cc: Cass Sunstein, Administrator, Office of Information and Regulatory Affairs  
Nancy Sutley, Chair, White House Council on Environmental Quality (CEQ)  
Paul Anastas, Assistant Administrator, Office of Research and Development, EPA  
Rebecca Clark, Acting Director, National Center for Environmental Assessment



# Correspondence Management System

Control Number: AX-12-000-3625

Printing Date: February 24, 2012 12:38:01



## Citizen Information

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**Citizen/Originator:** Rich, Curt

Organization: United Technologies Corporation  
Address: 1101 Pennsylvania Avenue, 10th Floor, Washington, DC 20004

**Mandyck, John**

Organization: Carrier Corporation  
Address: One Carrier Place, Farmington, CT 06034-4014

**Modi, David**

Organization: Ingersoll Rand Company  
Address: 800 Beatty Street, Building E, P.O. Box 940, Davidson, NC 28036

**Wagner, Mark**

Organization: Johnson Controls  
Address: 444 North Capitol Street, NW, Washington, DC 20001

**Gilley, Kyle**

Organization: Lennox International  
Address: 2140 Lake Park Boulevard, Richardson, TX 75080

**Dorey, Bruce**

Organization: Daiken/McQuay International  
Address: 13600 Industrial Park Boulevard, Minneapolis, MN 55441

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

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**Control Number:** AX-12-000-3625

**Alternate Number:** N/A

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Mar 12, 2012

**# of Extensions:** 0

**Letter Date:** Feb 23, 2012

**Received Date:** Feb 24, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** EML (E-Mail)

**Priority Code:** Normal

**Signature:** DX-Direct Reply

**Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

**Subject:** Daily Reading File - Concern that EPA rule allowing the continued sale of HCFC-22 air conditioning components is gaining significant market share in this country and compromising global leadership on the phase-out of ozone depleting substances

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OEAE - Office of External Affairs and Environmental Education

## Lead Information

---

**Lead Author:** N/A

February 23, 2012

The Honorable Hillary Clinton  
Secretary of State  
Department of State  
2201 C Street, NW  
Washington, DC 20520

The Honorable Lisa Jackson  
Administrator  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20004

Secretary Clinton and Administrator Jackson:

Last week, the State Department and Environmental Protection Agency (EPA) jointly announced a new government coalition to reduce global climate emissions, including soot, methane and hydrofluorocarbons (HFCs), and committed \$12 million in new funding to the effort. This engagement is complemented by the United States' more than twenty year effort to phase out the production of ozone depleting substances through implementation of the Montreal Protocol. The President's FY 2013 Budget proposes \$27.5 million in combined State Department/EPA funding for the Montreal Protocol Multilateral Fund to support these activities.

While it is laudable that the Administration is engaged on multiple fronts to reduce the use of ozone depleting substances worldwide, including in developing countries such as Brazil, China and India, we are concerned that such commitment is compromised by certain policies in effect today regarding the phase out of hydrochlorofluorocarbon-22 (HCFC-22) use in this country. HCFC-22 is an ozone depleting refrigerant currently in use in more than 74 million residential air conditioners in the United States.

In late 2009, the EPA published a final rule that bans, as of January 1, 2010, the sale or distribution of air-conditioning components that are pre-charged with HCFC-22 at the time when they are manufactured or imported into the United States. However, EPA did not apply the same ban to appliance components that are uncharged. Instead, an exception remained in the rule that effectively allows air conditioning manufacturers to continue to make HCFC-22 condensing units so long as they are not filled with refrigerant in the factory.

This current EPA policy creates a loophole in U.S. efforts to limit the emissions of ozone depleting substances by allowing the continued widespread use of HCFC-22. Various estimates show that HCFC-22 residential air conditioning condensing units now represent more than 20% of all sales, approaching 1 million units in 2011 alone – and growing. EPA has not acted on a petition filed more than one year ago to close this



loophole. As long as this EPA loophole remains unclosed, our nation's reliance on HCFC-22 will continue, and, because these units can live for 15 years or longer, the transition to newer, more efficient and environmentally preferable alternatives will be significantly delayed.

This loophole also brings with it negative energy efficiency impacts, because HCFC-22 air-conditioning condensing units sold today are less efficient than more advanced systems that use non-ozone depleting refrigerants. The Air Conditioning, Heating and Refrigeration Institute (AHRI) forecasts that cumulative increases in energy use could reach nearly 6.5 billion kilowatt hours in 2015 if 30 percent of the replacement market is filled by HCFC-22 systems. The corresponding increase in greenhouse gas emissions from these inefficient units would be 3.9 million tons of carbon dioxide. This is the equivalent of putting nearly 700,000 more automobiles on the road.

Notably, the government coalition formed last week seeks to promote alternatives to HFCs – which are themselves replacements for HCFCs – at the same time the EPA loophole places at risk the transition away from HCFCs. This apparent inconsistency sends confusing signals to the marketplace that could stifle the innovation required to meet environmental objectives.

America can best advance the goal of global phase out of environmentally damaging ozone depleting substances by demonstrating leadership at home. As the United States Government continues to fund the HCFC phase out in other countries, we should ensure that our domestic policies do not proliferate the use of HCFC-22 in our own country. Consequently, we ask that the Administration take prompt action to close the EPA HCFC-22 loophole.

Sincerely,

Carrier Corporation/United Technologies  
Contact: John Mandyck  
[john.m.mandyck@carrier.utc.com](mailto:john.m.mandyck@carrier.utc.com)

Daiken/McQuay International  
Contact: Bruce Dorey  
[bruce.dorey@mcquay.com](mailto:bruce.dorey@mcquay.com)

Ingersoll Rand/Trane  
Contact: David Modi  
[dmodi@irco.com](mailto:dmodi@irco.com)

Johnson Controls  
Contact: Mark Wagner  
[mark.f.wagner@jci.com](mailto:mark.f.wagner@jci.com)

Lennox International  
Contact: Kyle Gilley  
[kyle.gilley@Lennoxintl.com](mailto:kyle.gilley@Lennoxintl.com)



# Correspondence Management System

Control Number: AX-12-000-3839

Printing Date: February 28, 2012 03:30:10



## Citizen Information

Citizen/Originator: DeLeon, Rafael

Organization: US Environmental Protection Agency

Address: 1200 Pennsylvania Avenue NW, Washington, DC 20460

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-3839

Alternate Number: N/A

Status: Closed

Closed Date: Feb 28, 2012

Due Date: N/A

# of Extensions: 0

Letter Date: Feb 24, 2012

Received Date: Feb 28, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401\_127\_a General Correspondence Files Record copy

Subject: Daily Reading File-Angelita C settlement

Instructions: NRN-No Response Necessary

Instruction Note: N/A

General Notes: N/A

CC: N/A

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	N/A	Feb 28, 2012	N/A	N/A
Instruction: N/A					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Control Created	Feb 28, 2012
(b) (6) Personal Privacy	OEX	Control Closed as NRN	Feb 28, 2012



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

February 24, 2012

Brent Newell  
Center on Race, Poverty and the Environment  
47 Kearny Street, Suite 804  
San Francisco, CA 94108

Dear Mr. Newell:

On behalf of Administrator Lisa P. Jackson, I am writing to follow up on an issue that you raised during her meeting with Title VI advocates on January 18, 2012. At that meeting, you stated that you spoke with the California Governor's Office and that they expressed a willingness to consider re-opening the Angelita C settlement. The Administrator committed to the group that EPA would follow-up with the Governor's Office on this question.

This is to advise you that EPA has followed up with Matt Rodriguez, Secretary, Cal EPA regarding your representation. Mr. Rodriguez has informed us that no one authorized you to make such a representation, and that no commitment about Angelita C had been made by anyone authorized to do so on behalf of Cal EPA. Under these circumstances, EPA does not intend to re-open the settlement.

It is important to note, however, that the state has expressed its willingness to work with EPA generally on strengthening Title VI compliance, and we will continue to work with them to do so. In addition, we look forward to your continued input on ways to strengthen our own EPA Title VI efforts.

Sincerely,

A handwritten signature in cursive script that reads "Rafael DeLeon".

Rafael DeLeon  
Director

cc: Lisa P. Jackson  
Diane Thompson  
Scott Fulton





# Correspondence Management System

Control Number: AX-12-000-3906

Printing Date: February 29, 2012 01:26:38



## Citizen Information

**Citizen/Originator:** Hamilton, Deborah B.

Organization: The Keystone Center

Address: 1730 Rhode Island Avenue, NW, Washington, DC 20036

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-3906

**Alternate Number:** N/A

**Status:** For Your Information

**Closed Date:** N/A

**Due Date:** N/A

**# of Extensions:** 0

**Letter Date:** Feb 23, 2012

**Received Date:** Feb 29, 2012

**Addressee:** DA-Deputy Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** SNR-Signature Not Required

**Signature Date:** N/A

**File Code:** 401\_127\_a General Correspondence Files Record copy

**Subject:** Daily Reading File - Thanks to the Deputy Administrator for participating in the January 5th session entitled, "Cutting to the Chase...Advice to the Future IRB from Leaders in the Field"

**Instructions:** For Your Information -- No action required

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OEAE - Office of External Affairs and Environmental Education

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OP	Feb 29, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OP	Feb 29, 2012

## Comments



Denver Office  
1580 Lincoln Street  
Suite 1080  
Denver, CO 80203  
Phone: 303-468-8860  
Fax: 303-468-8866

Keystone Office  
1628 Sts. John Road  
Keystone, CO 80435  
Phone: 970-513-5800  
Fax: 970-262-0152  
www.keystone.org

Washington, DC Office  
1730 Rhode Island Avenue, NW  
Suite 509  
Washington, DC 20036  
Phone: 202-452-1590  
Fax: 202-452-1138

2/29 AT

February 23, 2012

Mr. Robert Perciasepe  
Deputy Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N. W.  
Mail Code: 1101A  
Washington, DC 20460

REC-11  
2012 FEB 27 PM 2:13  
OFFICE OF THE  
EXECUTIVE SECRETARY

Dear Bob:

On behalf of the of The Keystone Center and the members of the Green Products Roundtable's (GPR), I extend our heartfelt thanks to you for participating in the January 5th session entitled, "Cutting to the Chase...Advice to the Future IRB from Leaders in the Field."

The GPR members appreciated hearing your valuable comments and insights, and we are pleased to report that the group is moving ahead with plans to launch a new organization to help bring clarity to the green products marketplace.

Again, thank you for your participation and for dedicating your time, resources, and expertise to this important work. We look forward to staying in close touch as this new organization evolves.

Sincerely yours,

Deborah B. Hamilton  
Vice President, Development and Strategic Partnerships







United States Department of State

*Washington, D.C. 20520*

February 27, 2012

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

MEMORANDUM FOR VALERIE S. BOYD  
ACTING EXECUTIVE SECRETARY  
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "S. D. Mull".

Stephen D. Mull  
Executive Secretary

Attachment:  
As stated.

SENSITIVE BUT UNCLASSIFIED  
FOR OFFICIAL GOVERNMENT USE ONLY

February 27, 2012

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FOR OFFICIAL GOVERNMENT USE ONLY

NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- Feb 25-27\* U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Winter Meeting, Washington
- Feb 26-28 High-Level Segment of the UN Human Rights Council, Geneva
- Feb 27\* Visit of Defense Minister Aguiar-Branco of Portugal to Washington
- Feb 27-28 Mobile World Conference, Barcelona
- Feb 27-29\* Visit of NATO Secretary General Rasmussen to Washington
- Feb 27-29\* Visit of Defense Minister Barak of Israel to Washington
- Feb 27-Mar 9 Commission on Status of Women, 2012 Session, New York
- Feb 27-Mar 23 19<sup>th</sup> Session of the Human Rights Council, Geneva
- Feb 28-29\* Visit of Prime Minister Ramgoolam of Mauritius to Washington
- Mar 1-2 7<sup>th</sup> Inter-American Education Ministerial Meeting, Paramaribo
- Mar 1-2 Asia-Pacific Council of American Chambers of Commerce (APCAC) 2012 U.S.-Asia Business Summit, Tokyo
- Mar 2\* G-8 Foreign Affairs Sous-Sherpa (FASS II) Meeting, Washington
- Mar 2 Parliamentary Elections in Iran

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SENSITIVE BUT UNCLASSIFIED

2

- Mar 2\* Visit of Foreign Minister Judeh of Jordan to Washington
- Mar 2 Inaugural Meeting of the U.S.-UAE Economic Policy Dialogue, Abu Dhabi
- Mar 3-6\* Visit of President Peres of Israel to Washington
- Mar 4 Presidential Elections in Russia
- Mar 4-6 Visit of Vice President Biden to Mexico and Honduras

LOOKING AHEAD

- Mar 5-6\* Visit of Prime Minister Netanyahu of Israel to Washington
- Mar 6-8 U.S.-China Forum on Illegal Logging, Beijing
- Mar 6-9 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Mar 7-9\* Visit of Prime Minister al-Keib of Libya to Washington
- Mar 8\* Visit of President Mills of Ghana to Washington
- Mar 8\* U.S.-China Sub-Dialogue on Latin America, Washington
- Mar 8-9 4<sup>th</sup> ASEAN Regional Forum (ARF) Intersessional Meeting on Nonproliferation and Disarmament, Sydney
- Mar 9 Organization for Economic Cooperation and Development (OECD) Urban Roundtable of Mayors and Ministers (HUD lead), Chicago
- Mar 9\* Visit of Foreign Minister Kim of South Korea to Washington

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SENSITIVE BUT UNCLASSIFIED

3

Mar 9-14\* Visit of Foreign Minister Sikorski of Poland to Washington

Mar 10 Parliamentary Elections in Slovakia

Mar 11 Legislative Elections in El Salvador

Mar 12-14 International Energy Forum (IEF) Ministerial Meeting, Kuwait City

Mar 12-17 6<sup>th</sup> World Water Forum, Marseille

Mar 13-15\* Visit of Prime Minister Cameron of the United Kingdom to Washington

Mar 14-16\* 4th Regular Meeting of the Summit of the Americas Implementation Review Group (SIRG), Washington

Mar 15\* Meeting of the President's Interagency Task Force on Trafficking in Persons (PITF), Washington

Mar 17 Presidential Elections in Timor-Leste—1<sup>st</sup> Round

Mar 17-18 China Development Forum, Beijing

Mar 18 Presidential Elections in Senegal—2<sup>nd</sup> Round [if needed]

Mar 18 (T) Presidential Elections in Guinea-Bissau (Snap)

Mar 20\* Visit of Prime Minister Kenny of Ireland to Washington

Mar 25 Hong Kong Chief Executive Selection

Mar 25 Presidential Elections in Russia—2<sup>nd</sup> Round [if needed]

Mar 25-27 Arab League Summit, Baghdad

SENSITIVE BUT UNCLASSIFIED



SENSITIVE BUT UNCLASSIFIED

4

Mar 25-30	Visit of Secretary of Commerce Bryson to India
Mar 26-27	2 <sup>nd</sup> Nuclear Security Summit, Seoul
Mar 26-27	Visit of President Obama to South Korea
Mar 26-27	Regional Economic Conference for Cooperation in Afghanistan (RECCA), Dushanbe
Mar 26-28*	Visit of Prime Minister Thinley of Bhutan to Washington
Mar 26-28*	Visit of Defense Minister Otarolo of Peru to Washington and Miami
Mar 26-29	U.S.-China Bilateral Consultations on Information and Communications Policy, Beijing
Mar 29	Legislative Elections in The Gambia
Mar 31	Parliamentary Elections in Mauritania
Mar 31-Apr 3	Boao Forum for Asia, Boao
Apr TBD*	U.S.-Philippines Strategic Dialogue, Washington
Apr TBD*	Visit of Foreign Minister del Rosario and Defense Minister Gazmin of the Philippines to Washington
Apr 1	Parliamentary By-Elections in Burma
Apr 2*	North American Leaders' Summit, Washington
Apr 2*	Visit of President Calderon of Mexico to Washington

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Apr 2\* Visit of Prime Minister Harper of Canada to Washington

Apr 2-6\* U.S.-China Ten Year Framework on Energy and Environment, Washington

Apr 3-5 Pan-African Intellectual Property Rights (IPR) Summit, Cape Town

Apr 4-5\* Visit of Defense Minister Ng Eng Hen of Singapore to Washington

Apr 9\* Visit of President Rousseff of Brazil to Washington

Apr 9\* Visit of Foreign Minister Reynders of Belgium to Washington

Apr 10-12\* Visit of Foreign Minister Gemba of Japan to Washington

Apr 11-12\* G-8 Foreign Ministerial Meeting, Washington

Apr 11-14 Young Atlanticist Summit, Bratislava

Apr 12-13 7<sup>th</sup> Annual Global Security Forum (GLOBSEC), Bratislava

Apr 13 Summit of the Americas Foreign Ministerial Meeting, Cartagena

Apr 14-15 6<sup>th</sup> Summit of the Americas, Cartagena

Apr 16 Presidential Elections in Timor-Leste—2<sup>nd</sup> Round (if necessary)

Apr 16-18 World Economic Forum on Latin America, Puerto Vallarta

Apr 17-18 Annual Open Government Partnership (OGP) Conference, Brasilia

Apr 17-19 World Travel & Tourism Council's 12<sup>th</sup> Global Summit, Tokyo

Apr 18 Joint NATO Foreign and Defense Ministerial Meeting, Brussels

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Apr 18-19      Clean Energy Ministerial, London

Apr 20-22\*      G-20 Finance Ministers and Central Bank Governors Meeting,  
Washington

Apr 20-22\*      World Bank Group/International Monetary Fund Spring Meeting,  
Washington

Apr 20-23      The World Investment Forum, Doha

Apr 20-26      United Nations Conference on Trade and Development (UNCTAD)  
XIII Ministerial Conference/World Investment Forum, Doha

Apr 22      Presidential Elections in France-1<sup>st</sup> Round

Apr 23      Nordic-Baltic-U.S. Cooperation Summit, Vilnius

Apr 25\*      The Secretary of State's Forum on Investing with Impact, Washington

Apr 29      Presidential Elections in Mali-1<sup>st</sup> Round

Apr 29 (T)      Parliamentary Elections in Greece (Snap)

Apr 30-May 11      Nuclear Nonproliferation Treaty Preparatory Committee Meeting,  
Vienna

May TBD\*      Visit of Foreign Minister McCully of New Zealand to Washington

May 4      Presidential and Parliamentary Elections in Palestinian Authority

May 6      Presidential Elections in France-2<sup>nd</sup> Round

May 6      Parliamentary Elections in Armenia

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May 9-11 World Economic Forum on Africa, Addis Ababa

May 10 Parliamentary Elections in Algeria

May 11-13 5<sup>th</sup> Lennart Meri Conference, Tallinn

May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast

May 13 Presidential Elections in Mali-2<sup>nd</sup> Round

May 14-15 Arctic Council Deputy Foreign Ministers Meeting, Stockholm

May 15-25 UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn

May 17-20\* Visit of Prime Minister Najib of Malaysia to Washington

May 18-19 2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London

May 18-21 Young Atlanticist Chicago Summit, Chicago

May 19-20 G-8 Summit, Chicago

May 20 Presidential Elections in the Dominican Republic

May 20 10<sup>th</sup> Anniversary of Independence of Timor-Leste

May 20 Presidential Inauguration in Taiwan

May 20-21 NATO Summit, Chicago

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May 20-Jun 5	Asia-Pacific Economic Cooperation (APEC) 2 <sup>nd</sup> Senior Officials Meeting (SOM2) and Related Meetings, Kazan
May 21-23	5 <sup>th</sup> Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju
May 21-24	2 <sup>nd</sup> Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur
May 21-26	65 <sup>th</sup> Session, World Health Organization (WHO) World Health Assembly, Geneva
May 23-24	Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris
May 25-26	6 <sup>th</sup> Pacific Island Leaders (PALM 6) Meeting, Nago City
May 28-30	3 <sup>rd</sup> Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro
May 30-31	Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan
May 30-Jun 1	World Economic Forum on East Asia, Bangkok
May 31-Jun 1	African Development Bank Annual Meeting, Arusha
May 31-Jun 2	2012 Wroclaw Global Forum, Wroclaw
Jun TBD	Presidential Elections in Egypt
Jun TBD	Parliamentary Elections in Timor-Leste
Jun 1-3	Shangri-la Dialogue, Singapore

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- Jun 3-5            Organization of American States (OAS) General Assembly,  
Cochabamba
- Jun 4-5            Asia-Pacific Economic Cooperation (APEC) Trade Ministerial  
Meeting, Kazan
- Jun 4-6            World Economic Forum on Europe, the Middle East, North Africa  
and Central Asia, Istanbul
- Jun 4-8            International Atomic Energy Agency (IAEA) Board of Governors  
Meeting, Vienna
- Jun 4-8            25<sup>th</sup> World Gas Conference: “Gas: Sustaining Future Global  
Growth,” Kuala Lumpur
- Jun 7              Global Counterterrorism Forum (CCTF) Coordinating Committee  
Meeting, Istanbul
- Jun 10             Legislative Elections in France-1<sup>st</sup> Round
- Jun 17             Legislative Elections in France-2<sup>nd</sup> Round
- Jun 17             Parliamentary Elections in Senegal
- Jun 18-19         G-20 Leaders Summit, Los Cabos
- Jun 18-19\*        2012 African Growth Opportunity Act (AGOA) Forum, Washington
- Jun 18-Jul 6      20<sup>th</sup> Session of the Human Rights Council, Geneva
- Jun 20-22         UN Conference on Sustainable Development (UNCSD) or Rio + 20,  
Rio de Janeiro

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Jun 21	National Constitutional Assembly Elections in Libya
Jun 21*	U.S.-Portugal Standing Bilateral Commission, Washington
Jun 24-25	Asia-Pacific Economic Cooperation (APEC) 10 <sup>th</sup> Energy Ministerial Meeting, St. Petersburg
Jun 25-Jul 5	36 <sup>th</sup> World Heritage Committee Meeting, St. Petersburg
Jun 26-28	Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg
Jun 30	Presidential Elections in Iceland
Jul TBD	Tokyo Development Coordination Conference for Afghanistan, Tokyo
Jul 1	Presidential and Legislative Elections in Mexico
Jul 1	Parliamentary Elections in Mali-1 <sup>st</sup> Round
Jul 2-27	Arms Trade Treaty (ATT) Conference, New York
Jul 9-13	East Asia Summit Foreign Ministers Meeting, 19 <sup>th</sup> Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh
Jul 13-15	U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg
Jul 16*	American Australian Leadership Dialogue (AALD), Washington

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Jul 16-19 3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City

Jul 22 Parliamentary Elections in Mali-2<sup>nd</sup> Round

Jul 22-27\* AIDS 2012 XIX, International AIDS Conference, Washington

Jul 27-Aug 12 XXX Summer Olympic Games, London

Aug 3 Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg

Aug 6-8 Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg

Aug 14 Presidential and Parliamentary in Kenya-1<sup>st</sup> Round

Aug 27-31 Pacific Islands Forum Meetings, Cook Islands

Aug 29-Sep 9 Paralympic Games, London

Aug 30 Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow

Sept TBD Australia-U.S. Ministerial (AUSMIN), Australia

Sept TBD 7<sup>th</sup> Annual Internet Governance Forum, Baku

Sept 2-9 Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok

Sept 4-7 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok

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- Sept 6-15 International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju
- Sep 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sept 10-28 21<sup>st</sup> Session of the Human Rights Council, Geneva
- Sept 11-13 Annual Meeting of the New Champions, Tianjin
- Sept 17-21 International Atomic Energy Agency (IAEA) General Conference, Vienna
- Sept 24 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Sept 24-28 United Nations General Assembly High-Level Week, New York
- Sept 24-Oct 15 25<sup>th</sup> Universal Postal Union Congress, Doha
- Oct 1-19 11<sup>th</sup> Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad
- Oct 7 Presidential Elections in Venezuela
- Oct 8 Presidential Elections in Slovenia
- Oct 12-14 World Bank Group/International Monetary Fund Annual Meeting, Tokyo
- Oct 28 Parliamentary Elections in Ukraine
- Nov 6-8 India Economic Summit, New Delhi

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- Nov 7-10            15<sup>th</sup> International Anti-Corruption Conference (IACC), Brasilia
- Nov 17             Presidential and Parliamentary Elections in Sierra Leone
- Nov 18-20 (T)     21<sup>st</sup> Annual Association of Southeast Asian Nations (ASEAN)  
Summit, Phnom Penh
- Nov 27-Dec 7     18<sup>th</sup> Session of the Conference of the Parties to the United Nations  
Framework Convention on Climate Change (UNFCCC) and the 8<sup>th</sup>  
Session of the Conference of the Parties Serving as a Meeting of the  
Parties (CMP 8) to the Kyoto Protocol, Qatar
- Nov 29-30        International Atomic Energy Agency (IAEA) Board of Governors  
Meeting, Vienna
- Dec 6-7            Organization for Security and Cooperation in Europe (OSCE)  
Ministerial, Dublin

\*        = Taking place in Washington

(T)      = Tentative

TBD     = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at  
[sarkiss@state.sgov.gov](mailto:sarkiss@state.sgov.gov) or [sarkiss@state.gov](mailto:sarkiss@state.gov).

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# Correspondence Management System

Control Number: AX-12-000-3943

Printing Date: February 29, 2012 03:17:50



## Citizen Information

**Citizen/Originator:** Bonham, Valerie H

Organization: Presidential Commission for the Study of Bioethical Issues

Address: 1425 New York Avenue, NW, Washington, DC 20005

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-3943

**Alternate Number:** N/A

**Status:** For Your Information

**Closed Date:** N/A

**Due Date:** N/A

**# of Extensions:** 0

**Letter Date:** Feb 29, 2012

**Received Date:** Feb 29, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** SNR-Signature Not Required

**Signature Date:** N/A

**File Code:** 401\_127\_a General Correspondence Files Record copy

**Subject:** Daily Reading File-Thank you letter for contribution to the Commission's recently published report, Moral Science: Protecting Participants in Human Subjects Research

**Instructions:** For Your Information -- No action required

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** N/A

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	ORD	Feb 29, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to ORD	Feb 29, 2012

## Comments



PRESIDENTIAL COMMISSION FOR THE STUDY OF BIOETHICAL ISSUES

February 29, 2011

The Honorable Lisa P. Jackson  
Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

On behalf of Dr. Amy Gutmann, Chair of the Presidential Commission for the Study of Bioethical Issues, I want to thank the Environmental Protection Agency for its invaluable contribution to the Commission's recently published report, *Moral Science: Protecting Participants in Human Subjects Research*. I want to thank, in particular, Dr. Warren Lux, the Agency's liaison to the Commission. Without the tireless of Dr. Lux and other Agency staff, the Commission could not have produced such a comprehensive assessment of current systems for protecting humans in research.

Dr. Lux gathered and provided project-level data about Agency-supported human subjects research that were critical to the Commission's "Human Subjects Research Landscape Project," an empirical analysis through which the Commission sought to better define the scope and volume of federally supported human subjects research. We also appreciate Dr. Lux's help in compiling information about the Agency's policies and practices concerning the protection of research subjects. His willingness to answer questions and provide practical insight into how the Agency supports and conducts research was essential to the Commission's understanding of how research subjects are protected both at home and abroad.

Thank you again for your assistance in responding to President Obama's charge. We look forward to continuing to work with the Agency as the Commission explores other issues in bioethics.

Sincerely,

A handwritten signature in black ink, appearing to read "Valerie H. Bonham".

Valerie H. Bonham, J.D.  
Executive Director

Cc: Dr. Warren Lux





# Correspondence Management System

Control Number: AX-12-000-1847

Printing Date: February 03, 2012 04:11:24



## Citizen Information

**Citizen/Originator:** Korpi, Kevin W.

Organization: Michigan Forest Products Council  
Address: 110 W. Michigan Avenuenue, Lansing, MI 48933

**Robbins, Scott**

Organization: Michigan Forest Products Council  
Address: 110 West Michigan Avenue, Lansing, MI 48933

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

<b>Control Number:</b>	AX-12-000-1847	<b>Alternate Number:</b>	N/A
<b>Status:</b>	For Your Information	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	N/A	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Jan 24, 2012	<b>Received Date:</b>	Feb 1, 2012
<b>Addressee:</b>	Jacob Lew	<b>Addressee Org:</b>	White House
<b>Contact Type:</b>	LTR (Letter)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	SNR-Signature Not Required	<b>Signature Date:</b>	N/A
<b>File Code:</b>	401_127_a General Correspondence Files Record copy		
<b>Subject:</b>	Daily Reading File-Ninth Circuit Court rules forest roads are "point sources"		
<b>Instructions:</b>	For Your Information -- No action required		
<b>Instruction Note:</b>	N/A		
<b>General Notes:</b>	N/A		
<b>CC:</b>	OEAE - Office of External Affairs and Environmental Education R5 - Region 5 -- Immediate Office		

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OW	Feb 3, 2012
Wanda Fields	OW	OW-OWM	Feb 3, 2012

## History

Action By	Office	Action	Date
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## Michigan Forest Products Council

Business Advocacy for the Forest Products Industry

January 24, 2012

Mr. Jacob Lew  
White House Chief of Staff  
1600 Pennsylvania Avenue NW  
Washington, DC 20500

Dear Mr. Lew:

The U.S. Court of Appeals for the Ninth Circuit issued a final ruling last year declaring that forest roads are “point sources” that require a National Pollutant Discharge Elimination System (NPDES) permit under the Clean Water Act. This decision reversed the District Court’s ruling upholding the U.S. Environmental Protection Agency’s more than 35 year-old regulation of forestry and forest roads as nonpoint sources under the Clean Water Act, best regulated under state auspices. Under the Ninth Circuit’s ruling, each drainage pipe or storm water ditch on tens of thousands of logging roads would be treated as if it were a point source discharge just like an industrial or power plant.

Numerous parties, including the forest products industry, petitioned the Supreme Court to review the Ninth Circuit’s decision. The Supreme Court has now asked for the views of the Solicitor General as to whether the Court should review the Ninth Circuit’s decision. We ask the Administration to explain to the Solicitor General the significant adverse impacts of the Ninth Circuit’s ruling, and express your desire to see the Ninth Circuit’s decision reviewed by the Supreme Court.

If left to stand, this ruling is a threat to sound jobs in Michigan and an industry that has a substantial economic impact statewide. In fact, our state has over 12 million acres of private forests and roughly 7.1 million acres of public forests. Private forest lands in Michigan provide nearly 75,000 direct and indirect jobs and alone contribute \$2.5 billion to our state’s GDP. Forests help to clean our air and water, provide natural habitat, and support recreational opportunities and industry. They are a vital component to Michigan’s economy, environment, and workforce.

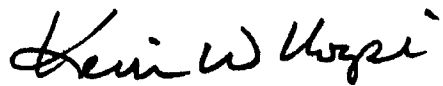
The Ninth Circuit ruling creates a new and unnecessary regulation that dismisses scientific and practical evidence of successful forest management. For over three decades, states have developed effective best management practices for forests and storm water run-off with proven success. In Michigan we are proud



of our commitment to sustainable forest management practices. The Michigan Department of Natural Resources oversees our state's forests to ensure all forestry and logging activities are well regulated and meet Clean Water Act standards.

Our organization urges the Administration to support the current EPA standards that have been in place for over 35 years. We respectfully ask President Obama to support the existing nonpoint source regulations and to ask the Solicitor General to fully defend them by recommending Supreme Court review. Should the Court decide not to review the decision, we ask the Administration to support congressional efforts for a permanent legislative fix, or at the very least, maintain the current EPA funding restrictions included in the recent Appropriations Act.

Sincerely,



Kevin Korpi  
Executive Director

cc: John Bryson, Secretary, Department of Commerce  
Lisa Jackson, Administrator, Environmental Protection Agency  
Karen Mills, Administrator, Small Business Administration  
Kenneth Salazar, Secretary, Department of the Interior  
Nancy Sutley, Chair, Council on Environmental Quality  
Thomas Tidwell, Chief, U.S. Forest Service  
Thomas Vilsack, Secretary, Department of Agriculture  
Carl Levin, U. S. Senator  
Debbie Stabenow, U.S. Senator  
Justin Amash, U.S. Congressman  
Daniel Benishek, U.S. Congressman  
Dave Camp, U.S. Congressman  
Hansen Clarke, U.S. Congressman  
John Conyers, U.S. Congressman  
John Dingell, U.S. Congressman  
Bill Huizenga, U.S. Congressman  
Dale Kildee, U.S. Congressman  
Sander Levin, U.S. Congressman  
Thaddeus McCotter, U.S. Congressman  
Candice Miller, U.S. Congressman  
Gary Peters, U.S. Congressman  
Mike Rogers, U.S. Congressman  
Fred Upton, U.S. Congressman  
Tim Walberg, U.S. Congressman



# Correspondence Management System

Control Number: AX-12-000-2033

Printing Date: February 03, 2012 03:55:09



## Citizen Information

**Citizen/Originator:** Shubat, Pamela

Organization: Children's Health Protection Advisory Committee

Address: 625 N. Robert Street, St. Paul, MN 55155-2538

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-2033

**Alternate Number:** 867547490768

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Feb 17, 2012

**# of Extensions:** 0

**Letter Date:** Nov 17, 2011

**Received Date:** Feb 3, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** AD-Administrator

**Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

**Subject:** Daily Reading File-Prenatal Exposures and Children's Environmental Health

**Instructions:** AD-Prepare draft response for the Administrator's signature

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OCSPP - OCSPP - Immediate Office

OEAEE - Office of External Affairs and Environmental Education

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OCHP	Feb 3, 2012	Feb 17, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OCHP as lead office	Feb 3, 2012

# Children's Health Protection Advisory Committee

November 17, 2011

Committee Members:

Pamela Shubat, Ph.D., Chair  
Environmental Health Division  
Minnesota Department of Health  
625 N. Robert Street  
St. Paul, MN 55155-2538  
Ph: 651/201-4925  
[pamela.shubat@health.state.mn.us](mailto:pamela.shubat@health.state.mn.us)

Robert Amler, M.D.  
Laura Anderko, R.N., Ph.D.  
Tyra Bryant-Stephens, M.D.  
Gail Cynthia Christopher, D.N.  
Nancy Clark, M.A., C.I.H., C.S.P.  
Rochelle Davis  
Janice Dhonau  
Maida Galvez, M.D., M.P.H.  
Janvier Gasana, M.D., Ph.D.  
Peggy Nilsson Geimer, M.D.  
David Jacobs, Ph.D., C.I.H.  
Richard W. Janssen, Jr.  
Lynda Knobeloch, Ph.D.  
Amy D. Kyle, Ph.D., M.P.H.  
Elise Miller, M.Ed.  
Marie Lynn Miranda, Ph.D.  
Curtis Munoz  
Nsedu Obot-Witherspoon, M.P.H.  
Jerome Paulson, M.D., F.A.A.P.  
Jennifer D. Roberts, Dr.P.H., M.P.H.  
Martha S. Sandy, Ph.D., M.P.H.  
Sheela Sathyanarayana, M.D., M.P.H.  
Barbara Sattler, R.N., Dr.P.H.,  
F.A.A.N.  
Anne Turner-Henson, R.N., D.S.N.

Lisa P. Jackson, Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

RE: Prenatal Exposures and Children's Environmental Health

Dear Administrator Jackson:

As requested by the Office of Children's Health Protection (OCHP), the Children's Health Protection Advisory Committee (CHPAC) has considered issues related to prenatal exposures to environmental contaminants and their implications for the Environmental Protection Agency (EPA). Largely as a result of research conducted over the last decade, we now understand that environmental exposures can profoundly affect children even before they are born. Prenatal exposures, including pre-conception exposures, contribute to infant mortality, pregnancy loss, birth defects, and conditions and diseases throughout the lifespan, creating significant social and economic burdens. These exposures occur in the home, in the workplace, and in the community.

Many or most EPA methods and policies were adopted before the significance of prenatal exposures was understood so it is important to revisit current policies and practices to address this emerging knowledge. Building on past CHPAC recommendations<sup>1</sup> and previous work by OCHP to reduce risks from exposures during the prenatal period, we present specific recommendations for your consideration and summarize key observations from our discussions. As you know, CHPAC includes representatives with a variety of perspectives and backgrounds related to children's environmental health; consequently, we offer recommendations in four diverse areas.

CHPAC recommends that EPA:

1. update policies and practices to address the prenatal period;
2. incorporate social determinants of health and environmental justice into programs and policies;
3. design and disseminate messages through diverse partnerships; and
4. address the prenatal period, key outcomes and mechanisms in research priorities.

It is helpful to reflect briefly on key advances in knowledge about the prenatal period. Biomonitoring using umbilical cord blood shows many

<sup>1</sup> CHPAC letters of Dec 20, 2011; March 3, 2011; and October 21, 2010 at [http://yosemite.epa.gov/ochp/ochpweb.nsf/content/CHPAC\\_Comments.htm](http://yosemite.epa.gov/ochp/ochpweb.nsf/content/CHPAC_Comments.htm)

OFFICE OF THE  
EXECUTIVE SECRETARY

2012 FEB -3 AM 6:03

RE:

chemical compounds cross the placenta from mother to the developing child. The prenatal period can be the period most sensitive to chemical exposures because growth and development occur rapidly, and structures and systems are formed. Small perturbations can have lasting impacts. Effects of prenatal exposures can take a toll throughout the life span. We are concerned about disease in childhood but prenatal exposures also increase the likelihood, severity or acceleration of the onset of diseases later in life. Reducing prenatal exposures improves health over the long term.

CHPAC acknowledges EPA's essential contributions to the development of the knowledge base.<sup>2</sup> Along with the National Institute of Environmental Health Sciences (NIEHS), EPA has supported Children's Environmental Health Research Centers that draw upon expertise in the research community. Consequently, in just over a decade, the centers have produced significant findings about many topics including the significance of prenatal exposures. This has been a highly effective return on the small investment.<sup>3</sup> Knowledge of new toxicants and potential adverse health outcomes can emerge rapidly. EPA has the ability to and should respond in a timely manner to these new threats by conducting research and creating public health messaging in these areas.

Exposures during the prenatal period need to be systematically addressed in environmental health policies and analyses. While knowledge has increased, the evidence base is far from complete. Studies have been published for only a few agents and a few outcomes. CHPAC concludes that actions are needed while research continues.

Our recommendations are presented below.

## **I. Update Policies and Practices to Address the Prenatal Period**

**CHPAC recommends that EPA update its policies and practices throughout the agency to address the prenatal period.**

- a. CHPAC recommends that EPA and its federal partners expand biomonitoring for the prenatal period and use such data to identify chemicals that require attention.**

Neither the prenatal nor early childhood periods are included in the national biomonitoring program at the Centers for Disease Control and Prevention (CDC). The national biomonitoring program should be capable of detecting prenatal exposures to chemicals in broad use and those in children's environments, as part of a program to ensure chemical safety. Consideration of chemicals detected in maternal blood would provide an additional useful perspective.

- b. CHPAC recommends that EPA consistently consider the prenatal period when developing standards and guidelines for allowable concentrations of chemicals in environmental or exposure media and when adopting toxicity values such as reference doses or cancer risk values. Further, CHPAC recommends that EPA**

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<sup>2</sup> A Decade of Children's Environmental Health Research, EPA Office of Research and Development, December 2007 [http://epa.gov/ncer/publications/research\\_results\\_synthesis/ceh\\_report\\_508.pdf](http://epa.gov/ncer/publications/research_results_synthesis/ceh_report_508.pdf)

<sup>3</sup> CHPAC July 2007 letter on EPA/NIEHS Children's Centers and attached report Review of the Research Translation of the EPA/NIEHS Children's Research Centers: Accomplishments and Opportunities for the Future [http://yosemite.epa.gov/ochp/ochpweb.nsf/content/CHPAC\\_Comments.htm](http://yosemite.epa.gov/ochp/ochpweb.nsf/content/CHPAC_Comments.htm)

**adopt methods to protect against potential effects of prenatal exposures in cases where data are lacking to fully assess the significance of such exposures.**

When sufficient data are not available, it may be appropriate for EPA to adopt adjustment factors to account for the uncertainties of the database and for concerns about exposure, vulnerability, or sensitivity. CHPAC believes that the significance of exposures during the prenatal period is not adequately addressed by the current use of adjustment and uncertainty factors.

**c. CHPAC recommends that EPA improve the knowledge base for prenatal exposures to support chemical safety assessment.**

Strategies are needed to improve the knowledge base for assessment of the safety of environmental agents during the prenatal period for use by the agency and the public. EPA should incorporate data streams relevant to prenatal exposures in chemical assessment and prioritization. One example is human bioaccumulation, which leads to maternal body burdens and then to prenatal exposures. For agents commonly present in environments and relevant to prenatal exposure, chemical safety testing is critical. EPA should require testing for chemicals or agents that are found in environments that contribute to prenatal exposures.

**d. CHPAC recommends that EPA consider all of the hazards and associated health endpoints in chemical screening and assessment that result from prenatal exposure.**

EPA and other entities emphasize reproductive and developmental effects as sole outcomes that are important for children. Such an approach will miss other important adverse health outcomes. Prenatal exposure can contribute to a variety of conditions and diseases during childhood including effects on neurodevelopment, lung development, respiratory function, immune function, and hormonal systems. These exposures can also contribute to increased risk of diseases later in life.

**e. CHPAC recommends that EPA consistently include the prenatal period in methods for safety testing of chemicals, including traditional methods that rely on whole animals, as well as the “robot” methods that rely on high or medium throughput strategies and testing of narrow responses. CHPAC also recommends that EPA ensure that the validation for any of the newer “robot” or high throughput or other such methods include the prenatal period as well as the perturbation or endpoints that may occur as a result of prenatal exposures.**

While ToxCast and other high throughput testing strategies will yield a great deal of information, it is important to ensure that these techniques have the capability to detect effects of prenatal exposures. CHPAC is concerned that the current approach to validation of ToxCast and related “robot” or high throughput methods does not adequately reflect either exposures during the prenatal period nor all of the kinds of perturbations or endpoints that may occur as a result of prenatal exposures. Consequently, they may produce false negatives and allow chemicals where prenatal effects may be important to be viewed as “safe.” One approach would be to require whole animal, multigenerational toxicity studies in order to develop a robust source of prenatal toxicity data for comparing, correlating, and interpreting results from the next

generation of toxicity testing developed by EPA and its partners. Perhaps there are other options as well. A robust option that addresses the prenatal period is needed, and, so far as CHPAC has been able to determine, has not yet been identified.

- f. CHPAC recommends that EPA develop criteria for use of screening tests that account for the limitations of the tests for identifying chemicals that may adversely affect the prenatal life stage.**

It is important that the implications of screening results be carefully considered. We understand that EPA intends to use a positive result (i. e., showing an effect) in a screening test to refer a chemical for additional testing using broader methods. Conversely, agents found to be negative (i.e. lacking any effect) during screening would receive no further testing in this paradigm. EPA would fail to follow up on false negatives. CHPAC is concerned that under this approach EPA may not recognize false negatives and, consequently, not be protective for children; particularly for results of prenatal exposures because of the lack of complete coverage of early life stages by the newer, faster screening methods.

- g. CHPAC recommends that EPA develop metrics to account for the combined burden of prenatal exposure.**

Such metrics could then be used to help track and study the overall burden of exposure during the prenatal period and its effects. The combination of chemicals that may accumulate during the prenatal period is a concern. It is not just individual chemicals but the burden of all these chemicals acting together that will affect the development of a child and contribute to health effects.

- h. CHPAC recommends that EPA work with the National Institute for Occupational Safety and Health (NIOSH), the Occupational Safety and Health Administration (OSHA), and industry to develop mechanisms to assure protection of men and women in the workplace from exposures that may impact the workers during the preconception and prenatal period.**

## **II. Incorporate Social Determinants of Health and Environmental Justice into Programs and Policies**

- a. CHPAC recommends that EPA begin to quantify and incorporate social determinants of health into its programs and policies, including risk assessment and risk management.**

Health disparities are closely linked with social and economic disadvantage. The influence of social determinants, including income, education, occupation, race/ethnicity, and an individual's environment, begins even before birth. The unequal distribution of environmental exposures and resulting burden of disease is inextricably linked to social determinants of health. For example, the effects of social determinants such as stress, on birth weight, one common metric for the prenatal period, are well established. Emerging research on the role of stress in environmentally related health condition underscores the need to fully consider the social determinants of health.

Research has shown how a woman's health during pregnancy affects her newborn's life chances and long-term health risks and how social characteristics such as income, education, race/ethnicity, and occupation can significantly impact health. Some of the adverse effects that develop from exposures in early stages of human development are difficult to overcome later on in life. Social conditions also have an impact on life-long health, including that of future generations and, therefore, need to be more thoughtfully researched as well as integrated into policy decisions.

**b. CHPAC recommends that OCHP work in collaboration with the Office of Environmental Justice on issues of research, policy and action to address health disparities, specifically in the prenatal period.**

Creating a more comprehensive, sustainable framework to achieve environmental justice will require public participation and building on existing science and successful partnerships. EPA's Plan EJ 2014<sup>4</sup> outlines a number of strategies to empower disenfranchised communities. This Plan can be used to expand the definition of vulnerable populations to include women who are or may become pregnant, infants, children, and the unborn. Linking environmental justice priorities for action with the OCHP's mission to protect children from environmental risks would leverage resources and expertise to reduce health disparities and promote environmental justice throughout life.

### **III. Design and Disseminate Messages through Diverse Partnerships**

**CHPAC recommends that OCHP lead EPA in creating and implementing an agency-wide, nationally consistent outreach and communications plan about prenatal environmental exposures.**

EPA should engage with diverse partners including professional health care provider organizations, community-based organizations, and academic partners to create effective messaging for the public. Information can empower the public so they can participate in the development of public policies related to the environment and health and take individual actions to avoid or reduce harmful exposures (e.g., metals, pesticides, solvents, plastics, air pollutants, tobacco smoke). Models for messaging about reducing risks during the prenatal period have been created by the March of Dimes<sup>5</sup> and past efforts of EPA<sup>6</sup>. EPA can build upon these effective examples, leveraging resources through collaborations with organizations that produce and disseminate health messages for pregnant women.

**a. CHPAC recommends that EPA partner with experts in public health education and social marketing to create effective agency-wide communication strategies that produce culturally sensitive messages for health providers and women and their families.**

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<sup>4</sup> <http://www.epa.gov/compliance/ej/plan-ej/>

<sup>5</sup> Staying Safe, [http://www.marchofdimes.com/pregnancy/stayingsafe\\_indepth.html](http://www.marchofdimes.com/pregnancy/stayingsafe_indepth.html)

<sup>6</sup> Promoting Good Prenatal Health: Air Pollution and Pregnancy, [http://yosemite.epa.gov/ochp/ochpweb.nsf/content/OCHP\\_Prenatal\\_FS\\_7\\_10.htm/\\$File/OCHP\\_Prenatal\\_FS\\_7\\_10.pdf](http://yosemite.epa.gov/ochp/ochpweb.nsf/content/OCHP_Prenatal_FS_7_10.htm/$File/OCHP_Prenatal_FS_7_10.pdf)



Partnerships between EPA and other federal agencies such as the Maternal Child Health Bureau provide opportunities for cross-disciplinary development of messages about how to prevent prenatal exposures.

- b. **CHPAC recommends that EPA use existing partnerships and create new ones to effectively disseminate messages to women who are or may become pregnant, their families and their providers.**

Integration of messages with existing networks such as the National Healthy Homes, Healthy Babies Coalition<sup>7</sup> and electronic media such as text4baby<sup>8</sup>, Health 2.0<sup>9</sup>, Fish-Facts.org<sup>10</sup>, and other web-based and new media approaches would offer opportunities to reach targeted populations efficiently. Public health professionals, health care providers and especially Pediatric Environmental Health Specialty Unit (PEHSU) staff are key messengers who can identify at-risk populations, provide anticipatory guidance and education about environmental exposures, and empower communities to take precautionary action. Messaging efforts could replicate strategies used in successful public health campaigns such as the stop smoking campaigns to raise awareness and provide action steps.

Partnerships between EPA and community-centered care would present another opportunity for dissemination of messages by health care providers in diverse and underserved settings, including urban, rural, and tribal communities.

Peer-reviewed publications that discuss clinical approaches to the translation of research findings into practice through the identification and management of environmental health issues pre-conceptually and prenatally would also provide a means for reaching public health professionals and health care providers.

- c. **CHPAC recommends that EPA evaluate the effectiveness of its communication messaging.**

Evaluation should include whether the message was culturally sensitive, if the message was disseminated through media appropriate for the targeted audience, and if knowledge and behavior of individuals and communities, as well as policies were modified to reduce or eliminate prenatal environmental hazards. Empowering the public with information on these environmental hazards can create a constituency that demands public policy that protects the environment and the health of future generations.

#### **IV. Address the prenatal period, key outcomes, and mechanisms in research priorities**

**CHPAC recommends that EPA continue to conduct, fund, and promote research on the effects of prenatal exposures, through continued support for the EPA/NIEHS Children's Environmental Health Research Centers, its own research, and partnerships with other research funding entities.**

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<sup>7</sup> <http://www.hmhb.org/>

<sup>8</sup> <http://www.text4baby.org/>

<sup>9</sup> <http://www.health2con.com/>

<sup>10</sup> <http://www.fish-facts.org/>

**a. CHPAC recommends conducting research on the effects of pre-conception exposures.**

The pre-conception time period has received limited research attention, though there is evidence that metals such as chromium III can have effects after pre-conception exposure in mice, including epigenetic changes, increased cancer risk, and hormonal changes. Other agents to be studied include those that bioaccumulate or have long half-lives in the body, such as some metals (e.g., lead, mercury) and halogenated compounds (e.g., PCBs, dioxins).

**b. CHPAC recommends that EPA focus research attention on epigenetic effects resulting from prenatal exposures.**

Epigenetics changes are potentially heritable changes to the genome that do not involve changes in DNA sequence, including DNA methylation, histone modification, and microRNA changes. These changes can suppress or stimulate gene expression, which can lead to changes in health endpoints. Epigenetic mechanisms may explain how environmental toxicants impact the genome early in fetal life and program future disease development in current and future generations. For example, increased DNA placental methylation patterns have been associated with abnormal fetal growth and environmental factors may influence DNA methylation during the prenatal period.

**c. CHPAC recommends that EPA support and conduct research that accounts for mixture effects, to investigate how multiple contaminant exposures occurring during pre-conception and prenatal periods affect biological systems and lead to disease development.**

Research priorities should recognize that humans experience multiple exposures to multiple chemicals, often at low dose levels, throughout all life stages, including the pre-conception and prenatal stages. For example, data show that women are exposed to multiple phthalate chemicals. In animal studies, prenatal exposures to mixtures of phthalate chemicals leads to compounded health outcomes as compared to single agent exposures.

**d. CHPAC recommends that EPA focus research attention on chronic diseases that are increasingly observed in children including but not limited to neurodevelopmental disorders, obesity, and allergies/asthma.**

We need to know what exposures contribute to these disorders and how effects occur. The prevalence of neurodevelopmental disorders including autism, ADHD, and anxiety is increasing in children without known cause. Early life programming of brain development is extremely important for cognition and neurologic function throughout life. The neurologic system starts to develop in fetal life and continues with important periods of vulnerability throughout early childhood, later childhood, and adolescence.

Childhood obesity is at epidemic proportions in the United States. While exercise and diet play a large role in metabolic programming, many physicians and scientists recognize that some individuals have different metabolic set points that predispose them to gain weight and store fat. Programming of these set points is thought to occur in utero

because infants born small or large for gestational age are both at increased risk for obesity later in life.

Both genetic and environmental factors such as dust and pollen contribute to allergic (IgE mediated) disease development, but little is known about how emerging environmental toxicants may contribute to disease development. Childhood allergies, asthma, and eczema are considered atopic diseases that consistently lead to physician visits and/or hospital admission. Maternal history of allergies and asthma is directly linked to infant outcomes and may reflect both genetic and environmental exposures during the prenatal period. With the rise in these diseases, other environmental factors such as changing pollen concentrations due to climate change, new toxicants found in dust, or exposure to nanoparticles may be contributing to disease development.

- e. **CHPAC recommends that EPA engage with populations that are most burdened by environmental exposures and increased disease prevalence in its research activities.**

A growing body of research suggests that there are benefits to conducting environmental health research in partnership with communities. Specifically, low income, underserved communities with disproportionate burdens of environmental exposures and disease should be a priority. Community based participatory research (CBPR) can expand social structures and processes that contribute to the ability of community members to improve health and may enhance translation of research findings into actions to reduce exposures to environmental toxicants and improve public health overall.

We applaud EPA for the continued support for the EPA Community Action for a Renewed Environment (CARE) Program that offers innovative ways for communities to take the lead in research activities, organize, and act to reduce exposures. This program should serve as a model program that can be replicated and expanded.

CHPAC concludes that greater investment in research regarding prenatal exposures and its associated health effects, along with greater dissemination and public discussion of these findings are essential to the development of sound policies and practices. CHPAC is aware that EPA is being harshly criticized for carrying out its fundamental responsibility to protect public health. Groups focused on children's health and allied areas could bring attention to the extensive public benefits of sound environmental protection policies and particularly the opportunities to make kids healthier and smarter by taking care of their early environments. CHPAC urges EPA to consider these recommendations in its efforts to advance the agency's policies, practices, and research agenda related to the prenatal period.

Thank you for your commitment to children's health.

Sincerely,



Pamela Shubat, Ph.D., Chair  
Children's Health Protection Advisory Committee

cc: Peter Grevatt, Director, Office of Children's Health Protection, Office of the Administrator





RECEIVED

2012 FEB -3 AM 6:03

OFFICE OF THE  
EXECUTIVE SECRETARIAT

**Santiago, January 25th, 2012**

Ms.  
Lisa P. Jackson  
Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**USA**

CARTA N° ..... 27

Dear Ms. Jackson,

Through the present letter, the Ministry of Agriculture of Chile would like to express its interest in conducting the project: "Development of an Action Plan for Biogas Sector Development in Chile", by receiving cooperation of the USA Environmental Protection Agency and with the Foundation for Agrarian Innovation, FIA, as national implementing agency.

One of the policy priorities of current Government is referred to promote the use of alternative sources of energy and even better if the generation of new energy reduces the global anthropogenic methane emissions caused naturally by agricultural and forestry activities.

I am looking forward to hear from you soon.

Sincerely,



**LUIS MAYOL BOUCHON**  
**MINISTER OF AGRICULTURE**





# Correspondence Management System

Control Number: AX-12-000-2042

Printing Date: February 03, 2012 04:03:12



## Citizen Information

**Citizen/Originator:** Patterson, Dana

Organization: Pompton Lakes Community Advisory Group

Address: Address Unknown

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

**Control Number:** AX-12-000-2042

**Alternate Number:** N/A

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Feb 17, 2012

**# of Extensions:** 0

**Letter Date:** Feb 1, 2012

**Received Date:** Feb 3, 2012

**Addressee:** R2-Regional Administrator -  
Region 2

**Addressee Org:** EPA

**Contact Type:** LTR (Letter)

**Priority Code:** Normal

**Signature:** DX-Direct Reply

**Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

**Subject:** Daily Reading File-Pompton Lakes DuPont Works Site

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** Brigid Lowery - OSWER-CPA  
Kecia Thornton - OSWER  
Michelle Crews - OSWER  
OEAE - Office of External Affairs and Environmental Education  
OSWER - OSWER -- Immediate Office

## Lead Information

**Lead Author:** N/A

**Lead Assignments:**

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

**Supporting Author:** N/A

**Supporting Assignments:**

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	R2	Feb 3, 2012

## History

Action By	Office	Action	Date
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# Pompton Lakes Community Advisory Group

*\* Information \* Results \* Transparency \* Community Participation \* Support \**



Ms. Judith Enck  
Region 2 Administrator  
United States Environmental Protection Agency  
290 Broadway  
New York, NY 10007-1866

February 1, 2012

Dear Administrator Enck,

On behalf of the Pompton Lakes Community Advisory Group, we are writing in response to suggestions made at United States Environmental Protection Agency's requested meeting on January 24, 2012 to discuss the community outreach and involvement issues regarding the Pompton Lakes DuPont Works Site in Pompton Lakes, NJ.

After taking everything discussed into serious consideration, we believe the re-creation of a new Community Advisory Group (CAG) is unacceptable. As you may already be well aware, the citizen-organized Pompton Lakes Community Advisory Group (PLCAG) is fully functioning, well-attended, provides qualified technical support, and meets the resident needs, particularly those directly impacted by the abhorrent health conditions in the plume in Pompton Lakes.

Our PLCAG is dedicated to the health and safety of the Pompton Lakes residents and we feel that the community members that are emotionally and financially vested should not be punished by dismantling or combining our group with an ineffective group. The residents of this community depend on the PLCAG group for our meaningful technical assistance, support and leadership, and attend out meetings regularly. They have expressed their serious concerns, and do not want to start over from the beginning. We do not want our supporters to lose patience and opt out of attending *all* future meetings, which would be even worse than the current division. The dedicated residents have built a level of trust and confidence with the PLCAG and every month they look forward to attending our meetings.

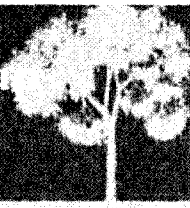
That being said, USEPA must take concrete actions that can restore trust, as that is a major impediment to the cleanup progress. We fully recognize the obvious division that was premeditated and deliberately created by some in our community, and understand the importance of having a unified voice. In hopes of coming to some sort of arrangement with USEPA, the PLCAG will allow a few seats to be opened up to new members, pending approval by the PLCAG based upon the existing process detailed in our bylaws. Our bylaws echo the Ringwood Superfund Site Community Advisory Group's bylaws, which are one of the strongest in the country. Also, USEPA must take the right path in strengthening efforts to rebuild trust with residents by attending our Pompton Lakes Community Advisory Group meetings, starting at our next meeting on February 13, 2012 at 7 pm located at the Pompton Lakes Elks Lodge No.1895, 15 Perrin Avenue in Pompton Lakes, New Jersey.

In addition, before making any decisions in regards to community relations, we are requesting the USEPA conduct an audit of both community advisory groups including minutes, attendance, technical work products, community support, conflict of interest disclosure forms, etc. Then after careful



# Pompton Lakes Community Advisory Group

\* Information \* Results \* Transparency \* Community Participation \* Support \*



evaluation of these findings we respectfully ask that the USEPA re-direct resources to the CAG that truly fulfills its obligation to protect the health and safety of the community. According to page eight of the USEPA's document "Guidance for Community Advisory Groups at Superfund Sites" (which you will find attached to this letter) guidelines for CAG construction clearly state:

*"...persons with an obvious conflict of interest at the site should not be members of the CAG, e.g., remedy vendors, lawyers involved in pending site litigation, non-local representatives of national groups, and others without a direct, personal interest in the site."*

A conflict of interest clause is undoubtedly a necessary component in membership selection, and going forward, USEPA needs to apply this to their existing CAG.

Finally, we urge the USEPA to postpone making a decision on the permit modification for the Acid Brook Delta until steps are taken to improve community outreach, and also until external scientific and peer reviews are conducted. This would be a crucial step in the right direction, proving to residents that the USEPA has a genuine intention to ameliorate community relation issues, which would assist in re-establishing the community's trust in the agency.

We appreciate your immediate assistance on this serious issue that potentially threatens the health and safety of hundreds of Pompton Lakes' families. We also request a formal response to this letter in a timely manner to [info@PomptonLakesCAG.org](mailto:info@PomptonLakesCAG.org). Thank you in advance for your immediate assistance.

Respectfully,

Pompton Lakes Community Advisory Group

*On behalf of all the members: Karen Dean, Rich Lombardo, Helen Martens, Ruth Paez, Dana Patterson, Craig Plowman, Lisa Riggiola, and Cheryl Rubino*

Cc: USEPA Administrator, Lisa P. Jackson  
U.S. Senator, Frank Lautenberg  
U.S. Senator, Robert Menendez  
U.S. Congressman, Bill Pascrell, Jr.  
Bonnie Bellow, USEPA  
Lisa Plevin, USEPA



# Correspondence Management System

Control Number: AX-12-000-2084

Printing Date: February 03, 2012 01:04:52



## Citizen Information

**Citizen/Originator:** Donnay, Jake

Organization: National Association of State Foresters  
Address: 444 North Capitol Street, NW, Washington, DC 20001

**Dunn, Alexandra Dapolito**

Organization: Association of State and Interstate Water Pollution Control Administrators  
Address: 1221 Connecticut Avenue, NW, 2nd Floor, Washington, DC 20036

**Haterius, Stephen**

Organization: National Association of State Departments of Agriculture  
Address: 1156 15th N.W., Washington, D.C. 20005

**Taylor, Gary**

Organization: Association of Fish and Wildlife Agencies  
Address: 444 North Capitol Street, NW, Washington, DC 20001

**Farrell, Jay**

Organization: National Association of State Foresters  
Address: 444 North Capitol Street, NW, Washington, DC 20001

**Constituent:** N/A

**Committee:** N/A

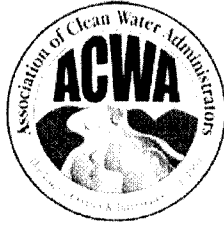
**Sub-Committee:** N/A

## Control Information

<b>Control Number:</b>	AX-12-000-2084	<b>Alternate Number:</b>	N/A
<b>Status:</b>	Pending	<b>Closed Date:</b>	N/A
<b>Due Date:</b>	Feb 21, 2012	<b># of Extensions:</b>	0
<b>Letter Date:</b>	Feb 2, 2012	<b>Received Date:</b>	Feb 3, 2012
<b>Addressee:</b>	AD-Administrator	<b>Addressee Org:</b>	EPA
<b>Contact Type:</b>	EML (E-Mail)	<b>Priority Code:</b>	Normal
<b>Signature:</b>	DX-Direct Reply	<b>Signature Date:</b>	N/A
<b>File Code:</b>	404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.		
<b>Subject:</b>	Daily Reading File - State Agencies Support for state-based water quality Best Management Practice programs		
<b>Instructions:</b>	DX-Respond directly to this citizen's questions, statements, or concerns		
<b>Instruction Note:</b>	N/A		
<b>General Notes:</b>	N/A		
<b>CC:</b>	Lawrence Elworth - AO-IO OEAE - Office of External Affairs and Environmental Education OGC - Office of General Counsel -- Immediate Office		

## Lead Information

**Lead Author:** N/A



February 2, 2012

The Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Administrator Jackson:

Forests play an important role in the health of our environment and our economy—providing clean air and water, wildlife habitat, recreational opportunities, forest products, and jobs. As strong advocates for maintaining healthy and sustainable forests and ensuring water quality, members of the undersigned state organizations support laws, regulations, and policies that contribute to that goal. For example, ongoing state efforts to protect water quality through best management practice (BMP) programs have served to effectively manage nonpoint source pollution from forestry activities for over three decades. We write today to urge your offices to defend current Environmental Protection Agency (EPA) regulations that support this successful state-based BMP approach.

Pursuant to EPA regulations under the Clean Water Act (CWA) defining most forest management activities as nonpoint sources (40 C.F.R. 122.27) and excluding these activities from National Pollutant Discharge Elimination System (NPDES) permitting (40 C.F.R. 122.3), states have invested substantial time and resources in developing and implementing quality BMP programs. Starting from a core set of principles, BMPs are shaped by a diverse group of stakeholders and tailored to address local landscape conditions. The inherent flexibility of this approach also facilitates rapid and continuous evolution as the latest scientific research and information becomes available. Through years of refinement and support, BMP programs have become highly effective at minimizing and preventing nonpoint source pollution from forestry activities.

We understand that a mismanaged road associated with forestry activities can cause water quality issues, and we recognize the overall effectiveness of NPDES permits in addressing point source pollution; however, we support EPA's position that NPDES permits are not the most effective mechanism to control these dispersed sources nationally. Based on the record of BMP programs, we do not believe that NPDES permitting for forestry and logging activities will measurably improve water quality or overall forest health. In fact, imposing an additional layer of NPDES permitting could have profound impacts on state agencies and forest owners—adversely affecting forest health and forest-dependent jobs. This new unfunded mandate would stress already overburdened state environmental agencies and divert resources away from efforts to address more significant threats to human health and our environment. In addition, any new regulatory burdens will increase costs for forest owners and may lead to the conversion of forests to more economically-viable, non-forest uses (e.g., commercial or residential development), which can have far greater impacts on water quality and the environment. Our experience reveals that the costs and complications of new regulatory implementation, inspection,

and enforcement could substantially outweigh water quality improvements that might be realized by requiring NPDES permits for runoff from forestry activities.

The May 2011 decision by the U.S. Court of Appeals for the Ninth Circuit in *Northwest Environmental Defense Center v. Brown* puts successful state-based BMP programs at risk. The court rejected EPA's long-standing regulations in concluding that runoff from forest roads constitutes a point source under the CWA and is therefore subject to NPDES permitting. With the allied support of 26 state attorneys general, the State of Oregon along with the forest products industry defendants and intervenor groups filed petitions for a writ of certiorari with the U.S. Supreme Court seeking review of the Ninth Circuit decision. Now the Court has asked the Solicitor General for his views on whether this review is warranted. Because the Solicitor General's views will be an important factor in the Court's decision whether or not to grant certiorari, we ask you to explain to the Solicitor General the significant adverse impacts of the Ninth Circuit decision.

The state-based BMP approach has and continues to be the best option for addressing water quality impacts from forestry activities, and any changes should take place within this proven 35-year-old regulatory scheme. Moreover, states are free to develop state permitting programs for specific watersheds where they may deem appropriate. Therefore, we urge your offices to ask the Solicitor General to fully defend current EPA regulations by recommending Supreme Court review. We are ready and willing to offer our assistance to your efforts. Thank you for your consideration of this important issue.

Sincerely,



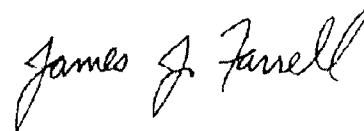
Alexandra Dunn, Executive Director  
Association of Clean Water Agencies



Gary Taylor, Legislative Director  
Association of Fish and Wildlife Agencies



Stephen Haterius, Executive Director  
National Association of State Departments of Agriculture



Jay Farrell, Executive Director  
National Association of State Foresters

Cc:

The Honorable Tom Vilsack, Secretary, United States Department of Agriculture  
The Honorable Ken Salazar, Secretary, United States Department of Interior





12TH DISTRICT  
 STATE CAPITOL  
 P.O. BOX 30014  
 LANSING, MI 48909-7514  
 PHONE: (517) 373-0823  
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 E-MAIL: rashidatlaib@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

**RASHIDA TLAIB**  
 STATE REPRESENTATIVE

APPROPRIATIONS COMMITTEE  
 JUDICIARY, MVC  
 COMMUNITY HEALTH, MVC  
 HUMAN SERVICES

January 25, 2012

Lisa Jackson, EPA Administrator  
 USEPA Headquarters  
 Ariel Rios Building  
 1200 Pennsylvania Avenue, N. W.  
 Mail Code: 1101A  
 Washington, DC 20460

RECEIVED  
 2012 FEB - 6 PM 1:40  
 OFFICE OF THE  
 EXECUTIVE SECRETARIAT

Dear Administrator Jackson,

First, I wanted to express my appreciation to see your appointment to the Environmental Protection Agency (EPA). I wanted to introduce you to my district, southwest Detroit. According to various studies conducted in Michigan, my district has two of the most polluted zip codes in the State. The families I represent host the only oil refinery in the state, the largest railyard and the busiest Northern American international border in the country. In 2010, the University of Michigan found that zip code 48217, a zip code I represent, to be the most polluted area in the state and 48209 in the top five. The study concluded that the average toxic burden score in Michigan was 56. However, southwest Detroit's 48217 zip code had a score of 2,576, the absolute worst in the state.

We have appreciated the past support from the EPA, including grant support. **I would like to formally request a meeting and tour with you when you visit Michigan.** I commend your efforts to bring attention to rid abandoned properties of lethal contaminates and your efforts to lay the groundwork for new environmental policy change. I know that if we work together, we would bring even more positive change to the environmental injustices that many people in my community and beyond face every day.

My community is predominantly low-income and people of color. One of my top priorities is to provide the residents I represent with high quality environmental protections and I hope you can help identify resources.

I hope you will accept this invitation to tour and meet with me. I commend you on your leadership and look forward to working with you.

Sincerely,

Rashida Tlaib  
 State Representative  
 District 12, Detroit









# Everglades Coalition

1000 Friends of Florida  
 Arthur R. Marshall Foundation  
 Audubon of Florida  
 Audubon Society of the Everglades  
 Audubon of Southwest Florida  
 Caloosahatchee River Citizens  
 Association/ Riverwatch  
 Clean Water Action  
 Clean Water Network  
 Collier County Audubon Society  
 Conservancy of Southwest Florida  
 Defenders of Wildlife  
 Ding Darling Wildlife Society  
 Earthjustice  
 Environment Florida  
 The Environmental Coalition  
 Everglades Coordinating Council  
 Everglades Foundation  
 Everglades Law Center  
 Florida Conservation Alliance  
 Florida Defenders of the Environment  
 Florida Keys Environmental Fund  
 Florida Native Plant Society  
 Florida Oceanographic Society  
 Florida Wildlife Federation  
 Friends of the Arthur R. Marshall  
 Loxahatchee Wildlife Refuge  
 Friends of the Everglades  
 Hendry Glades Audubon Society  
 Izaak Walton League Florida Division  
 Izaak Walton League Florida Keys  
 Chapter  
 Izaak Walton League Mangrove Chapter  
 Izaak Walton League of America  
 Last Stand  
 League of Women Voters of Florida  
 Loxahatchee River Coalition  
 Martin County Conservation Alliance  
 National Audubon Society  
 National Parks Conservation Association  
 National Wildlife Federation  
 National Wildlife Refuge Association  
 Natural Resources Defense Council  
 The Ocean Conservancy  
 The Pegasus Foundation  
 Sanibel-Captiva  
 Conservation Foundation  
 Save It Now, Glades!  
 Sierra Club  
 Sierra Club Broward Group  
 Sierra Club Calusa Group  
 Sierra Club Central Florida Group  
 Sierra Club Florida Chapter  
 Sierra Club Loxahatchee Group  
 Sierra Club Miami Group  
 The Snook and Gamefish Foundation  
 South Florida Audubon Society  
 Tropical Audubon Society  
 The Urban Environment League  
 World Wildlife Fund

January 23, 2012

The Honorable Lisa Jackson  
 Administrator  
 U.S. Environmental Protection Agency  
 1200 Pennsylvania Avenue, N.W.  
 Washington, DC 20460

EXECUTIVE SECRETARIAT

OFFICE OF THE

2012 FEB - 6 PM 1:38

RECEIVED

Dear Administrator Jackson,

On behalf of the 56 organizations of the Everglades Coalition, thank you for your inspiring comments at the 27<sup>th</sup> Annual Everglades Coalition Conference *Everglades Restoration: Worth Every Penny*. Our members were very grateful that you were able to join us and for your continued leadership on Everglades restoration!

Best wishes for a fantastic 2012!

Sincerely,

Julie Hill-Gabriel  
 State Co-Chair  
 305-371-6399 x136  
[Jhill-gabriel@audubon.org](mailto:Jhill-gabriel@audubon.org)

Dawn Shirreffs  
 National Co-Chair  
 954-961-1280 x 205  
[dshirreffs@npca.org](mailto:dshirreffs@npca.org)



DIRECTOR OF NATIONAL INTELLIGENCE  
WASHINGTON, DC 20511

RECEIVED

FEB -7 AM 6:36

OFFICE OF THE  
EXECUTIVE SECRETARIAT

JAN 26 2012

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
Washington, DC 20460

Dear Madam Administrator:

I recently had an opportunity to review Fiscal Year (FY) 2011 performance data on the timeliness of the government's personnel security clearance processes, which has been collected and analyzed by the Office of the National Counterintelligence Executive, Special Security Directorate (ONCIX/SSD). Attached for your review is a report on the timeliness of your organization's security clearance process that was prepared as part of this effort.

The Intelligence Reform and Terrorism Prevention Act of 2004 (IRTPA) and the Performance Accountability Council (PAC) that was created pursuant to Executive Order (E.O.) 13467 have established the standards by which to measure the timeliness of security clearance processes. The IRTPA mandated that all agencies meet timeliness requirements for investigations and adjudications, and the PAC has established an additional goal that organizations complete the "initiate phase" of a security clearance investigation within 14 days. My staff at ONCIX is moving toward using the "end-to-end" methodology established by the PAC, which assesses the timeliness of all three activities (initiate, investigate, and adjudicate) and provides a more accurate measure of security clearance process timeliness. The attached report provides data on the timeliness of these activities at your organization.

While the data indicates that in FY 2011 your organization did not meet the timeliness goal that has been established for adjudications, I have been advised of the reasons and of your organization's aggressive actions to meet this goal. I understand that security branch staffing was augmented and that they are working to clear an existing backlog of cases. The positive direction being achieved in adjudicative timeliness—moving from 180 days in the first quarter to 35 in the fourth—is evidence of the success of this initiative. I applaud your efforts and look forward to seeing continued progress.

Our past reports on security clearance processes have focused on the timeliness of initial investigations. I also would like to emphasize, however, the importance of periodic reinvestigations for access to classified information, as reflected in Section 3.4(a) of E.O. 12968, as well as the importance of reinvestigations as an essential component of strong counterintelligence and insider threat programs—concepts captured in E.O. 13467 and E.O. 13587. To encourage agency focus on reinvestigations, I asked my staff to include performance metrics on periodic reinvestigations in the attached report and in all future reports.

The Honorable Lisa P. Jackson

Should you or your staff have questions or desire additional information, please contact Ms. Carrie Wibben, Chief, Personnel Security Group, Special Security Directorate at [carriw@o.dni.gov](mailto:carriw@o.dni.gov) or (571-204-6505), Program Manager of this effort.

Sincerely,



James R. Clapper

Enclosure:

Report on Security Clearance Process Timeliness - FY 2011,  
U.S. Environmental Protection Agency



# Correspondence Management System

Control Number: AX-12-000-2242

Printing Date: February 07, 2012 02:23:57



## Citizen Information

Citizen/Originator: Fox, Don W.

Organization: Office of Government Ethics  
Address: 1201 New York Avenue, Washington, DC 20005-3917

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2242      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Jan 27, 2012      Received Date: Feb 7, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_127\_a General Correspondence Files Record copy  
 Subject: Daily Reading File-A Report on the Regulatory Agencies' Incorporation of the Critical Success Factors for Ethics Program Management  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OEAE - Office of External Affairs and Environmental Education

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	OGC	Feb 7, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to OGC	Feb 7, 2012

## Comments





United States  
**Office of Government Ethics**  
1201 New York Avenue, NW., Suite 500  
Washington, DC 20005-3917

January 27, 2012

The Honorable Lisa P. Jackson  
Administrator  
United States Environmental Protection Agency  
1200 Pennsylvania Avenue, N.W.  
Washington, D.C. 20460

OFFICE OF THE  
EXECUTIVE SECRETARIAT

2012 FEB - 7 AM 6:36

RECEIVED

Dear Administrator Jackson,

As the Administrator of the United States Environmental Protection Agency, you play a vital role in ensuring the success of your agency's ethics program. Statutes and regulations provide only the basic framework for establishing, maintaining, and carrying out an ethics program. Implementation of an effective program requires dedication to the principle that a successful program must reach substantially beyond mere compliance. This dedication ensures that ethical considerations are appropriately integrated into the routine channels of decision making and reflected throughout an agency's activities.

The United States Office of Government Ethics (OGE) recently partnered with 16 regulatory agencies, including the United States Environmental Protection Agency, to benchmark critical aspects of the ethics programs administered through the Designated Agency Ethics Officials (DAEOs). The benchmarking effort focused on qualitative, rather than quantitative, aspects of the program. Specifically, the DAEOs were asked to evaluate the progress they have made in incorporating leadership, ethics awareness, resource allocation, and program oversight objectives into their program strategies.

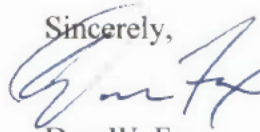
I am pleased to inform you that the benchmarking project has confirmed that your agency's ethics program has recognized the importance of, and incorporated objectives relating to, each of the four success factors. The attached report will provide you with useful information

The Honorable Lisa P. Jackson  
Page 2

on how your ethics program compares with other regulatory agencies. It is my hope that you will discuss this report with your DAEO and senior leadership team. As agency heads, we are responsible for the ethics program and for the ethical climate of our organizations.

Please do not hesitate to contact me directly if you have any comments or questions or if OGE can be of assistance to you.

Sincerely,



Don W. Fox  
Principal Deputy Director

cc: Brenda Mallory, DAEO

Attachment



## Access

All 16 agencies reported that they have continual access to their leadership. Access is gained by having ethics officials work in close proximity to leaders, by attending and participating in senior staff meetings on a regular basis, by briefing leadership on emerging ethics issues or trends, and by participating in meetings concerning agency initiatives and projects. A few agencies felt that assisting leadership on their new entrant public financial disclosure reports was one of the most beneficial ways to gain access. A number of agencies also reported that their General Counsel serves as the Designated Agency Ethics Official (DAEO) and has regular access to leaders through that role.

## FOR YOUR CONSIDERATION

At the **Environmental Protection Agency**, the agency's ethics office is involved in the vetting process for the Administrator's calendar. The Administrator's scheduling office uses an electronic database system to compile invitations received and to send them throughout the agency for vetting. The ethics office is part of that evaluation process. Should an event be determined to be unacceptable for ethics reasons, it is immediately removed from consideration and declined.

## Involvement in Managing the Ethics Program

Generally, the regulatory agencies reported few instances of non-responsive or late filers of public and confidential financial disclosure reports; however, all agencies felt that leadership, upon request, would assist ethics officials in following-up with filers.

## Budgetary Support

All 16 agencies reported leadership support for funding to operate their ethics program. For example, some agencies received funding for financial disclosure filing and tracking systems, development of on-line training modules, and training for ethics officials. A few agencies were able to hire additional ethics officials and consultants or reclassify the ethics positions to reflect a higher level of authority within the agency.

the conflict of interest rules, highlights potential conflicts of interest, and reminds filers who to contact should questions arise. A similar memorandum is distributed to certain confidential filers. When reviewing confidential reports that will be certified by the DAEO, Deputy Ethics Officials send personalized emails to filers discussing the relevant rules and potential issues based upon information contained in the reports.

### Marketing the Ethics Program

Agencies identified various ways of marketing the ethics program, such as posters and promotional materials. Ten agencies reported using ethics posters to increase employee awareness of their ethical responsibilities as well as the ethics office. Many of these agencies use posters produced by OGE. Seven agencies used promotional products such as pens, bookmarks, bags, magnets, and fortune cookies as a way to increase awareness of the ethics program.<sup>3</sup>

### Training

Agencies used training, beyond required training, to raise awareness of the ethics rules and ethics staff. All 16 agencies reported that they provide targeted training to employees upon request. Some of these targeted groups include information technology staff, the Office of the Inspector General, procurement personnel, Senior Executive Service (SES) officials, and international regulators.

## FOR YOUR CONSIDERATION

Every year, the **Environmental Protection Agency** offers all employees the opportunity to take online ethics training that is developed by the ethics office. According to ethics officials, the agency-wide ethics training has developed into a signature product and is the most visible element of the ethics program. The 2010 training course included a discussion of the ethical implications of an emerging issue – the use of social media in one’s personal and official capacities. More than 14,000 of the agency’s 17,000 employees took this training, reaching far more than the 10,000 employees who were required to receive annual ethics training.

<sup>3</sup> The use of promotional materials may diminish in light of an Executive Order issued on November 9, 2011, titled “Promoting Efficient Spending,” which advises that agencies limit the purchase of promotional items, e.g., plaques, clothing, and commemorative items, in particular where they are not cost-effective.





# AGENCY PROFILE: ENVIRONMENTAL PROTECTION AGENCY

The mission of the Environmental Protection Agency (EPA) is to protect human health and the environment.

To accomplish its mission, the EPA

- Develops and enforces regulations
- Gives grants
- Studies environmental issues
- Sponsors partnerships
- Teaches people about the environment
- Publishes information

Full-time agency employees	<b>17,761</b>
Special Government employees	<b>1,004</b>
% of time DAEO spends on ethics	<b>15%</b>
Length of time DAEO has held position	<b>1 – 4 years</b>
Grade level of DAEO	<b>SES</b>
% of time ADAEO spends on ethics	<b>100%</b>
Length of time ADAEO has held position	<b>5 – 9 years</b>
Grade level of ADAEO	<b>SL</b>

	Full-time ethics staff	Part-time ethics staff	Total
HQ	<b>3</b>	<b>126</b>	<b><u>129</u></b>
Region/Field	<b>0</b>	<b>88</b>	<b><u>88</u></b>
<b>Total</b>	<b><u>3</u></b>	<b><u>214</u></b>	<b><u>217</u></b>

Total number of public financial disclosure reports: **468**

Total number of confidential financial disclosure reports: **10,431**

# of advisory committees (non-FACA): **6**

# of FACA advisory committees: **9**

# of advisory committee members (non-FACA): **22**

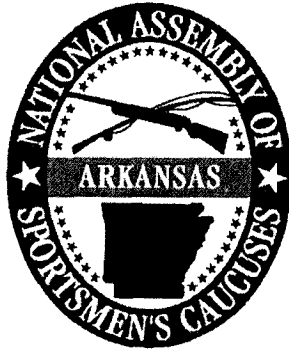
# of FACA advisory committee members: **179**

### Time agency spends on administering the ethics program:

	Extreme time	Considerable time	Moderate time	No time	Limited time	Moderate time	Considerable time	Extreme time
Public financial Disclosure (SF 278)								
Confidential Financial Disclosure (450)								
Outside Activity approval programs								
Written opinions and counseling								
Education and Training								
Special Government employee activities								
Developing information technology applications								

Data provided by the agency on OGE's 2010 Agency Ethics Program Questionnaire (data reported reflects the 2010 calendar year)





February 6, 2012

Honorable Lisa Jackson  
Administrator  
U.S. Environmental Protection Agency  
Washington, DC 20460

Dear Administrator Jackson:

On behalf of the **Arkansas Legislative Sportsmen's Caucus**, we urge you to deny the November 16, 2011 "Petition to the Environmental Protection Agency to Regulate Lead Fishing Tackle Under the Toxic Substances Control Act." Such regulation is not biologically justified, would place an undue economic burden on the anglers of our states and would supersede long-standing state authority to manage fish and wildlife resources.


We applaud the EPA for denying the 2010 petition to ban lead ammunition and fishing tackle. Likewise, we ask that you also deny the new petition to initiate federal regulation of lead fishing tackle. There is no substantial evidence to suggest that lead fishing tackle has detrimental impacts on loon, or other migratory waterfowl populations. In fact, a study by the United States Fish and Wildlife Service found that less than one percent of waterfowl and other bird mortality can be attributed to lead ingestion. In the few cases where localized problems have occurred, the individual state natural resource agencies have implemented measures to minimize those impacts and conserve wildlife populations.


The use of lead in fishing tackle dates back thousands of years because of its unique qualities, including the fact that it is cheap and easy to obtain. Despite the claims of the petitioners, substitute metals and alloys for lead sinkers are not readily available and can cost substantially more than equivalent lead weights. We fear that if this federal ban were imposed, it would discourage many anglers from participating in recreational fishing activities. A drop in participation would mean shortfalls in license sales and excise taxes that support fish and wildlife management efforts within our states.

The development of policies surrounding the use of lead fishing tackle is biologically, socially and economically complex. The states are in the best position to understand and balance those factors in the interest of our natural resources and our constituents.

Please deny the unjustified and unnecessary petition to impose federal regulation on lead fishing tackle.

Sincerely,

  
Senator Bill Sample, Co-Chair  
Arkansas State Senate

  
Representative Randy Stewart, Co-Chair  
Arkansas House of Representatives





# Correspondence Management System

Control Number: AX-12-000-2289

Printing Date: February 07, 2012 04:15:02



## Citizen Information

Citizen/Originator: Sharp, Fawn

Organization: Quinault Indian Nation  
Address: Post Office Box 189, Toholah, WA 98587

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2289      Alternate Number: N/A  
 Status: For Your Information      Closed Date: N/A  
 Due Date: N/A      # of Extensions: 0  
 Letter Date: Jan 31, 2012      Received Date: Feb 7, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: SNR-Signature Not Required      Signature Date: N/A  
 File Code: 401\_167\_a Transitory Files Record copy  
 Subject: Daily Reading File-SCH002-Scheduling Request (Administrator) - Invitation-Request for meeting with the Quinault Indian Nation Leaders  
 Instructions: For Your Information -- No action required  
 Instruction Note: N/A  
 General Notes: Contact: Juanita Vaughn Location: Tribal Headquarters in Taholah Washington  
 CC: OITA - Office of International and Tribal Affairs  
 R10 - Region 10 -- Immediate Office

## Lead Information

Lead Author: N/A

Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
No Record Found.					

## Supporting Information

Supporting Author: N/A

Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
(b) (6) Personal Privacy	OEX	Noah Dubin	Feb 7, 2012

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Forward control to Noah Dubin	Feb 7, 2012

## Comments



# Quinault Indian Nation

POST OFFICE BOX 189 □ TAHOLAH, WASHINGTON 98587 □ TELEPHONE (360) 276 - 8211

January 31, 2012

Lisa Jackson, Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

RECEIVED  
2012 FEB - 7 AM 6:31  
OFFICE OF THE  
EXECUTIVE SECRETARIAL

Dear Administrator Jackson,

It was a pleasure to meet you last week in Seattle at the gathering of some of Washington's tribal leaders. I appreciated your remarks and value your commitment to protecting tribal natural resources and treaty rights. I am writing to request that you meet with leadership of the Quinault Indian Nation to discuss several issues of mutual importance when you return to the Pacific Northwest later this year, including:

- Substantive tribal involvement in the development of GAP guidelines
- The need for GAP funding to enable the Nation to address degradation of air and water quality which affects our treaty-protected off-reservation rights to hunt, fish and gather
- Requirements for state and country recipients of EPA grants to collaborate with Indian tribes to protect environmental values of importance to tribal communities
- Effective EPA enforcement of Clean Water/Air Act requirements to reduce threats to treaty-protected resources from deterioration of environmental quality
- *NEDC v. Brown*, its application in Indian country, and availability of funding to tribes for implementation
- Tribal consultation policies and protocols
- NPDES Pesticide General Permit
- Applicability of federal environmental protection laws and regulations to Indian country

The Quinault Nation would be pleased to host a meeting at our tribal headquarters in Taholah, on the coast of Washington should it be possible to accommodate such a visit within your schedule. My Executive Assistant, Juanita Vaughn, [jvaughn@quinault.org](mailto:jvaughn@quinault.org), 360/276-8215 ext. 333, will work with your office to arrange a time and place of mutual convenience. We look forward to the opportunity to share perspectives through respectful, government-to-government discourse. Thank you for your consideration.

Sincerely,

Fawn Sharp, President  
Quinault Indian Nation





# City of Warrenville

February 1, 2012

Lisa Jackson, Administrator  
Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

28W701 Stafford Place • Warrenville, IL 60555  
630/393-9427 • FAX 630/393-6948

**RE: Kress Creek/DuPage River Site Superfund Request**

Dear Ms. Jackson:

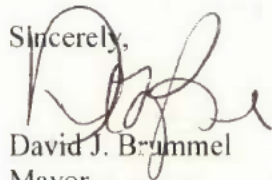
The Kress Creek/DuPage River Superfund Site is a National Priorities List (NPL) Site located in DuPage County, Illinois, with stretches flowing through the City of Warrenville and the DuPage County Forest Preserve District properties. Until 2010, Kerr McGee Chemical was the sole responsible party and had been implementing the EPA selected final remedial action. In 2010, Kerr McGee filed for bankruptcy and funding to complete the remediation was in jeopardy.

Three sections of the River still remain to be cleaned up. Available funding will allow the Trustee (who replaced Kerr McGee pursuant to a Bankruptcy Court-approved settlement) with USEPA oversight, to complete the work in most of two of those three sections. However, there is not enough funding available to complete the entire project. Therefore, we are looking to the Superfund to make up that shortfall with an allocation of approximately \$5 million to the Kress Creek/DuPage River Site in early 2012, so the entire remedial action could be completed this year. Without those Superfund dollars, a portion of the work will be delayed for at least another year.

Completion of the River cleanup work is part of a much larger remediation project in this area of DuPage County, and one of four NPL Sites, all impacted with thorium from the Rare Earths Facility (REF) in the City of West Chicago, Illinois. The REF, which is also being remediated, has served as the transshipment point for the radioactive materials removed from the four NPL Sites in the area. Finishing the River Site means that the REF's use as a transshipment point may no longer be necessary and that land can also return to productive use by the community. With completion of the River Site, the USEPA would have completed the remediation of all four Superfund Sites by the end of 2012- remediations that have been ongoing for almost a decade.

Thank you for your consideration of this funding request.

Sincerely,

  
David J. Brummel  
Mayor

cc: Representative Hultgren  
Representative Biggart  
Tim Fischer, US EPA Region 5  
City Administrator Coakley

EXECUTIVE SECRETARIAT

OFFICE OF THE

2012 FEB -7 AM 11:42

RECEIVED



# Correspondence Management System

Control Number: AX-12-000-2305

Printing Date: February 07, 2012 05:44:02



## Citizen Information

Citizen/Originator: O'Toole, James

Organization: City of Escanaba  
Address: 410 Ludington Street, Escanaba, MI 49829

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-2305      Alternate Number: N/A  
 Status: Pending      Closed Date: N/A  
 Due Date: Feb 21, 2012      # of Extensions: 0  
 Letter Date: Feb 1, 2012      Received Date: Feb 7, 2012  
 Addressee: AD-Administrator      Addressee Org: EPA  
 Contact Type: LTR (Letter)      Priority Code: Normal  
 Signature: DX-Direct Reply      Signature Date: N/A  
 File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File-Ninth Circuit Court of Appeals Decision regarding policy on Forest Roads  
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns  
 Instruction Note: N/A  
 General Notes: N/A  
 CC: OCIR - Office of Congressional and Intergovernmental Relations  
 OEAE - Office of External Affairs and Environmental Education  
 OGC - Office of General Counsel -- Immediate Office  
 R5 - Region 5 -- Immediate Office

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OW	Feb 7, 2012	Feb 21, 2012	N/A
Instruction: N/A					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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James V. O'Toole  
City Manager



410 Ludington Street  
Escanaba, Michigan 49829  
Phone (906)786-0240

RECEIVED  
2012 FEB - 7 AM 11:42  
OFFICE OF THE  
EXECUTIVE SECRETARIAT

February 1, 2012

The Honorable Lisa Jackson  
EPA Administrator  
Ariel Rios Building  
1200 Pennsylvania Avenue, NW  
Washington, DC 20460

Dear Honorable Jackson:

I am deeply troubled by last year's U.S Ninth Circuit Court of Appeals decision that upends decades of established Environmental Protection Agency policy on forest roads. The ruling maintains that drainage pipes and storm water ditches on tens of thousands of logging roads should be treated as if they were "point source" discharges, similar to industrial plants or factories. This excessive, court-ordered regulation harms communities like Escanaba, MI, where I serve, along with other heavily forested regions throughout the state and country. However, there is opportunity to overturn the Ninth Circuit's decision. Recently, the Supreme Court has asked for the Solicitor General's input on whether or not the court should review the case. Therefore, I ask you to advise the Solicitor General of the negative impacts of the Ninth Circuit's decision, and express your desire to see the Ninth Circuit's decision reviewed by the Supreme Court.

For decades, the Environmental Protection Agency determined that the most effective way to sustain forestry activities and maintain water quality standards was to treat them as "nonpoint sources," regulated by best management practices (BMPs) in states rather than through federal permits. This system worked and allowed forests and industry to flourish. New industrial permit requirements will increase costs, create delays and open the doors to endless citizen lawsuits for thousands of forest owners. The litigation and monitoring costs jeopardizes the sustainability of private forests. These regulatory burdens ignore the practices that have worked for years.

As a city manager in an area home to many forests, I know first-hand how important timber and logging industries are to Michigan's local businesses. The development, transportation and selling of forest products provides a stable tax base for towns across the state, nearly \$80 billion in state income and severance taxes, and stability in our economy. Overregulation that leads to massive litigation and increased operating costs will hurt the ability of Escanaba and other towns, cities and counties to attract and retain businesses.

As this issue is of grave concern to me, I previously wrote to President Obama and Mr. Jon Carson, Director of the White House Office of Public Engagement, and write again to encourage the Administration to take action against this detrimental ruling. I respectfully ask that the Administration support existing EPA regulations, communicate your support to the Solicitor General, and encourage the Supreme Court to review the Ninth Circuit decision. The current treatment of forestry, in effect for 35 years, will maintain the jobs and development needed during these difficult economic times.

Thank you for your consideration.

Sincerely,



James V. O'Toole  
City Manager  
Escanaba, MI







# CALIFORNIA ENVIRONMENTAL PROTECTION AGENCY



**MATTHEW RODRIQUEZ**  
SECRETARY FOR  
ENVIRONMENTAL PROTECTION

1001 I STREET, SACRAMENTO, CALIFORNIA 95814 • P.O. BOX 2815, SACRAMENTO, CALIFORNIA 95812-2815  
(916) 323-2514 • (916) 324-0908 FAX • [WWW.CALEPA.CA.GOV](http://WWW.CALEPA.CA.GOV)

**EDMUND G. BROWN JR.**  
GOVERNOR

February 22, 2012

Ms. Lisa P. Jackson  
Administrator  
United States Environmental Protection Agency  
*Ariel Rios Building*  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

OFFICE OF THE  
EXECUTIVE SECRETARIAT  
2012 FEB 28 AM 10:33  
RECEIVED

Dear Ms. Jackson:

## PACE OF EXPENDITURE FROM THE CALIFORNIA CLEAN WATER STATE REVOLVING FUND (CWSRF)

Thank you for your December 2, 2011, letter to Governor Brown regarding our partnership in addressing water quality and public health threats. He asked that I respond directly.

California's State Water Resources Control Board (State Water Board) is pleased to administer the CWSRF program. The State Water Board and its staff appreciate the water quality, public health, and economic benefits of this program. I know the program improves the quality of life in California, and I understand the effect of prompt fund usage on creating jobs.

I believe the State Water Board and its staff have done a good job in recent years of quickly financing worthy projects and putting CWSRF funds to work. California's CWSRF has financed approximately \$570 million in projects since July 1, 2011, which is a record pace. Nonetheless, I also believe that we should always strive to improve our performance. I appreciate your recommendations in that regard, and I will work with the State Water Board to implement the recommendations.

Thank for your efforts to make EPA's grant process as efficient as possible. Should you have any questions about California's efforts to improve its administration of

Ms. Lisa P. Jackson

Page 2

the CWSRF program, please contact Ms. Elizabeth L. Haven, Deputy Director of the Division of Financial Assistance, at (916) 341-5457 or [lhaven@waterboards.ca.gov](mailto:lhaven@waterboards.ca.gov)

Sincerely,

A handwritten signature in blue ink, appearing to read "Matthew Rodriguez".

Matthew Rodriguez  
Secretary for Environmental Protection

cc: See next page.



# Correspondence Management System

Control Number: AX-12-000-4040

Printing Date: March 01, 2012 04:05:36



## Citizen Information

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**Citizen/Originator: Segall, Craig Holt**

Organization: Sierra Club Environmental Law Program  
Address: 50 F Street NW, Washington, DC 20001

**VandenHeuvel, Brett**

Organization: Columbia Riverkeeper  
Address: 724 Oak Street, Hood River, OR 97031

**van Rossum, Maya K.**

Organization: Delaware Riverkeeper  
Address: 925 Canal Street, Bristol, PA 19007

**Goldberg, Deborah**

Organization: Earthjustice  
Address: 156 William Street, New York, NY 10038

**Helfrich, Michael R.**

Organization: Lower Susquehanna Riverkeeper, Stewards fo the Lower Susquehanna, Inc.  
Address: 324 W. Market Street, York, PA 17401

**Adams, Lesley**

Organization: Rogue Riverkeeper  
Address: PO Box 102, Ashland, OR 97520

**Vaughan, Monica**

Organization: Klamath-Siskiyou Wildlands Center  
Address: PO Box 102, Ashland, OR 97520

**Cotton, Bethany**

Organization: Friends of Living Oregon Waters  
Address: P.O. Box 2478, Grabts Pass, OR 97528

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

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**Control Number:** AX-12-000-4040

**Alternate Number:** N/A

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Mar 16, 2012

**# of Extensions:** 0

**Letter Date:** Feb 29, 2012

**Received Date:** Mar 1, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** EML (E-Mail)

**Priority Code:** Normal

**Signature:** DX-Direct Reply

**Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

**Subject:** Daily Reading File - Call for a full Environmental Impact Statement of the environmental impacts of liquefied natural gas export proposals pending before Department of Energy's Office of Fossil Energy and the Federal Energy Regulatory Commission

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A



# Correspondence Management System

Control Number: AX-12-000-4040

Printing Date: March 01, 2012 04:05:36



**General Notes:** N/A  
**CC:** OEAE - Office of External Affairs and Environmental Education  
 OGC - Office of General Counsel -- Immediate Office

## Lead Information

**Lead Author:** N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OAR	Mar 1, 2012	Mar 16, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

**Supporting Author:** N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OAR as lead office	Mar 1, 2012

## Comments

Commentator	Comment	Date
No Record Found.		

**Columbia Riverkeeper \* Delaware Riverkeeper \* Earthjustice  
Friends of Living Oregon Waters (FLOW) \* Klamath-Siskiyou Wildlands Center  
Lower Susquehanna Riverkeeper \* Rogue Riverkeeper \* Sierra Club**

February 29, 2012

The Honorable Nancy Sutley, Chair  
Council on Environmental Quality  
Executive Office of the President  
722 Jackson Place NW  
Washington, DC 20503

The Honorable Lisa Jackson, Administrator  
U.S. Environmental Protection Agency  
1200 Pennsylvania Ave, NW  
Washington, DC 20460

Dear Chairwoman Sutley and Administrator Jackson:

The Department of Energy's Office of Fossil Energy (DOE/FE) and the Federal Energy Regulatory Commission (FERC) are considering proposals to export approximately a fifth of the U.S. domestic gas supply as liquefied natural gas (LNG). Although these export applications are explicitly premised on exports' ability to increase production of unconventional natural gas, DOE/FE and FERC have, thus far, failed to consider the environmental impacts of this increased gas production under the National Environmental Policy Act (NEPA). We are therefore writing to ask you, pursuant to your obligations under NEPA and Section 309 of the Clean Air Act, to make clear that DOE/FE and FERC must consider these impacts, and alternatives which would avoid them, in an environmental impact statement (EIS) before moving forward.

As you know, NEPA provides that "all agencies of the Federal government" must prepare an EIS for every "major Federal action[] significantly affecting the quality of the human environment." 42 U.S.C. § 4332(C). The major federal action at issue here is DOE/FE and FERC's historic decision whether to permit massive amounts of LNG to be exported, largely deriving from unconventional gas plays.

DOE/FE and FERC share this authority under the Natural Gas Act. 15 U.S.C. § 717b(a). DOE/FE has authority to determine whether gas exports to nations with which the United States has not signed a free-trade agreement are in the "public interest," which includes "the authority to consider conservation, environmental, and antitrust questions." *Nat'l Ass'n for the Advancement of Colored People v. Federal Power Commission*, 425 U.S. 662, 670 n.4 & n.6 (1976); *see also* DOE Redefinition Order 00-002.04E (providing this authority to DOE/FE). FERC, in turn, considers where to site such facilities. *See* DOE Delegation Order 00-004.00A.

Many such facilities are before DOE/FE and FERC. As of earlier this month, DOE/FE is considering applications from at least 9 facilities, which collectively could export at least 12.51 billion cubic feet per day (bcf/d) of LNG. See DOE/FE Application Summary (Feb. 12, 2012).<sup>1</sup>

Project proponents generally argue that their applications are in the public interest in large part because they will sustain and increase unconventional natural gas production. One facility in Maryland, Dominion Cove Point (DCP), for instance, describes its ability to “encourage and support increased domestic production of natural gas and [natural gas liquids]” as its “most basic benefit.” DCP Application (Oct. 3, 2011) at 35.

As the Shale Gas Subcommittee of the Secretary of Energy’s Advisory Board has recognized, the environmental impacts of unconventional gas production are very large and “if action is not taken to reduce the environmental impact accompanying the very considerable expansion of shale gas production expected across the country... there is a real risk of serious environmental consequences.” DOE SEAB, *Shale Gas Production Subcommittee Second 90-Day report* (Nov. 18, 2011) at 10. The DOE’s Energy Information Administration (EIA) has also identified serious environmental impacts specifically associated with LNG export. Among other consequences, EIA expects LNG exports to raise domestic natural gas prices, leading to increased use of coal generation, with an associated spike in carbon dioxide emissions from combustion (along with other pollutants). See EIA, *Effect of Increased Natural Gas Exports on Domestic Energy Markets* (Jan. 2012) at 18-19.

Thus, the consequences of LNG exports must be analyzed under NEPA to ensure that the environmental impacts of such exports, and their associated production increases, are fully disclosed and that alternatives which might avoid those impacts are considered. Such impacts are not only reasonably foreseeable, see, e.g., 40 C.F.R. 1508.8, but are trumpeted by export project proponents: LNG exports are *intended* to cause increased domestic production. Because the agencies must account for the direct and indirect results of their actions, as well as the cumulative impacts of those actions in concert with other extraction activities already taking place in the shale plays, DOE/FE and FERC must address these impacts in an EIS for each project, and, preferably, a programmatic EIS for all such projects. See 40 C.F.R §§ 1502.16, 1508.7, 1508.8; *Northern Plains Resource Council v. Surface Transportation Board*, - F.3d -, 2011 WL 6826409 at \* 5 (9<sup>th</sup> Cir. 2011).

The *Northern Plains* case makes this point particularly clearly. In that case, the Court held that the NEPA analysis for a railway line which was developed in order to expand coal production had to fully consider the environmental impacts of this increased production. See *id.* at \* 10. The Court held that such impacts were plainly “reasonably

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<sup>1</sup> Available at [http://fossil.energy.gov/programs/gasregulation/LNG\\_Summary\\_Table\\_2\\_10\\_12.pdf](http://fossil.energy.gov/programs/gasregulation/LNG_Summary_Table_2_10_12.pdf).



foreseeable” – indeed, they were the premise for the construction project in the first place. *Id.* The same analysis applies here, where export proponents are seeking to construct facilities which would expand and intensify fossil fuel production.

Yet, thus far, neither DOE/FE nor FERC have developed an EIS for any export proposal, much less one that considers the effects of upstream production. The only NEPA document issued by either agency, an Environmental Analysis (EA) for the Sabine Pass export facility prepared by FERC for its siting analysis, offers no discussion of upstream environmental impacts, even as it acknowledges that the facility’s purpose is to “allow further development of unconventional (particularly shale gas-bearing formation) sources in the United States.” See FERC, *Environmental Assessment for the Sabine Pass Liquefaction Project* (Dec. 2011) at 1-10.<sup>2</sup> The next facility under consideration, the DCP site in Maryland, likewise offers no discussion of upstream environmental impacts in its application to DOE/FE, maintaining that they are “plainly not relevant” to DOE/FE’s decision and that FERC “almost certainly will not” – and should not – “undertake a comprehensive review of Marcellus Shale drilling impacts as part of its NEPA review of DCP’s export facilities.” DCP Answer, FE Docket No. 11-128-LNG (Feb. 21, 2012) at 25, 27.<sup>3</sup> DOE/FE and FERC thus far appear to be taking this unwise course.

In doing so, both agencies are violating their own NEPA regulations, in addition to CEQ’s rules and the statute’s requirements. The DOE’s NEPA regulations provide that approvals of LNG export applications involving major increases in export volumes “normally require EISs,” 10 C.F.R. Pt. 1021 App. D, D9, and, more generally, commit the agency to “follow the letter and spirit of NEPA; comply fully with the [Council on Environmental Quality (“CEQ”)] Regulations and apply the NEPA review process early in the planning stages for DOE proposals.” 10 C.F.R. § 1021.100. FERC rules likewise provide that an EIS “will normally be prepared” for “the siting, construction, and operation of [LNG] import/export facilities.” 10 C.F.R. § 380.6(a)(1). Yet, neither agency has acknowledged that an EIS is required for the LNG export facilities before it, and that such an EIS must consider the increased gas production which exports will cause.

DOE/FE and FERC’s failures will result in lasting harm by impairing the government’s ability to confront the historic LNG export decision intelligently and transparently. “NEPA procedures . . . insure that environmental information is available to public officials and citizens before decisions are made and before actions are taken.” 40 C.F.R. § 1500.1(b); see also *Dep’t of Transp. v. Public Citizen*, 541 U.S. 752, 768 (2004) (explaining that NEPA requires agencies to “carefully consider [ ] detailed information concerning significant environmental impacts” and “guarantees that the relevant information will be made available to the larger” public) (quoting *Robertson v. Methow*

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<sup>2</sup> Sierra Club’s comments on that proposal, describing the many environmental considerations FERC failed to consider, are attached.

<sup>3</sup> Sierra Club’s protest of that facility, addressing the environmental impacts which DOE/FE has thus far ignored, is attached, along with comments from many Riverkeepers on the same facility.

*Valley Citizens Council*, 490 U.S. 332, 349 (1989)). Without such consideration, the historic choice as to whether to massively increase U.S. gas exports will be made with incomplete information.

CEQ and EPA have an obligation to prevent this failure from occurring. CEQ is charged with administering the NEPA process, and, specifically, with “review[ing] and apprais[ing] the various programs and activities of the Federal Government” to ensure that they are consistent with NEPA’s purposes and policy. 42 U.S.C. § 4344(3). EPA, likewise, must “review and comment in writing on the environmental impact of any matter relating” to its duties and responsibilities, as natural gas export and production plainly does, given the many environmental impacts associated with these activities. 42 U.S.C. § 7609(a). If DOE/FE and FERC persist in their current course, EPA will ultimately be obliged to refer their unsatisfactory NEPA documents to CEQ. *See id.* § 7609(b), 40 C.F.R. Pt. 1504. It would be far better for EPA and CEQ, instead, to act now to make the scope of DOE/FE and FERC’s NEPA duties clear.<sup>4</sup>

We therefore ask you to write DOE/FE and FERC publicly to clarify that they must fully analyze the impacts of increased gas production in an EIS as part of their consideration of natural gas export proposals. Because there are many such proposals before the agencies, and the cumulative impacts of those proposals must be considered, DOE/FE and FERC should begin with a programmatic EIS of the proposals as a whole, before proceeding to focused EISs for each individual facility. *See* 40 C.F.R. § 1508.17(b)(3). Such a programmatic EIS would substantially advance our collective understanding of the impacts of the unconventional gas production process and of the impacts of LNG export on a national basis. This information is critical for sound decision-making as the unconventional gas boom intensifies.

Thank you in advance for your help. We would welcome the opportunity to meet with you and your staffs to discuss these concerns.

Respectfully,

Craig Holt Segall  
Associate Attorney  
Sierra Club Environmental Law Program  
50 F St NW, Eighth Floor  
Washington, DC, 20001  
(202)-548-4597  
Craig.Segall@sierraclub.org

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<sup>4</sup> In the process of reviewing an unsatisfactory FERC NEPA document on a natural gas pipeline project, EPA has already made clear that it is “fully committed to understanding and evaluating the scientific basis for the environmental impacts projected from [that] and other natural gas development and distribution activities.” Letter from Jeffrey D. Lapp, EPA Office of Environmental Programs to Kimberly D. Bose, FERC Secretary (July 11, 2011).

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Delaware Riverkeeper Network  
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keepermaya@delawariverkeeper.org

Deborah Goldberg  
Managing Attorney  
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156 William St., Suite 800  
New York, NY 10038-5326  
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Bethany Cotton  
Board Member  
Friends of Living Oregon Waters (FLOW)  
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flow@oregonwaters.org

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Lower Susquehanna Riverkeeper®  
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York, PA 17401  
717-779-7915  
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Monica Vaughan  
Grassroots Organizer  
Klamath-Siskiyou Wildlands Center  
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monica@kswild.org

Lesley Adams  
Program Director  
Rogue Riverkeeper  
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Ashland, Oregon 97520  
541-488-5789  
Lesley@rogueriverkeeper.org



1075703



## State of Indiana

## General Assembly

200 West Washington Street  
Indianapolis, Indiana 46204

January 24, 2012  
Letter to President Obama  
Indiana Congressional Delegation

Dear Representatives, Senators, and President Barack Obama,

As you know, Indiana is highly dependent on coal for our energy needs. About 90 percent of Indiana's electric power is generated by coal. When you look at Indiana's current coal fleet, based on US Environmental Protection Agency figures, 71% of Indiana's coal based fleet is more than thirty years old and 37% of Indiana's coal base fleet is more than forty years old.

Indiana's effort to achieve compliance with pending federal air regulations will be time consuming and costly.

That is why we are writing to urge your support for the Fair Compliance Act of 2011 (S.1833), a bill introduced by Senator Dan Coats of Indiana and Senator Joe Manchin of West Virginia. This bipartisan measure is common sense legislation that sets a realistic time frame for utilities to comply with new Environmental Protection Agency clean air rules.

The legislation would extend and coordinate the compliance deadlines for two proposed air regulations-Utility MACT (Maximum Achievable Control Technology) and the Cross State Air Pollution Rule-to January 1, 2017.

The importance of providing additional years to comply cannot be understated. The current deadlines are not only unworkable for many utilities, they could result in problems for the customers they serve. Under the current deadline, utilities will have limited compliance options that could cause rates to rise even higher than some of the current costly projections. Also, the limited options may force the early closure of plants and jeopardize electric reliability.

Providing a longer glide path for meeting these new stringent regulations helps both utilities and the customers they serve without compromising the environment. The deadline proposed by S. 1833 does not alter the environmental goals of the air rules; it simply gives utilities more time to comply.

Like you, we have grave concerns about the state of our economy. We simply cannot march on toward new strict environmental requirements with unnecessarily short time frames and pretend that this won't result in further economic hardships for Indiana.

For these reasons, we urge your support of the Fair Compliance Act of 2011 (S. 1833) authored by Senator Dan Coats of Indiana and Senator Joe Manchin of West Virginia.



Indiana State Representatives

4 Ed Soliday ✓

*Edmund H. Soliday*

15 Don Lehe ✓

*Don Lehe*

16 Doug Gutwein ✓

*Doug Gutwein*

18 David Wolkins ✓

*David Wolkins*

20 Tom Dermody ✓

*Tom Dermody*

21 Tim Wesco ✓

*Timothy C. Wesco*

22 Rebecca Kubacki ✓

*Rebecca Kubacki*

23 Bill Friend ✓

*Bill Friend*

24 Richard McClain ✓

*Richard McClain*

26 Randy Truitt ✓

*Randy P. Truitt*

28 Jeff Thompson ✓

*Jeff Thompson*

29 Kathy Richardson ✓

*Kathy Kreeg Richardson*

30 Mike Karickhoff ✓

*Mike Karickhoff*

31 Kevin Mahan ✓

*Kevin A. Mahan*

32 Eric Turner ✓

*Eric Turner*





33 Bill Davis ✓

Bill Davis

35 Jack Lutz ✓

J-L

38 Heath VanNatter ✓

Heath VanNatter

39 Jerry Torr ✓

Jerry Torr

40 Greg Steuerwald ✓

Greg Steuerwald

41 Tim Brown ✓

Tim Brown

44 James Baird ✓

James Baird

45 Bruce Borders ✓

Bruce Borders

46 Bob Heaton ✓

Bob Heaton

47 Ralph Foley ✓

Ralph Foley

48 Tim Neese ✓

Tim Neese

49 Wes Culver ✓

Wes Culver

50 Dan Leonard ✓

Dan Leonard

51 Richard Dodge ✓

Richard Dodge

52 David Yarde ✓

David Yarde

53 Bob Cherry ✓

Bob Cherry



54 Thomas Saunders ✓

Thomas Saunders

55 Thomas Knollman ✓

Thomas Knollman

57 Sean Eberhart ✓

Sean R Eberhart

58 Woody Burton ✓

Woody Burton

59 Milo Smith ✓

Milo Smith

62 Matt Ubelhor ✓

Matt Ubelhor

63 Mark Messmer ✓

Mark Messmer

65 Eric Allan Koch ✓

Eric Allan Koch

67 Randy Frye ✓

Randy Frye

68 Jud McMillin ✓

Jud McMillin

70 Rhonda Rhoads ✓

Rhonda Rhoads

72 Ed Clere ✓

Ed Clere

73 Steve Davisson ✓

Steve Davisson

74 Sue Ellspermann ✓

Sue Ellspermann

75 Ronald Bacon ✓

Ronald Bacon

76 Wendy McNamara ✓

Wendy McNamara



78 Suzanne Crouch ✓

Suzanne Crouch

79 Matthew Lehman ✓

Matthew Lehman

82 Jeff Espich ✓

Jeff Espich

83 Kathy Heuer ✓

Kathy Heuer

84 Bob Morris ✓

Bob Morris

85 Phyllis Pond ✓

Phyllis Pond

87 Cindy Noe ✓

Cindy Noe

88 Brian Bosma ✓

Brian Bosma

89 Cindy Kirchhofer ✓

Cindy Kirchhofer

90 Mike Speedy ✓

Mike Speedy

91 Robert Behning ✓

Robert Behning

92 Phil Hinkle ✓

Phil Hinkle

93 David Frizzell ✓

David Frizzell

Indiana State Senators

5 Ed Charbonneau ✓

Ed Charbonneau



- 6 Sue Landske ✓
- 7 Brandt Hershman ✓
- 9 Ryan Mishler ✓
- 11 Joe Zakas ✓
- 12 Carlin Yoder ✓
- 13 Sue Glick ✓
- 14 Dennis Kruse ✓
- 15 Thomas Wyss ✓
- 16 David C. Long ✓
- 17 Jim Banks ✓
- 18 Randall Head ✓
- 19 Travis Holdman ✓
- 20 Luke Kenley ✓
- 21 James Buck ✓
- 22 Ronnie Alting ✓
- 23 Phil Boots ✓

Sue Landske  
 Brandt Hershman  
 Ryan Mishler  
 Joe Zakas  
 Carlin Yoder  
 Sue Glick  
 Dennis Kruse  
 Thomas Wyss  
 David C. Long  
 Jim Banks  
 Randall Head  
 Travis Holdman  
 Luke Kenley  
 James R. Buck  
 Ronnie Alting  
 Phil Boots



24 Connie Lawson ✓

Connie Lawson

26 Doug Eckerty ✓

Doug Eckerty

27 Allen Paul ✓

Allen E. Paul

28 Beverly Gard ✓

Beverly Gard

29 Mike Delph ✓

Mike Delph

30 Scott Schneider ✓

Scott Schneider

31 James W. Merritt ✓

James W. Merritt

32 Patricia Miller ✓

Patricia Miller

35 R. Michael Young ✓

R. Michael Young

36 Brent Waltz ✓

Brent Waltz

37 Richard Bray ✓

Richard Bray

39 John Waterman ✓

John Waterman

41 Greg Walker ✓

Greg Walker

42 Jean Leising ✓

Jean Leising

43 Johnny Nugent ✓

Johnny Nugent

44 Brent Steele ✓

Brent Steele



45 Jim Smith ✓

46 Ron Grooms ✓

49 Jim Tomes ✓

50 Vaneta Becker ✓

*Jim Smith*  
*Ronald Grooms*  
*Jim Tomes*  
*Vaneta Becker*





# Correspondence Management System

Control Number: AX-12-000-4794

Printing Date: March 13, 2012 02:40:39



## Citizen Information

Citizen/Originator: Quesada, Juan Rafael Elvira

Organization: Department of the Environment and Natural Resources  
Address: Blvd. Adolfo Ruiz Cortines 4209, piso 3 ala B, Col. Jardines en la Montana, Del Tlalpan, Mexico 14210

Constituent: N/A

Committee: N/A Sub-Committee: N/A

## Control Information

Control Number: AX-12-000-4794 Alternate Number: Ax-12-000-4795  
Status: Pending Closed Date: N/A  
Due Date: Mar 27, 2012 # of Extensions: 0  
Letter Date: Mar 12, 2012 Received Date: Mar 12, 2012  
Addressee: AD-Administrator Addressee Org: EPA  
Contact Type: LTR (Letter) Priority Code: Normal  
Signature: DX-Direct Reply Signature Date: N/A  
File Code: 404-141-02-01\_141\_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.  
Subject: Daily Reading File-Center for Sustainable Growth Policy  
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns  
Instruction Note: N/A  
General Notes: N/A  
CC: OAR - Office of Air and Radiation -- Immediate Office  
OEAE - Office of External Affairs and Environmental Education

## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OITA	Mar 13, 2012	Mar 27, 2012	N/A
Instruction: DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
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# DAILY READING FILE

OFICINA DEL C. SECRETARIO



SECRETARIA DE MEDIO AMBIENTE  
Y RECURSOS NATURALES

OFICIO NÚM. 00442

CIUDAD DE MÉXICO, A 12 MAR 2012

**LISA P. JACKSON**  
**ADMINISTRATOR**  
**ENVIRONMENTAL PROTECTION AGENCY OF THE UNITED STATES**

The global crisis offers an opportunity to pursue a green growth agenda that would allow a more efficient use of natural resources that is compatible with promoting business opportunities, innovation, jobs and economic growth.

Mexico has established as a priority to promote sustainable development, green growth and the fight against climate change within our region. This strategic vision has the objective to forge current and future development patterns with the potential to impel sustained and inclusive growth regionally.

Given the importance of taking action into this area, Mexico will launch the Center for Sustainable Growth Policy which aims at providing effective tools for advancing towards a new paradigm where economic growth and the preservation of the environment complement and mutually reinforce.

I have the pleasure to invite you on behalf of H.E. President Felipe Calderón Hinojosa to participate in the launch of our Centre. The event will be held in Mexico City, Mexico, on March 23, 2012.

The establishment of the Center for Sustainable Growth Policy represents a necessary strategy to harness the regional drivers of economic growth, particularly in the context of the recent global crises. It will contribute to improve productivity and promote innovation, and to create new business opportunities, jobs and markets, as well as to encourage sustainable development.

I look forward to your positive reply to this invitation. I would appreciate if you confirm your participation to Mr. Enrique Lendo, Head of the International Affairs Unit of the Ministry of Environment and Natural Resources of Mexico, at [ucaj@semarnat.gob.mx](mailto:ucaj@semarnat.gob.mx).

I will be very pleased to welcome you in Mexico for this relevant event.

Yours Sincerely,

**THE MINISTER**

**JUAN RAFAEL ELVIRA QUESADA**

EXECUTIVE SECRETARIAT

OFFICE OF THE

2012 MAR 13 PM 1:20

RECEIVED



# Correspondence Management System

Control Number: AX-12-000-4618

Printing Date: March 12, 2012 02:23:17



## Citizen Information

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**Citizen/Originator: Morley, Kevin M**

Organization: American Water Works Association  
Address: 1300 Eye Street, Washington, DC 20005

**Curtis, Thomas W.**

Organization: American Water Works Association  
Address: 1300 Eye Street, NW, Washington, DC 20005-3314

**Kirk, Ken**

Organization: National Association of Clean Water Agencies  
Address: 1816 Jefferson Place, NW, Washington, DC 20036-2505

**Deane, Michael**

Organization: National Association of Water Companies  
Address: 2001 L Street, NW, Washington, DC 20036

**Quinn, Timothy H.**

Organization: Association of California Water Agencies  
Address: 910 K Street, Sacramento, CA 95814-3577

**Johnson, Robert**

Organization: National Rural Water Association  
Address: 2915 South 13th Street, Duncan, OK 73533

**Eger, Jeff**

Organization: Water Environment Federation  
Address: 601 Wythe Street, Alexandria, VA 22314

**Constituent:** N/A

**Committee:** N/A

**Sub-Committee:** N/A

## Control Information

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**Control Number:** AX-12-000-4618

**Alternate Number:** N/A

**Status:** Pending

**Closed Date:** N/A

**Due Date:** Mar 27, 2012

**# of Extensions:** 0

**Letter Date:** Mar 9, 2012

**Received Date:** Mar 12, 2012

**Addressee:** AD-Administrator

**Addressee Org:** EPA

**Contact Type:** EML (E-Mail)

**Priority Code:** Normal

**Signature:** DX-Direct Reply

**Signature Date:** N/A

**File Code:** 404-141-02-01\_141\_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

**Subject:** Daily Reading File - Planned Release of non-Off-site Consequence Analysis sections of Risk Management Plans

**Instructions:** DX-Respond directly to this citizen's questions, statements, or concerns

**Instruction Note:** N/A

**General Notes:** N/A

**CC:** OCSPP - OCSPP - Immediate Office  
OEAE - Office of External Affairs and Environmental Education  
OGC - Office of General Counsel -- Immediate Office  
OHS - Office of Homeland Security  
OW - Office of Water -- Immediate Office



# Correspondence Management System

Control Number: AX-12-000-4618

Printing Date: March 12, 2012 02:23:17



## Lead Information

Lead Author: N/A

### Lead Assignments:

Assigner	Office	Assignee	Assigned Date	Due Date	Complete Date
(b) (6) Personal Privacy	OEX	OSWER	Mar 12, 2012	Mar 27, 2012	N/A
<b>Instruction:</b> DX-Respond directly to this citizen's questions, statements, or concerns					

## Supporting Information

Supporting Author: N/A

### Supporting Assignments:

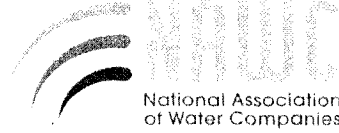
Assigner	Office	Assignee	Assigned Date
No Record Found.			

## History

Action By	Office	Action	Date
(b) (6) Personal Privacy	OEX	Assign OSWER as lead office	Mar 12, 2012

## Comments

Commentator	Comment	Date
No Record Found.		



March 9, 2012

The Honorable Lisa P. Jackson  
Administrator  
U.S. Environmental Protection Agency  
Ariel Rios Building  
1200 Pennsylvania Avenue, N.W.  
Washington, DC 20460

**RE: Planned Release of Non-OCA data via the Internet**

Dear Mrs. Jackson:

As representatives of the Nation's drinking water and wastewater community, we were very disturbed to learn of EPA's plan to re-establish Internet access to the non-Off-site Consequence Analysis (OCA) sections of Risk Management Plans. This announcement from the Office of Emergency Management (OEM), dated December 7, 2011, cites the burden of complying with Freedom of Information Act (FOIA) requests and a need for the FBI and others to have greater access to non-OCA data as the principle reasons the Agency is proposing this change in data handling.

We find it ironic that in an April 2000 report from EPA and the Department of Justice (DOJ)<sup>1</sup> the agencies noted that the release of such information via the Internet can help advance terrorist ends in an environment that provides complete anonymity. We do not believe that this interest, intent, or capability to leverage the Internet to support malevolent acts has waned in the ensuing years. In addition, the report notes that "many terrorist organizations are Internet savvy", and that savvy has only increased with technology advances over the past 12 years. Given this acknowledgement in 2000 and the continued and ongoing threat from terrorist organizations per Department of Homeland Security notices, we are highly skeptical of EPA's plan. We believe a thorough review and consideration of the post-

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<sup>1</sup> EPA and DOJ. 2000. Assessment of the increased risk of Terrorist of Other Criminal Activity Associated with Posting of Off-Site Consequence Analysis Information on the Internet. April 18, 2000.

9/11 threat environment will show that releasing this sensitive information would constitute a threat to National security.

Equally important is the inclusion of facility safety measures in the non-OCA dataset, specifically, the section on preventative programs. It is not clear how this information came to be reclassified as non-OCA, since the 2000 report by EPA-DOJ labels this information as “data that would be salient to a terrorist for purposes of causing a chemical release”. This data indexes the active and passive mitigation measures installed at a facility. We believe that anonymous and open sharing of such information via the Internet as proposed will serve to further enable those seeking to cause harm. This data could be used to prioritize targets based on the type of mitigation measures and thereby inform perpetrators of the actions necessary to thwart designed protection measures.

In terms of the claim that the FBI and others need access to this information, we would remind the Agency that this is already required under several sections of the following:

- Clean Air Act §112(r) requires entities to provide all Risk Management Plan information to local first responders and response planners;
- Emergency Planning and Community Right-to-Know Act §301-303 requires certain entities to coordinate emergency response plans with state and local emergency planning commissions; and,
- P.L. 109-295 §550(c) provides for sharing of sensitive chemical facility security information with law enforcement officials and first responders.

We do not believe that satisfying information needs of other government entities supports putting such sensitive information on full view to the world. Surely technological advances have enabled the government to make the information available on a secure platform available only to personnel with a need to know.

Finally, in terms of the FOIA burden, we point back to the 2000 analysis which notes that the “more personal contact that is required to obtain information, the less likely it is that someone seeking to misuse the information will attempt to obtain it.” The Internet provides anonymity that undermines the intent of protecting this information from being openly disseminated. We support the current approach for managing access to both OCA and non-OCA which allows an appropriate level of transparency.



Letter to the Honorable Lisa P. Jackson

Page 3

We strongly discourage the Agency from proceeding with this planned release of sensitive data and would welcome the opportunity to meet with you to discuss our concerns.

Best regards,

Thomas W. Curtis  
Deputy Executive Director  
American Water Works Association

Jeff Eger  
Executive Director  
Water Environment Federation

Rob Johnson  
Chief Executive Officer  
National Rural Water Association

Michael Deane  
Executive Director  
National Association of Water Companies

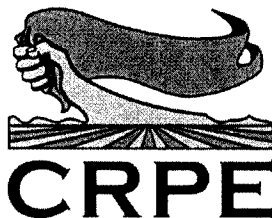
Ken Kirk  
Executive Director  
National Association of Clean Water  
Agencies

Timothy Quinn  
Executive Director  
Association of California Water Agencies

cc: Robert Perciasepe – EPA  
Mathy Stanislaus – EPA/OSWER  
Larry Stanton – EPA/OSWER/OEM  
Nancy Stoner – EPA/OW  
Cynthia Dougherty – EPA/OGWDW  
David Travers – EPA/OGWDW/WSD  
Rand Beers – DHS/NPPD  
William Flynn – DHS/NPPD/IP







**CENTER ON RACE, POVERTY & THE ENVIRONMENT**

47 KEARNY STREET, SUITE 804, SAN FRANCISCO, CA 94108 TEL 415-346-4179 FAX 415-346-8723 WWW.CRPE-EJ.ORG

March 9, 2012

*Via Electronic and U.S. Mail*

Raphael DeLeon, Director  
Office of Civil Rights  
U.S. Environmental Protection Agency  
Mail Code 1201A  
1200 Pennsylvania Ave NW  
Washington, D.C. 20460

**Re: *Angelita C. v. California Department of Pesticide Regulation, Title VI Complaint*  
16R-99-R9**

Dear Mr. DeLeon:

Thank you for your letter dated February 24, 2012, in which you terminated EPA's willingness to discuss, with senior California officials, whether to re-open the *Angelita C.* settlement agreement. I request that you reconsider your position, because miscommunication within EPA caused Matt Rodriguez to react in the manner you letter claims.

First, I have always clearly stated that California's position was that it was willing to consider re-opening the *Angelita C.* settlement, and was willing to discuss that with EPA. That is what Matt Rodriguez authorized me to state when I met with him and other California officials in early January 2012. That is also what I told the Administrator in our meeting on January 18. Your letter dated February 24 confirms that fact.

Second, after receiving your letter, I contacted Matt Rodriguez to ask him what transpired in his conversation with the unidentified EPA official that your letter described. Rodriguez stated that EPA told him something other than that which I told the Administrator, which caused him to react in the manner he did. Rodriguez has informed me that he will send a separate letter to you and the Administrator to correct the record.

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PROVIDING LEGAL & TECHNICAL ASSISTANCE TO THE GRASSROOTS MOVEMENT FOR ENVIRONMENTAL JUSTICE

RALPH SANTIAGO ABASCAL (1934-1997) DIRECTOR 1990-1997

LUKE W. COLE (1962-2009) EXECUTIVE DIRECTOR 1997-2009

Mr. Raphael DeLeon  
March 9, 2012

Given this failure to communicate within EPA, and EPA's misrepresentation of my statement to Rodriguez, I expect that you will open discussions with Matt Rodriguez on whether California will consider re-opening the *Angelita C.* settlement agreement as the Administrator committed to the Title VI Alliance. This matter is of great importance to the complainants, Latino school children in California, and the greater environmental justice community. EPA's conduct after the January 18 meeting with Administrator Jackson should be transparent and reflect the commitments made by Administrator Jackson. Please contact me with any questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to be 'BN', written in a cursive style.

Brent Newell

cc: Lisa P. Jackson  
Diane Thompson  
Scott Fulton  
Jared Blumenfeld  
Matt Rodriguez  
Arsenio Mataka  
Michael Meuter  
Title VI Alliance members



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY  
WASHINGTON, D.C. 20460

OFFICE OF  
CIVIL RIGHTS

February 24, 2012

Brent Newell  
Center on Race, Poverty and the Environment  
47 Kearny Street, Suite 804  
San Francisco, CA 94108

Dear Mr. Newell:

On behalf of Administrator Lisa P. Jackson, I am writing to follow up on an issue that you raised during her meeting with Title VI advocates on January 18, 2012. At that meeting, you stated that you spoke with the California Governor's Office and that they expressed a willingness to consider re-opening the Angelita C settlement. The Administrator committed to the group that EPA would follow-up with the Governor's Office on this question.

This is to advise you that EPA has followed up with Matt Rodriguez, Secretary, Cal EPA regarding your representation. Mr. Rodriguez has informed us that no one authorized you to make such a representation, and that no commitment about Angelita C had been made by anyone authorized to do so on behalf of Cal EPA. Under these circumstances, EPA does not intend to re-open the settlement.

It is important to note, however, that the state has expressed its willingness to work with EPA generally on strengthening Title VI compliance, and we will continue to work with them to do so. In addition, we look forward to your continued input on ways to strengthen our own EPA Title VI efforts.

Sincerely,

A handwritten signature in black ink that reads "Rafael DeLeon". The signature is written in a cursive, flowing style.

Rafael DeLeon  
Director

cc: Lisa P. Jackson  
Diane Thompson  
Scott Fulton





P.O. Box 43020 • Phoenix, AZ 85080-3020  
23636 North Seventh Street • Phoenix, AZ 85024

623-869-2333 • www.cap-az.com

March 8, 2012

*Via USPS and Facsimile: 202-501-1450*  
The Honorable Lisa Perez Jackson  
United States Environmental Protection Agency  
Ariel Rios Federal Building  
1200 Pennsylvania Avenue  
Washington, DC 20460

*Via USPS and Facsimile: 202-208-5048*  
The Honorable Kenneth Lee Salazar  
United States Department of Interior  
1849 C Street, NW, Mail Stop 7329  
Washington, DC 20240

*Via USPS and Facsimile: 202-586-4403*  
The Honorable Steven Chu  
United States Department of Energy  
Forrestal Building  
1000 Independence Avenue, SW  
Washington, DC 20585-1000

Dear Administrator Jackson, Secretary Salazar, and Secretary Chu:

I am the General Manager of the Central Arizona Water Conservation District (CAWCD). CAWCD manages the Central Arizona Project (CAP), a critical water delivery system supporting over 80% of Arizona's population and economic activity. Because the Navajo Generating Station (NGS) supplies over 90% of the power required to operate the CAP, I read with great concern Administrator Jackson's letter of February 16, 2012 to Secretaries Salazar and Chu. I am writing to detail those concerns and point out important information relevant to the NGS and its future in the context of Administrator Jackson's letter.

The CAP and NGS are inexorably linked. The Colorado River Basin Project Act of 1968 authorized both construction of the CAP and U.S. participation in a coal-fired power plant to provide power for pumping renewable Colorado River water into the state of Arizona through the CAP system. The NGS actually resulted from an environmental compromise in response to the potential of building additional dams along the Colorado River near the Grand Canyon. The United States acquired an entitlement to 24.3% of the output of NGS for CAP purposes. Any power in excess of the power requirements of CAP is sold to help repay the construction costs of the CAP and to help fund the costs of Indian water rights

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