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Blog Round-up
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ROUND-UP OF MAJOR BLOGS

AIR

June 8, 2010
Gillian CaldwellCampaign Director for 1Sky
Posted: June 8, 2010 10:47 AM

A Rebuttal to Sen Murkowski's "Dirty Air Act" Op-Ed: Is She Serious? (*Huffington Post*)

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Nothing in D.C. should really surprise me anymore. But this week, my staff pointed me to Senator Lisa Murkowski's cynical and misdirected op-ed piece attempting to justify her assault on the Clean Air Act. The Senator's justification for her "Dirty Air Act" -- Senate resolution (S.J. Res. 26), scheduled for a vote later this week -- really galled me.

After all, this is coming from a politician who has received more than $900,000 from the oil and gas and electrical utility industries during the course of her career. She is the third-leading recipient of oil industry money in this election cycle and -- in the shadow of our country's largest oil spill and one of the worst environmental disasters in American history -- she led the charge last month against raising the cap on liability costs for companies responsible for oil spills. This is a senator who, at the very least, has a metaphorical district office in the corporate headquarters of some of the biggest polluters in the world.

But, despite knowing all of this about Murkowski, the nerve of the pure spin and misdirection she put out in an attempt to justify her efforts to gut the most effective environmental law ever passed in this country was infuriating.

Murkowski's piece boiled down to two key points (once you get through the "bipartisanship" window dressing that her communications professionals used to make her arguments seem less extreme and less like a love letter to the fossil fuel industry):

1. The EPA will run amok and ruin our economy by going after small business and unfairly reigning in large companies.

2. There is another perfectly good alternative - the "energy only" bill that advanced through Senator Jeff Bingaman's Natural Resources Committee last summer but has been held up since then.

The first argument is a tired old refrain that we hear from industry every time we make significant progress forward on environmental issues. It has been refuted again and again. The Obama administration has been very consistent in saying that the Clean Air Act will only be used to increase fuel mileage standards in vehicles, and crack down on the oldest, dirtiest coal plants. The only people who have to worry about Clean Air Act enforcement are those who own coal plants or those who don't want our country to save an estimated 455 million barrels of oil over the next six years - the amount of oil equivalent to letting the BP disaster gush at the same rate for 65 years. Using scare tactics to convince Americans that a gang of bureaucratic thugs will kick in the doors to measure for carbon is sinking to a new low that should be unbecoming of a United States Senator.

But Senator Murkowski's second main argument is almost more damaging, because it gives the average reader the impression that there is a perfectly good bill waiting in the wings that will solve our climate and energy crisis. The truth is that, while the Bingaman bill would do a lot of things, most of them are pretty bad.

Shockingly, the Bingaman bill allows increased offshore drilling in the Gulf of Mexico, clearly something that no sane policy could condone in the light of current events. It also lacks a strong renewable energy standard that will push the energy sector to develop significant renewable energy assets. Finally, it puts a weak cap on U.S. carbon emissions that could start to send a signal to the market that investments in clean energy technology are a good bet for the future.

With arguments that fall apart as easily as Murkowski's arguments in her op-ed piece do, it doesn't seem like the vote on her Dirty Air Act this week should be very close. But, unfortunately, this is still Washington, D.C., so it should surprise no one that fossil fuel industry interests have gone into overdrive on this issue and turned a clear no-brainer into a rather "Murky" one that is expected to come down to the wire.

While we are disappointed Murkowski's resolution has gotten this far, we still believe that we can prevent an even more unpleasant surprise this Thursday by continuing to let our senators know exactly how we feel on this issue. Climate and environmental groups from across the country have come together strongly over the last few months in opposition to Murkowski's cynical move to gut the Clean Air Act. We've "stormed" Senate offices nationwide to send a strong message to our senators: a vote for Murkowski is a vote that you will come to regret for the rest of your political careers.

The climate movement will continue this kind of political pressure all week to stop Murkowski's resolution. This should come as a surprise to no one.

Follow Gillian Caldwell on Twitter: www.twitter.com/Gillian1Sky

EPA Administrator Pens Blog Against Murkowski's 'Dirty Air' Amendment (*Treehugger*)

by Daniel Kessler on 06. 7.10
Business & Politics

The pundits are saying that the vote on Sen. Lisa Murkowski's amendment to upend the EPA's Endangerment Finding, which says the CO2 and other greenhouse gases are warming the planet, could be a harbinger of things to come on the Senate climate and energy bill. This is probably not the case, since the Murkowski language could never get through the House and the president wouldn't sign it. Nonetheless, EPA chief Lisa Jackson posted a blog today on the Huffington Post warning against Murkowski's move.

Jackson, whose agency has strengthened vehicle efficiency standards, cracked down on mountaintop removal, and taken the first steps to regulating coal plants, is framing Murkowski's attack as nothing short of an assault on a clean energy future.

Senator Murkowski's resolution would take away EPA's ability to protect the health and welfare of Americans from greenhouse gas pollution. The resolution would ignore and override scientific findings and allow big oil companies, big refineries and others to continue to pollute without any oversight or consequence. It would also gut EPA's authority in the clean cars program, a program that would help reduce our dependence on foreign oil and cut down on air pollution.

This resolution would take us back to the old energy policies by allowing the polluters to simply pay modest penalties to avoid full compliance with the standards. As a result, the resolution would increase our dependence on oil by 455 million barrels. That dependence rises to billions of barrels when you factor in the Murkowski resolution's effect on a follow-on program that expands fuel efficiency to heavy-duty vehicles and extends beyond the 2016 model year.

Undermining a program supported by our automakers and autoworkers, environmentalists and governors from across the country seems questionable at any time. But going back to a failed approach and deepening our oil addiction at the very moment a massive spill -- the largest environmental disaster in American history -- is devastating families and businesses and destroying precious wetlands runs contrary to our national interests. It abdicates the responsibility we have to move the country forward in a way that creates jobs, increases our security by breaking our dependence on foreign oil, and protects the air and water we rely on.

Essentially, the Murkowski amendment takes aim at the Clean Air Act. It would stop the EPA from regulating stationary sources of greenhouse gases and gut the EPA's ability to set emissions standards for vehicles. A deal was just brokered to increase vehicle efficiency, but this would negate that.

A vote on Murkowski's amendment is expected on Thursday. With 59 Democrats and and Republican Lindsay Graham, its fate looks sealed. Stay tuned to C-Span on Thursday to watch the drama unfold.

Burning down the house

CBD responds: David Roberts is right and wrong on the Clean Air Act and the Senate climate bill (*Grist*)

by Kevin Bundy
8 Jun 2010 5:00 AM
When your house is burning down, you don't debate whether grabbing a fire extinguisher is better than calling 911 or vice versa. You do both, and if you can, you drag out the garden hose too.

Our global house is on fire. Congress and the president have answered the alarm by proposing a package of incentives that they hope will spur construction of a fire engine that will hold only a fraction of the water necessary to put the fire out. In exchange for these incentives, some in Congress want to shut down most of the existing fire department. And we in the environmental community -- the house we all love going up in flames around us -- are expected to act as if this is a good thing.

David is right: keeping the fire department (i.e., regulatory authority under the existing Clean Air Act) as a backup would be best. But he nonetheless concludes that adopting the incentives (i.e., the American Power Act) is "overwhelmingly" worth doing, even if the fire department gets closed down as a result. With respect, I think this is where he's wrong -- and here's why.

David essentially dismisses the idea that we should strenuously advocate for the best option: a bill that reduces carbon emissions, in accordance with scientifically defensible targets, while preserving existing environmental protections. This creates a catch-22: if we abandon our best option at the outset, we guarantee that it will be politically impossible to achieve. Put another way, if we assume right out of the gate that the correct outcome is too politically unrealistic to bother fighting for, we have already conceded the most important fight of all.

I also part company with David's analysis of what the APA does to the Clean Air Act. With respect to greenhouse gases -- and potentially even old-fashioned toxic pollutants from those dirty, wheezing, old coal plants -- it's more than fair to say that the APA "guts" the Clean Air Act. So let's get into the real "nerdy" details-starting with "performance standards" for those old coal-fired power plants.

The APA eliminates new source performance standards -- an emissions "bottom line" -- for greenhouse gases

The Clean Air Act's new source performance standards program allows state and federal authorities to set minimum emissions standards for particular classes of industrial polluters, such as industrial boilers, pulp and paper manufacturers, and chemical plants. Where so-called "criteria" pollutants are concerned-those for which EPA already has established national ambient air quality standards, like lead, ozone, and sulfur dioxide-the performance standards program applies only to new sources. For non-criteria pollutants, however, the Clean Air Act requires performance standards for existing sources as well.[1]

As David acknowledges in his updated analysis, the APA doesn't "give" EPA authority to establish greenhouse gas performance standards (essentially minimum emissions standards that an entire industry sector must meet) for existing coal plants. EPA and the states already have that authority under Clean Air Act section 111(d). In fact, the Clean Air Act requires greenhouse gas performance standards not only for old coal plants, but also for any other class of industrial sources whose emissions are endangering the climate. So what the APA really does is take away the possibility of performance standards for everything but older coal plants.[2] If the APA leaves an "Easter egg," it does so only by emptying the rest of the Easter basket.

That Easter egg also might turn out to be hollow -- or worse, rotten. The APA already creates a host of regulatory and financial incentives designed to increase efficiency and reduce greenhouse gas emissions at existing coal plants, and it isn't clear what more performance standards would do. Much more troubling is the possibility that dirty old coal plants could get a free pass from other pollution control requirements -- and thus get even dirtier -- in exchange for a promise to close down someday.[3]

Losing authority to impose performance standards on polluters outside the APA's cap and trade program also has serious consequences. Regulation of these sources -- many of which emit high-potency greenhouse gases like methane and refrigerants -- could provide dramatic, cost-effective emissions reductions in the very near term. Yet the APA precludes regulation of greenhouse pollution from these sources under any federal law, at least for the next decade, and instead treats emissions reductions from these sectors as offsets that can be purchased by capped entities.[4] So, instead of retaining EPA's power to reduce emissions from these sectors, the APA renders any reductions voluntary -- and then allows them to be cancelled out by emissions from capped entities. Thus a whole decade's worth of relatively cheap, efficient emissions reductions could go right up someone else's smokestack.

I agree with David that losing the authority to prescribe new source performance standards for greenhouse gases is a bad thing. And this is only one of the many powerful tools we'll lose if the APA passes as written.

The APA forecloses National Ambient Air Quality Standards -- a nationwide pollution cap

The APA also eliminates the Clean Air Act's ability to set a scientifically based national pollution cap on greenhouse gases. We already know what that level should be: scientists tell us that we have to reduce carbon dioxide concentrations in the atmosphere to 350 parts per million (ppm) or less in order to have a good chance of avoiding the worst impacts of global warming.

The power of a national standard is twofold. First, the Clean Air Act requires that the cap or standard has to be grounded in current science. Physical reality, not political reality, must drive the program. Second, a national standard would unleash the full, coordinated power of federal and state governments under the Clean Air Act (a collaboration often called "cooperative federalism"). State and federal authorities would have to develop coordinated plans, covering all sectors of the economy, plotting a course for the United States to do its part in getting to 350. This is a global problem, so we can't do it alone -- but at least we'd be guided by emissions reduction targets dictated by the science, rather than the demands of a few recalcitrant senators from the coal and oil states. Losing sight of the science -- and the legal requirement that we act in accordance with it -- would be a major loss indeed.

Critics of the pollution cap idea have raised a number of objections, beginning with the fact that it would raise new implementation issues. These are presented by critics as daunting obstacles, but in fact none are insurmountable. State-level plans for complying with the cap could be coordinated by EPA so that each state would aim to achieve its fair share of emissions reductions. As David recognizes, moreover, under the existing Clean Air Act individual states wouldn't necessarily be punished for failing to "attain" the standard if emissions from the rest of the world continue to make it impossible. A national cap based on the United States' fair share of global emissions reductions, coupled with state-level plans to achieve those reductions, also could function quite well within any future international climate change agreement. Of course there are hard political choices and difficult questions of international climate justice that we'll have to face -- but we'll have to face them anyway.

Critics also point out that declaring greenhouse gases to be "criteria" pollutants would limit the ability of EPA and the states to develop performance standards for existing sources of greenhouse pollution. Of course, the APA would mostly accomplish the same thing -- which many of these critics oddly don't seem to mind. They also raise the specter of years of litigation against any pollution cap. But much of the APA also depends on as-yet-undrafted regulations. Industry will certainly drag those regulations through the courts if they're any good -- just as we'll have to challenge them ourselves if they're bad. The specter of a Palin Administration cuts both ways here.

Perhaps the most unfortunate argument against the national cap is the one David offers in his post. It goes like this: establishing a national standard for greenhouse gas concentrations would be really ambitious and potentially very powerful -- so powerful, in fact, that Congress might try to take away EPA's authority to do it. So, we might as well let Congress take away that authority now. It's a variation on the same defeatist theme that has us constantly negotiating against (and often fighting amongst) ourselves: if we use the tools, they might take them away, so we shouldn't use the tools. But this is just a way of guaranteeing that our worst-case scenario occurs -- the only differences being that we've defeated ourselves, and that we've given up without a fight. We deserve better from one another -- and our planet deserves far better from us.

The APA scraps new source review and other Clean Air Act programs

The APA doesn't stop with eliminating new source performance standards and ambient air quality limitations. The bill also wipes out Clean Air Act authority to require permits for

individual sources of greenhouse gases under the new source review and Title V programs -- permits that otherwise could require those sources to adopt the best available technology for controlling their emissions. EPA also would lose the power to regulate greenhouse gases as hazardous pollutants (which, admittedly, they would never use so long as greenhouse gas emissions are designated as criteria air pollutants) and the authority to address the international dangers of domestic greenhouse emissions (which other countries, already suspicious of U.S. climate intransigence, might kind of resent). The bill even goes out of its way to bar the government from addressing ocean acidification under most Clean Air Act programs.

As for regulation of so-called "mobile" sources like vehicles, ships, and airplanes, David states that the APA leaves this portion of the Clean Air Act "untouched." That isn't quite true; the bill creates new exemptions from greenhouse standards for certain heavy-duty vehicles and engines, and grants EPA broad discretion to delay implementing those standards where they still apply. The APA also authorizes an ill-defined "emissions credit" trading program among a wide range of mobile sources.

So what's left of the Clean Air Act as we now know it? New source performance standards for old coal plants. Explicit authority to adopt one more round of fuel economy standards for passenger cars and trucks. Power to regulate other mobile sources, subject to various exceptions and exemptions. And that's about it, at least for the next 10 years. We shouldn't be trying to convince ourselves or each other that these few crumbs are really half a loaf. If we're honest, we have to admit that the APA really does gut the Clean Air Act, at least as far as global warming pollution is concerned.

The real question on the table, of course, is whether it's worth it. David seems to think so. But his posts barely mention the bill's shamefully inadequate emissions targets, its incentives for expanded offshore drilling, its "Hail Mary" subsidies for carbon capture and sequestration in order to continue building new coal-fired power plants, and its promotion of a new generation of nuclear facilities, even though we still lack solutions to the known risks, long-lasting impacts, and extreme cost of nuclear energy relative to other cleaner energy sources.

Given all this, I can't agree that it's a good idea to dismantle the fire department in exchange for a bunch of untested incentives for new fire engine construction -- especially when we already know that the fire engine won't be up to the task. By the time we're finally ready to fight this fire, if that day ever comes, our house will be long gone. That's why I firmly believe that whatever new climate legislation does -- whether it's encouraging efficiency, creating incentives for cleaner energy and transportation, setting a price on carbon, or some combination -- it must backed up by the solid, proven, science-based programs that EPA has successfully implemented under the Clean Air Act for the last 40 years.

In the midst of a crisis, we have to be honest with one another. We can't afford to kid ourselves about what we're gaining and what we're giving up. So go ahead and build that new fire engine -- but let's make sure someone is still there to answer when we dial 911.

BP SPILL

June 8, 2010
Chris KrommDirector, Institute for Southern Studies
Posted: June 7, 2010 06:32 PM

Outdated Law Gives Oil Companies Incentives to Spill (*Huffington Post*)

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Read More: Bp , Congress , Gulf Oil Spill , Liability , Offshore Drilling , Oil , Oil Companies , Green News
No one knows how much economic damage the Gulf oil spill will inflict on fishing fleets and coastal states: Most observers simply say it will cost "billions" of dollars, and this week President Obama only allowed that the economic consequences will be "substantial" and "ongoing."

But how much of that cost is BP on the hook for? Not much, thanks to a law passed in 1990 that will limit the oil giant's liability for economic damages to a small fraction of the actual economic cost of the disaster.

The Oil Pollution Act of 1990, signed in the wake of the Exxon Valdez oil spill, limits the economic liability a company is responsible for from an oil spill to $75 million -- a fixed number that hasn't risen with inflation over the last 20 years.

Any costs above the $75 million are covered by the Oil Spill Liability Trust Fund, funded by a few sources, but importantly, U.S. taxpayers, which can spend up to $1 billion per incident for oil removal and damages.

For a company like BP, $75 million is truly a drop in the bucket: In 2009, BP's daily profits averaged $93 million a day -- which means they could absorb their entire liability losses in 24 hours and still have $18 million to spare.

BP has said that it will waive the limits on its liability and pay whatever claims come their way, although there's nothing in the law that compels them to do so. And critics say that as long as the law only threatens companies with a financial slap on the wrist, they have no reason to stop risky drilling activities.

In fact, as economist Michael Greenstone of the Brookings Institution wrote last week, this broken system "creates incentives for spills":

[O]il companies make decisions about where to drill, and which safety equipment to use, based on benefit-cost analyses of the impact on their bottom line. For example, in choosing a location, oil companies assess whether the expected value of the oil exceeds the costs.
So the [oil spill liability] cap inevitably distorts the way companies evaluate their risk. Locations where damages from a spill may be costly -- for example, places near coasts or in sensitive

environmental areas -- seem more attractive for drilling with the cap than if firms actually were responsible for all damages.

The cap effectively subsidizes drilling in the very locations where the damages from spills would be the greatest.

On May 4, Sen. Robert Menendez (D-NJ) introduced a bill to raise the liability cap from oil spills to $10 billion. Other Democrats have pushed to lift it entirely. But these efforts have been repeatedly blocked by Republicans and fiercely opposed by oil lobbyists, who, among other things, argue it will increase the cost of oil (Greenstone says the impact on a global industry like oil would be "imperceptible").

There are some loopholes for those seeking to hold a company like BP liable: The $75 million cap doesn't apply to claims made in state courts, and the limits don't apply if it's proven that the company violated federal safety regulations.

But for today's multi-billion dollar deep water oil drilling industry -- which only took off in earnest in the mid-1990s -- the $75 million cap certainly looks quaint and out of date.

And for BP and other offshore oil giants, it certainly won't do enough to their bottom line to convince them that protecting communities and the environment is a good investment.

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CLIMATE CHANGE

June 8, 2010
Posted: June 8, 2010 08:41 AM

Obama: Missing from the climate war (*Huffington Post)*

Talking about the Gulf oil disaster in a speech last week at Carnegie Mellon University, President Obama said we need an energy-and-climate bill because the only way the transition to clean energy will ultimately succeed is if the private sector is fully invested in this future -- if capital comes off the sidelines and the ingenuity of our entrepreneurs is unleashed. And the only way to do that is by finally putting a price on carbon pollution.

Now, many businesses have already embraced this idea because it provides a level of certainty about the future. And for those that face transition costs, we can help them adjust. But if we refuse to take into account the full costs of our fossil fuel addiction -- if we don't factor in the environmental costs and the national security costs and the true economic costs -- we will have missed our best chance to seize a clean energy future.

The House of Representatives has already passed a comprehensive energy and climate bill, and there is currently a plan in the Senate -- a plan that was developed with ideas from Democrats and Republicans -- that would achieve the same goal... the votes may not be there right now, but I intend to find them in the coming months. (Applause.) I will continue to make the case for a clean energy future wherever and whenever I can. (Applause.) I will work with anyone to get this done -- and we will get it done.

"We will get it done." Wow. Sounds good. The question is, when will the president's actions match his words?

"He hasn't begun to fight," declares Eric Pooley, the author of The Climate War: True Believers, Power Brokers and Fight to Save the Earth (Hyperion, $27.99), a terrific new book on the politics of global warming.

"I hope he will," Eric adds. After spending three years closely following the campaign to get climate and energy legislation through Congress, Eric says: "The missing ingredient here has been presidential leadership."

How true. And even in this speech--which has won praise from environmentalists--Obama manages to avoid using the words "global warming" or "climate change," as David Roberts noted in Grist. Bold leadership this is not.

Eric is my former boss at FORTUNE, and he's now the deputy editor of Bloomberg BusinessWeek. He's a good reporter and a smart guy but I have to say that I wasn't planning to reading this 481-page book (including notes and an index) about the repeated, failed attempts to get a climate bill through Congress. Why suffer through that again? But once I began reading, I couldn't stop. Eric found a way to tell the story by bringing the climate crusaders to life--especially Fred Krupp of Environmental Defense Fund, Jim Rogers of Duke Energy and Al Gore--and by taking readers behind the scenes on Capitol Hill and into the strategy sessions of the green groups that have labored, not merely for years, but for more than a decade to get the U.S. government to impose a cap on greenhouse gas emissions. Hard to believe that a book about Congress, climate policy, utility companies and environmentalists, with Al Gore in a lead role, could be a page turner, but there you have it.

Better yet, even as someone who has paid attention to the politics of climate, I found fresh insights in The Climate War. Among them:

If what you care about is curbing global warming, the whole brouhaha over whether permits to emit CO2 should be auctioned or allocated--a major debating point among politicians, business people and policy wonks--is pretty much irrelevant. That's because the allocations-auctions debate, besides being hard for the public to grasp, and therefore off-putting, is about who should pay for the transition to clean energy. Should customers of coal companies pay more than those of nuclear power or hydro plants? Should government or private industry finance research into

so-called clean coal, or subsidize high-cost solar power? Those are important political questions but as Eric writes:

The "targets and timetables"--the mandatory declining limit on global warming pollution -- was the point of the enterprise, and whether the EPA ended up selling or giving away allowances had no impact on that.

In other words, the attacks on the bill as a giveaway to polluters from the likes of MoveOn.org were mostly a sideshow.

People (including me) who complained that Waxman-Markey bill, which stretched to more than 1,000 pages, was laden with favors for special interests, giveaways to industry and needlessly complex missed the point. Time magazine's Joe Klein, for instance, called the bill "a demonstration of all that's wrong with the legislative process in latter-day America." To the contrary, says Eric:

Despite its flaws and contortions, it was a demonstration of much that was right. The bill didn't get complicated because legislators were cutting unsavory deals with corporate lobbyists. It got complicated because lawmakers and, yes, corporate lobbyists were working together with environmentalists and labor unions to arrive at a grand bargain that could reduce greenhouse gas emissions without punishing consumers or corporations.

Indeed, Henry Waxman, the architect of the measure, emerges as one of the heroes in the book because he was able to win the support of powerful legislators from coal country (Rick Boucher) and Detroit (John Dingell) for his bill. With Ted Kennedy gone, it's not clear there's anyone with the skills needed to carry such a complex bill through the Senate.

Transformational politics, not transactional politics, may be needed to get climate legislation done. In today's political climate, the compromises and complexities of Waxman-Markey or Kerry-Lieberman, along with the dubious rhetoric of "green jobs" and "energy independence," may well be the best hope for getting climate legislation passed.

An imperfect bill is better than nothing, Eric says: "You've got to take a step before you can run a race. You need to start." Even putting a modest price on carbon will unleash investment, and demonstrate that a cap on emissions will not squeeze middle-class families or imperil the economy.

But if the incremental, pragmatic, lets-make-a-deal approach fails yet again--and it's my belief that it probably will--what's called for a bigger vision, one that calls upon Americans to sacrifice for the common good and the well-being of future generations. This appeal to our better natures would, of course, have to be accompanied by old-fashioned, grass-roots political organizing in communities, churches and on campuses to build a movement to stop global warming.

Only then will we be able to close what Eric describes as "the gulf between what the science said was necessary and what the politics said was possible."

With apologies to Bill McKibben and Al Gore, the person best equipped to lead such a movement is Barack Obama. He has the skill, but he has yet to show that he has the will. One of the most striking things about The Climate War how not just Obama but Steven Chu, Carol Browner and Lisa Jackson barely get a mention. (Van Jones, now gone, does appear in a cameo role.) Partly that's because Eric didn't get much access to the White House, but mostly it's because they have had little impact on the big job of getting legislation passed.

The Gulf Oil disaster could be the crisis that's needed to galvanize action. We'll soon see. When Eric began working on The Climate War, he expected to write about the passage of a bill sometime before the summit last December in Copenhagen. Now, he says, "maybe there'll be an ending in the paperback."

Follow Marc Gunther on Twitter: www.twitter.com/MarcGunther

PESTICIDES

Methyl Iodide Controversy: Warning About Strawberry Field Chemical Ignored (*Huffington Post*)

First Posted: 06- 7-10 11:28 AM | Updated: 06- 7-10 12:22 PM
Methyl Iodide, Methyl Iodide California, Methyl Iodide Strawberries, Pesticides, Toxic Strawberry Chemical, Toxic Strawberry Field Chemical, Los Angeles News
This story comes courtesy of California Watch.

By Amy Standen

California pesticide regulators plan to approve a new agricultural chemical called methyl iodide for the state's coastal strawberry fields, allowing levels of exposure that the state's own experts say will put farmworkers and bystanders at risk.

The Department of Pesticide Regulation has set acceptable exposure levels for methyl iodide that are 120 times higher than recommended by its own scientists and an eight-person panel the department commissioned to peer-review its work.

The decision to increase exposure levels has caused a rift within the DPR, a little-known but powerful agency that oversees a major segment of the state's multibillion-dollar farming industry. In interviews, all eight peer-review scientists said their warnings and scientific analysis of the health risks of methyl iodide appear to have been disregarded.

"I've never seen anything like this," said Ron Melnick, a panel member and scientist at the National Institutes of Health, who has participated in similar assessments in the past. "Why have someone review a document when you're just going to ignore it?"

Thousands of Californians live, work or play within a stone's throw of the state's strawberry fields. Thousands more do the hands-on field work that supplies supermarkets across the country, fueling a $2 billion industry.

Currently, most California strawberry growers rely on a fumigant called methyl bromide. But that chemical is being phased out under an international treaty because it damages the ozone layer.

Conventional strawberry growers have spent a decade looking for a viable alternative and have turned up only one: methyl iodide. Under the new regulation, farmers would use the chemical as a fumigant to sterilize the soil before the plants go in.

Lab tests involving rats and rabbits show methyl iodide can cause thyroid cancer and miscarriages. But scientists say methyl iodide is also a neurotoxin. Although this research is less well-developed, case studies of people who were accidentally exposed to methyl iodide show "chronic, irreversible brain damage," according to John Froines, a chemist at UCLA who chaired the independent review panel.

Amid this evidence, scientists at the DPR recommended a maximum exposure of .8 parts per billion for farmworkers. State regulators are proposing 96 parts per billion, over an eight-hour day.

Scientists on the review panel said methyl iodide hasn't been sufficiently studied to justify the larger amount. They're concerned about damage the fumigant could inflict on developing brains in infants and children, including subtle changes to IQ, or behavioral changes that might take years to detect.

Because of these concerns, the scientists added an extra "uncertainty factor" to their calculations, which lowered recommended exposure levels by a factor of ten.

The DPR's scientists say they were left guessing as to how their supervisors had made the jump to the larger amount, according to e-mails obtained by KQED'S "Quest." In the e-mails, staff scientists said the uncertainty factor appears to have been removed.

"We, as risk assessors, stand by our ... conclusions," one e-mail said. "We had to read between the lines to figure out how the target levels were calculated."

DPR spokeswoman Lea Brooks said in an e-mail that the scientists' assessment is one factor in the decision. She said that managers consider other factors as well, including tools such as respirators and buffer zones that farm workers can use to keep themselves safe. Brooks said risk managers didn't think an extra uncertainty factor was necessary and that scientists had overestimated the exposure workers would receive.

"The risk managers in this case," she wrote, "believe that the proposed restrictions will allow these products to be used safely."

Given the unknowns about neurotoxicity - and the proximity of California's strawberry fields to schools and residences - several scientists on the panel said they were surprised that the DPR would approve methyl iodide at all.

"We were actually - I don't want to use the word - horrified that there would even be a consideration of registration, without data about neurotoxicity," said Melnick.

In her e-mail, Brooks pointed to the U.S. Environmental Protection Agency, which approved methyl iodide in 2007, under the Bush administration, at levels well above what the DPR has set.

"No pesticide has been evaluated more than methyl iodide in the history of the Department of Pesticide Regulation," she wrote.

But the EPA appears to be having second thoughts about its own approval of methyl iodide. In September, the agency sent two representatives to California to take part in hearings held by the scientific review panel.

"Depending on the outcome of this external peer review and final risk assessment, EPA may choose to initiate a reevaluation of [methyl iodide fumigant]" said EPA pesticide scientist Jeff Dawson. "So we are very open to the results and conclusions of the panel. And this message comes from highest levels of the agency."

The public comment period on methyl iodide ends on June 29. California Sen. Dean Florez, D-Fresno, is sponsoring a state Senate hearing on the issue in Sacramento on June 17.

California Watch contributor Amy Standen is a radio reporter for KQED's QUEST, where she covers science and environmental issues facing Northern California.

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