U. S. Environmental Protection Agency
Blog Round-up
Prepared by the Office of Public Affairs

Friday, February 15, 2013

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PEOPLE ARE TALKING

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With the internet, blogs, Twitter, forums - people are talking about EPA 24/7
Here's a sampling of what was said on May 13, 2010:

NOTE: To read the entire blog entry, click on underlined URL. To learn more about the blogger, click on the name/link in first line. Notes and headings are from OPA.

Lisa Jackson

Lisa Jackson, head of EPA, shows up in NOLA
Posted by: HealthyGulf 4:15 pm Full post: http://bit.ly/bN6M1o

EPA's Chesapeake cleanup plan curtain-raiser. Lisa Jackson says: "We are holding ourselves accountable for... real, measurable results."
Posted by: brendanmcl 3:45 pm Full post:

Jackson said EPA determined that the chemical was between 1/10 and 1/100 "as toxic as oil": submitted...
Posted by: REDDITSPAMMOR 2:45 pm Full post: http://bit.ly/ds4v3l

EPA Head Jackson Blaze Trails on Many Fronts: "Lisa P. Jackson, administrator of the Environmental Protection Agen...
Posted by: SVJMuralidharan 12:50 pm Full post: http://bit.ly/aiukzD

GHG Rules Announcement

US EPA sets thresholds for greenhouse gas permitting requirements: The phased-in approach will address larger faci...
Posted by: SteelOrbis 6:42 pm Full post: http://bit.ly/dy3WjW

EPA issues final rule for #GHG emission thresholds, establishing when new+existing stationary sources require permits
Posted by: EdgcombLawGroup 5:58 pm Full post: http://bit.ly/cRpUXE

Canada Free Press - Inhofe Comments on EPA's Job-Killing Global Warming Rule -
Posted by: getglobe 6:03 pm Full post: http://bit.ly/aFy6Lu

(Note: "EPA's rule carries an implicit recognition that its global warming regulations under the Clean Air Act will destroy thousands of jobs and punish small businesses all across the country," Senator Inhofe said.)

American Chemistry Council: Overly Broad #EPA 'Tailoring Rule' Will Slow #Economic Recovery, Clean #Energy Investment
Posted by: AmChemistry 5:57 pm Full post: http://ht.ly/1KPIe

NYT: US EPA Unveils Rule to Regulate Greenhouse Gases, Beginning in July 2011.
Posted by: TheEcoist 5:55 pm Full post: http://nyti.ms/9SGh9d

Bloomberg: Greenhouse-Gas Rules Made Final by EPA as Alternative to Bill: In April, the EPA set the first standards for emiss...
Posted by: Ginacars 5:50 pm Full post: http://bit.ly/aRWXLV
(Note: EPA issued final rules today to regulate greenhouse-gas emissions as an alternative if Congress fails to act.)

Reuters: US EPA issues rules on biggest carbon polluters
Posted by: iNews24 5:10 pm Full Post: http://bit.ly/dA5Fi5

AP: EPA moves to regulate smokestack greenhouse gases
Posted by: climatenews 4:10 pm Full post: http://bit.ly/c8SUig

HuffPost: EPA Moves To Regulate Smokestack Greenhouse Gases: WASHINGTON — The Environmental Protection Agency moved
Posted by: CienciaHoy 4:06 pm Full post: http://url4.eu/3OJ7N

Gulf Oil Spill & EPA Response

Latest air & water updates from @EPA. See www.epa.gov/bpspill ||
See #blacktide BP gulf oil spill disaster smell oilonland Deepwater Horizon
Posted by: SMDindustries 3:49 pm Full post:

ROUND-UP OF MAJOR BLOGS

AIR

May 14, 2010

EPA Moves To Regulate Smokestack Greenhouse Gases (*Huffington Post*)

MATTHEW DALY | 05/13/10 06:28 PM |

WASHINGTON — The Environmental Protection Agency moved Thursday to more tightly control air pollution from large power plants, factories and oil refineries, a step to limit emissions widely blamed for global warming.

The EPA said it is completing a rule requiring large polluters to reduce the amounts of carbon dioxide and other greenhouse gases that they release into the air. Those emissions can boost many allergens and worsen smog, which can trigger asthma attacks and other respiratory ailments.

The rule would require companies to install better technology and improve energy efficiency whenever they build, or significantly modify, a plant.

EPA Administrator Lisa Jackson said the rule applies only to large polluters such as power plants, refineries and cement production facilities that collectively are responsible for 70 percent of greenhouse gas emissions from stationary sources in the United States.

Jackson said the rule sets commonsense standards that will clean the air and protect public health, while avoiding burdensome regulations that could harm farms and small and medium-sized businesses.

"There is no denying our responsibility to protect the planet for our children and grandchildren," she said in a statement. "It's long past time we unleashed our American ingenuity and started building the efficient, prosperous clean energy economy of the future."

The EPA announcement comes a day after an energy and climate bill was introduced in the Senate that seeks to accomplish many of the same goals. But EPA spokesman Brendan Gilfillan denied any connection, saying "rules are ready when they are ready."

The pollution rule will take effect in January, when industrial facilities that already obtain Clean Air Act permits for other pollutants will be required to obtain permits for greenhouse gases, if they increase those emissions by at least 75,000 tons per year.

Starting in July 2011, the rule would apply to any existing plant that emits at least 75,000 tons of greenhouse gases a year, or any new plant that emits 100,000 tons per year.

Story continues below

Emissions of 75,000 tons of carbon dioxide are equivalent to the annual emissions from 13,000 passenger vehicles, or the electricity use of about 8,200 homes per year, the EPA said.

The rule comes as Sens. John Kerry, D-Mass., and Joe Lieberman, I-Conn., made public a long-delayed bill aimed at curtailing greenhouse gas emissions. The bill introduced on Wednesday would set a first-ever price on carbon dioxide emissions produced by coal-fired power plants and other large polluters.

The legislation aims to cut emissions of carbon dioxide and other heat-trapping greenhouse gases by 17 percent by 2020 and by more than 80 percent by 2050. Both targets are measured against 2005 levels and are the same as those set by a House bill approved last year.

The Obama administration has long said it would prefer that Congress pass a bill to cut greenhouse gas emissions but has used the threat of EPA regulation to push lawmakers in states heavily dependent on fossil fuels to support the climate bill.

Many large utilities and other energy companies have said they want Congress to act, believing they would be in a better bargaining position with Congress than in regulations issued by the EPA.

Even so, the energy bill faces a steep hill in the Senate. No Republican has signed on as a co-sponsor. Sen. Lindsey Graham, R-S.C., who had been working with Kerry and Lieberman, withdrew his support last week, saying it is impossible to pass the legislation in the current political climate.

The rule announced Thursday substantially raises the threshold amount of pollution required before greenhouse gas permits are needed. A proposal announced last September would have required permits for facilities that emit 25,000 tons per year.

Gina McCarthy, an assistant EPA administrator, said the change was made in response to complaints that the earlier proposal would have affected many small and medium-sized businesses, and even large apartment buildings. Such limits "clearly were not appropriate," she said.

Environmentalists hailed the pollution rule but industry groups and some GOP lawmakers called it a job-killer.

"Just as pollution standards for cars have spurred the auto companies to make hybrids and other cleaner cars, these standards will start to move America away from dirty, inefficient and outdated coal plants toward more efficient, cleaner energy," said Emily Figdor, director of the global warming program at Environment America, an advocacy group.

A spokesman for Sen. Lisa Murkowski, R-Alaska, said the EPA was overreaching its authority. Murkowski has threatened to introduce legislation blocking the EPA from regulating greenhouse gases under the Clean Air Act.

"Sen. Murkowski remains convinced that the (EPA) tailoring rule won't stand up in court – that the agency can't change a law that was passed in Congress," said Robert Dillon, a spokesman for Murkowski. The senator remains committed to allowing all 100 senators a vote on whether they think EPA is the appropriate body to regulate greenhouse gas emissions, he said.

CLIMATE

Another reason why Elena Kagan might be a green Supreme Court justice (*Grist*)

by Jonathan Hiskes
13 May 2010 1:29 PM
Conventional thinking is that there's not much exciting about Supreme Court nominee Elena Kagan, either in her life story or in her legal area of expertise, administrative law. But there's an interesting argument that Kagan's drab-sounding expertise is precisely what environmental advocates need on the court.
Climate-change overlaps quite a bit with administrative law -- how government agencies craft and enact rules -- particularly in the business of regulating carbon dioxide emissions. I've been told -- though I haven't been able to confirm -- that one climate law scholar believes the House's Waxman-Markey climate bill would require the executive branch to undergo 145 separate rulemaking processes. 145! Any climate bill that passes the Senate would likely require a similar amount of regulation, largely from the EPA.

(Update: Columbia Law School's Michael Gerrard tells me he's done an analysis that expects Waxman-Markey would require "about 145 separate rulemakings by various federal agencies." His work is forthcoming in the *Environmental Law Reporter*.)

All of those rules fall under the Administrative Procedure Act, which requires that federal rule-makers listen to public comments, consider alternatives, and don't do anything that's "arbitrary and capricious." Fun stuff, right?

We can expect climate-plan foes to sue against many of those rules. (They've already challenged carbon regulation from the EPA.) We can expect some of those challenges to climb up the court ladder and reach the Supreme Court. It's nigh impossible to know *which ones* might reach the high court, though two of the more likely items would be a complex allocation scheme for emissions credits and rules about what counts as a carbon offset, according to Harvard Law School prof (and temporary Obama White House advisor) Jody Freeman.

"This is where Elena Kagan's background sets her up as a potential environmental advocate," writes *The Atlantic's* Nicole Allan. "Her academic focus on administrative law reveals a faith in regulation similar to [retiring Justice John Paul] Stevens', and her experience in all three branches of government has granted her an intimate understanding of how they intersect."

An administrative-law scholar might be more effective and persuasive on the court than the eco-crusading justice some greens are hoping for -- a point I've tried to make previously.

Stevens' impressive green record rested not on arguing that the environment somehow transcends the law, as Nixon-era environmentalists suggested. Rather, says Allan, "[Stevens] thought laws and regulators, when correctly interpreted and respected, were the appropriate vehicles for environmental protection."

That conviction is one way Kagan might follow in his footsteps.

WATER

May 14, 2010

Posted: May 14, 2010 01:19 PM

Why Are Dispersant Chemicals Secret? (*Huffington Post*)

British Petroleum, Inc. has dumped more than 400,000 gallons of chemical oil dispersants into the Gulf of Mexico near the site of the undersea gusher caused by the April 20 blowout at BP's exploration well, which set fire to the Deepwater Horizon drilling rig and killed 11 workers.

By next week, that figure could double, at least. On Tuesday, Lamar McKay, president And chairman of BP America, Inc., told a Senate panel that its supplier, Nalco Energy Services of Nashville, can deliver as much as 75,000 gallons of dispersants a day for the massive environmental clean-up.

Dave Andrews, Ph.D., senior scientist at Environmental Working Group, and I have been striving, along with many other journalists and experts, to understand what those chemicals are and how they behave in such massive volumes.

This much is well accepted: dispersants don't make all that streaming oil vanish. As the science journal **Nature** reported, "they help large globs of oil 'disperse' into smaller pieces -- hence their name -- which are easier for sea-living microbes to break down."

"Their use is a trade-off decision," Jane Lubchenco, administrator of the National Oceanic and Atmospheric Administration, said during a telephone press conference earlier this week.

The important question, which has gone unanswered, is are we minimizing the damage to our planet by using these dispersants, or are we adding to the mess?

It is inexcusable that we do not know the answer to this question and have decided to make the Gulf of Mexico an enormous floating science experiment. After all, we've been dealing with oil spills from the moment we started pumping oil. According to a 2005 National Research Council report titled, **Oil Spill Dispersants: Efficacy and Effects** , 3 million gallons of oil and refined petroleum are spilled annually in around U.S. waters, mostly in smaller batches.

The dispersants BP is dumping in the Gulf have been around for decades. According to the NRC report, COREXIT EC9527A came on the market in the 1980s. COREXIT 9500 was introduced in the 1990's. Both are made by Nalco, a Nashville company, and have been approved by the Environmental Protection Agency and U.S. Coast Guard for spraying on the ocean surface. (EPA has authorized limited tests of dispersants near the source of the leak, 5,000 feet below the waves, but has not given a green light to use them in volume.)

No one pretends that these or any other dispersants are environmentally neutral. "Dispersants are not the silver bullet," EPA administrator Lisa Jackson said.

Jackson has defended the use of the chemicals on grounds they are far less toxic than petroleum and degrade much more rapidly.

That's not much of a recommendation.

So, what is this stuff? There's a lot the public is not permitted to know about these concoctions. The EPA has published some information about them on a list of dispersants and other agents that were okayed for use in the clean-up of New Orleans after Hurricane Katrina. But a number of ingredients are listed as "confidential" or "proprietary," and their proportions in the mix are not disclosed.

Information provided by Nalco to EPA and the federal/BP task force on its website, known as the Deepwater Horizon Response, says that COREXIT EC9527A, contains three chemicals considered hazardous:

- 2-Butoxyethanol
- Organic sulfonic acid salt
- Propylene glycol

From what we can discern, the active molecule that does the dispersing is "organic sulfonic acid salt," a generic term for class of chemicals. Its precise chemical name is apparently proprietary. We think that once a company, or the government, or both, decides to cover the sea with this molecule, it's time to tell us what exactly it is.

The company's disclosure statement says, "No toxicity studies have been conducted on this product." It also says, "Based on our hazard characterization, the potential environmental hazard is: Moderate Based on our recommended product application and the product's characteristics, the potential environmental exposure is: Low." But how the company has reached that conclusion isn't clear.

Corexit 9500, the newer formulation, is made without 2-butoxyethanol. According to the NRC report, Nalco developed Corexit 9500 because it discovered that "prolonged exposure to Corexit 9527 caused adverse health effects in some responders. These effects were attributed to its glycol ether solvent (2-butoxyethanol)."

Jackson told reporters that EPA permitted BP to spray the older product, Corexit EC9527A, in the early days of the spill until sufficient quantities of 9500 could be located. She described Corexit 9500 as "more effective and more environmentally friendly."

However, it's disquieting that the "material safety data sheet" for Corexit 9500 warns: "Do not contaminate surface water." Also, the document says, "Component substances have a potential to bioconcentrate."

Energy and Enviroment Daily's *Greenwire*, a leading online environmental news outlet, reported this week that Corexit may not be the best option. "Other U.S. EPA-approved alternatives have been shown to be far less toxic and, in some cases, nearly twice as effective," Greenwire reported, adding that Nalco was once part of Exxon Mobil and still has interlocking leadership with Exxon Mobil and BP. BP spokesman Jon Pack was quoted as saying that BP was not considering or testing other products because stopping the leak and containing the loose oil "has to be our primary focus right now."

It's been well established that until this mother-of-all-oil-spills, BP had not developed a thoroughly researched plan for managing this sort of crisis. It didn't know all it should about dispersants. It had to scramble to obtain sufficient supply. It may not have picked the best product for this gargantuan job. With advance planning, it might have availed itself of better options.

Most importantly, since spills are a constant threat, the oil industry should have financed far more research into dispersants. We the taxpayers seem to be shouldering the financial burden of much of that research. And yet we're in the dark about the precise make-up and behavior of dispersants and other chemical agents that are used in very high volumes.

How many gallons of secret chemicals, exactly, will wind up being sprayed across the Gulf?

"I think it's fair to say that when it comes to this volume, we're in uncharted waters," EPA's Jackson said.

Jackson, to her credit, is blunt and doesn't dissemble. Still, that's not an answer Americans might have expected to hear in the 21st Century. At the moment, what we know about dispersants seems to be as murky as the Gulf's troubled waters.

We'll be following the Gulf oil spill here and on EWG.org. Send us your comments. Do you want to know more about the chemicals being used in this crisis?