U. S. Environmental Protection Agency
Blog Round-up

Prepared by the Office of Public Affairs

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Blog Round-up
May 12, 2010

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 11, 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 in C&E News: This week's Chemical and Engineering News has a cover story on EPA Administrator Lisa Jackson...
Posted by: act4chemistry 4:45 pm Full post: http://bit.ly/cweX4d

Tulane, UNO, Xavier, USA & USM researchers had a gr8 meeting 2day w/ EPA Adm. Jackson; she recognizes need 4 long-term approach #oilspill
Posted by: **spcourtneynola** 3:05 pm Full post:

About to listen to EPA Administrator Lisa Jackson address community organizations near Tulane University. #gfagulf #fb
Posted by: **greenforall** 2:40 pm Full post:

EPA admin Lisa Jackson back in #NOLA to speak w/ scientists abt effect of #oilspill chem dispersants on environment & review BP's efforts.
Posted by: **LyndaWoolard** 10:00 am Full post:

Gulf Oil Spill & EPA Response

[VIDEO] Senate grills #BP executives over gulf #oilspill
Posted by: DCHearst 6:10 pm Full post: http://bit.ly/9UNN8i

ILFlow: EPA Approves Corexit for Gulf Oil Spill Cleanup, But Nobody Knows What It's Made Of: The mammoth oil...
r20_blogroll: 5:00 pm Full post: http://tinyurl.com/35uxm4g

National Journal (blog) - EPA: BP Cleanup Means 'Environmental Trade-Off' -
Posted by: blackgoldnews 4:07 pm Full post: http://url4.eu/3KeOI

(Note: BP is pumping a blend of toxins above and below water in a last-ditch effort to mitigate the impact of the ruptured oil well fouling the Gulf of Mexico. But the use of chemical dispersants is an "environmental trade-off," an EPA official said today at a Senate hearing.)

'Trying Anything': EPA approves spraying chemicals with unknown effects into Gulf of Mexico #green
Posted by: greenforyou 3:50 pm Full post: http://bit.ly/9TmiiS

More than 4,800 #ideas have been proposed to date. Send your idea to help with the #OilSpill here:
Posted by: GOHSEP 1:10 pm Full post: http://bit.ly/a0D0j1

Reuters AlertNet: Oil spill could be worse than any seen before-EPA
HumanSecNews: 12:10 pm Full post: http://bit.ly/bh7n5h

Chesapeake Bay Settlement

Chesapeake Bay Foundation Settles Lawsuit Against EPA
Posted by: WHSVnews 6:45 Full post: http://bit.ly/aw4DCF
(Note: ABC affiliate for the Shenandoah Valley in Virginia)

AP: Chesapeake Bay Foundation settles suit against EPA
Posted by: **HeadsUp22** 5:00 pm Full post: http://bit.ly/dqDgo3

The EPA finally signed a legally binding agreement to take action for the Chesapeake Bay! Nice job, @chesapeakebay
Posted by: **abs531** 4:45 pm Full post: http://bit.ly/aAc04g

ROUND-UP OF MAJOR BLOGS

CLIMATE CHANGE

Release the Kagan

Elena Kagan, climate realist (*Grist*)

by Jonathan Hiskes
10 May 2010 5:43 PM
Here's the dirt on Earth-hating Supreme Court nominee Elena Kagan: On more than one occasion she was so consumed by her work that she accidentally left her car running overnight, a longtime "friend" told the New York Times.

But it's worth looking beyond this personal eco-foul to examine Kagan's broader record on environmental and climate issues.

It's immediately clear that she's no fire-breathing environmental crusader in the Robert F. Kennedy Jr. mold. Those looking for such a justice are bound to be disappointed. Kagan hasn't written or said much at all about climate change or the government's role in regulating clean air and water or protecting land and species. This fits with a broader critique from the left that she hasn't left a record on anything that reveals her judicial philosophy.

But if actions mean more than words, Kagan's nomination could be good news for the environmental movement. Kagan's signature green accomplishments came during her six years as dean of Harvard Law School, from 2003 to 2009, where she led the creation of an Environmental Law Program and an Environmental Law and Policy Clinic.

"The fact that she was interested in building an environmental law program when none existed, I think, speaks volumes," said Jody Freeman, an environmental policy and regulation scholar whom Kagan lured from UCLA to Harvard, one of the most high-profile hires of Kagan's tenure.

"Harvard, when she became dean, was pretty much seen as a kind of a backwater" on environmental law, said John Leshy, an environmental law scholar at the University of California Hastings College of the Law. "There was a lot of student interest on environmental issues, but the faculty and the curriculum didn't really reflect that. [The program] came from nowhere and became a respected program. I give her a lot of credit for that."

The clinic put law students to work on current cases, including a challenge against two coal-fired power plants by the Kansas secretary of health and environment. It was the first time a state had opposed a fossil-fuel project on the grounds of carbon dioxide emissions. Kagan indicated her support for the work in a letter in the summer 2008 *Harvard Law Bulletin* (PDF), one of her few public statements on climate issues.

"I hope you'll share my pride in the work that students, faculty and alumni are doing to tackle the environmental dangers we all face-and my determination that Harvard Law School continue to make a difference in this vital sphere of law and policy," she wrote.

The environmental program, which launched in 2005, wasn't Kagan's sole focus, said Freeman, but it suggested she grasped the importance of legal issues surrounding climate change. "I think she understood the moment in environmental law," said Freeman. "It was a tremendous growth

period. Climate was just becoming really mainstream and energy was becoming hugely important. She understood it was a moment when Harvard could have an impact."

Even more important, said Freeman, Kagan understood the need for environmental law to move beyond the adversarial litigation that the field has relied on for much of the past 40 years. The environmental law program and clinic focused on teaching students about executive-branch rulemaking, land acquisition, and permitting for projects like coal plants.

"We needed to give students a chance to work on environmental, energy, climate issues in a way that went beyond just doing litigation. [Kagan] understood the need for a more expansive approach," said Freeman, who recently returned to Harvard Law School after spending a year advising White House climate czar Carol Browner.

Kagan's background in administrative law-how government agencies write and enact rules-let her see the importance of this approach, said Freeman. It could also make her an effective environmental advocate on the Court, because environmental cases often overlap with administrative law.

"She knows how the bureaucracy works, and that's important," said Leshy.

Kagan also spent time working for the Senate Judiciary Committee under then-Sen. Joe Biden, as counsel in the Clinton White House, and, for the past year, as solicitor general, representing the federal government before the Supreme Court. None of this work was explicitly environmental, but environmental law scholars tend to see the experience as an asset.

"She has an in-depth knowledge of the nuts and bolts of how issues work in the real world," said Glenn Sugameli, an attorney at Defenders of Wildlife and founder of Judging the Environment, which monitors federal courts. "That's important because, if you look at the current court, they're almost all lifetime ‘judicial monastery' types. They're so used to looking at things from a judge's standpoint that they don't really understand them."

Then there's the simple matter of Kagan's age. At 50, she is likely to see more effects of climate change than older colleagues will. "I think it is very important to have somebody with a generational stake in this issue," said Leshy, 65. "People my age and older are not going to see the [outcomes of] problems we're dealing with now. People who are younger will see them."

Temperamentally, Kagan is by most reports exactly the kind of person President Obama likes to promote-collaborative, pragmatic, more interested in results than fights over principle. She's credited with uniting factions at Harvard Law School and taming its famously venomous "snake pit" atmosphere.

Sen. Charles Schumer (D-N.Y.) and others have argued that an intellectually respected collaborator would be more effective on the court than an arch-liberal. "I'd like the new nominee to be one of five, not one of four, when the votes come up, and somebody who would be quite persuasive in terms of influencing other justices, I guess particularly Justice [Anthony] Kennedy,

to his or her point of view," said Schumer. "And that would matter to me more than any particular ideology."

Kagan has worried some court-watchers with her somewhat broad interpretation of executive power -- laid out in a 2001 Harvard Law Review article -- but that perspective could be positive from an environmental standpoint if the executive branch is more willing than Congress to act on climate change. Plans to regulate greenhouse gas emissions -- either by Congress or by the EPA -- will face legal challenges and could end up before the Supreme Court. A justice who believes the EPA should have leeway in enacting such rules is more likely to uphold a climate plan.

Kagan's supporters in the climate-law field believe she is such a justice.

"Based on her article and record, she should be OK on that," Leshy said.

ENERGY

May 12, 2010
Executive Director, Greenpeace USA
Phillip Radford
Posted: May 11, 2010 04:31 PM

Will Obama Make History Out Of Oil Spill Crisis? (*Huffington Post*)

The word "crisis" in Chinese is composed of two characters. The first represents danger, and the second represents opportunity. President Obama weathered the financial crisis. Today, the President faces his second crisis.

The BP Deepwater Oil Spill will likely be the worst oil spill in U.S. history. The President can continue on his current path -- blame BP (it is BP's fault) and deflect questions about how his offshore oil drilling policies are likely to lead to more spills -- or he could free Americans of one of the main drivers of recessions, environmental disasters, and terror strikes.

What would free America from all of this, and put President Obama firmly in the history books, is merely changing the engines of cars. The President should use this crisis as the opportunity to shift America's cars to 30% plug-in electrics and plug-in hybrids by 2020 and 90% by 2030.

Here's why: Oil prices have been a driver behind recessions since the 1970s. Recent studies now reveal that oil price increases were a major driver behind our current recession.

The President was in an embarrassing place in Copenhagen last December, when he had little to offer a world that waited for his promised leadership on climate change. His current policies cut pollution by 10% of what other countries were promising. More creative, strategic leadership is needed from the White House if the world is to have a fighting chance in saving the climate.

The President can prevent future recessions, oil spills, embarrassments at climate treaty meetings, wars for oil, and cut off funding for terror attacks by adopting the moonshot proposal put forward by companies like Cisco Systems and PG&E, who called for the electrification of cars in this ambitious, feasible blueprint.

In giving utilities the new, lucrative business of powering cars, the President should demand that all new electricity is clean or efficient (i.e. energy efficiency, offshore wind, regular wind, solar, geothermal), and that utilities accept a cap that is part of a plan to cut global warming pollution by 40% by 2020 and cuts pollution to 350 parts per million of carbon pollution by 2050. Anything less would be fiddling while Rome burns.

There are many ways to go about this:

1. Simply roll out the blueprint;

Or, if you happen to feel urgency in the time of crises and would like to guarantee success, you do this as well:

1. Require that 30% of new cars are plug-in by 2020 and 90% are by 2030 through the EPA or Congress;
2. Rewrite national building codes to include outlets for plugging in cars across the country;
3. Shift oil subsidies, conservatively estimated at10 billion per year, to making the grid "smart" so that consumers can charge their cars at home at night and power their offices (for money!) during the day;
4. Require states to implement new rules for buying and selling electricity that favor renewables (time of use metering) and plug-ins without costing consumers more. This, plus the building codes, could be tied to highway funding or other programs;
5. Providing tax incentives to plug-in buyers; and
6. Simple steps laid out in the blueprint.

Simply implementing the blueprint would cut the emissions associated with transportation by over 50% by 2030. The grid improvements needed to make the grid smart would enable solar, battery storage, wind, and other renewables to play a much more significant part in America's energy production, moving America one more step towards the energy revolution.

The President can remain defensive, pointing fingers at BP, while gambling the health of our communities and economies on more offshore oil drilling, or he can be one of the great leaders of our times.

Follow Philip Radford on Twitter: **www.twitter.com/GP_Phil**

WATER

Solutions For The Gulf Oil Spill (*Huffington Post)*

Huffington Post | Travis Walter Donovan Posted: 05-12-10 09:08 AM

When an explosion rocked the Deepwater Horizon offshore oil rig, killing 11, on April 20th--it set off a rupture that has been spewing at least 200,000 gallons of oil into the Gulf Of Mexico every day since. Now that BP's initial containment box has failed, the company is assessing other options.

Here are ideas people have proposed to help clean up the oil spill and stop the leak. Some seem plausible and effective, while others could potentially cause more damage in the end. Are these solutions crazy or genius? You tell us! As BP said in an press conference, they are open to ideas to how to contain and clean up the spill. (We find this both comforting and alarming.) Have a great idea to help with the disaster that no one's talking about? send in a photo with a description or a short youtube video explaining the plan.

Chesapeake Bay Foundation settles suit against EPA (*Huffington Post*)

ALEX DOMINGUEZ | May 11, 2010 06:04 PM EST
ANNAPOLIS, Md. — An environmental group that has spent decades seeking to clean up the Chesapeake Bay announced Tuesday it settled a lawsuit against the Environmental Protection Agency, hours ahead of a planned EPA rollout of a restoration strategy ordered by President Barack Obama.

Will Baker, president of the nonprofit Chesapeake Bay Foundation, said the settlement imposes legally enforceable steps on the EPA to reduce pollutants in the nation's largest estuary.

Obama issued an executive order last May requiring EPA to come up with a strategy, putting the federal government at the helm of restoration efforts previously led by the states. The federal agency plans to release its plan on Wednesday in Washington, saying it will put the bay on a "pollution diet" against runoff, chemicals and other wastes harming the waterway.

The foundation sued the EPA in January 2009 over what it called the slow pace of cleanup efforts, but stayed the suit while the federal agency began work on its strategy.

West Virginia, Pennsylvania, Delaware and New York are all at least partly in the bay's watershed along with Maryland and Virginia. Pollution that flows into many of their rivers and streams makes its way to the Chesapeake and two top problems are nitrogen and phosphorous that fuel oxygen-robbing algae blooms, along with sediment runoff that kills vital underwater grasses.

Pollution and habitat loss have been major factors in sharp declines of the bay's two main commercial fisheries, oysters and crabs, although strict harvest cuts have helped the crab population rebound.

While much attention has focused on reducing nutrient runoff from farms and animal feeding operations, EPA officials have said suburban and urban stormwater runoff from such sources as lawns, roads, and rooftops is the only still-expanding pollution source. Experts say runoff is so poorly controlled that yearly weather is one of the key factors in how much pollution washes into the bay.

Virginia waterman Joe Palmer, who has worked the Chesapeake's waters for 42 years, said he welcomed tighter pollution controls and hoped they would be good for the bay's blue crab population.

Watermen often get the blame for the decline of the crab through overfishing, but pollution and habitat loss are also responsible, he said.

"If you don't enforce the pollution controls, the baby fish and the baby crabs can't grow," said Palmer, who sets his crab pots in bay tidal waters near Virginia Beach.

Posted: May 11, 2010 06:20 PM

Flying Over the Oil Spill, Hearing About the Response Effort (*Huffington Post*)

Yesterday I arrived in New Orleans to join NRDC's on-the-ground team and see firsthand the impacts of the massive and still-uncontrolled, still flowing oil spill from Deepwater Horizon. Quickly we head up and over the wetlands in a helicopter, and the impression I got throughout the flight, from takeoff to landing, is that the coast of Louisiana is the work horse for the oil and gas industry.

The wetlands were emerald colored, snow-white egrets flew against the lush green and a bald eagle flew by as we skimmed across the Delta heading for the open water. Wildlife abounded: one island was covered with brown pelicans, a nesting area for thousands.

Yet evidence of the industry marred the natural landscape everywhere: jack boats, well heads, helicopter pads, and service boats heading further out. We saw channels dredged for pipelines and oil tanks sitting on higher ground.

And down below, we watched the latest industrial scars in the water, seeing variations in the color and texture and mixing of oily tendrils flowing with the currents further and further to the west. We were tracking a NOAA map of where some of the oil had floated west of the accident site, nearly 100 miles west.

This oil had traveled far and was still moving, mixing into the water column, dispersing into the air, on a journey with unpredictable consequences to coastal and marine life and those whose livelihoods depend on it.

Our flyover revealed the scale of the spill and the immense area now at risk. The damage here is likely to be severe, and the full extent remains unknown. What we do know is that within this expanse we're looking down upon – many people's livelihoods are at-risk. It's for this reason that everyone here is worried. That much is clear the moment you touch down in the region.

And we know many species here are in danger. NRDC's marine and wildlife experts have described the threatened species in their blogs: the birds, turtles and marine mammals, the fish including the bluefin tuna that spawn here. Noted fisheries biologist Daniel Pauly has a new audio slideshow at *OnEarth* reminding us that the phytoplankton and zooplankton--the food chain itself--is also at risk from the oil.

After our flight, we headed over to the Coast Guard Command Center to meet with Admiral Mary Landry and representatives from NOAA, MMS and BP. Although we didn't meet with the EPA, Administrator Jackson is on the ground this week, as citizens share their concerns about the impact of dispersants, air quality issues, and what health risks go along with massive amounts of petroleum being released into the environment.

This oil spill is massive, and so is the response effort. It is designed to do three things.

1. Secure the source. As everyone watching the news knows, this is an ongoing effort--and not yet successful. Doug Suttles, BP's chief operating officer for exploration and production, described to us the containment efforts, ranging from the vessel they tried to place over the weekend to the smaller "top hat" with a pipe attached that they are attempting to place now, to a "junk shot" where they try to stop the flow by plugging the well, to the relief well that will take up to 90 days to complete. All these efforts will happen concurrently.

2. Contain the oil. What was clear from these conversations is that everyone involved in the cleanup effort is doing a lot of on-the-ground learning. The scale, depth, and distance of this spill make it unique. Placing 1 million feet of booms, burning the oil, using dispersants, and skimming are all efforts to reduce the damage. The guiding principal is to protect resources at greatest risk. One action may benefit one resource while harming another. Dispersants may be the best hope to prevent oil from reaching shore and coating critical wetlands habitat and wildlife species. But what could be happening in the water column itself is another matter, one little understood. NOAA provides its scientific expertise and judgment to the Coast Guard, MMS and BP as each action is taken. It's a balancing act--that much was clear.

3. Foster recovery. A separate division at NOAA is already beginning to plan that effort.

In between our flight and the conversations with officials, I have been placing calls to Washington, working to ensure that clean energy and climate legislation is just that--a new energy pathway that ensures we will not again experience anything like the Deepwater Horizon blow out.

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