U. S. Environmental Protection Agency
Blog Round-up

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January 20, 2010

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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 Jan. 19, 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.

<u>Asian Carp in Lake Michigan</u>

Michigan Asian Carp DNA in Lake Michigan; Supreme Court won't close locks (w … – Lansing State Journal: The U.S. Supreme...
Posted by: MINews0verviews 6:05 pm Full post: http://bit.ly/5cTyVi

Official: Asian carp DNA found in Lake Michigan - Washington Post:
Posted by: kelaterianz 6:03 pm Full post: http://bit.ly/4O2LcO

Asian carp DNA found in Lake Michigan; High Court inaction angers Mich. leaders
Posted by: LawyerLawNews: 5:55 pm Full post: http://tinyurl.com/yemo6ed

US: Asian carp DNA found in Lake Michigan: The Obama administration opposes closing shipping locks ne...
Posted by: freedom4USA 5:45 pm Full post: http://twurl.nl/ok64mh

Supreme Court Refuses States' Bid To Block Asian Carp
Posted by: nprnews 5:40 pm Full post: http://su.pr/4yeKN2

<u>GHG Endangerment Finding And Regulations</u>

EPA Recognizes Land Use/Global Warming Connection
Posted by: climatedebate 6:55 pm Full post: http://bit.ly/8Dalbo

WWF Earth Hour Returns for 2010 in Largest Call for Action on Climate Change in History
(Note: World Wildlife Fund announced today that Earth Hour 2010 will take place on Saturday, March 27 from 8:30 pm to 9:30 pm, with many of the nation's most iconic landmarks dimming

their lights for one hour in what is expected to be the largest call for action on climate change in history.)

Posted by: climatecrunch 6:50 pm Full post: http://tinyurl.com/ykxcesj

Top Congressional Critic of EPA Also Wins Big With Energy Lobbyists
(Note: Murkowski)

Posted by: ecopolitologist 6:55 pm Full post: http://bit.ly/6swbN8

Which Democrat backs Sen. Murkowski's effort to block EPA from curbing CO2? Real baked AK

Posted by: CaplanComms: 6:15 pm Full post: http://ow.ly/16nhly

The EPA is linking climate change mitigation with land use strategies (mainly preservation at first)

Posted by: planetizen 6:25 pm Full post: http://bit.ly/8vb0Zf

Lisa Murkowski Wants To Block The EPA From Regulating Greenhouse Gases, Has Democratic Co-Sponsor...
(Note: HuffPost Green – Co-Sponsor may be Jim Webb (D-Va)

Posted by: ClimaTweets 6:05 pm Full post: http://bit.ly/6QasWV

ROUND-UP OF MAJOR BLOGS

AIR

THE BIG MURKOWSKI

Hanging EPA regulations around Democrats' necks 1

20 Jan 2010 2:52 AM
by David Roberts

It has been taken for granted on the left that if Congress doesn't pass clean energy legislation, the EPA will step in to regulate greenhouse gases under the Clean Air Act. The threat of that eventuality was supposed to bring intransigent industries and legislators to the table. Only it hasn't really worked as intended— prospects for legislation are looking increasingly dim, particularly with Brown's win last night in Massachusetts.

Does that mean EPA regulations are inevitable? Har har. Nothing in politics is inevitable. If legislation goes down in flames, expect a huge fight.

Thus far the fight against EPA is being led by Sen. Lisa Murkowski (R-Alaska), who has emerged as a key figure in efforts to block or delay Democratic clean energy initiatives, despite her purported concern over climate change. (On the interwebs, they call such folks “concern trolls.”) Let’s take a look at a few of the weapons in Murkowski’s arsenal.

1. Appropriations rider

Last year, Murkowski threatened to attach a rider to the annual EPA funding bill that would block funding for implementation of GHG regs. It would have been a political disaster, blocking not only regulations on power plants and factories (so-called stationary sources) but the auto efficiency increases that have already been carefully worked out between EPA and the Dept. of Transportation. Reid managed to talk her out of it, but she’ll be emboldened by the loss of the Democratic supermajority and Reid, well, he’s got lots of problems on his hands these days. Her office has said she’s considering trying it again.

I wrote about this tactic in a previous post—the idea is to piggyback on an appropriations bill, which requires only a bare majority to pass. Since appropriations bills contain all kinds of goodies for all kinds of congresscritters, there’s lots of pressure to vote for them. This is how Republicans blocked Clinton’s efforts to boost CAFE standards for almost five years.

2. Amendment

Today, Murkowski may or may not introduce a more carefully tailored amendment that would block the EPA only from implementing regulations on stationary sources (it will be attached to a bill on raising the debt ceiling). She’s been wavering on whether to put forward the amendment, which her ally Sen. Chuck Grassley conceded on Monday has little chance of passing. She caught a ton of heat last week when it emerged that she’d written it in consultation to a pair of dirty energy lobbyists at Bracewell Giuliani, and it’s only been building. See:

That will probably burn her enough to make her back off this time. But the same amendment could be attached to any number of bills going forward.

3. The Congressional Review Act (CRA)

This is the nuclear option. It would rescind the EPA’s endangerment finding entirely and thereby eliminate its authority over both mobile and stationary sources. Furthermore, the administration would be prohibited from passing a regulation “substantially the same” as the one overruled, so the constraint on the EPA would effectively be permanent.

The little-known 1996 law, part of Newt Gingrich's Contract with America signed into law by Clinton, permits Congress to review new regulations passed by the administration and, by passage of a joint resolution, overrule them. The joint resolution can not be filibustered—debate is explicitly limited to 10 hours. It must be passed by majorities and both houses and signed by the president to go into effect. It was successfully used just once, by the Bush administration in 2001, to overrule some Clinton ergonomics regulations.

As detailed in "The Mysteries of the Congressional Review Act," in *Harvard Law Review*, there's no obvious justification for the law—after all, if you've got majorities in both houses and the president on your side, why not just pass a new law? There are fairly limited circumstances, usually in the transition between administrations, when the planets would align for the law to have even a chance of success, and they are not now so aligned. So why has Murkowski been threatening to use it? Read on.

Can these efforts succeed?

Odds are that none of Murkowski's efforts will become law, at least not under the current administration, for the simple reason that any one of them would have to be passed by the House as well, and signed by the president. Obama could veto, and however unpopular EPA regs may be, there's no way opposition will muster a two-thirds vote to override a veto.

But Murkowski could make a great deal of mischief. No. 3 requires only a bare majority to pass the Senate. Similarly, only a bare majority is required to pass an appropriations bill with a rider. Even if blocked by the House or vetoed by the president, such a public, bipartisan slap at the administration would be highly embarrassing and demoralizing. It would mean at least ten conservative Democrats washing their hands of the administration's initiative. (Montana Sen. Jim Webb just came out against EPA regulations yesterday.) It would mean wavering members of Congress forced to take a public stand on a divisive issue.

And remember, this is a measure that top Democrats, up to and including Obama, have been badmouthing for a year. At every turn, they have stressed how inflexible and inefficient EPA regulations would be relative to cap-and-trade legislation. Getting stuck fighting for those heavy-handed, socialistic "command and control" regulations against a bipartisan coalition of "centrist" Senators would put Democrats on terrible political terrain, particularly in the run-up to mid-term elections.

That, ultimately, is Murkowski's political goal: to hang unpopular regulations as tightly as possible around the necks of Democratic leadership. Democrats have two choices: they can run away from Obama's administration like puppies scared of their shadows—which appears to be how they're electing to respond to Brown's win in Mass.—or they can get serious about winning a PR battle for once. The Clean Air Act is actually incredibly popular, but right now nobody is making the case to the public that it can work on

greenhouse gases. The opponents of clean air and clean energy are practically alone on the field. No wonder Murkowski is romping around with such abandon.

David Roberts is staff writer for *Grist*. You can follow his Twitter feed at twitter.com/drgrist.

Senator Who Hopes to Block EPA from Regulating Greenhouse Gas Pollution is Top Fundraiser from Utility Companies (*Treehugger*)

by Brian Merchant, Brooklyn, New York on 01.19.10

BUSINESS & POLITICS

What a coincidence--Lisa Murkowski (R-Alaska), the senator who is attempting to stop the first attempts to regulate greenhouse gas pollution in the US has also received more funding from the utility industry than any other senator in the nation. Go figure. And if that wasn't enough, it's been openly reported--and not denied in the slightest by Ms. Murkowski--that oil and gas lobbyists helped her write the amendment that would allow companies to continue to pollute freely.

Sen. Murkowski has proposed an amendment that would prevent the EPA from regulating greenhouse gas pollution. She seeks to add the amendment onto an unrelated debt bill, and to bring it to a vote before the entire climate legislation is ready for a vote in March. But why would she want to stop the regulation, which would arguably aid her state more than any other?

Greenwire reports (subs required, via Climate Progress):

Alaska Republican Lisa Murkowski, who was elected to Senate GOP leadership last year and holds a key post on the Energy and Natural Resources Committee, received more campaign contributions from the utility industry than any other lawmaker during the 2009-2010 election cycle, according to data compiled by the nonpartisan Center for Responsive Politics.

Last year, Murkowski received $157,000 from electric utilities, and since 2005, she has received more than $244,000, according to the center's data.

Seems Murkowski, who claims she believes in global warming but doesn't want to deal with the bureaucracy that would come from the EPA regulating greenhouse gases, has other incentives for shutting down the EPA climate plan as well.

This development comes on the heels of news that Murkowski wrote the amendment with two lobbyists--one who was an energy lobbyist for coal companies, the other a Bush administration official. As Climate Progress notes: "The Washington Post has confirmed that two Washington lobbyists, Jeffrey R. Holmstead and Roger R. Martella, Jr., helped craft the original amendment."

And she's gotten money from other pollution-heavy industries as well: "Several of her top campaign contributors since 2005 include: Edison Chouest Offshore, Constellation Energy Group Inc., Southern Co., Van Ness Feldman and Exxon Mobil Corp."

The evidence is overwhelming--this amendment is nothing but a major favor to polluting corporate interests.

Which Democrat Supports Murkowski's Bid To Bake Alaska? (*Wonk Room*)

Sen. Lisa Murkowski (R-AK) plans to offer an amendment tomorrow that would block enforcement of the Clean Air Act for greenhouse gases. Her "Dirty Air Act" amendment threatens Alaska and the hopes for a clean energy economic recovery for the nation. At Mother Jones, Kate Sheppard reports that at least one Democrat is supporting her climate catastrophe campaign:

Alaska Republican Lisa Murkowski has gained co-sponsorship for her effort to block the EPA from regulating carbon dioxide from at least one Democrat, her office confirmed Friday evening. Spokesman Robert Dillon said that one Democrat has signed on, though he was not able to confirm the identity of the Democrat. There are, however, **plenty of ideas about who this Democratic cosponsor may be**. Mary Landrieu (D-LA), Ben Nelson (D-NE), Jim Webb (D-VA), Byron Dorgan (D-ND), and Blanche Lincoln (D-AR), all previously on record voicing concerns about carbon regulation, have been floated as possible sign-ons.

In April 2009, Dorgan, Landrieu, Lincoln, Nelson, and Webb voted to preserve the filibuster threat against any "clean energy" legislation, even though they represent states on the front lines of the climate crisis. Below, the Wonk Room takes a closer look at these Murky Democrats:

BYRON DORGAN

Dorgan, buoyed by coal interests, has emerged as one of the strongest critics of President Obama's plan to limit global warming pollution, saying it "makes no sense." He opposes action even though his state has been ravaged by record floods and has vast renewable energy resources. Dorgan's "preference is that Congress address this issue and not the EPA." The senator told National Journal that "how the amendment is crafted — most notably whether it suspends the agency's regulatory power or completely removes it — is crucial."

BLANCHE LINCOLN

Lincoln has claimed that limits on carbon pollution would create "really high, higher food prices" and said when she took over the Senate Agriculture Committee that it isn't her "preference to move on cap-and-trade legislation in the Senate this year." Lincoln has taken hundreds of thousands of dollars in polluter cash, including $10,000 from the right-wing extremists at Koch Industries.

MARY LANDRIEU

Landrieu has taken an oil-soaked stand "against forcing petrochemical companies" to "bear the brunt of new costs." Her state, Lousiana, is still devastated by the widespread destruction of New Orleans by Hurricane Katrina, a global-warming-fueled storm.

BEN NELSON

Nelson worries that climate legislation "could have a negative impact on our economy." Unusual heat waves killed thousands of cattle last year, and a recent five-year drought was even more destructive.

JIM WEBB

Since 2008, Webb has opposed “things like emission standards.” Webb also opposes President Obama’s global warming plan, instead working with Sen. Lamar Alexander (R-TN) to promote a nuclear-industry subsidy plan. Coal and nuclear utility Dominion Resources is Webb’s fourth largest corporate contributor. Sea level rise is already eating away Virginia’s coastlines.

Murkowski’s move is expected to be attached to legislation to raise the federal debt ceiling. If it comes in the form of a binding amendment, 60 votes would be required for passage. She may instead offer a disapproval resolution, which would not block the EPA but would help senators pledge allegiance to coal and oil interests as the 2010 election season nears. A disapproval resolution would only require 51 votes to pass.

NEW PRIORITIES

Green Eyes On: 7 New Priorities for the EPA (*Treehugger*)

by Sara Snow on 01.19.10

BUSINESS & POLITICS (NEWS)

Guest blogger Sara Snow is green lifestyle expert and board member for Discovery's 24/7 future-forward network Planet Green.

Last week Lisa Jackson, Administrator for the Environmental Protection Agency, sent out a memo to all employees outlining "Seven New Priorities" for the EPA to focus on in the coming year. She acknowledged that it was only a year ago that she started her job, but concluded that in that year the agency has made "enormous strides" on all five of the priorities set at that time.

This year the focus lies on, among other things, climate change, air quality, cleaning up communities, and protecting our waterways. Important work! I wish them speedy success.

Here are the seven new priorities as outlined in Ms. Jackson's memo:

Taking Action on Climate Change: *Last year saw historic progress in the fight against climate change, with a range of greenhouse gas reduction initiatives. We must continue this critical effort and ensure compliance with the law. We will continue to support the President and Congress in enacting clean energy and climate legislation. Using the Clean Air Act, we will finalize our mobile source rules and provide a framework for continued improvements in that sector. We will build on the success of ENERGY STAR to expand cost-saving energy conservation and efficiency programs. And we will continue to develop common-sense solutions for reducing GHG emissions from large stationary sources like power plants. In all of this, we must also recognize that climate change will affect other parts of our core mission, such as protecting air and water quality, and we must include those considerations in our future plans.*

Improving Air Quality: *American communities face serious health and environmental challenges from air pollution. We have already proposed stronger ambient air quality standards for ozone, which will help millions of American breathe easier and live healthier. Building on that, EPA will develop a comprehensive strategy for a cleaner and more efficient power sector, with strong but achievable emission reduction goals for SO2, NOx, mercury and other air toxics. We will strengthen our ambient air quality standards for pollutants such as PM, SO2 and NO2 and will achieve additional reductions in air toxics from a range of industrial facilities. Improved monitoring, permitting and enforcement will be critical building blocks for air quality improvement.*

Assuring the Safety of Chemicals: *One of my highest priorities is to make significant and long overdue progress in assuring the safety of chemicals in our products, our environment and our bodies. Last year I announced principles for modernizing the Toxic Substances Control Act. Separately, we are shifting EPA's focus to address high-concern chemicals and filling data gaps on widely produced chemicals in commerce. At the end of 2009, we released our first-ever chemical management plans for four groups of substances, and more plans are in the pipeline for 2010. Using*

our streamlined Integrated Risk Information System, we will continue strong progress toward rigorous, peer-reviewed health assessments on dioxins, arsenic, formaldehyde, TCE and other substances of concern.

Cleaning Up Our Communities: *In 2009 EPA made strong cleanup progress by accelerating our Superfund program and confronting significant local environmental challenges like the asbestos Public Health Emergency in Libby, Montana and the coal ash spill in Kingston, Tennessee. Using all the tools at our disposal, including enforcement and compliance efforts, we will continue to focus on making safer, healthier communities. I am committed to maximizing the potential of our brownfields program, particularly to spur environmental cleanup and job creation in disadvantaged communities. We are also developing enhanced strategies for risk reduction in our Superfund program, with stronger partnerships with stakeholders affected by our cleanups.*

Protecting America's Waters: *America's waterbodies are imperiled as never before. Water quality and enforcement programs face complex challenges, from nutrient loadings and stormwater runoff, to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies. We will continue comprehensive watershed protection programs for the Chesapeake Bay and Great Lakes. We will initiate measures to address post-construction runoff, water quality impairment from surface mining, and stronger drinking water protection. Recovery Act funding will expand construction of water infrastructure, and we will work with states to develop nutrient limits and launch an Urban Waters initiative. We will also revamp enforcement strategies to achieve greater compliance across the board.*

Expanding the Conversation on Environmentalism and Working for Environmental Justice: *We have begun a new era of outreach and protection for communities historically underrepresented in EPA decision-making. We are building strong working relationships with tribes, communities of color, economically distressed cities and towns, young people and others, but this is just a start. We must include environmental justice principles in all of our decisions. This is an area that calls for innovation and bold thinking, and I am challenging all of our employees to bring vision and creativity to our programs. The protection of vulnerable subpopulations is a top priority, especially with regard to children. Our revitalized Children's Health Office is bringing a new energy to safeguarding children through all of our enforcement efforts. We will ensure that children's health protection continues to guide the path forward.*

Building Strong State and Tribal Partnerships: *States and tribal nations bear important responsibilities for the day-to-day mission of environmental protection, but declining tax revenues and fiscal challenges are pressuring state agencies and tribal governments to do more with fewer resources. Strong partnerships and accountability are more important than ever. EPA must do its part to support state and tribal capacity and, through strengthened oversight, ensure that programs are consistently delivered nationwide. Where appropriate, we will use our own expertise and capacity to bolster state and tribal efforts.*

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