U. S. Environmental Protection Agency
Blog Round-up
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Table of Contents

Blog Round-up
June 7, 2010

ROUND-UP OF MAJOR BLOGS 2
BP 2
On World Oceans Day: Gulf oil disaster underscores need for a National Ocean Policy (*Huffington Post*) 2
CLIMATE CHANGE 4
Is the climate bill going to pass? Top five things to watch 1 (*Grist*) 4
ENERGY 6
The Murkowski Resolution: A Step Backward for American Clean Energy (*Huffington Post*) 7
PESTICIDES 8
Methyl Iodide Controversy: Warning About Strawberry Field Chemical Ignored (Huffington Post) 8

ROUND-UP OF MAJOR BLOGS

BP

June 7, 2010 12:16 PM

On World Oceans Day: Gulf oil disaster underscores need for a National Ocean Policy (*Huffington Post*)

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Tuesday, June 8th, is World Oceans Day. As the disastrous Gulf oil spill continues, it is clear that our country needs a national ocean policy – like a Clean Air or Water Act – to protect our oceans. NRDC has been promoting adoption of such a policy for some time, but the urgency now is greater than ever. The President should move expeditiously to adopt such a policy.

Shortly after World Oceans Day last year, President Obama directed a high-level Interagency Ocean Policy Task Force to develop (with significant public input) recommendations for a national ocean policy that would better protect our oceans. This action was taken because, as two national commissions have found, our oceans are under increasing pressure and are showing signs of serious decline – from oxygen-deprived dead zones to depleted fish populations to contaminated beachwater. Now we must add a massive oil spill to the list. Just before the rig exploded in the Gulf of Mexico, the President's task force completed its work and submitted its recommendations to the President.

A national ocean policy would ensure that activities occurring off our shores meet the basic requirements of protecting, maintaining, and restoring ocean ecosystems and resources. People may think such a policy already exists (just as many probably thought an adequate response plan for an oil well blowout existed), but it doesn't. Currently, more than 140 laws and 20 different agencies govern the human activities in our seas. Each agency comes with different goals and often conflicting mandates. There is no overarching vision, policy or plan.

Over the past several weeks, NRDC has advocated several steps the government should take to address the Gulf oil spill disaster and make sure it never happens again – from a moratorium on new offshore oil and gas activities, at least until we figure out what happened in the Gulf and corrective action has been taken, to passing clean energy legislation and transitioning to energy sources that can't spill or run out.

Now, as the oil continues to spill into the Gulf, I also can't help but think of two ways we'd be better off if we had a national ocean policy in place.

1 – It would make sure agencies governing our seas are working together.

As this spill has shown, there's not always communication among federal agencies. In a situation like this, a national ocean policy would provide an overarching goal to protect our oceans and unite these agencies around it. The President's task force has recommended the creation of an interagency National Ocean Council to ensure that our government's actions offshore are coordinated and working together for ocean protection – not at cross-purposes.

For instance, we've seen that the National Oceanic and Atmospheric Administration is working to protect Gulf fisheries from deepwater plumes containing dispersed oil; at the same time, the Environmental Protection Agency has pre-approved the use of dispersants that can contribute to these deep water plumes. A national ocean policy would make sure the agencies are coordinating their efforts and discussing how to address critical ocean issues before they're at a crisis point.

And, we've heard outrage that MMS was simultaneously advocating for expanded offshore oil drilling and tasked with making sure it was done safely. A national ocean policy would strengthen the mandate of agencies to care for ocean resources and require agencies' coordinated action to that end.

In fact, whether it's acidification, warmer temperatures or oil drilling – a national ocean policy would help us better protect our oceans and marine life and make them more resilient.

2 – It would protect sensitive places from the start.

Right now, we're left with hoping that the powerful Loop Current doesn't bring the oil's devastation into the coral reefs of the Florida Keys – the third largest coral reef in the world – and then up the East Coast. A national ocean policy might have helped us avoid a disaster like this from the start, so we're not left playing damage control.

The policy includes a comprehensive planning process that would help us identify important ecological areas, and allow the government to protect them, as well as to identify areas that would be suitable for safe and sustainable ocean use. A comprehensive planning process would provide for input from all levels of government, business interests, fisheries managers, conservation groups and the public and for consideration of the cumulative impact of activities on the health and functioning of marine ecosystems.

This World Ocean Day, we find ourselves in the midst of the worst ocean oil disaster in our nation's history, with our addiction to oil jeopardizing the vibrant and economically important marine life of America's seas. We are being reminded daily of the often-forgotten value of these resources, and our responsibility to protect them. And we can

see that a national ocean policy is needed, now more than ever. The President should act promptly to adopt such a policy.

This post originally appeared on NRDC's Switchboard blog.

CLIMATE CHANGE

Is the climate bill going to pass? Top five things to watch 1 (*Grist*)

by David Roberts
7 Jun 2010 5:00 AM
People are constantly asking me, "Is the climate bill going to pass?" The answer is: I don't know. No one knows. Confident predictions either way are mostly posing. The situation, like so much in politics right now, is incredibly fluid.

There are five things to watch in coming months that will give us a better sense of how the bill might fare.

1. The Murkowski resolution

On Thursday, Sen. Lisa Murkowski (R-Alaska) will introduce a "resolution of disapproval" that would short-circuit EPA's ability to regulate carbon pollution. By the mysterious alchemy of Beltway media, the vote has become a bellwether for the climate bill's chances.

Murkowski's resolution is filed under the authority of the Congressional Review Act, a rarely used law that allows Congress to overturn the actions of an executive branch agency. (It's only been used successfully once, to overturn some Clinton-era ergonomics regulations in 2001.) It would reverse EPA's "endangerment finding," the key legal document that establishes the agency's obligation to regulate greenhouse gases as air pollutants under the Clean Air Act.

Whatever Murkowski says -- and her rhetoric behind this has been an exercise is grotesque bad faith -- the resolution is entirely nihilistic. All the endangerment finding says is that climate change is a danger to public health. To protest that finding is to protest climate change science.

If passed, the resolution would wreak havoc on the vehicle fuel-economy standards worked out between the EPA, California, and auto companies (and the standards under discussion for 2017 forward). It would also disrupt the very legislative efforts Murkowski claims to support. The cap-and-trade system in the climate bill is run by the EPA, as a

title under the Clean Air Act; how can that be legally kosher if the EPA is forbidden from judging greenhouse gases a danger?

But of course it won't pass; nobody, Murkowski included, thinks it has a chance. If it got through the Senate, it wouldn't get through the House; if it got through the House, Obama would veto it. It's an act of pure grandstanding on Murkowski's part.

But pundits have decided that the vote is an indicator of support for the climate change bill. The resolution needs 51 votes, to pass. If it breaks 45 votes, it's trouble. If it breaks 50, it's doom.

2. Committee chairs

Last Thursday, Senate Majority Leader Harry Reid (D) notified Senate committee chairs that he plans on moving a comprehensive energy bill in July. He asked them to prepare ideas, specifically ideas to address the BP Gulf oil disaster. Receiving letters were Max Baucus (Finance), Jeff Bingaman (Energy), Barbara Boxer (Environment), Chris Dodd (Banking), Patrick Leahy (Judiciary), Joe Lieberman (Homeland Security), Blanche Lincoln (Agriculture), and John Rockefeller (Intelligence). (Weirdly, at least according to Politico, Kerry himself, chair of Foreign Relations, didn't receive one.)

Reid pointedly did not say whether he planned to model his legislation on the Kerry-Lieberman American Power Act or whether it would contain a carbon cap or carbon-pricing system at all. He's trying to get the lay of the land so he can put together a bill that can pass. Much will depend on what the chairfolk tell him. In particular, what he hears from Bingaman (who has been stumping for an energy-only bill) and Baucus (who has been conspicuously quiet on the subject) will have an outsized effect. They are pivotal Movers of Moderates.

3. Lugar's bill

Today, Sen. Richard Lugar (R-Ind.) will introduce his own energy legislation, which does not contain a cap-and-trade system. If it becomes clear that carbon pricing doesn't have the votes this year, it could serve as a "bipartisan" model for Reid to fall back on.

While it's clear a carbon cap is crucial to the long-term success of a climate-change mitigation program, Lugar's bill is actually a fairly decent fallback -- as good or better than the energy bill that came out of Bingaman's committee last year. To quote myself:

[Lugar's] plan is admirable for its simplicity and the clarity of its goals: capturing energy efficiency, diversifying and cleaning up the electricity sector, and reducing foreign oil dependence. Each of those goals is served by a range of policy instruments, from building efficiency standards to loan guarantees for clean energy generators to higher CAFE standards.
We'll see what reaction, if any, the bill gets upon its official debut.

4. Oil spill

BP seems to have had some modest success in getting a cap in place, siphoning off about 10,000 barrels a day of the 20,000 (or so -- nobody knows for sure) gushing into the Gulf. But that's probably the last good news until at least August, when BP thinks it can have the relief wells drilled.

Until then the spill will be in the news, yielding more and more pictures of oil-choked wildlife. Oil's going to be coming up on more and more beaches, including in Florida, and in the background hovers the unthinkable prospect of a hurricane that could carry crude oil miles into the fragile Gulf coastal marshes and wetlands.

How will this drip-drip horror affect the public's appetite for comprehensive climate and energy legislation? On one hand, it seems inevitable that support for offshore drilling will continue to decline. In a Friday CBS poll, a majority exposed expanded offshore drilling for the first time. Time will tell how much that anger translates into ambition to escaping oil, but clearly the anger is rising.

On the other hand, every day the spill goes on Obama looks more and more helpless and the federal government looks more and more hapless. If the public is disgusted by the feds' performance, will it be keen to let the feds pass a massive, far-reaching piece of legislation?

5. Obama

What will Obama do in the face of public anger over the spill? His attempt at keeping his distance and muting talk of energy policy obviously hasn't worked. He's figured out he needs some kind of positive, muscular response, and since he can't pilot a Federal Super Submarine down into the Gulf and fire lasers at the spill, legislation is about the best option on the table. In his speech last week he came out far more strongly behind the climate/energy bill than he has previously, saying "I intend to find" the votes and "we will get it done."

Will he follow up on that promise with the same kind of full-court press he put behind the health care reform bill? A senior administration official told Politico, "It's the next big thing." We'll see.
139723David Roberts is staff writer for Grist. You can follow his Twitter feed at twitter.com/drgrist.

ENERGY

June 7, 2010
Lisa P. JacksonAdministrator of The EPA

Posted: June 7, 2010 10:07 AM BIO Become a Fan Get Email Alerts Bloggers' Index

The Murkowski Resolution: A Step Backward for American Clean Energy (*Huffington Post*)

In the last 18 months, the United States has taken major steps forward in the transition to a clean energy economy. With historic investments in solar, wind and other innovative renewable energy sources, we are positioned to compete for the clean energy jobs of today and tomorrow, to reduce our dependence on foreign oil, and to cut the pollution that harms our families and the future for our children and grandchildren.

With all those steps forward, now is not the time to take a big step backward, by doubling down on the kinds of energy and environmental policies that keep America addicted to oil -- especially foreign oil. As the President has said, traditional sources of energy have to be part of the mix as we transition to a clean energy economy, but they can't be our only sources.

Our nation's addiction to oil pollutes the air we breathe. It sends billions of our dollars to foreign countries. And it leaves American small businesses and American drivers at the mercy of fuel price spikes, like the $4 a gallon prices we were paying not so long ago. For those reasons and more, we've taken significant steps forward, including a historic effort to make American cars more fuel efficient than ever and cut oil consumption by billions of barrels.

The BP oil spill in the Gulf of Mexico presents yet another tragic reminder of the hazards of our oil addiction. Our thoughts, prayers and condolences are with the friends and families of the 11 workers lost in the initial explosion. In the local meetings I've attended since this crisis began, it's clear to see that the entire community feels these losses deeply. It is all the more upsetting, then, that the community's tragedy is compounded by the economic and environmental uncertainty that lies ahead.

The fact that a single accident at a single offshore oil well can cause billions of dollars in damage, result in thousands of people losing their jobs and livelihoods and threaten an entire region highlights how important it is that we keep moving America forward, towards energy independence. We can't afford to go back.

That is why it is surprising to learn that on June 10, the Senate will vote on legislation that would take us back to the same old failed policies and increase America's oil dependence by billions of barrels. Senator Lisa Murkowski, with strong support from big oil companies and their lobbyists, has proposed a resolution that would drastically weaken our nation's historic effort to increase fuel savings, save consumers money and cut oil consumption from American cars and trucks.

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.

The Murkowski resolution also undermines EPA's common sense strategy for cutting greenhouse gases. Our carefully constructed approach exempts small businesses, homes, farms, and other small sources from regulation. We know that the local coffee shop or the backyard grill is no place to look for meaningful CO2 reductions. We're tackling our largest polluters and calling on Congress to pass a comprehensive energy and climate law -- one that would extend the protection of small businesses.

At no point in our history has any problem been solved by waiting another year to act or burying our heads in the sand. Our oil addiction is not going to go away unless we act. A broad coalition of industry, government and environmental advocates believe that it can be done -- and we have a plan in motion. There is no need for a resolution that would weaken this important program. Now is not the time to go back. Rather than increasing our addiction, we need to keep moving America forward into a clean energy future.

PESTICIDES

June 7, 2010

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

First Posted: 06- 7-10 11:28 AM | Updated: 06- 7-10 11:28 AM

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.