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

Friday, February 15, 2013

Table of Contents

Blog Round-up
July 14, 2010

ROUND-UP OF MAJOR BLOGS 2
AIR 2
Murkowski Part II Rears its Ugly Head (*Huffington Post*) 2
BP SPILL 3
NOAA Hoarding Key Data On Oil Spill Damage (*Huffington Post*) 3
TOXICS 8
Tainted cereal exposes soggy food-safety system (*Grist*) 8
WATER 10
EPA Fracking Meeting Held In Denver (*Huffington Post*) 10

ROUND-UP OF MAJOR BLOGS

AIR

July 14, 2010

Lowell FeldCommunications manager, NRDC Action Fund
Posted: July 13, 2010 06:04 PM BIO Become a Fan Get Email Alerts Bloggers' Index

Murkowski Part II Rears its Ugly Head (*Huffington Post*)

Clean Energy , Climate Bill , Climate Change , Climate Change Legislation , Environment , Epa , Greenhouse Gas Regulation , Jay Rockefeller , Lisa Murkowski , NRDC Action Fund , Green News
On June 10th, we all celebrated the defeat of the heinous Murkowski resolution, which would have gutted the EPA's ability to regulate carbon dioxide pollution. Why we needed to defeat Murkowski was explained well by NRDC Action Fund Executive Director, Peter Lehner, who wrote the following prior to the vote:

EPA's proactive lead in greenhouse gas regulation is a critical aspect of the effort to reduce our rampant, destabilizing, and destructive dependence on foreign and offshore oil. While the endangerment finding does not, in itself, prescribe regulations, it provides the legal basis for critical standards: EPA's proposed CAFE efficiency standard for light-duty vehicles is projected to save over 455 million barrels per year, and an anticipated standard for heavy-duty vehicles will save billions more. Stripping EPA of its authority to implement these protections would increase our nation's dependence on oil and send hundreds of billions of dollars overseas. We cannot afford this big step backward, especially as we watch more oil gush into the Gulf each day.
In the end, the Senate didn't take that "big step backward" on June 10th, as the Murkowski resolution failed by a 47-53 vote. Many of us probably figured that was the end of this issue, and that the Senate would now move on to passing comprehensive, clean energy and climate legislation. Unfortunately, as is often the case in Washington, D.C., it isn't that simple (let alone logical).

Today, clean air and public health are once again under an assault that constitutes, essentially, "Murkowski Part II." The Wall Street Journal reported on June 22:

As U.S. Senate lawmakers attempt to determine the fate of energy legislation, an influential Democrat is boosting efforts to suspend a controversial greenhouse-gas rule passed earlier this year by the U.S. Environmental Protection Agency.

After introducing a bill to impose a two-year halt on the new EPA rule, Sen. Jay Rockefeller, a Democrat from coal-rich West Virginia, is now working to round up supporters for his legislation.

It should go without saying that this is completely unacceptable. As we all know, the public was outraged at Murkowski's Big Oil bailout bill. They understood that this moved the country backward, not forward, and that it was exactly the wrong way to go, given the energy and environmental challenges we face. Through all our efforts, our phone calls and emails (and blog posts and tweets, etc.), we helped kill Murkowski Part I. Now, unfortunately, Sen. Jay Rockefeller is pushing Murkowski Part II, yet there's far less attention being paid to this effort than to the Murkowski's EPA Castration Resolution Part I. People have a lot of other things on their minds, and they thought this fight was over back in June. But, once they find out that this effort is baaaaack, like a monster in a cheesy horror movie, they are not going to respond positively.

Of course, why would the public -- which overwhelmingly supports taking action to promote clean energy and deal with climate change - ever respond positively to a proposal aimed at throwing away one of our key tools to cut pollution and protect public health? And why would they respond positively now of all times, as oil continues to spew into the Gulf of Mexico, as record heat waves scorch the United States, and as climate science is strengthened every day that goes by? Last but not least, why would they support an effort to protect the corporate polluters and not all of us who are being hurt by that pollution?

The bottom line is simple: Instead of wasting its time on legislation that will only move the country backwards -- towards dirty energy forever -- the Senate should be busy passing a bill that moves the country forward towards a bright future of green energy, clean-tech jobs, energy security and climate protection. Once our Senators hear that message loud and clear from all of us, Rockefeller's Murkowski Part II will be rejected by the Senate, just as Murkowski Part I was before it.

Follow Lowell Feld on Twitter: www.twitter.com/lowkell

BP SPILL

NOAA Hoarding Key Data On Oil Spill Damage (*Huffington Post*)

The National Oceanic and Atmospheric Administration is hoarding vast amounts of raw data that independent marine researchers say could help both the public and scientists better understand the extent of the damage being caused by the massive BP oil spill in the Gulf of Mexico.

In most cases, NOAA insists on putting the data through a ponderous, many-weeks-long vetting process before making it public.

In other cases, NOAA actually intended to keep the data secret indefinitely. But officials told the Huffington Post on Tuesday that they have now decided to release it -- though when remains unclear.

BP, incidentally, gets to see all this data right away.

At issue are test results from a series of research missions conducted by NOAA or NOAA-sponsored ships exploring the extent and effect of oil beneath the surface of the Gulf. Due to the leak's depth and the unprecedented use of dispersants, much of the oil is thought to have spread in gigantic undersea plumes, potentially adding a huge, so-far mostly invisible toll to the devastation so obviously manifesting itself along the nation's Gulf shore.

Despite early urgent warnings from independent scientists that oil suspended in the water column is likely killing wide swaths of sea life in the short run -- and possibly endangering marine animals and coastlines for decades to come -- NOAA was slow to send out research vessels to probe the extent of the problem, and even slower to confirm it.

NOAA eventually sent out a half dozen ships packed with scientists, on back-to-back research missions. But the only detailed results so far made public were collected during a single mission that ended in late May -- almost two months ago. And some data -- including from the very first research vessel to take underwater tests, the Jack Fitz -- wasn't slated to be released at all, because it's part of what NOAA calls its Natural Resources Damage Assessment (NRDA).

NRDA data is traditionally kept close to the vest until potentially adversarial legal wranglings are over. But in this case, the obvious lead defendant, BP, is part of the Joint Incident Command, to whom all the raw data is being turned over immediately.

NOAA officials told the Huffington Post on Tuesday that, in a turnaround, they will now be making NRDA data public -- but they offered no timeline for that process.

In a statement to the Huffington Post, NOAA officials insisted that they are working as hard as they can to get the public accurate data, as fast as possible. "We understand the public's need for answers and consider it our responsibility to help provide those answers," NOAA spokesman Justin Kenney wrote in an e-mail. "Our commitment is to do what it takes to provide the right answers. Doing so requires upholding the highest standards of data quality and analysis to ensure our conclusions are correct. This process does take time, but we are doing everything we can to make quality data available in a timely fashion, to responders, our scientific partners, and to the public."

Kenney also noted that a considerable amount of other information is being posted online, on such websites as NOAA's new GeoPlatform.gov. Indeed, detailed data about such things as current ocean conditions are posted in near real-time on one NOAA website. And since the get-go, NOAA has been publicly tracking the trajectory of the oil that's made it to the surface.

But when it comes to data about what's going on under the surface, some marine researchers are fed up with NOAA's slow-walk policy.

"It's not about science, it's about what their responsibility is to the public," said Vernon Asper, a professor of marine science at the University of Southern Mississippi.

"We want to find out what the impact is going to be. In order to do that, we need to find out as much as possible about what's happening to the oil, and make as many measurements as we possibly can."

Asper was part of a team of scientists aboard the Pelican, one of the first research vessels to test for oil under the surface -- and, it should be noted, to report the existence of underwater plumes.

"What I'd like to see is the data released as soon as possible, with the proper qualifications, in the interest of openness and especially in the interest of allowing scientists like myself to plan our work. To plan our sampling, we need to know what they've found," Asper told the Huffington Post.

Scientists are primarily searching for signs of oil in the water and the consequent depletion of oxygen. Calibrating oxygen measurements is apparently a consistent challenge, and researchers typically don't release data until they've accounted for any inconsistencies.

Asper gets that. But, he said, "even if their results are off by 10 or 20 percent because of calibration or something, that still helps me. That's the kind of information that's required." In this case, he said, "my view on that would be: Go ahead and release the data but say: 'These don't agree. We haven't figured this out, but here they are anyway.' It's still totally useful information."

And Asper expressed frustration about one issue in particular: "If BP can see the data," he asked, "why can't the taxpayers see it?"

Ira Leifer, a researcher at the Marine Science Institute of the University of California, Santa Barbara, has grown so frustrated with the overall dearth of data regarding how much oil has spilled and where and how it is spreading that he has put together an all-star team of researchers on a crash project to do just that.

His proposal is in limbo right now, as everyone waits to see if BP's new cap is capable of containing the spill entirely.

Nevertheless, Leifer also called on NOAA to release data more quickly. "If somebody is making some measurement somewhere, it is difficult for them to find out or to contact other people who are also making measurements to try to compare or discuss their understanding of what's happening," he said.

Indeed, he suggested that NOAA should serve as a clearinghouse of data from its own scientists and others.

By contrast, right now that duty is being taken up by other, more self-interested parties. "The best way to find out, ironically, what all the research is that's going on," Leifer said, are lists being compiled by law firms -- by plaintiffs' attorneys preparing to sue BP for damages in civil suit.

"There are some legal teams that have created extensive, detailed lists of exactly who's doing everything," Leifer said. "It's not possible from my knowledge to find that information from government sources in any easy fashion."

Meanwhile, the government is working alongside BP, which, as Leifer put it, "may want areas of non-knowledge."

Indeed, BP, which faces a potentially enormous per-barrel fine, has no incentive to measure the amount of oil leaked with any precision whatsoever. Nor does it have any desire for the public to become too acutely aware of the vast amounts of oil it has been able to keep largely hidden beneath the surface, in part due to its controversial use of dispersants.

Rick Steiner, a marine conservationist who studied the effect of the Exxon Valdez spill in Alaska, sees NOAA's behavior as part of a larger trend. "It's my sense that all federal agencies are withholding information at this point on this spill, and this includes Coast Guard, EPA, Department of Interior, and certainly NOAA," he told the Huffington Post.

"And there's an overwhelming public interest that the public knows everything that the government knows about this at this point. So we need a new paradigm for how to handle public information in these sorts of disasters, and there's no better place to start than right here right now."

The last in a series of hurdles for data before NOAA lets it go public is for it to be "cleared" by the Joint Analysis Group (JAG), a multi-agency task force which a NOAA press release said "was established to facilitate cooperation and coordination among the best scientific minds across the government and provide a coordinated analysis of information related to subsea monitoring in the Gulf of Mexico."

That last part of the process alone can take several weeks. "There is definite recognition within the group that it is slow, and there is frustration that it is slow," said JAG member Rik Wanninkhof, a NOAA scientist at the Atlantic Oceanographic and Meteorological Laboratory in Miami.

There are two paths NOAA data can take, he told HuffPost. One is "information that does go to the general public, and that is quite slow," and the other is "information that is for within NOAA, and that goes faster." The Coast Guard and BP also get the data right away.

Wanninkhof said the JAG's clearing process is important to assure that the data is accurate. But, he said, "it could be that we are erring to the side of caution." And, he said, it doesn't necessarily have to take quite this long.

"My feeling is it could be done faster, if fewer agencies were involved," he said. In addition to NOAA, the group includes representatives from the Environmental Protection Agency and the White House. BP is also there, providing "information coordination and synthesis."

There are two main goals when it comes to sub-surface testing. One is to get a better sense of how much oil has spilled; another is to get a better sense of what it's doing to sea life. When it comes to the latter, the key indicator involves oxygen levels, and the fear is that the oil will turn regions of the Gulf hypoxic, when means the water would have insufficient dissolved oxygen levels to sustain living aquatic organisms.

As it happens, the Northern Gulf already develops a large, hypoxic "dead zone" every summer, on account of all the nitrogen from sewage or fertilizer flowing down the Mississippi River.

Scientists testing for subsea oil have found depleted levels of oxygen, but the good news is that so far, none of them have come close to hypoxia, according to Wanninkhof -- who, unlike the rest of us, is seeing the raw data.

He warns that those levels could still go down, however, as microbes start to eat the oil in earnest, and in doing so deplete oxygen.

And Asper, the marine scientist from Southern Mississippi, warns that, at the depths where the plumes are mostly being found, even a slight reduction in oxygen could have serious and very long-lasting consequences.

"The water at great depths hasn't been on the surface in a long time," he said. "It's old water" that rose to the surface in Antarctica, perhaps hundreds of years ago, got chilled, and spread out along the ocean floor. Just as it hasn't seen the surface in a long time, Asper said, "this water that's down there won't get back to the surface of the ocean for probably hundreds of years longer."

So to the extent that oxygen levels there are depleted, he said, "it's quite likely that oxygen will stay low for a long time."

Another factor at play when it comes to the dissemination of data is the apparent lack of clarity about the circumstances under which NOAA scientists are allowed to speak to the media.

Public Employees for Environmental Responsibility, a whisteblowers group, on Monday demanded that NOAA lift its "gag order muzzling NOAA scientists."

And some scientists contacted by HuffPost over the past few weeks have said they were explicitly told they could not talk to reporters without permission from NOAA's public affairs office. "That's what I've been told, that I'm supposed to direct any media contacts to the media," one scientist said on Monday.

But NOAA officials say that this is a misunderstanding of the actual rules. Although the wording of those rules -- which dates back to the Bush administration -- is ambiguous in places, Kenney,

the NOAA spokesman, insisted that the policy "clearly states that NOAA's scientists are free to speak to the media."

NOAA Director Jane Lubchenco "has discussed the importance of open communication to employees on many occasions, including whenever she travels to our labs and science centers," Kenney wrote in an e-mail. "[T]his is central to who she is as a scientist and NOAA administrator."

Kenney did not indicate, however, that NOAA officials were planning to take any action to clear up was is evidently some continued confusion in the ranks. Wrote Kenney: "Could our media policy be communicated better? Sure, that is always possible. Could it be clearer? No."

TOXICS

Tainted cereal exposes soggy food-safety system (*Grist*)

by Tom Philpott
13 Jul 2010 3:25 PM

On June 25, Kellogg's issued a "voluntary recall" of 28 million boxes of its breakfast cereals, including Froot Loops, Apple Jacks, Corn Pops, and Honey Smacks. The company revealed it had detected an "uncharacteristic off-flavor and smell coming from the liner in the package" of the suspect cereal and warned of "possible temporary symptoms, including nausea and diarrhea" from eating it.

Before we plunge our spoon into this cereal bowl of trouble, let's ponder the enormity of the recall. A box of cereal contains about 12 servings. That means Kellogg's recalled enough cereal to serve breakfast to 336 million people -- sufficient for every man, woman, and child in the United States, with more than enough left over for every single Mexico City resident.

My brain can barely fathom the enormity; I'm picturing a towering sugar-glazed mountain, a crazy-colored Everest of Froot Loops and Apple Jacks.

Now, on one level, the food-safety system worked in this case. A Kellogg's spokesperson told the Wall Street Journal that the company had received complaints "from about 20 people, including five who reported nausea and vomiting," and then quickly declared the recall. In other words, a gigantic food corporation discovers a product problem and quickly does all it can to remove as much of that product as possible from the market. System vindicated!

But dig in a little deeper, and you'll find a limp, corporate-friendly food-safety system on display.

First of all, the FDA has not demanded that the company release the name of the substance that caused the off-smell. These are products marketed specifically to children, complete with cartoon-laden boxes and, despite the recall, there are likely millions of them on countertops across the country, being consumed daily by kids before school. (According to a recent GAO report, companies recover only about 36 percent of targeted products in a typical recall.) Yet the FDA has released no additional information on the dodgy cereal since the June 25 recall.

And if it weren't for the efforts of Environmental Working Group, we still wouldn't know what was causing the trouble. According to an eye-opening report released Monday, an EWG staffer contacted Kellogg's to ask point blank what substance had triggered the recall. Here's what happened:

Company representatives said initially that Kellogg's did not yet know what chemical had caused the problems, but a company nurse called back the next day with an answer: Kellogg's chemists had determined that the "off-taste and smell" was caused by methylnaphthalene, which had leached into the cereal from the package liner.
Well, it was big of the company to reveal to EWG the chemical in question, but Kellogg's still has yet to post that info on its website. The FDA hasn't uttered a peep about it either.

According to EWG, methylnaphthalene is a "component of crude oil and coal tar" commonly used in packaging material. And what are the health impacts of consuming it? Now things get murky again. Kellogg's, or at least its staff nurse -- one wonders, do all corporations employ nurses? -- is under the impression that it's safe to consume. Reports EWG:

The Kellogg's nurse, who did not give her name, also said that the U.S. Food and Drug Administration classifies the chemical as "Generally Recognized As Safe," or GRAS. EWG, however, could not find the compound on FDA's GRAS list online.
In fact, according to EWG's exhaustive research, "health agencies know very little about its safety." It turns out that methylnaphthalene is on the EPA's infamous list of so-called highproduction volume (HPV) chemicals that are used in in massive volumes, even though no one seems to have the foggiest idea how toxic they are. Reports EWG:

In 1998, EPA identified the compound as a high production volume (HPV) chemical that lacked basic safety data in the public literature. The agency sought a corporate sponsor to submit such data to EPA's "HPV Challenge" program. In 1999, a consortium of large petrochemical interests volunteered, including BP, Chevron, Condea Vista, Exxon, Fina Oil, Koch, Marathon Ashland, Mobil Oil, PDV Midwest Refining, Phillips Petroleum, Shell, and Sunoco. Eleven years later, however, EPA's HPV Challenge program website shows no data whatsoever submitted by these companies.
According to EWG, the only U.S. government agency that has looked closely at methylnaphthalene is the Agency for Toxic Substances and Disease Registry (ATSDR), which performed a literature review on it in 2005. One of the agency's conclusions now seems quaint: "You are not likely to be exposed to [methylnaphthalene] by eating foods or drinking beverages;" you risk exposure only "if you live near a hazardous waste site." Except now, that waste site likely sits on millions of kitchen counters.

The whole situation reminds me of the dispersants controversy that reared up early in the Deepwater Horizons disaster. BP felt perfectly empowered to dump products into public waters that 1) had been subjected to scant, at best, safety testing; 2) were full of mystery ingredients, shielded even from government rescue workers by "proprietary information" laws. Kellogg's has been admirably more forthcoming than BP or the maker of its dispersants, Nalco, on the chemical that caused the cereal recall. But its openness was purely voluntary and perhaps random -- the staff nurse as whistleblower? -- not pushed by the FDA; and we still know next to nothing about methylnaphthalene's toxicity.

Twenty years of deregulation and revolving-door cronyism have shredded the food safety system. What other mystery chemicals are sneaking into the food supply?

And of course, the real scandal is what Kellogg's is marketing to kids: a tarted-up slurry consisting mainly of sugar, corn products, partially hydrogenated oil, and food colorings. But that's a whole different story.

WATER

July 14, 2010

EPA Fracking Meeting Held In Denver (*Huffington Post*)

CATHERINE TSAI | 07/13/10 10:44 PM
Denver, Diana DeGette, Epa, Fracking, Jared Polis, Natural Gas, Natural Gas Alliance, Denver News

DENVER — Natural gas industry groups on Tuesday urged the Environmental Protection Agency to limit the scope of an upcoming study on the effects of a natural gas extraction process known as fracking.

Some environmental groups want the federal agency to also examine eventual effects on air quality. The EPA held the second of four public meetings to gather comments about its upcoming study on how drinking water might be affected by a method of extracting natural gas.

The process – called hydraulic fracturing, or fracking – pumps water and chemicals underground at high pressure to help extract trapped oil and natural gas. The fluids help open fractures in shale formations, allowing natural gas to flow from the breaks into a well.

Fracking has been around for decades, but amid a natural gas drilling boom, members of Congress have questioned whether it could taint drinking water or harm human health. Critics said a 2004 EPA study that found no evidence of threats to drinking water was flawed.

The EPA doesn't regulate fracking, leaving that process to states. U.S. Reps. Diana DeGette and Jared Polis, both Colorado Democrats, are among those pushing for federal oversight.

Besides potential effects on drinking water, critics have raised concerns including whether fracking, which can use millions of gallons of water, could deplete aquifers.

America's Natural Gas Alliance, an advocacy group for the gas industry, submitted comments last week that, in part, supported focusing the study on effects on drinking water. It also sought input on the makeup of EPA study and advisory panels.

"History demonstrates that hydraulic fracturing can generate abundant, secure energy supplies, without adverse consequences to drinking water," alliance President and CEO Regina Hopper said in a letter to the EPA.

Las Animas County resident Tracy Dahl, though, suspects that his southern Colorado well, which has produced clean, clear drinking water for the last seven years, was muddied by fracking at an adjacent property June 30.

"That evening, we checked the cistern and there was 500 gallons of murky, nasty water where it had always been clean before," Dahl said before the meeting. "Seems to me to be a pretty direct correlation. Whether we can prove it or not is another matter."

He said he is now driving 80 miles roundtrip to Trinidad to get drinking water.

"I saw this coming years ago. I was petitioning every politician I could think of to try to come up with stronger regulations to prevent this. Then to have to just see it happen anyway, it's fantastically frustrating," said Dahl, a 51-year-old technical specialist in renewable energy.

Colorado Oil and Gas Conversation Commission Director Dave Neslin said most of Colorado's 42,000 active oil and gas wells rely on fracking and that the commission has investigated hundreds of groundwater complaints over the years but found no verified instance of fracking harming groundwater.

The EPA held its first public meetings on the study last week in Fort Worth, Texas. Other meetings are scheduled July 22 in Canonsburg, Pa., and Aug. 12 in Binghamton, N.Y.