U. S. Environmental Protection Agency
Blog Round-up

Prepared by the Office of Public Affairs

Friday, February 15, 2013

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December 22, 2009

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PEOPLE ARE TALKING

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NO PEOPLE ARE TALKING INFORMATION FOR TODAY

ROUND-UP OF MAJOR BLOGS

CLIMATE CHANGE / GLOBAL WARMING

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Why the Copenhagen Accord boosts the odds for Senate passage of bipartisan climate legislation (*Grist*)

21 Dec 2009 3:08 PM
by Daniel J. Weiss

The 15th United Nations climate summit has just ended in Copenhagen after a tense two weeks of negotiations between the developed and developing world. An "environmental Woodstock" to some, a high stakes diplomatic showdown to others, the meeting led to some critical but incomplete agreements.

Now that it's over, the world's attention will focus on the United States Senate as it plans to consider clean energy and global warming legislation in 2010. The newly inked Copenhagen Accord, along with other factors, increases the odds for Senate passage of clean energy jobs and global warming legislation.

The Copenhagen Accord should form the basis for future negotiations that hope to culminate in an international agreement to reduce global warming pollution in levels sufficient enough to prevent a 2 degree C (3.6 F) warming. The Accord should also contribute to passage of a Senate clean energy and global warming bill. The Accord includes two provisions that address some undecided senators' concerns about pollution reductions from China and India. In advance of the summit, these two nations made their first commitment to reduce the rate of pollution compared to their economies. Obviously, these two emerging economic powers could do more to reduce the rapidly rising emissions, but these levels of reductions are a good start.

The Accord also includes an agreement by China and other developing countries to report on their voluntary actions to reduce pollution. These reports would be subject to "international consultations and analysis," which would provide more certainty about whether developing nations are fulfilling their voluntary pledges to reduce their pollution rates. President Obama secured this big concession from China, which is notable due to its notoriously opaque government.

Although the Accord is not yet binding, this agreement should quell some senators' uncertainty about China, India, and other developing nations' level and transparency of pollution reductions. These concerns have been a major reason that some senators from Midwestern states were reluctant to support domestic global warming legislation. Sen. John Kerry (D-Mass.), sponsor of the Clean Energy Jobs and American Power Act, noted that the Accord "sets the stage for a final deal and for Senate passage this spring of major legislation at home."

In the wake of the Copenhagen Accord, there are several other factors that should also provide impetuous for clean energy legislation in 2010. Establishment of a global warming pollution reduction program would be a boost to the depressed economy. Nobel Prize winning economist Paul Krugman noted that such legislation would have the "same economic effects as a major technological innovation: It would give businesses a reason to invest in new equipment and facilities ... And given the current state of the economy, that's just what the doctor ordered."

In 2010, President Obama's number one priority will be lifting the unemployment woes that began before he took office. Since the first days of his administration, an important element of his economic recovery plans included the transition to a clean energy economy. Vice President Joe Biden estimates that the clean energy programs in the American Recovery and Reinvestment Act would create nearly 900,000 jobs. On Dec. 9, President Obama proposed a program to create jobs via incentives for residential building energy efficiency retrofits. He will continue to advocate clean energy legislation to restore American energy competitiveness, which was ceded to China and Germany due to disregard for clean energy technologies under President George W. Bush Clean. And energy legislation should be a prominent part of the 2010 effort to create more jobs and restore American competitiveness.

As nations' economies recover, their demand for oil will recover and oil prices will rise. The Energy Information Administration "Annual Energy Outlook 2010" predicts that oil prices will rise from $75 per barrel in 2010 to $100 per barrel in 2015. This prediction may be very conservative. Noted oilman T. Boone Pickens predicted in October that consumers may face "$90 before the end of 2010." Higher oil prices should increase the imperative to adopt comprehensive clean energy legislation that would reduce oil use and increase American energy independence.

On Dec. 15, the Environmental Protection Action issued the long awaited "endangerment finding" under the Clean Air Act that says greenhouse gas pollution threatens public health. This finding comes two and half years after the Supreme Court ruled in *Massachusetts v. EPA* that the agency has the obligation to assess whether greenhouse gases endanger public health, and if so, to take steps to reduce this pollution. The endangerment finding is the first step before EPA can set limits on pollution from major (25,000 tons of carbon dioxide annually) emitters. In March, EPA expects to issue limits on greenhouse gases from cars, with limits for other industries to follow.

President Obama, EPA Administrator Lisa Jackson, and many in Congress believe that Congress, and not EPA, should set greenhouse gas pollution limits. Legislation can include other policies that would reduce pollution—such as incentives for renewable electricity or energy efficiency—that EPA lacks the authority to implement. In addition, Congress can design a pollution reduction system that provides a relatively smooth economic transition for consumers and workers. EPA's authority to set pollution limits for major polluters is a sword of Damocles hanging over the Senate should it fail to act.

Sen. Lisa Murkowski (R-Ark.) and other opponents of global warming solutions would like to block EPA's ability to set pollution limits. She has introduced a resolution to invoke the Congressional Review Act that would stop EPA from enforcing the law as ordered by the Supreme Court. To succeed, her resolution must pass the Senate and House, and President Obama must sign it too, or Congress must override his veto with a two-thirds vote in each body. Given this procedure, the prospects for Murkowski's success are small. This means that Congress must act to cut greenhouse pollution or EPA will despite administration and legislative preference for Congressional action.

Final passage of health care reform should also provide a boost to clean energy legislation. Health care reform has dominated Senate attention for the past six months. Completion of the reform bill should free up the "band width" necessary to address clean energy legislation. Health care success would also demonstrate that Congress is capable of addressing big pressing challenges. Success should also replenish President Obama's political capital that he expended to pass health care. He will need to invest this capital to achieve Senate passage of clean energy legislation.

Public opinion remains very supportive of action on global warming despite relentless attacks from a $100 million campaign by Big Oil and other energy special interests. The Dec. 18 *Washington Post-ABC News* poll found that nearly two-thirds of Americans believe that the United States should "regulate the release of greenhouse gases from sources like power plants, cars, and factories in an effort to reduce global warming." And the intensity favors those who strongly support action versus those who strongly oppose it—50 percent to 20 percent.

The bottom line is that there are a number of recent factors that significantly boost prospects for clean energy jobs and global warming legislation in 2010. President Obama's international and domestic leadership, the Copenhagen Accord, the need for jobs, EPA's enforcement of the Clean Air Act, completion of health care, and the public's support for reform are all factors that should improve prospects for Senate legislation in 2010. President Obama is like a wily gambler who has been dealt some very good political cards. By playing these cards right, he can parlay this hand into big winnings for all Americans.

Daniel J. Weiss is a Senior Fellow and the Director of Climate Strategy at American Progress, where he leads the Center's clean energy and climate advocacy campaign. Before coming to American Progress, he spent 25 years working with environmental advocacy organizations and political campaigns.

TOXICS

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December 22, 2009

EPA, USDA Encourage Farmers To Put Coal Ash That Contains Mercury And Arsenic On Crops (*Huffington Post*)

RICK CALLAHAN | 12/21/09 08:17 AM | AP

INDIANAPOLIS — The federal government is encouraging farmers to spread a chalky waste from coal-fired power plants on their fields to loosen and fertilize soil even as it considers regulating coal wastes for the first time.

The material is produced by power plant "scrubbers" that remove acid rain causing sulfur dioxide from plant emissions. A synthetic form of the mineral gypsum, it also contains mercury, arsenic, lead and other heavy metals.

The U.S. Environmental Protection Agency says those toxic metals occur in only tiny amounts that pose no threat to crops, surface water or humans. But some environmentalists say too little is known about how the material affects crops, and ultimately human health, for the government to suggest that farmers use it on their land.

"Basically this is a leap into the unknown," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "This stuff has materials in it that we're trying to prevent entering the environment from coal-fired power plants and then to turn around and smear it across ag lands raises some real questions."

With coal wastes piling up around the coal-fired plants that produce half the nation's power, the EPA and U.S. Department of Agriculture began promoting what they call the wastes' "beneficial uses" during the Bush administration.

Part of that push is to expand use of synthetic gypsum – a whitish, calcium-rich material known as flue gas desulfurization gypsum, or FGD gypsum.

The Obama administration has continued promoting FGD gypsum's use in farming even as it drafts a coal waste rule in response to a spill from a coal ash pond near Knoxville, Tenn., one year ago Tuesday. Ash and water flooded 300 acres, damaging homes and killing fish in nearby rivers. The cleanup is expected to cost about $1 billion.

The EPA is expected to announce its proposals for regulation early next year, setting the first federal standards for storage and disposal of coal wastes.

Story continues below

EPA officials declined to talk about the agency's promotion of FGD gypsum before then and wouldn't say whether the draft rule would cover it.

Instead, the agency released a statement saying the heavy metals in the material are far less than the amount considered a threat to human health. Field studies have shown that mercury, the main heavy metal of concern because it can damage development of the human nervous system, doesn't accumulate in crops or run off fields in surface water at "significant" levels, it said.

"EPA believes that the use of FGD gypsum in agriculture is safe in appropriate soil and hydrogeologic conditions," the statement said.

Eric Schaeffer, executive director of the Environmental Integrity Project, which advocates for more effective enforcement of environmental laws, said he's not overly worried about FGD gypsum's use on fields because research shows it contains only tiny amounts of heavy metals. But he said federal limits on the amounts of heavy metals in FGD gypsum sold to farmers would help allay concerns.

"That would give them assurance that they've got clean FGD gypsum," he said. "The farmers don't want to get a bad batch."

Since the EPA/USDA partnership began in 2001, farmers' use of the material has more than tripled, from about 78,000 tons spread on fields in 2002 to nearly 279,000 tons last year, according to the American Coal Ash Association, a utility industry group.

About half of the 17.7 million tons of FGD gypsum produced in the U.S. last year was used to make drywall, said Thomas Adams, the association's executive director. But he said it's important to find new uses for it and other coal wastes because the nation is likely to remain reliant on coal-fired power plants for decades to come.

"If we can find safe ways to recycle those materials, we're a lot better off doing that then we are creating a whole bunch of new landfills," Adams said.

Darrell Norton, a USDA soil scientist, said a predecessor of FGD gypsum produced about 25 years ago often had high levels of heavy metals because it had been mixed with coal fly ash. But FGD gypsum has no fly ash and is "environmentally clean," he said.

FGD gypsum is widely used in the South as a less expensive alternative to mined gypsum, said Glen Harris, a soil scientist at the University of Georgia in Tifton, Ga. Farmers in states such as Georgia, Alabama and the Carolinas have long spread mined gypsum on their fields, where its calcium spurs the growth of peanuts.

Clay McDaniel, 47, who farms about 4,000 acres of peanuts and corn near the southern Georgia town of Newton, has used synthetic gypsum on his peanut fields for more than 20 years. He and other farmers call both FGD and mined gypsum "land plaster." He said he's never worried about the safety of the synthetic version.

"If we buy a chemical that's toxic, it's got a skull and crossbones on it," he said. "But this does not come with any such warning. It's just a calcium source."