U. S. Environmental Protection Agency
Blog Round-up
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June 10, 2010

AIR

Stopping the EPA's CO2 Regulations (Heritage.org)

Posted By Nicolas Loris On June 9, 2010 @ 1:00 pm In Energy and Environment | No
When the Waxman-Markey cap and trade bill passed in the House before last year's summer recess, Members voting for its passage heard loudly from constituents. Since then the Senate has been reluctant to move forward with a counterpart. It took Senators Joe Lieberman (I-CT) and John Kerry (D-MA) nearly a year to release their cap and trade bill.

But what Congress has failed to do, the Environmental Protection Agency is willing and able. The agency has already begun the process of imposing costly and environmentally questionable CO2 cuts by using the Clean Air Act. Recognizing the severe problem with this approach, Senator Lisa Murkowski (R-AK) will bring legislation to the Senate floor for debate on Thursday to stop unelected government officials at the EPA from micromanaging the economy.

Murkowski is using the Congressional Review Act to disapprove of the EPA Administrator's endangerment finding that carbon dioxide is a dangerous pollutant and harmful to human health and the environment. Murkowski and Senator Harry Reid (D-NV) agreed to bring the joint resolution, S.J. 26, to the floor June 10th, which will consist of up to six hours of debate before voting on a motion to proceed. If the motion is successful by 51-vote majority, the Senate would then allow for an hour debate before voting on its passage, which also requires 51 votes. The disapproval resolution is immensely important because as Ben Lieberman explains [2]:

Even putting aside growing doubts about the seriousness of the alleged global warming threat, the fact that the Obama Administration is bypassing America's elected officials and putting legislative authority in the hands of an unelected bureaucracy is objectionable in its own right. Senator Murkowski has recognized that this is precisely the kind of regulatory excess for which congressional restrictions are needed. Her resolution of disapproval would revoke the EPA's endangerment finding, without which subsequent global warming regulations could not be imposed.

Allowing the EPA to enforce carbon dioxide cuts would inflict a massive amount of economic pain, in terms of higher energy prices and unprecedented regulatory compliance costs. It's no surprise representatives from the agricultural, small business and manufacturing industries are adamantly supporting Murkowski's disapproval resolution.

EPA is trying to minimize the economic pain, just temporarily, for smaller entities by raising the pollution thresholds in the Clean Air Act. Known as the tailoring rule, the change stands on shaky legal ground [3]– floods of lawsuits are likely to come from environmental groups that believe the EPA should regulate anything and everything. The tailoring rule would only be in place until 2016 and then the millions of smaller entities become fair game again. The American energy consumer will have no such luck. Individuals, small businesses, farms, churches, schools and homes will immediately be hit with higher energy prices passed on by the larger energy industries that will be regulated.

Enforcing carbon dioxide cuts in any way, shape or form is bad policy that will raise energy prices on Americans for years to come. Having the EPA is, by Administrator Lisa Jackson's own admission [4], not the most effective way to regulate CO2 since it comes with higher administrative compliance costs for businesses, higher bureaucratic costs for enforcing the regulations, and higher legal costs from the inevitable litigation. Lieberman asserts that [2] "Congress should put such decision-making authority back where it belongs and prevent perhaps the costliest example of regulatory excess from seeing the light of day." The Murkowski resolution of disapproval would do just that.

June 10, 2010

Senate Votes to Limit EPA And Clean Air Act From Regulating Greenhouse Gases (*Huffington Post*)

Posted: 06-10-10 11:59 AM

WASHINGTON (AP) -- In the absence of congressional action on climate change, the Senate is heading toward a much-watched vote on whether the Obama administration should be allowed to go ahead with regulations curtailing greenhouse gas emissions from power plants and other major polluters.

The Republican-led measure coming to a vote late Thursday would stop the Environmental Protection Agency from carrying out rules to regulate carbon and other greenhouse gases under the Clean Air Act.

At least four Democrats have indicated their support for the legislation, and the vote is expected to be close. The measure will produce the most important vote this year on the climate change issue and is seen as a test of where lawmaker sentiments lie.

The White House on Tuesday said President Barack Obama would be advised to veto the bill if it ever reaches his desk. The bill, it said, "would undermine the administration's efforts to reduce the negative impacts of pollution and the risks associated with environmental catastrophes, like the ongoing BP oil spill."

The sponsor of the legislation, GOP Sen. Lisa Murkowski from oil-rich Alaska, said she was "flabbergasted" by the effort to link her bill to the Gulf disaster, saying her intent was to stop bureaucratic usurping of congressional authority.

"You either support the Congress setting the policy on climate change or you support the EPA in their capacity as a regulatory agency setting policy," she said.

Also at issue is how the legislation would affect the Obama administration's tough new emission standards for the auto industry. EPA Administrator Lisa Jackson said Tuesday that it would "gut EPA's authority in the clean cars program," increasing oil consumption by 455 million barrels over the lifetime of the newly regulated vehicles.

Murkowski challenged that, saying the Transportation Department has for three decades had the ability to set emission standards, and the EPA has a limited role in fuel economy standards.

The senator also argued that the EPA rules would impose too heavy a burden on small businesses and farmers, resulting in job losses. Jackson countered that small sources of pollution will be exempted from the rules, set to go into effect in January, for six years.

"I know that the local Starbucks and the backyard grill are no places to look for meaningful CO2 reductions," she said.

Despite White House prodding and the refocusing on the energy issue with the BP oil spill, it is unclear whether the Senate has the capability to come up with a clean energy bill this year that can muster the 60 votes needed for passage.

In that light, said Sarah Saylor, senior legislative representative of the environmental group Earthjustice, Thursday's vote is "a distraction from the real task at hand before the Senate to find a way forward toward a sustainable and prosperous clean-energy future."

Second, she said, "it is a test," showing which senators are on the side of the fossil fuel industry.

But Democratic Sen. Jay Rockefeller from the coal state of West Virginia, said Tuesday he was siding with Murkowski because "I believe we must send a strong message that the fate of West Virginia's economy, our manufacturing industries and our workers should not be solely in the hands of EPA."

The EPA actions grew out of a 2007 Supreme Court ruling that carbon dioxide and other greenhouse gases could be regulated under the Clean Air Act if it were shown that such gases endanger health.

Determining that global warming did pose a long-term danger to health, the EPA has issued standards requiring large polluters to reduce the amounts of greenhouse gases they release into the air.
The bill is S.J. Res. 26

Online:
Congress: http://thomas.loc.gov .

CLIMATE CHANGE

Will the EPA score the true costs AND benefits of the climate bill? (*Grist)*

Default badge avatar for Michael A. Livermore
by Michael A. Livermore
9 Jun 2010 4:00 PM

This afternoon, the EPA is said to be sending its economic analysis of the climate bill proposed by Kerry and Lieberman to the Senators' offices. It's a scoring of how the legislation would affect the American economy.

Hopefully that analysis will include the benefits, not just the costs of the measure.

The agency has not incorporated benefits into its past economic analysis of climate legislation. Usually it looks exclusively at the price tag, giving legislators nervously poised to vote on the controversial proposal a clear view of the downsides but none of the upshots.

It's like telling someone in the market for a home to pay $200,000 without telling them the property is a mansion on Fifth Avenue or a mountain ranch in Colorado.

The legislation to curb our dangerous carbon emissions might come at some cost, but you know what costs more? Not curbing them. To know how to address the problem of climate change, our representatives must have a clear understanding of the pros and the cons. A rational decision cannot be made without both sets of information.

And, of course, with millions of gallons of crude gushing into the sea, now might be a good time to examine what we gain by curbing our carbon emissions. But even without accounting for a catastrophe like the one in the Gulf, an analysis of the economic upshot of Kerry-Lieberman is likely to prove it to be worthwhile.

In an analysis last fall, Policy Integrity conducted a benefits analysis and found that the Waxman-Markey bill would generate between $750 billion and $1 trillion in benefits between 2012 and 2050, dwarfing the costs of the bill.

Using what's known as the social cost of carbon -- a calculation of what society pays every time a ton of greenhouse gas is released into the atmosphere -- we were able to estimate what would be saved if carbon emissions are reined in. It includes everything from food that will be more expensive, insurance policies that will cost more, to, eventually, the drastic measures that would be needed to adapt to the worst effects of climate change.

Even though the estimate we used was the conservative number the EPA prefers, the bill delivered massive benefits in excess of costs. Wouldn't it be good for legislators to know that's the return on their investment before they cast their vote?

Though it is hard to know if the net benefits of Kerry-Lieberman will match Waxman-Markey, they are likely very significant. And whatever it the numbers are, they are certainly worth noting.

Hopefully the EPA agrees and has included the benefits in its analysis of the legislation.

PESTICIDES

June 10, 2010
Jennifer Sass

Senior Scientist in NRDC's Health and Environment Program (Huffington Post)

Posted: June 9, 2010 04:23 PM
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Today, after years of pushing by NRDC and others, EPA announced that it is cancelling all -ALL- uses of the pesticide endosulfan. Yay! Endosulfan is a toxic, long-lasting pesticide that travels through the atmosphere and ends up in the Arctic, in human breast milk, human fetal placenta, and the body fat of animals in the Arctic. It is already banned in over 60 countries including the European Union.

In EPA's own words:

"The U.S. Environmental Protection Agency (EPA) is taking action to end all uses of the insecticide endosulfan in the United States. Endosulfan, which is used on vegetables, fruits, and cotton, can pose unacceptable neurological and reproductive risks to farmworkers and wildlife and can persist in the environment."

NRDC had petitioned EPA and filed a lawsuit to cancel this hazardous pesticide in 2008. These efforts supported a coalition of scientists, Arctic tribal governments, Arctic indigenous peoples, and worker protection groups globally calling for endosulfan to be banned.

Endosulfan's registration was being defended vigorously by Makhteshim Agan of North America, the manufacturer of endosulfan, even after other companies, including Bayer, had voluntarily stopped making or selling the chemical.

Although this may be the closing chapter for endosulfan in the U.S., activists in other countries, including India where the chemical has been associated with severe birth defects among farmworker children, are facing jail and persecution in their efforts to rid themselves of this toxic curse.

This post originally appeared on NRDC's Switchboard blog.

WATER

Amish Farming Methods & Manure Runoff Raising EPA's Ire (*Treehugger*)

By Matthew McDermott, New York, NY on 06.9.10
In many ways the Amish live up their reputation of living greener lives--low-power technology, non-existent consumerism, strong sense of community and DIY ethic--but when it comes to agricultural practices, just because you replace fossil fuel energy with the sweat of your brow doesn't always mean you're eco-friendly. Which is where the EPA comes in. The New York Times reports that poor manure management on many Amish farms has gotten the attention of the EPA.

Too Many Cows Per Acre...
Read the original article linked above if you want the full report on the challenges of working with communities deeply suspicious of government intervention and outside assistance (not to mention sharing a telephone in the center of town), but here's the gist of the environmental problem: Too many cows per acre. Dr Donald Kraybill of Elizabethtown College says it's been a problem for 30 years.

Last September, [the EPA's David McGuigan] and his colleagues visited 24 farms in a pocket of Lancaster County known as Watson's Run to assess their practices. Twenty-three of the farms were plain sect; 17 were found to be managing their manure inadequately. The abundance of manure was also affecting water quality. Six of the 19 wells sampled contained E. coli bacteria, and 16 had nitrate levels exceeding those allowed by the E.P.A.

Manure & Fertilizer Runoff Creates Chesapeake Bay Dead Zone

Why does this matter beyond it being a local issue in Lancaster County, PA? All the runoff from manure and fertilizer runs into the Chesapeake Bay it creates an ocean dead zone, which the EPA has been working on cleaning for decades.

Lancaster County produces 61 millions pounds of manure per year; 20 million more than the next highest county polluting the Bay and more than six times that of most counties.

The solution? Working with the Amish to establish better runoff controls for manure and agricultural techniques that prevent runoff from reaching rivers and streams.