U. S. Environmental Protection Agency
Blog Round-up
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ROUND-UP OF MAJOR BLOGS

ADMINISTRATOR JACKSON

July 26, 2010
Michael BruneExecutive director of the Sierra Club

The Vision Thing (*Huffington Post*)

Canadian Oil Sands , Epa , Lisa Jackson , Oil Sands , Tar Sands , Green News
The "vision thing," as Bush the elder once called it, is still underrated by a lot of politicians who can't see past the next election (some of whom seriously let their country down in the Senate this week). But keeping an eye on the big picture matters if you want to solve big problems, and I'm glad to say that kind of vision wasn't completely absent in D.C. this week. You just had to look a few blocks west of the Capitol to the Ariel Rios building, which houses the EPA.

Earlier this week, the agency issued its comments on the State Department's draft Environmental Impact of the Keystone XL tar sands pipeline. They probably would have had nicer things to say about The Endangered Species Cookbook. Then again, it's hard to top the kind of disaster that would be guaranteed by encouraging tar-sands strip mines and piping the most toxic and costly fuel in existence across our border.

Once again, Secretary Lisa Jackson and her agency have shown that they're determined to take the Protection part of their initials seriously. Tar-sands oil is bad, unequivocally bad -- short-term, long-term, any term you want to take. It's incredible that we still even have to fight against it. Then again, it's also incredible that anyone ever thought letting BP drill deepwater wells in the Gulf of Mexico carried no risks. Isn't hindsight amazing?

Thanks to the Lisa Jackson's foresight, we might not have to kick ourselves some day for making the same mistake with tar sands that we did with deepwater drilling.

AIR

July 27, 2010
Bill Scher

Hey, CEOs. Want Certainty? Cap Carbon (*Huffington Post*)

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Read More: Cap And Trade , Carbon Cap , Clean Air Act , Climate Change Legislation , Epa , Epa Greenhouse Gases , Greenhouse Gases , Obama Carbon , Obama Climate Change , Renewable Energy , Green News
Conservative corporate executives -- many of whom are raking in profits while refusing to create jobs -- continue to complain that President Obama's agenda is to blame for the weak economy because it has created too much "uncertainty."

The charge is specious. As the New Yorker's James Surowiecki reminds us, "uncertainty is a fact of business life." Furthermore, "...Wall Street and health care are among the few industries currently adding jobs, which suggests that new regulatory burdens aren't the cause of sluggishness."

In fact, probably the opposite. Wall Street and health insurers just got some additional regulatory certainty because comprehensive reforms for their industries became law.

If you want to argue that there is renewed uncertainty over environmental regulation, don't pin it on the president for proposing legislation to cap greenhouse gas emissions. Blame conservatives for blocking it.

Citing a Bloomberg report of renewable energy investment capital "sitting on the sidelines" waiting for Congress to pass a carbon cap, Mother Jones' Kevin Drum notes:

Conservatives keep complaining that the recession isn't really the fault of weak demand, it's the fault of businesses holding back on investment because of uncertainty over new regulations. This is about 90% bogus, but to the extent it's true, one solution is simply to pass regulations that make the investment picture clearer. A cap-and-trade bill would have done that. But now that it's been killed, no one knows what will happen next. Regulations from the EPA based on the Clean Air Act? A carbon tax sometime in the future? Or what?...
... the planet will continue to heat up. And we run the risk of the EPA being forced to make things worse by applying a badly-constructed law to the problem. Nice work, conservatives.

I don't agree with Drum's concern of the EPA making "things worse." But it's true that many businesses will see it that way. And, as I wrote on Friday, it's that very concern of EPA as chief climate regulator that will lead more and more businesses to rally behind comprehensive legislation.

Already, most utility companies are supportive of a carbon cap precisely because they'd rather have Congress pass new climate-specific legislation than have the EPA apply the current Clean Air Act as it is legally obligated to do.

For climate legislation to pass, we not only need a stronger grassroots push -- as Lee Wasserman observes was sorely lacking -- but also a stronger business push to put right-leaning Senators at ease.

That push will come.

With the White House making it clear that any attempt to strip EPA of its current obligations to regulate carbon pollution will be vetoed, expect the EPA to slowly ramp up its activity, so businesses that have yet to get the memo will begin to feel the heat.

They will recognize sooner or later that piece-by-piece EPA rule-making will not bring about certainty as quickly as comprehensive climate legislation.

For the planet's sake, it had better be sooner.

Texas challenges EPA on overturning permit program (*Huffington Post*)

July 26, 2010
AUSTIN, Texas — Texas officials on Monday appealed the U.S. Environmental Protection Agency's decision to overturn a 16-year-old state air permitting program.

Texas Attorney General Greg Abbott filed the petition for reconsideration with the U.S. 5th Circuit Court of Appeals in New Orleans.

The EPA ruled last month that the state's so-called flexible permit program violated the Clean Air Act, which requires state-issued permits to set limits on each of the dozens of individual production units inside a plant. The state's program set a general limit on how much air pollutants an entire facility can release.

The EPA's decision will force some 125 refineries and petrochemical plants to invest millions of dollars to get new permits. Many plants may also have to invest in updates to comply with federal regulations.

In his appeal, Abbott wrote that the flexible permit program "improves air quality while helping regulators and regulated entities operate more efficiently."

The EPA did not immediately returned a message seeking comment on the appeal.

Gov. Rick Perry praised the appeal in a statement Monday, saying "the EPA's overreach is as potentially devastating as it is unnecessary."

Story continues below

The EPA's move came after years of bickering and negotiations between the federal agency and Texas. The argument recently escalated from a battle over environmental issues into a heated political dispute over states' rights.

Perry has been using the issue to drive home his contention that President Barack Obama's administration is overreaching.

"This legal action is the next step in our ongoing commitment to fight back against the Obama Administration's ever-widening effort to undermine our air quality initiatives and force a heavy-handed federal agenda on the people of Texas," he said. "The EPA's actions would likely result in significantly higher prices for energy and just about everything else, a frightening prospect during a time so many Americans are struggling to make ends meet."

State officials have insisted that the state's permitting program complies with the federal law and has improved air quality in Texas.

The EPA says Texas' system masks pollution and makes it impossible to regulate emissions and protect public health.

Texas has been issuing the permits since 1994 even though it never received the required federal approval. The EPA made clear at least five years ago it believed the permits violated federal air laws, warning Texas and the refinery and petrochemical industry it would take action. The industry, uncomfortable with the uncertainty, sued the EPA in 2008, demanding the agency take action on this and several other programs that remained in limbo.

BJ SPILL

It Is Not Over Yet: How To Help In The Gulf Oil Spill (*Daily KOS*)

This is an updated how to help diary with many, many new links and new ways to help.

Please support our mothership here http://www.dailykos.com/... We greatly appreciate the DKOS community's support of this sacred vigil.

We are all delighted that the well has been capped and that the blood of the earth has stopped pouring into the Gulf but it is not over yet.

The cleanup continues and numerous organizations are doing the great work of cleanup and helping wildlife and humans recover from this tragedy. They need our help.

Below the jump are a number of links to sites helping in a million different ways from humans, to wildlife, to the family pets people have been forced to give up due to loss of income. This is

our chance to make a difference, this is our chance to shine. Shine on Kossacks!

100% of iPhone Game App Sales Will Aid Gulf Coast Relief Efforts

College-student app developers will donate all proceeds from their "Gushers" oil exploration-themed game to the Gulf Coast Oil Spill Fund

NORWALK, Conn., July 22 -- PRNewswire -- Razorleaf Studios, owned and operated by two college students, has announced today that it will donate 100% of every sale of their 'Gushers' iPhone app to the Gulf Coast Oil Spill Fund while the crisis continues, effective immediately.

'Gushers' is a popular interactive oil exploration-themed iPhone and iPad game that was released in December of 2009. The game closely analogs an actual oil drilling environment, but also emphasizes safe oil techniques through various game elements. 'Gushers' has received overwhelmingly positive reviews by players and reviewers alike. Over 10,000 users have already downloaded the game.

The Gulf Coast Oil Spill Fund is a non-profit organization that is working extensively in the Gulf to provide emergency assistance to fishermen whose livelihoods were deeply affected by the Deepwater Horizon BP Oil Spill. The Fund was established by the Greater New Orleans Foundation (www.gnof.org) to direct philanthropic dollars into affected communities both in the short and long term.

Anthony Allen, co-founder of Razorleaf, commented, "My twin brother Chris and I cannot even imagine the damage caused by the spill and felt that we really needed to do something to help out. Being college students, our funds are relatively limited, but having had developed an oil-themed game, 'Gushers', several months before the current oil spill, we decided that the game would be the perfect medium for us to raise funds to help out the Gulf region."

CLIMATE CHANGE

July 26, 2010
Steven CohenExecutive Director, The Earth Institute, Columbia University
Posted: July 26, 2010

Here Comes Some Old Fashioned Command and Control Climate Regulation (*Huffington Post*)

Climate-And-Energy-Bill , Epa , Mid-Term Elections , Waxman-Markey Climate Bill , Green News
Recently United States Senate Democrats gave up their effort to enact a climate and energy bill before the 2010 mid-term elections. My reaction to this latest, all too predictable abdication by

that sad excuse for an upper house of our national legislature is the same I had in early April when I wrote on this site:

"While a great deal of attention has been focused on Congress, the real action in U.S. climate policy over the past two years has been at the state and local level and in the U.S. EPA. Municipalities like New York City have moved to reduce greenhouse gasses emissions with more energy efficient building codes and programs like Mayor Bloomberg's plan to plant one million trees. Meanwhile EPA's tortoise-like regulatory process has been making slow and steady progress to set a regulatory cap on greenhouse gas emissions. Since the U.S. Supreme Court's 2007 ruling that greenhouse gasses could be regulated as an air pollutant under the Clean Air Act, EPA has been moving to collect information on emissions and then put in place a set of rules that would gradually kick in over the next decade."
EPA is moving as it has consistently since its creation forty years ago, to put in place a standard command and control mechanism to regulate greenhouse gases as dangerous air pollutants. The air Americans breathe today, while far from perfect, is far cleaner than it would have been without EPA's expertise in developing and enforcing regulations. Much of our water is cleaner too. While regulatory enforcement was frozen during the George W. Bush administration, state-level enforcement aided by environmental interest groups helped pick up some of the slack. Our national government may not know how to prevent oil spills in the Gulf of Mexico, but we know how to make and enforce environmental rules. That capacity is in place and works pretty well when we allow it.

While a comprehensive and well thought out energy and climate bill would be better than the partial and incremental approach EPA has initiated, I do not underestimate the importance of the steps being taken. Although it takes 5 to 10 years for a new regulatory program to fully take effect, most of the crucial early steps needed to regulate greenhouse gasses are well underway. Large emitters of greenhouse gasses have been required to measure and report their emissions. Rules limiting greenhouse gas emissions from large emitters are being written. Most importantly, the more sophisticated business leaders can see the writing on the wall and know that some form of climate pollution regulation is on the way. They are figuring the costs of compliance with those rules into their business plans.

The price on carbon long sought by environmental activists and alternative energy entrepreneurs will be set indirectly by these regulations. Electric utilities will need to develop a method to sequester and store greenhouse gasses. Unlike Waxman-Markey, there will be no offsets available for purchase to allow emissions to continue. There will be no cap and trade to allow old polluting factories to buy pollution allowances from newer, cleaner facilities. There will be compliance schedules, penalties, and injunctions. The same methods we employed to clean water, toxics and other air pollutants will be trotted out to deal with the U.S. contribution to global warming. It will be the Environmental Lawyer Full Employment Act of 2010. To all you law students out there, sign up for climate law; it's going to be a growth area for the next several decades.

Unlike our experience regulating "conventional" air pollutants, many of our significant emitters are electric power plants, so the option of moving the factory to the developing world won't work this time. Of course, we should all get ready to hear endlessly that these regulations are job-

killing, autocratic government commands. We'll start to hear from conservative business lobbyists that what is really needed is an approach that permits cap and trade and a focus on renewable energy, energy efficiency and carbon capture and storage. You know, something like that Waxman-Markey bill passed by the House a few years ago.

Congress will not pass a comprehensive climate and energy bill before the mid-term election, but after November, I would look for the political dynamic to shift suddenly and dramatically. If the Democrats lose ground in the House and Senate as expected, there may very well be an active and productive lame duck session of Congress. If the Democrats lose one or both houses of Congress, this session will take on an even greater sense of urgency. Many of our most important pieces of environmental legislation, such as Superfund and Alaska Lands, have been enacted during lame duck sessions. I wouldn't be surprised to see that happen once again.

Road not taken, roads ahead on climate (*Daily KOS*)

The climate/energy bill is dead this year. Senator John Kerry thinks that the Senate might get around to passing a huge, highly controversial lame duck bill in the middle of a campaign season. He may be alone in that delusion; the rest of us need to face reality. Reality is that the road to a comprehensive, halfway decent climate/energy bill will not, in all likelihood, not be traversed any time soon.

Excellent post-mortems can be found by David Roberts (there's no silver lining in this cloud), Paul Krugman (Who cooked the planet?), and Tom Friedman ("we're gonna be sorry"), among others. Rather than rue the road not taken, here's a few thoughts on the roads ahead.

In legalese, a "res ipsa loquitur" is a thing that speaks for itself, i.e., could not have gotten there without some human f*ckup. Think of the spilled milk, the ruptured oil well, the frying planet...oh, never mind. Cute headings aside, a RES is a requirement that electric utilities must buy a percentage (usually 15-25%) of their power from renewable sources by a certain year. A coalition will seek to add the RES into Senator Harry Reid's (D-NV) four-part bill (Land & Water Conservation Fund, Homestar (energy efficiency Improvements), Massive Oil Spill Response, and Pickens Plan for natural gas, or what I'm calling the WIMP Bill).

Reid told NN10 attendees that he doesn't even have 60 votes for a RES. Just a few hours before, Senator Tom Udall (D-NM) told a handful of bloggers that he believes the 60 votes do exist. And today, a group of wind advocates including former Senator Tom Daschle assured reporters and bloggers that they are very, very confident they'll have 60-plus votes for the low Bingaman 15% RES.

Reid may not want to permit the RES as an amendment because it opens the door for other amendments. Politico explains: "Enviros said they are ready for a sneak attack in the form of a GOP-led amendment forcing the issue of cap-and-trade legislation. In other words, they fear Republicans will offer a version of the Kerry-Lieberman or Waxman-Markey bill as an amendment to Reid's energy bill on the floor, forcing a vote that likely wouldn't end well for

climate advocates." (Personal note: I'd like to see that vote simply to know whom to hold accountable.)

Although the WIMP bill is a tremendous disappointment, it's not worth opposing for emotional reasons. Three of the four parts (Land & Water Conservation Fund, Homestar, and the spill bill) are good, if minor, things. Even those are too much for the Americans for Prosperity; a leader told the Right Online conference to oppose any energy bill, no matter how trivial.

The World Resources Institute has crunched numbers on three versions of EPA regulation, and found that even aggressive EPA action will result in modest reduction of carbon: 12% by 2020 (the House bill, ACES, called for carbon to be reduced 17% by 2020). EPA rulemaking is slow, cumbersome, and attracts litigation. So even the best-case EPA rulemaking won't be as effective as the House's bill. I expect the Obama administration to try moderate-to-aggressive EPA regulation, and industry cash to push for a "pro-business" Republican candidate in 2012 and 2016 to undo all of Obama's work.

In the meantime, Jay Rockefeller (D-WV) will push hard on his Murkowski-Lite bill to suspend EPA greenhouse gas rules for two years so as to give the poor polluters a breather. Uh, Jay? We need to breathe too!

New EPA rules on greenhouse gases may not even have as much impact as EPA rules on traditional pollutants such as mercury.

Other nations won't negotiate an international treaty if the United States relies only on EPA regulation, not legislation.

If the coal industry can't be fought in Congress, it needs to be fought on the ground. The Sierra Club has led the fight, one plant at a time, with great success. Appalachia Rising will lead a march on Washington September 25-27.

Coal is a problem wherever it's mined and burned. Mountaintop removal in West Virginia is seen, wrongly, as a regional issue. Open pit mines in Western states deserve as much attention as the Appalachian tragedy. I'll be writing more on this in the next weeks.

A barrage of bills aimed at encouraging development of clean energy has been introduced in the last few weeks. Most will die this year. I hope that a few will be reintroduced next year. None will have a direct impact on the supply of carbon, but at least they may lower the demand a bit. Slowly. Eventually. After all, it's not like we have a planetary emergency or anything.

Although the death of the climate bill is a huge disappointment, we must not give up. Nearly a year passed between the Santa Barbara oil spill and the first Earth Day. The Senators with whom I spoke at NN10 emphasized that we must not lose hope. We'll still need to fight in the Senate for a RES and against Rockefeller's Murkowski-lite bill, and on the ground against coal.

WATER

Elizabeth Grossman:

Can Green Chemistry get us out of Deepwater? (*Huffington Post*)

July 27, 2010

As we've watched the Deepwater Horizon disaster unfold, Advancing Green Chemistry executive director Karen Peabody O'Brien and I have been thinking about how green chemistry can help change how we go about preventing the kind of toxic pollution now taking its toll on the Gulf Coast - how we can do better than booms, skimmers, dispersants, and fires - and how green chemistry can help move us beyond our dependence on petrochemicals. Here are some of our thoughts (and I'd like to acknowledge Karen as my co-author):

It is now more than three months since the Deepwater Horizon rig exploded, killing 11 workers, injuring more, and unleashing its vast underwater oil gusher into the Gulf of Mexico. As this unnatural disaster continues with devastating consequences to Gulf Coast wetlands, wildlife, culture, and economy, our attention is - quite understandably - focused on the immediate. But as we hasten to rescue, repair, and restore, shouldn't we also be thinking about what we can do to make sure this never happens again?

This question has many answers. Among them is green chemistry , the science that calls for eliminating hazards and waste at the design stage rather than at the end of the pipe - literally and figuratively. While not a magic wand, green chemistry would go a long way toward moving us away from society's dependence on toxic petrochemicals as the basis for most manufactured materials.

Rather than preventing pollution and toxic exposures by designing products to be without inherent hazards, we've relied on containing, or "managing," the risk of exposure. And risk management works... until it doesn't. Sooner or later, it fails. Hence Bhopal. Hence toxic spills. Hence the Deepwater Horizon disaster. Accidents happen.

Historically, we've taken these risks and assumed the environment would successfully absorb the consequences of our industrial effluence - accidental or intentional. But clearly this is not working.

Green chemistry can change this course. It is a radical departure from the status quo, the age-old practice of valuing expedience at the expense of the environment and human health.

Green chemistry design has already created products like paint made with soy additives, pesticides made from microbes, and plastics made from orange peels . There are even green chemistry products that can break down petroleum in environmentally benign ways, products that detoxify hazardous petrochemicals and leave behind nothing more toxic than oxygen and water. Not only are these products safe for human health but who wouldn't prefer an orange peel spill to what is happening in the Gulf?

So far, nearly 2 million gallons of chemical oil dispersants have been poured into the Gulf. Yet these EPA-approved dispersants - themselves petroleum-based products with unknown long term

ecological and health impacts - are products of the kind of old thinking and outdated design that got us into this mess in the first place.

"This is an engineering miracle," said Paul Anastas , assistant administrator for the Environmental Protection Agency's Office of Research and Development, pointing to a photograph of the Deepwater Horizon drilling rig. "But when we define our goals, we define the consequences of our actions," he continued in remarks to the 14th annual American Chemistry Society Green Chemistry and Engineering conference in Washington, DC, last month. "There is no doubt," said Anastas who is also a founder of green chemistry, "that we're on an unsustainable trajectory."

To change this course, said Anastas, "we need to design into our technologies the consequences to human health and the environment."

We have the capacity to do this - to create high performance products that are both effective and environmentally benign. But until we make a real commitment to this transformation we will be limited to what Anastas called "elegant and expensive technological bandages that are inherently unsustainable."

What would such a commitment look like?

- Every chemistry PhD student would graduate with an in-depth understanding of the environmental costs and benefits of the design choices they make. Every chemistry student would learn the biological mechanisms of toxicology. Investing in and expanding green chemistry education is key. Equipping the next generation with the tools necessary to create sustainable technologies is essential.

- Government procurement programs would use green chemistry principles to seek out the 'greenest' technologies. Rather than being limited to products (ranging from dispersants to carpets) that fit a standard set decades ago, government agencies would be empowered to choose and use the most environmentally innovative.

- Companies would compete to lead the transition away from chemicals of greatest concern. We are not talking about using marginally "less bad" chemicals, but about redesigning products and processes to be inherently benign and sustainable. How much smarter is it to become a market leader rather than wait for regulations to force a change?

We don't need rocket science to prevent future Deepwater disasters. We need chemistry. And green chemistry is one of our most promising tools. Let's deploy it to its fullest potential.