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

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Blog Round-up

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PEOPLE ARE TALKING

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With the internet, blogs, Twitter, forums - people are talking about EPA 24/7
Here's a sampling of what was said on May 24, 2010:

NOTE: To read the entire blog entry, click on underlined URL. To learn more about the blogger, click on the name/link in first line. Notes and headings are from OPA.

Lisa Jackson

EPA's @LisaPJackson declares BP's response on finding less toxic dispersant for #oilspill unsatisfactory, orders more searching.
Posted by: craigtimes 5:10 pm Full post:

EPA's @LisaPJackson says clear "the oil is really piling up" in LA marshes. "We are doing a lot" but more to do. #oilspill
Posted by: craigtimes 5:05 pm Full post:

@lisapjackson @EPA Instead of reacting to smells, irritation, let's PROACT TO AVOID THEM. Stop #JungoRd #Landfill
Posted by: DesertPlaya 1:15 pm Full post: http://bit.ly/abh2Qy

EPA's Administrator @lisapjackson tweets & twitpics regularly, including updates #bpspill related work
Posted by: kdawes_eval 1:30 pm Full post: http://twitpic.com/1qo7un

@lisapjackson FED UP w/ yall. Speeches=inadequate. Y'all should be on our beach scooping up oil with your hands. PROVE YOU CAN BE EXAMPLES
Posted by: jena_fuller 12:16 pm Full post:

Please tweet @EPAgov or @lisapjackson and ask for the full weight of United States to stop Ecocide in the Gulf..
Posted by: barbiesnow 12:10 pm Full post:

Gulf Oil Spill & EPA Response

WNR at 7 pmET: As BP defends its handling of the Gulf of Mexico oil spill, the EPA says fines and penalties loom for the energy giant.
Posted by: CBSRadioNews 6:51 pm Full post:

Congress plans to quadruple oil tax used to finance cleanups #oilspill
Posted by: GulfOilCleanup 6:15 pm Full post: http://bit.ly/9hzxfe

EPA, DHS urge BP to hasten gulf oil spill cleanup efforts: May 24, 2010 --US Department of Homeland Security Secre...
Posted by: EnergyOil_News 6:10 pm Full post: http://bit.ly/bx6QJl

Lisa Jackson "wasn't satisfied" with BP's response. "Science should be guiding our response" #bpdisaster
Posted by: michaelwhitney 6:10 pm Full post:

"Possibly the greatest environmental disaster of our time" Lisa Jackson, EPA Administrator
Posted by: **BrittJ2003** 5:10 pm Full post:

Breaking now: Lisa Jackson EPA head confirms BP did NOT stop using Corexit when directed last week. Says no other alternative #oilspill
Posted by: suzyji 5:50 pm Full post:

Despite EPA order, BP continues to use toxic chemical dispersant on oil spill
Posted by: alabamainsider 5:09 pm Full post: http://bit.ly/ahPCq3

Reuters: EPA chief says agency is directing BP to 'significantly scale back' use of underwater oil dispersant -
Posted by: BreakingNews 5:13 pm Full post:

ROUND-UP OF MAJOR BLOGS

AIR

Conservation legend Russell Train to Senate: Protect the Clean Air Act (*Grist*)

by David Roberts

24 May 2010 2:15 PM
Russell E. TrainThe legendary Russell Train was, among many other things, the second administrator of the EPA, serving from 1973-1977 under Nixon and Ford. He was instrumental in making environmental protection a top-line item on the presidential agenda. Later he went on become president of the World Wildlife Fund and in 1991 was awarded the Presidential Medal of Freedom for his work on conservation. Train is now 90 years old, but he's still involved in current debates and still sharp as a tack.

Today he sent a letter to the Senate urging it to reject Sen. Lisa Murkowski's effort to gut the Clean Air Act by overturning its endangerment finding on greenhouse gases. His defense of the EPA and its Clean Air Act authority is one of the most informed and eloquent I've read. Here it is:

Dear Senators Reid and McConnell:

I am writing as former EPA Administrator under the Nixon and Ford Administrations to urge the Senate to oppose any legislative proposals that would undermine the Clean Air Act. In particular, I ask the Senate to reject the Resolution of Disapproval offered by Senator Lisa Murkowski of Alaska (S.J.Res.26), which would prevent the EPA from acting on that agency's endangerment finding and the cause or contribute findings for greenhouse gases.

For 40 years, the Clean Air Act has protected the health and welfare of the American people, saving hundreds of thousands of lives while vastly improving the quality of the air we breathe. The economic benefits provided by the Act have exceeded its costs by between 10 to 100 times over.

Despite the law's impressive track record, S.J.Res.26 would rollback Clean Air Act protections and prevent the EPA from regulating greenhouse gas emissions, notwithstanding the agency's scientific determination that these pollutants endanger human health and welfare. If passed, this resolution would fundamentally undermine the Clean Air Act, overturning science in favor of political considerations.

Supporters of S.J.Res.26 argue that Congress did not mean to regulate greenhouse gases under the Clean Air Act. This argument is inconsistent with the history of the law as it has been applied for the past 40 years and misconstrues the original intentions of Congress. Precisely because existing knowledge was so limited at the time, Congress broadly defined the term "air pollutant" and relied on the experts at EPA to evaluate individual pollutants. Congress also clearly established that the sole criterion triggering EPA action was to be a scientific one: whether a pollutant "may reasonably be anticipated to endanger" human health or welfare.

In my own tenure as EPA Administrator, our most pressing challenge was reducing airborne lead pollution from the burning of leaded gasoline in motor vehicles. Like greenhouse gas pollutants, airborne lead was nowhere specifically addressed in the Clean Air Act. However, the scientific evidence strongly suggested that it was resulting in severe health effects, particularly in children. Under the law, the EPA was compelled to issue an "endangerment finding", which established a risk to human health or welfare and obligated the agency to begin regulating lead in automobiles.

In 1973, I adopted health-based standards to reduce airborne lead levels by more than half in five years. I did this in spite of some lingering scientific uncertainty and over the strong objections of industry. In 1975, the D.C. Circuit Court of Appeals upheld my decision, arguing that the law "would seem to *demand* that regulatory action precede, and, optimally, prevent, the perceived threat."

In 1977, Congress itself explicitly endorsed this reasoning when it amended the Clean Air Act, emphasizing "the Administrator's duty to assess risks rather than wait for proof of actual harm" and broadening the criteria for action under the law from "will endanger [human health or welfare]" to "may reasonably be anticipated to endanger". The intention of Congress was clear: to empower the EPA to respond to threats that had not yet arisen or had yet to be perceived. This is precisely what the EPA is doing today in acting to regulate greenhouse gas pollutants.

In its 2007 ruling, *Massachusetts v. EPA*, the Supreme Court affirmed the EPA's authority to regulate greenhouse gases, declaring that these emissions "fit well within" the Clean Air Act's definition of an "air pollutant". The subsequent endangerment finding, based on the conclusions of scientists in both the Obama and George W. Bush Administrations, determined that greenhouse gases endanger human health or welfare and must therefore be regulated under the law.

In executing her responsibilities, the current Administrator appears to have taken a measured approach and demonstrated a sensitivity to economic concerns, proposing a schedule under which regulations would not kick in until 2011 and then only for the largest and dirtiest polluters. Additional permitting requirements would not come into play before 2016, giving the Senate ample time to address the issue through legislation.

It was not until 1990 that Congress took legislative action to ban lead in gasoline, nearly 20 years after the EPA first recognized the danger it posed and took steps to begin regulating it. Because of the Clean Air Act, the EPA saved many more lives than would otherwise have been the case. In other words, the Act worked just as Congress had intended. S.J.Res.26 would reject this science-based decision-making process and undermine a law that has successfully protected Americans for four decades.

The country would be better served if, rather than attempting to fix what is not broken, the Senate instead focused its energies on finalizing legislation to limit greenhouse gas pollutants and move the United States towards cleaner energy sources. As part of these efforts, the Senate should retain the essential tools provided by the Clean Air Act.

Certainly, the Senate should oppose any proposals to undermine the essential protections that the Clean Air Act provides. Such proposals are driven not by science but by political considerations – to stall action on an emerging threat and shield elected officials from having to make difficult but necessary decisions. But as Congress itself has made clear, the Clean Air Act was not written to protect politicians; it was written to protect the American people.

I urge the Senate to reject S.J.Res.26 and any other legislation that would weaken the Clean Air Act or curtail the authority of the EPA to implement its provisions.

Sincerely,

Russell E. Train
EPA Administrator, 1973-1977

BP OIL SPILL

Disapproving of EPA's CO2 Regulations (*Heritage*)

Posted By Nicolas Loris On May 24, 2010 @ 7:00 pm In Energy and Environment Environmental Protection Agency [1]

Whatever prospects lie ahead for cap and trade legislation moving through the Senate might not matter if the Environmental Protection Agency continues forward on its path to regulate carbon dioxide. The EPA's endangerment finding, which took place earlier this year, gives the agency the authority to use Clean Air Act to regulate greenhouse gases (GHGs). New restrictions on automobiles were the first step in what could eventually be a long, economically painful set of regulations imposed by unelected government bureaucrats – unless Congress steps up to the plate and stops them.

Lisa Murkowski's (R–AK) resolution of disapproval would do just that. As Heritage Senior Policy Analyst Ben Lieberman explains [2], "In order to provide a means of stopping unwarranted or ill-advised regulations, Congress and President Clinton enacted the Congressional Review Act in 1996. The statute allows Congress to pass, by simple majority and with limited debate time, a resolution of disapproval against any newly promulgated federal regulation it opposes, thus revoking the regulation. It is hard to imagine a more appropriate application of the Congressional Review Act than a disapproval against the EPA's attempt to regulate energy use in the name of addressing global warming."

Why? Because the Clean Air Act was never intended to regulate carbon dioxide. As the Clean Air Act is currently written, the endangerment finding would require that the EPA regulate sources or establishments that emit 100 or 250 tons or more of a pollutant per year. This was seen as the best way to combat smog, soot, and other air pollutants – not CO2. This means that Schools, farms, restaurants, hospitals, apartment complexes, churches, and anything with a motor—from motor vehicles to lawnmowers, jet skis, and leaf blowers—could be subject to cost-increasing restrictions.

The regulations would have the same impact on the economy and employment as would a major new energy tax as passed through cap and trade, but they would be worse, since they would entail more burdensome compliance, administrative, and legal costs. The American Farm Bureau Federation and 48 other agricultural groups sent a letter to the Senate warning that [3]"full

implementation would cost farmers more than 866-million dollars just for obtaining permits for farms and livestock operations."

This is not an attack on just big business or big agriculture. The regulations could apply to [4] "dairy facilities with over 25 cows, beef cattle operations of over 50 cattle, swine operations with over 200 hogs, and farms with over 500 acres of corn." Further, over 1.3 million commercial entities [5]could be regulated for the first time and over 3.9 million single family homes could be subject to regulation – and these numbers are according to the EPA.

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 not only stands on shaky constitutional ground, it also stands on shaky legal ground [6] – floods of lawsuits are likely to come from environmental groups that believe the EPA should regulate anything and everything.

A Short-term Delay in Pain for Smaller Entities, Not for Everyone Else
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. 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. And as former senator and governor of Virginia George Allen and the Competitive Enterprise Institute's Marlo Lewis explain [7], even with the tailoring rule in place the EPA can inflict massive amounts of economic pain [7]:

The tailoring rule also provides no protection from the endangerment finding's most absurd result–rulemakings to establish National Ambient Air Quality Standards (NAAQS), set below current atmospheric concentrations, for greenhouse gases. Environmental litigation groups are only acting on the obvious implication of the EPA's assertion that the root cause of endangerment is the "elevated concentration" of greenhouse gases when they demand that the EPA initiate such rulemakings.

The economic consequences would be devastating. Even a global depression lasting several decades would not be enough to lower CO2 concentrations from today's level–roughly 390 parts per million–to 350 ppm, the new politically correct "stabilization" target advocated by former Vice President Al Gore, the Center for Biological Diversity and numerous other environmental groups. Yet under the Clean Air Act, states are obligated to attain NAAQS within five years or, at most, 10 years. The endangerment finding thus sets the stage for environmental activists to transform the Act into a deindustrialization mandate via litigation. The Murkowski resolution would nip all this mischief in the bud."

To add salt to the wound, these regulations are all based on a faulty scientific consensus that carbon dioxide and other greenhouse gases are a significant threat to human health and the environment. It's time for the Senate to act and prevent the EPA from slipping global warming regulations through the backdoor, especially when the public doesn't want to see them brought in through the front.

May 25, 2010

Gulf Oil Spill Cause: BP Tells Feds Key Areas Probed, Says There Were 'Combination Of Failures' (*Huffington Post*)

GREG BLUESTEIN and MATT BROWN | 05/25/10 09:47 AM |
COVINGTON, La. — Oil giant BP is focused on two key areas around the blown wellhead as it probes the cause of the unchecked Gulf of Mexico oil spill, the company said as it started to brief federal authorities on its internal investigation.
BP PLC said in a release late Monday that it has not reached a final conclusion. But it said multiple control mechanisms should have prevented the accident that started with an oil rig explosion April 20 off the coast of Louisiana.
The largest oil and gas producer in the Gulf listed seven mechanisms where its hunt for a cause is focused. Four of those involve the blowout preventer, a massive piece of machinery that sits atop the wellhead and is supposed to act as a safety device of last resort. The other three areas of investigation involve the cementing and casing of the wellhead.
Three companies were involved with BP on the well: Transocean LTD owned the Deepwater Horizon oil rig and the blowout preventer; Halliburton Inc. was responsible for encasing the well in cement; and Cameron International Corp. manufactured the blowout preventer.
President Barack Obama has blasted executives from the companies for blaming each other during Congressional hearings this month.
In BP's release, Chief Executive Tony Hayward stopped short of assigning responsibility, calling the disaster "a complex accident, caused by an unprecedented combination of failures."
"A number of companies are involved, including BP, and it is simply too early – and not up to us – to say who is at fault," Hayward said.
BP said its investigation team has begun sharing its findings with the U.S. Department of the Interior.
The Obama administration has come under increasing pressure as frustrations build with the failure to cap the well. Millions of gallons of oil stretch across a 150-mile swath from Grand Isle, La., to Dauphin Island, Ala., endangering wildlife and livelihoods in commercial fishing and tourism.
BP said there was still extensive work to do in its investigation, including examining major pieces of equipment like the blowout preventer and the rig that are still on the seafloor.
The internal investigation started the day after the rig exploded, burned and sank. It is being conducted by BP's Head of Group Safety and Operations, who has an independent reporting line to Hayward, the company said.
In Washington, a report by the Interior Department's inspector general found ethics violations at the agency that overseas offshore drilling. The report, which follows up on a 2007 investigation, found that staffers at the Minerals Management Service accepted tickets to sports events, lunches and other gifts from oil and gas companies and used government computers to view pornography.
Interior Secretary Ken Salazar said the findings were "deeply disturbing" and showed the importance of his plan to abolish the agency and replace it with three new entities.

The report, which follows up on a 2007 investigation, found that MMS staffers accepted tickets to sports events, lunches and other gifts from oil and gas companies and used government computers to view pornography.

Salazar said several employees in the report have resigned, were fired, terminated or referred for prosecution. All the violations mentioned in the report occurred between 2000 and 2008.

After butting heads with BP over its use of a chemical to break up the oil in the water, the Obama administration said Tuesday the company is complying with the government's request to use less of the toxic dispersant.x

White House energy adviser Carol Browner said alternative dispersants aren't so readily available.

In a letter to BP last week, the Environmental Protection Agency gave the company three days to find a less toxic alternative to the dispersant it's using, Corexit 9500. But in a series of meetings that followed, Browner said, it became clear the alternatives were not as widely available as needed.

"There are not as many being manufactured as people thought in the quantities" needed, Browner said in a round of television appearances on morning news shows.

"We need to determine whether or not those alternatives are available, and the EPA is doing that, but in the meantime, EPA has directed BP to use less of the dispersants and they're required to follow that," Browner said.

A memorial service was scheduled for Tuesday afternoon in Jackson, Miss., for the 11 workers who were killed when the oil rig exploded. The event was being held by Transocean.

All of BP's attempts to stop the leak have failed, despite the oil giant's use of joystick-operated submarine robots that can operate at depths no human could withstand.

BP is pinning its hopes of stopping the gusher on yet another technique never tested 5,000 feet underwater: a "top kill," in which heavy mud and cement would be shot into the well to plug it up.

BP engineers had the equipment in place Tuesday and planned to start 12 hours of tests to prepare for the maneuver, BP PLC senior vice president Kent Wells said.

The top kill has proven successful in aboveground wells in Kuwait and Iraq, but has never before been tried a mile beneath the sea. Company executives peg its chances of success at 60 to 70 percent.

Engineers are working on several other backup plans in case the top kill doesn't work, including injecting assorted junk into the well to clog it up, and lowering a new blowout preventer on top of the one that failed.

The only certain permanent solution is a pair of relief wells crews have already started drilling, but the task could take at least two months.

Associated Press Writers Erica Werner and Matthew Daly in Washington and Kevin McGill and Alan Sayre in Louisiana contributed to this report.

BP Still Stonewalling EPA on Dispersant Chemicals (*Huffington Post*)

BP's oil spill size cover-up started to unravel on Friday as BP finally admitted its figure of 5,000 barrels a day lowballed the true size of the spill. But another of BP's cover-ups is still going strong.

BP has already dumped over 700,000 gallons of chemical dispersant in the Gulf of Mexico - America's public waters. But incredibly, BP is still refusing to reveal exactly what's in that dispersant:
BP is keeping secret some of the "alternative" chemical ingredients it is using in the oil spill dispersants it is pouring into the Gulf of Mexico, claiming it is "confidential business information."
Concern is growing over the effect of the chemical dispersant on the environment, separate to the oil spill, with the Environmental Protection Agency (EPA) trying to force BP to reveal what makes up the hundreds of thousands of gallons of chemical dispersant it is pouring into the Gulf of Mexico.
The EPA has issued a directive to BP requiring it to use a less toxic and more effective dispersant to deal with the oil spill in the Gulf of Mexico.
Like so many aspects of BP's oil spill response, the redacted passages would be comical if the disaster wasn't so serious:

"Exceedances of the chronic criteria appear unlikely, but could occur if [REDACTED] is applied in the same area over a period of several days." Doesn't that seem like something Americans deserve to know? I guess BP thinks "confidential business information" trumps the public good.
Jeremy Symons, senior vice president of the National Wildlife Federation, blasted BP's continued stonewalling:
The administration demanded transparency from BP, and we got censored documents. BP cannot be trusted and this is not acceptable. These toxic chemicals have been dumped in the gulf for a month at levels never envisioned, and any information that sheds light on their effects and the potential for less toxic dispersants needs to be made public immediately.
First BP said trust us, only 1,000 barrels a day are spilling into the Gulf of Mexico. Then BP said no, wait, it's actually 5,000 barrels a day -- but trust us, that's correct. Today, BP is refusing to put any number on the spill size.
Now BP is saying the dispersants are safe for people & wildlife -- trust us. But the National Wildlife Federation won't take [REDACTED] for an answer. We'll continue pushing the federal government to do what BP won't -- conduct proper environmental monitoring, testing & public safety protection.
You can read BP's full response here (PDF) and read other documents at the EPA's dispersant page.
Help ensure NWF has the funding needed to be on the front lines helping wildlife >>

For all the latest news on how the oil spill is impacting the Gulf Coast's wildlife & to learn how you can help, visit NWF.org/OilSpill.

Follow Miles Grant on Twitter: www.twitter.com/MilesGrant