**U. S. Environmental Protection Agency**
**E-Clips**
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**ADMINISTRATOR JACKSON**
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**Feds won't OK strong bedbug killer in Ohio homes (*Associated Press*)**

**Story also appeared: *Plain Dealer***

6/15/2010, 9:05 a.m. ET
(AP) — COLUMBUS, Ohio - State officials want permission to use an industrial pesticide to fight bloodthirsty bedbugs plaguing Ohio homes, but the federal government has said no, at least for now.

In a letter earlier this month to Gov. Ted Strickland, U.S. Environmental Protection Agency Administrator Lisa Jackson wrote that the pesticide Propoxur could pose health risks for children, harming their nervous systems.

The state asked the EPA in November for an exemption to allow Propoxur, currently used in commercial buildings, on crops and in pet collars, to be applied in bedbug-ridden homes. Though the government's response stops short of an official denial, it's disappointing, said Kaleigh Frazier, a spokeswoman for the Ohio Department of Agriculture.

"We will remain in constant communication with U.S. EPA as well as our local partners ... to see if there is anything we can do at the department to help move this request along," Frazier said Tuesday.

While the tiny insects are not known to carry any diseases, bedbug bites leave behind itchy red bumps. A report issued in May by the Ohio Bed Bug Workgroup, a 40-member task force of experts assembled by the state Health Department, said problems with the pests have been most widely reported in homes, apartments, hotels and nursing homes. Recent reports have had bedbugs spreading to movie theaters and taxi cabs, Frazier said.

A local movie theater owner, David Nedrow, said that crevices of upholstered seats would be a prime target for bedbugs, although he added that his venue hadn't had any problems with the six-legged bloodsuckers.

Bedbugs are resistant to most of the pesticides currently available, so not having Propoxur as a weapon is a setback, said Susan Jones, an Ohio State University entomologist and a member of the workgroup.

"It is very much a blow, because we don't really have products that are knocking down the bedbugs very well," Jones said.

Propoxur, which can cause nausea and vomiting if swallowed, was removed from home use in the 1990s. But Jones said the EPA likely overestimated the risk of exposure to

children and said an effort was under way to provide the agency with information about how much of the pesticide would become airborne if applied in homes.

In a statement Tuesday, the EPA said its conclusions about Propoxur are based on the best available science. If Ohio can provide new information, the EPA would consider it, the statement said.

Information from: The Columbus Dispatch, http://www.dispatch.com

**Lack of Transparency Afflicts Oil Spill Response (*OMB Watch*)**

By sys_anon
Created 06/15/10
Adding insult to injury, the worst oil spill in U.S. history has been plagued by a lack of transparency that is hindering the response to the disaster and may impact responses to future spills. Reports of restrictions on media access to the spill site, the delayed disclosure of information on dispersants, and frustrations with BP's overall lack of transparency have confounded efforts to hold the company and government agencies accountable.

Both the administration's and the oil industry's response to the oil spill in the Gulf of Mexico have drawn criticism [1] over the slow pace of release of information to the public. As congressional investigations and continued public outcry bring attention to the lack of openness, the federal response seems to be slowly moving toward greater transparency.

Confusion about Size of Spill

In the first weeks of the catastrophe, conflicting, inaccurate, or missing information regarding the amount of oil leaking into the Gulf of Mexico created confusion. Despite initial, unofficial estimates of up to 64,000 to 110,000 barrels of oil per day [2], the U.S. government and BP initially estimated up to 1,000 barrels of oil per day were leaking from the crippled Deepwater Horizon rig. Later, relying on estimates from BP, federal officials raised the estimate to 5,000 barrels per day [3]. Weeks later, the interagency Flow Rate Technical Group, after analyzing data and reviewing undersea video footage of the leak, estimated a range of 11,000 to 25,000 barrels per day [4]. On June 10, another revised estimate placed the range at 25,000 to 30,000 barrels of oil a day [5].

The task of quantifying the amount of oil gushing out of the broken pipe was made more difficult [6] by BP's delay in providing scientists a high-definition video of the leak for computer analysis, as well as by the company's resistance to permit a direct measurement of the flow rate. The National Oceanic and Atmospheric Administration (NOAA), the scientific agency that produced the government's 5,000 barrel-per-day estimate, refused to provide [7] more detailed information on the mathematics behind its figure.

Getting a clear, accurate understanding of the flow rate of the oil leaking from the destroyed wellhead is important for numerous reasons. Understanding the ecological impacts of the spill depends on a clear picture of the size of the leak. Planning for the prevention of and response to future deep-sea oil spills will be also informed by clear understanding of the characteristics of the Deepwater Horizon spill. In addition to learning about the root causes of the accident, the public and government regulators will need to know the consequences in order to plan [7] for the next catastrophe.

Moreover, the amount of fines faced by BP will likely depend on the amount of oil released into the Gulf. In an interview with The New York Times [8], Rep. Edward Markey (D-MA), whose House Subcommittee on Energy and the Environment is investigating the spill, noted that under the Oil Pollution Act of 1990, companies face fines of up to $1,000 per barrel spilled, or up to $3,000 per barrel in the case of gross negligence. The need for accurate figures will have a major impact on potential fines. "I think they were hoping they could fix it before they would be forced to allow the world to measure it," Markey said.

Markey's subcommittee also compelled BP to release underwater video footage of the leak. In response to the company's lack of transparency during the spill response, Markey stated [9], "We cannot trust BP. It's clear they have been hiding the actual consequences of this spill."

Media Access Restricted

According to numerous reports [10], BP and its contractors have turned journalists and photographers away from impacted sites, and local law enforcement, the Coast Guard, and other government officials have also restricted media access to important areas affected by the spill. In addition, BP initially directed [11] its cleanup workers to not speak with the media. The company has since rescinded that order.

Many reporters trying to cover the spill complain [12] that access, even when granted, is strictly controlled by BP or BP contractors, frequently with the complicity of local or federal government officials. Markey commented [10] on BP's role in restricting media access, "I think they've been trying to limit access. It is a company that was not used to transparency. It was not used to having public scrutiny of what it did."

On June 6, Coast Guard Admiral Thad Allen, the National Incident Commander, announced [13] that he had issued orders granting the media "uninhibited access" to cleanup efforts, except if the access is "a security or safety problem." According to a BP spokesman [14], "From the beginning, we have tried to provide information, data and access to government officials, the news media and the public. But we always are striving to enhance and improve our lines of communication and our responsiveness."

Secret Chemicals

More than 1,262,000 gallons of dispersants [15] have been used on the oil spill to date. Numerous concerns have been raised about the long-term consequences of using such unprecedented quantities of dispersants and the unique conditions of their application under thousands of feet of water. Scientists and environmentalists had been calling for the disclosure of the ingredients to allow the public to analyze the possible human and ecological health impacts and what worker safety measures are needed. The chemical ingredients in the dispersants were kept secret until June 4, when the U.S. Environmental Protection Agency (EPA) quietly disclosed the ingredients [16] on the agency's website.

The chemical components had been kept secret because the manufacturer had claimed the information was confidential business information, and therefore, it qualified for special protections by the EPA. Open government advocates had asserted that because of the clear emergency situation and the potential health and safety consequences of keeping the information secret, the EPA had the legal authority to disclose the chemical identities. EPA disputes that it had such authority, saying that the agency is subject to possible criminal penalties in the event of unauthorized disclosure of confidential business information, even in a situation as dire as the Gulf disaster.

Reflecting the concerns about the toxicity of the dispersants, EPA ordered BP to analyze alternative dispersants that were less toxic than the products the company had been using. BP, with help from the Coast Guard, conducted toxicity tests of alternative dispersants, but the results were neither released nor shared [17] with the EPA. The company refused to select an alternative, claiming its current product was the most appropriate for the situation. EPA is now conducting its own toxicity tests of dispersants.

The data gaps related to the use of dispersants is emblematic of a chemicals policy that allows chemicals into commerce before the public has an adequate understanding of the chemical's hazard. One researcher who has studied dispersants used on oil spills lamented [18], "There's such limited funding out there to do this research. Would I would have liked to screen six dispersants? Yes, but there wasn't money."

Federal Transparency Efforts

Despite the numerous concerns raised about the quantity, quality, and access to information about the spill, there have been several government efforts to provide the public with data. The EPA created its own website [19] providing water and air quality monitoring data, along with information on the agency's activities in the Gulf. The interagency command center, known as the Unified Command, provides extensive online updates [20] on cleanup activities, as well as live video feeds from underwater remotely operated vehicles and telephone numbers for incident reports from the public.

After several weeks of inadequate transparency from BP, EPA Administrator Lisa Jackson and Department of Homeland Security Secretary Janet Napolitano called on BP [21] to release more data about the spill and increase the company's transparency.

On June 14, NOAA launched a new website [22] that provides information about the BP oil spill via an interactive map. Described as a "a one-stop shop for detailed near-real-time information about the response to the Deepwater Horizon BP oil spill," the interactive map includes data from DHS, the Coast Guard, the U.S. Fish and Wildlife Service, EPA, NASA, the U.S. Geological Survey, and the Gulf states.

The Obama administration is also calling for a high level of transparency in the awarding and disbursement of public claims against BP. Adm. Allen of the Coast Guard recently wrote to BP chief executive Tony Hayward demanding greater disclosure of compensation payments. Allen wrote [23], "We need complete, ongoing transparency into BP's claims process including detailed information on how claims are being evaluated, how payment amounts are being calculated, and how quickly claims are being processed."

**Ohio Denied Use Of Bed Bug Killer By EPA (*WLWT Cincinnati*)**

Authorities Say 'Propoxur' Can Endanger Children
POSTED: 10:46 am EDT June 15, 2010
UPDATED: 11:18 am EDT June 15, 2010
COLUMBUS -- Federal authorities have denied the state of Ohio's request to kill off bloodsucking bedbugs in homes with an industrial insecticide.
The EPA said the insecticide, Propoxur, could cause potential danger to children.
EPA Administrator Lisa Jackson told Gov. Ted Strickland in a letter that Propoxur may pose a risk to nervous systems of children who enter rooms that have been treated.
The insecticide is commonly used in commercial building, on crops and in pet collars.
State officials said Ohio had been seeing severe bedbug infestation. The state sought an exemption last year so the insecticide could be applied in residences.
The Ohio Department of Agriculture said it is disappointed with the government's answers.

**EPA denies bedbug pesticide request (*UPI*)**

Published: June 15, 2010 at 2:33 PM

COLUMBUS, Ohio, June 15 (UPI) -- An infestation of bedbugs has descended on Ohio, but the state will not be allowed to use a desired pesticide for fear of children's health, authorities said.

The Franklin County Board of Health received more than 4,000 reports of the wingless, blood-sucking insects in 2009 in contrast to almost no reports in the past few years, The Columbus (Ohio) Dispatch reported Tuesday.

The U.S. Environmental Protection Agency has rejected the state's request to use an agricultural pesticide, Propoxur, to combat home bedbug infestations, saying the risk to children outweighs the potential benefit, the newspaper reported.

"The agency's health review for its use on bedbugs suggests that children entering and using rooms that have been treated may be at risk of experiencing nervous system effects," Lisa Jackson, administrator of the U.S. Environmental Protection Agency, said in a letter to Ohio Gov. Ted Strickland.

The pesticide currently approved for home use is expensive, and often requires repeat applications, Ohio officials said.

Kaleigh Frasier, a spokeswoman for the Ohio Department of Agriculture, says the federal agency could reconsider the state's request after reviewing more information.

"We're disappointed with the outcome, but we'll stay in contact with the EPA," Frasier said.

**Reach out to all communities in spill response, agencies urged (*Albany Times-Picayune*)**

(New Orleans)
June 16, 2010 Wednesday
SECTION: NATIONAL; Pg. A 13
Reach out to all communities in spill response, agencies urged ;
Council to ask EPA to use local groups
By Mark Schleifstein Staff writer
Federal agencies responding to the BP Deepwater Horizon oil disaster should do a better job of targeting communities that have historically been underrepresented in disaster response, including people of color and Native Americans, members of the National Environmental Justice Advisory Council said Tuesday.

In an unusual teleconference meeting "attended" by more than 370 callers, the council agreed to write a letter to the federal Environmental Protection Agency that also would recommend that agencies make better use of non-governmental organizations, including environmental and community groups, that were among the first to respond to the spill.

The federal agencies also should focus on protecting and restoring coastal wetlands and Louisiana's barrier islands that are being fouled with oil, in addition to coastal habitats in other states, commission members said. And officials with the departments of Labor, Justice and Health and Human Services also should do a better job of ensuring that both the people working to clean up the oil in the Gulf of Mexico and on

shore and residents of coastal communities are protected from the spill's health effects, the commission concluded.

The council advises EPA on environmental justice issues. EPA Administrator Lisa Jackson, who sat in on the meeting for 30 minutes, said over the weekend her agency added to the Joint Information Center staffers who are targeting environmental justice concerns in day-to-day operations, including how to provide air and water sampling results to communities and how to involve communities in decisions on disposing of spill-related wastes.

"People of the Gulf Coast need our support today more than ever before," Jackson said. "The people who are most vulnerable to the impacts of this spill must be empowered during our response and the long-term recovery."

The EPA is in a unique position to reach out to low-income, African-American, and cultural minority communities with histories of environmental problems because of its long history of attempts to address environmental justice issues, said Derrick Evans, a representative of the Turkey Creek Community Initiatives in Gulfport, Miss.

"The key is to empower citizens through the existing network of community-based organizations and non-governmental organizations," he said. He pointed out that the Gulf Coast Fund for Community Renewal and Ecological Health, a philanthropy network set up in the aftermath of Hurricane Katrina, has 160 members "representing the most underserved, marginalized, vulnerable environmental justice communities across the region," many of which were the first to respond to the oil disaster.

For instance, the Louisiana Environmental Action Network, which represents dozens of local environmental groups across the coast, and the New Orleans-based Bucket Brigade provided the first cleanup volunteers with protective clothing and respirators, he said.

Both council members and members of the public who called in comments during the meeting expressed concern about plans to put oil wastes and thousands of miles of oiled boom in ordinary landfills, after an EPA official told the commission that the agency had concluded it did not meet the legal definition of hazardous wastes.

"We're concerned about where all the collected oil and used boom will be disposed of," said Rebecca Templeton, environmental outreach coordinator for Bayou Grace Community Services in Terrebonne Parish. "Our community believes it should be treated as a toxic material and be discarded in a safe way."

Wilma Subra, a New Iberia chemist who advises environmental groups, said BP had contracted with waste disposal giant Waste Management Inc. to use its landfills in Louisiana and other coastal states, but that the Waste Management landfill in Louisiana was not on a list of approved landfills in Louisiana's oil spill response plan.

Subra said oil spill workers also are fearful they will lose their jobs if they report illnesses they believe are linked to the fumes given off by the oil.

She said officials also need to do a better job publicizing fishing closures to fishers who don't speak English.

"In our area, we have a lot of Vietnamese fishers where the older ones do not speak English," she said. "They're out there trawling and get stopped and fined because the area's closed for fishing and they don't know."

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## EDITORIAL / OP-ED / COMMENTARY / LETTERS

### Dismissing climate change skeptics (*Washington Times)*

June 16, 2010 Wednesday
B, COMMENTARY; Pg. 4
Book Review: Dismissing climate change skeptics
By Roger Lott SPECIAL TO THE WASHINGTON TIMES
The authors of "The Merchants of Doubt" criticize the political right for creating doubt about what supposedly are irrefutably calamitous environmental issues. Naomi Oreskes, professor of history and science studies at the University of California at San Diego, and Erik M. Conway, historian at the NASA Jet Propulsion Laboratory, speculate that conservatives do this out of fear of hidden socialist agendas. This book surely will incite outrage among environmentalists and cause them to be even more dismissive and spiteful to those on other side.

According to conservative beliefs, the government has no business concerning itself with whether someone is endangering his own health by, for instance, smoking cigarettes. Conservatives also believe that even if there is evidence that secondhand tobacco smoke can harm others, restaurants, movie theaters and other places ought to be able to make what they believe are the most appropriate smoking policies for their unique circumstances.

However, it is true that global warming, depletion of the ozone layer, destruction of animal species by DDT and acid rain, are the types of issues that could, in theory, be appropriate areas for government intervention. After all, free-market prices for various goods or activities don't include the societal costs from any environmental damage they inflict. Ms. Oreskes and Mr. Conway say conservatives, who on principle refuse to

accept the need for government involvement in such instances, are the ones who will oppose environmentalism regardless of the science.

Ms. Oreskes and Mr. Conway are too quick to dismiss climate-change skeptics. Whether carbon-dioxide emissions have significant climatic costs is highly debatable, and it's not obvious that benefits from regulation would outweigh resulting burdens on businesses. The effects of emissions on climate are far from clear - indeed, from 1940 to 1970, global temperatures decreased at the same time that carbon dioxide emissions increased. Whether a little warming is a bad thing is also disputable. Environmentalists, however, would argue that if we try to wait and see, the problem may become irreversible.

Strangely, Ms. Oreskes and Mr. Conway argue that if climate is sensitive to solar activity, it must be correspondingly sensitive to changes in carbon dioxide levels. Global-warming proponent Stephen Schneider sums it up, saying, "They can't argue that comparable changes in the energy input from greenhouse gases will not also produce comparable large signals." However, it seems perfectly natural that a couple tenths of a percentage-point increase in output from the sun - the Earth's source of heat in an otherwise very cold universe - could have far greater effect on climate than an increase in carbon dioxide emissions by a few parts per million.

The authors simplify things, saying, "The devil was not in the details. It was in the main story. CO2 was a greenhouse gas. It trapped heat." No one is arguing with this - the issue is how much of an effect it has.

Another main issue in the book is DDT. In the 1962 book "Silent Spring," Rachel Carson set off the alarm about possible environmental effects of DDT, making tenuous claims about dwindling bird populations and effects on human and animal health. Largely as a result of Carson's work, the EPA in 1972 enacted a ban on the use of DDT in agriculture.

DDT isn't used just as an agricultural pesticide, but also is a cheap and highly effective chemical for controlling mosquito populations. Science provides no convincing evidence that DDT has harmful effects on humans, and spraying small amounts on the walls of homes prevents inhabitants from being bitten by mosquitos carrying malaria - a disease the World Health Organization estimates kills more than 1 million people every year.

Through disease control and increased food supply, DDT has saved many more human lives than it has ended. Thomas Sowell of the Hoover Institution was most likely correct when he said, "There has not been a mass murderer executed in the last half century who has been responsible for as many deaths of human beings as the sainted Rachel Carson."

Ms. Oreskes and Mr. Conway call such claims "venomous" and say it's absurd that a ban by the EPA in the United States could be blamed for the resurgence of malaria in Africa. The reality, however, is that the U.S. State Department refused to give foreign

aid to countries that used pesticides banned in the United States. Mozambique, according to the British Medical Journal, stopped using DDT "because 80 percent of the country's health budget came from donor funds, and donors refused to allow the use of DDT." The politicians and the public should have carefully considered the facts instead of letting Carson's arguments play upon their emotions.

Then there's the ozone hole. The authors appear to be correct that after the 1978 U.S. ban on emissions of chlorofluorocarbons, ozone depletion decreased. However, the ozone hole is far from being simply a man-made creation. Ozone is formed when ultraviolet light from the sun causes oxygen molecules (O2) to break apart and one of the separated atoms joins another oxygen molecule to form an ozone molecule (O3). When sunlight is absent, as it is during the Antarctic winter, this process cannot occur. Along with the peculiar meteorological patterns of the Antarctic, which the authors admit are a factor, this can explain the seasonal creation of the ozone hole each August or September.

The authors show their naivete when they use the conclusions of the Food and Drug Administration or Environmental Protection Agency as evidence of an environmental problem. They fail to appreciate that bureaucrats working at government regulatory agencies have incentives to reach certain "scientific" conclusions that will justify the creation of new laws granting them oversight powers. Likewise, scientists are more likely to obtain research grants if they reach the conclusions the government wants to hear.

"The Merchants of Doubt" is well-researched and lucidly written, but the authors need to realize that there is plenty of room for legitimate disagreement about whether current scientific evidence justifies government intervention on these and other environmental issues. It's perfectly fine for Ms. Oreskes and Mr. Conway to make scientific arguments for their side of the debate, and indeed, they do this well, but speculations about motives are often wrong and rarely contribute much to the discussion.

Roger Lott is a writer in Pennsylvania.

**Riverkeeper warns us to protect our own water (*Charlotte Observer*)**

(North Carolina)
June 16, 2010 Wednesday
SECTION: A
Riverkeeper warns us to protect our own water;
In my opinion
By Ron Stodghill:
Anyone recoiling over the BP fiasco should spend some time talking to David Merryman, the wily, 27-year-old watchdog of the Catawba River.

Merryman, whose real title is Catawba Riverkeeper, isn't likely to make you feel any better. But frankly, I'm hoping the calamity in the Gulf will help his often-futile crusade to save the Catawba, recipient of enough waste to rank among the nation's most endangered rivers.

While there's no comparing it to the horrendous spill in the Gulf, the Catawba is under its own kind of assault: construction site sediments, the illegal razing of crucial vegetation along its shoreline; and waste or pollution spewed from communities and corporations.

Merryman says the 300-mile-long Catawba, source of drinking water for Charlotte and dozens of other municipalities, has become a casualty of the city's runaway growth - and sometimes greed.

For example, he says, Charlotte's sprawl has not only deepened our automobile culture, it has created more demand for electricity, much of which is generated through burning coal.

Instead of oil spills, the worst threat to the Catawba comes from nearly a dozen area coal-ash ponds owned by Duke Energy and Progress Energy, he says.

Coal-burning power plants leave ash full of potentially toxic metals. Such ash, which is mixed with water and flows into basins, is known to contaminate groundwater.

Merryman's environmentalism grows out of his experience as a kid in Memphis, Tenn.

"My whole childhood, I played in something I thought was a creek," he says. But as Merryman would discover years later as a biology student at Gardner Webb University, his playground was actually a toxic tributary for local stormwater runoff.

"I was touching stuff you probably need to be wearing haz-mat gear to touch," he says.

Researching invasive species at Yellowstone Park, Merryman was outraged by how pollutants had virtually wiped out a trout population by infecting them with a neurological disorder that made them whirl uncontrollably and become easy prey.

"Those things made me want to speak out for local water," he says.

In Charlotte, Merryman depends on some 400 volunteers to help him watchdog the river, and he hopes his cause will get a boost now and then from Washington.

The U.S. Environmental Protection Agency last year, for example, listed four ash ponds along the Catawba on its national List of 44 High Hazard Potential Units.

And earlier this week, the EPA cited Gaston County textile maker Pharr Yarns for discharging excessive amounts of pollutants into the Catawba and ordered the

company to submit a plan for cleaning up its act, a move Merryman applauded.

"I'm not a complete gremlin to big business, but I'm not going to let them pillage our resources," he says. "The Catawba is our own resource that we let them use."

He adds: "I mean, this river is our everything: our drinking water, recreation, comfort, jobs. If we don't have this river, we don't have Charlotte."

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**Democrats split over climate regs (*Jacksonville Daily News*)**

DAILY NEWS STAFF
2010-06-15 12:19:21

Senate Republicans fell short last week of overturning the Environmental Protection Agency's authority to regulate greenhouse gases, but exposed a significant split among Democrats that may bode ill for passage this year of comprehensive energy and climate-change legislation.

As the Washington Post reported, the contentious vote "suggested the Senate is far from decided on whether to put a price on the industrial emissions that stem from everyday activities such as lighting a home or driving a car."

A bill by Sen. Lisa Murkowski, R-Alaska, sought to overturn the EPA's administrative finding last year that declared greenhouse gases dangerous and assumed authority to regulate them. It was defeated by a 53-47 margin.

We, like Murkowski, regard the EPA's administrative intrusion of applying the Clean Air Act to carbon dioxide and other greenhouse gases to be a monumental over-reach. The law never was intended to regulate CO2. The EPA's power grab circumvents legislature authority, while centralizing economic decisions affecting a wide spectrum of industries under the administration's control.

The division in Democratic ranks was epitomized by liberal senator and global warming true-believer Jay Rockefeller, a West Virginia Democrat, who agreed with Republican Murkowski. "I have long maintained that the Congress — not the unelected EPA — must decide major economic and energy policy," Rockefeller said. "EPA regulation will have an enormous impact on the economic security of West Virginia and our energy future."

Senators' votes could have far-reaching political significance in this election year, putting lawmakers on the record in the climate-change debate. President Barack

Obama had threatened a veto. Nevertheless, forcing the issue "exposed frays among Democrats," reports ABC News.

"To a certain extent, the vote on the Murkowski resolution is something of a preliminary test of how a climate bill will fare in the Senate, but the message is murky," ABC News quoted Michael B. Gerrard, director of the Center for Climate Change Law at Columbia Law School.

Those opposing EPA regulatory power over ubiquitous greenhouse gases properly argue that controlling those emissions effectively creates a new energy tax and kills jobs.

The debate featured its share of cheap, election-year theatrics. California's Sen. Barbara Boxer, facing a serious challenge in November from Republican nominee Carly Fiorina, brought props to make her case for EPA control, including large photos of oil-soaked birds in the Gulf of Mexico, which she contended are a consequence of reliance on carbon-emitting fuels.

Of course, that's like pointing to a traffic accident and demanding the banishment of cars and trucks.

The ranking environmental committee Republican, Sen. James Inhofe, R-Okla., was closer to the truth when he argued "global warming is the greatest hoax perpetrated on the American people. … (T)here's no relationship between this (EPA disapproval resolution) and the oil spill."

**Impose stiff fines on oil spill in Gulf (*Albany Times Union*)**

First published: Wednesday, June 16, 2010
Despite the damage done by the Deepwater Horizon accident, a moratorium on offshore drilling is not necessary, and sends the wrong message to the oil industry.

The circumstances do justify suspending offshore drilling operations while licenses and permits are reviewed to ensure they emphatically put responsibility on the oil industry for noncompliance and accidents. This is particularly appropriate given the reported irresponsible activity by the regulating agency with oversight of the oil industry.

Regulating agencies protect the public interest by granting permits and licenses only to qualified parties to ensure that equipment and processes are designed, constructed and operated safely. That ensures that unanticipated circumstances, even those leading to catastrophic events, cannot be claimed as a defense against liability.

The U.S. government is not qualified to operate offshore drill rigs, fix problems with wells or clean up oil spills. Taxpayers would be poorly served if the government were to "take over" because it lacks the necessary expertise, equipment and efficiency.

The state Department of Environmental Conservation and the U.S. Environmental Protection Agency routinely impose stiff fines (often simultaneously), that accrue on a daily basis for noncompliance with the most mundane permit provisions. Such penalties ordinarily apply retroactively to the date on which a noncompliant condition was first observed. This is how the Gulf oil spill should be handled.

The Exxon Valdez cleanup cost an estimated $2 billion. The combined fines and cleanup costs will not have a crippling effect on the financial strength of the involved companies (with combined 2009 gross profits of more than $200 billion), as evidenced by Exxon's continuing financial strength.

PAul Adel, P.E.
Clifton Park

**People Ultimately Will Prevail (*Richmond Times Dispatch)***

Editor, Times-Dispatch: I would like to add some thoughts to the Op/Ed column, "Overturn EPA? Yes; Senators Can Stop Assault on Virginia," by Phil Kerpen and Ben Marchi regarding giving the U.S. Environmental Protection Agency additional regulatory powers.

There is little doubt that the Clean Air Act as implemented has both added value to the health of the citizens and encouraged individuals and companies to modify processes that reduce air pollutants. The current conflation of this act and the global climate change phenomena portends having even greater impacts but not necessarily those that can be viewed in a positive light -- either for human health or for our economy.

Some people have criticized Virginia's attorney general, Ken Cuccinelli, for trying to get the data and related materials from UVa regarding a former climate scientist at the university. It turns out that if the EPA gains authority to regulate these additional emissions, then what our attorney general seeks will take place (though for different reasons) on a much grander scale. This is due to the Data Quality Act, passed by Congress, which requires in such types of federal regulations that the raw underlying data that are the basis for the regulations be made available to all interested parties.

This will in all likelihood result in years of further scientific analysis, reports from all interested parties, and litigation.

My concern is not at all related to the process. Though torturous, it is the way things should work in our type of democracy. Interested parties, sometimes referred to in a

pejorative sense as special interest groups, abound and the media will generate much print and blogtime.

In the final analysis, the science will be but one element in determining the outcome. The citizens and their hopes and views on this, if properly informed, should be represented by their elected officials. It is the representation of the people's informed will that hopefully prevails. Always vote wisely.
Richard Carchman.
Columbia.

**AIR**

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June 15, 2010

**Texas Swings Back at EPA in Dispute Over Air Pollution Rules (*New York Times*)**

By GABRIEL NELSON of Greenwire
The permitting battle between U.S. EPA and the Texas Commission on Environmental Quality escalated again yesterday, with Texas filing a federal court challenge to EPA's efforts to override the state's air pollution rules.

In question is Texas' 15-year-old "qualified facilities" program. EPA says the program fails to comply with the Clean Air Act and "allows companies that have Texas-issued air permits to avoid certain federal clean-air requirements including public review when they modify their plants." Texas contends that federal regulators who rejected the program in March were required to act on the state's rules within one year.

Texas Attorney General Greg Abbott (R) filed yesterday's petition (pdf) with the 5th U.S. Circuit Court of Appeals, asking the New Orleans-based court to review EPA's decision. Described by Abbott's office as an effort to "defend the state's legal rights and challenge improper overreach by the federal government," the legal move is the latest riposte in an ongoing duel between regulators in Austin and Washington, D.C.

The federal Clean Air Act gives states authority to craft their own air permitting programs, prompting criticism from TCEQ officials who feel that EPA has been heavy-handed in its oversight of permits for pollution sources such as power plants and refineries.

"Unfortunately, the federal government -- after failing to act on our rules for some 15 years -- has decided that instead of working with us, they would just tell us how to run our state-delegated program, or else," TCEQ Commissioner Buddy Garcia said (Greenwire, June 7).

Al Armendariz, administrator of the EPA Region 6 office in Dallas, said last month that federal regulators would take over air permitting in Texas if the state's program was not brought into compliance with the Clean Air Act. The agency then backed up its threat by revoking the TCEQ permit for a Corpus Christi refinery -- the second largest in Texas -- and threatening to do the same to 39 other permits.

EPA then tried to cut out the middleman last week, offering a measure of legal immunity to businesses that undergo a third-party air pollution audit. Companies that might have avoided review under Texas' qualified facilities program would be protected from civil prosecution but would be required to add any emissions-control equipment needed to meet air pollution standards.

"This is not something that's going to be required of companies in Texas. What we've done is put together what we believe is a tool that companies can use to fix their permits and to get them consistent with the Clean Air Act," Armendariz told the Houston Chronicle last week, saying the audit offer would let companies "get out of the uncertainty they're all under" (Greenwire, June 11).

Federal regulators have also attacked TCEQ for the agency's use of "flexible permits," which establish emissions limits for clusters of facilities rather than individual smokestacks. Federal regulators argue that the permitting system violates the Clean Air Act by allowing plants to produce more air pollution than allowable in any other state.

Lawmakers in Texas say those claims are not borne out by the numbers. According to statistics touted by Texas lawmakers such as Gov. Rick Perry (R) and Rep. Pete Olson (R), the state beat national averages over the past decade by achieving a 22 percent reduction in ozone emissions and a 27 percent cut in nitrogen oxide emissions.

"If the EPA moves to take control of a permitting process that the Clean Air Act allows to be delegated to the states, it will kill thousands of Texas jobs and derail a program that has improved Texas air quality considerably. If the federal government is to regulate sensibly, it must use common sense and consider the practical implications of its actions," Olson wrote earlier this month in a letter (pdf) to EPA Administrator Lisa Jackson. "America needs Houston's refining industry to meet our energy demands. That fact is not going to go away anytime soon."
Click here (pdf) to read yesterday's petition.

**EPA takes over 2 more plants' air quality permits (*Houston Chronicle*)**

By PEGGY FIKAC AUSTIN BUREAU
June 15, 2010, 1:54PM
AUSTIN – The federal-state fight over Texas' air quality regulations escalated again today when the U.S. Environmental Protection Agency announced it was taking over the

issuance of operating permits for two more facilities — Chevron Phillips Cedar Bayou and Garland Power and Light.

"If you wish to continue operations, you must apply to EPA for your permit by September 30, 2010," said letters to officials overseeing the Chevron Phillips chemical plant in Baytown and the power plant.

They are the second and third facilities in Texas whose permitting process has been federalized after the EPA objected to draft permits approved by the state, saying Texas is not complying with requirements of the Clean Air Act. The first was a Flint Hills Resources refinery in Corpus Christi last month.

The three are among 39 permits to which the EPA has objected, as state officials continue to aggressively defend Texas' permitting process as proper and beneficial.

EPA Regional Administrator Al Armendariz said by phone today that his agency is ready to continue taking over permits if it considers the action necessary to enforce the Clean Air Act.

Asked if he still considered it possible that EPA could take over the state's entire permitting process, as he previously has suggested, Armendariz said, "I hope it doesn't happen. I don't have an agenda to push EPA in that direction, and that decision is really up to the TCEQ (Texas Commission on Environmental Quality).

"If the TCEQ begins to issue good permits and begins that process very, very soon, then this disagreement can end … but if they don't, then I have a legal obligation to implement the Clean Air Act, including taking over permitting activities, and I'll do so if I have to," Armendariz said.

Today's move comes on the heels of the state's decision to go to court to fight the EPA's rejection of part of the state permitting process amid tough rhetoric from GOP Gov. Rick Perry and GOP Attorney General Greg Abbott, who say the federal government is overreaching and threatening Texas jobs. Armendariz disputed that assertion.

Texas on Monday went to the U.S. 5th Circuit Court of Appeals in New Orleans challenging EPA's decision to disapprove the state's qualified facilities exemption.

EPA said the exemption allowed companies to avoid certain federal Clean Air Act requirements, such as public review, when they made changes to their plants. The rule applied if companies kept their actual emissions below permitted levels.

Abbott's office, in a statement accompanying the announcement of the suit, suggested the federal government is practicing "improper overreach." The attorney general said one section of the Clean Air Act provides that air quality "is the primary responsibility of the states and local governments," while another section says each state "shall have

the primary responsibility for assuring air quality within the entire geographic area comprising the state."

Two industry groups also filed a similar court action.

Under the Clean Air Act, states must develop plans to meet federal requirements aimed at protecting public health.

"I am absolutely confident that the actions that EPA has taken are legal and are consistent with Clean Air Act, and I'm confident that the court will rule in our favor," Armendariz said.

Regarding the two permits federalized today, EPA objections for both included an assertion that the permits do not include sufficient detail, instead only making reference to other permits that contain specific requirements. Armendariz said this makes it difficult for members of the public, the media or members of his enforcement staff to review the permits.

Among other items, the Chevron Phillips permit included a qualified facilities exemption – the rule that EPA previously had not approved and specifically rejected earlier this year, prompting the state court action this week.

In response to the EPA's move, Chevron Phillips Chemical said it "plans to work cooperatively with all involved agencies to complete the process of renewing its operating permit. As in the past, Chevron Phillips Chemical remains committed to operating in accordance with all air quality permits, state regulations and other applicable requirements. The Company has made continuous improvements in environmental performance and in the energy-efficient operation of its manufacturing plants."

The Baytown plan has been in operation since 1963 and employs nearly 1,000 employees and contractors, according to the company.

pfikac@express-news.net

**Carbon Allowances May Cost Households $146 a Year, EPA Says (*BusinessWeek*)**

June 15, 2010, 2:16 PM EDT
By Simon Lomax
June 15 (Bloomberg) -- A proposal in the U.S. Senate to charge power plants, factories and refineries a price for releasing carbon dioxide into the atmosphere would cost the average U.S. household $79 to $146 a year, the Environmental Protection Agency said today.

Pollution allowances, each representing one metric ton of carbon dioxide, would cost $16 to $17 each in 2013 under the cap-and-trade legislation unveiled last month by Senators John Kerry, a Massachusetts Democrat, and Joseph Lieberman, a Connecticut independent, the EPA said in a report. The allowances would cost $23 to $24 each in 2020, the agency said.

The legislation's overall impact on U.S. consumers would be "relatively modest," the EPA said.

--Editors: Richard Stubbe, Charlotte Porter.

To contact the reporter on this story: Simon Lomax in Washington at slomax@bloomberg.net.

To contact the editor responsible for this story: Bill Banker at bbanker@bloomberg.net.

**EPA tells companies to bypass Texas air permitting (*Associated Press)***

**Story also appeared: *Washington Post***

By SARAH PORTLOCK (AP
HOUSTON — The U.S. Environmental Protection Agency told two more companies Tuesday to bypass Texas regulators and apply directly with the federal government for their clean-air permits.

The latest development in the battle between Texas and the federal government over clean-air permits for petrochemical companies involves the Chevron Phillips Cedar Bayou plant and Garland Power & Light, a utility in north Texas.

The companies have until Sept. 30 to reapply for the permits directly with the federal agency, according to letters from the EPA to the companies. The EPA has threatened to take over Texas' air quality program, insisting the state is violating the federal Clean Air Act.

The EPA has rejected nearly 40 operating permits issued by Texas late last year. After Texas failed to meet agency demands that the permits be fixed, it barred Texas from issuing an operating permit to a refinery last month and promised to take similar action for the remaining plants.

"The people in Texas deserve the same protections under the Clean Air Act that the citizens of all the other states do," Al Armendariz, the EPA's regional director, told The

Associated Press. "We can't allow any state to implement or to operate a federal program like the federal Clean Air Act in a way that doesn't follow federal law."

The debate between Texas and the EPA centers on the state's so-called flexible permits plan, which sets a general limit on how much pollutants an entire facility can release. The program never was approved by the EPA, and the Clean Air Act requires permits to set limits on each of the dozens of individual protection units inside a plant.

The Texas Commission on Environmental Quality said Tuesday it is confident the flexible permitting program meets the Clean Air Act's provisions.

"The EPA cannot deny the tremendous progress our state's air permitting programs have achieved, which is measured in cleaner air across the state," the state agency said in a statement. "The EPA seems intent on federalizing a successful state program."

Gov. Rick Perry has said Texas should be lauded as the "poster child" for clean air and pollution regulation. In a statement issued Tuesday, he repeated his contention that "Washington's latest attempt to intrude on the state's authority not only undermines Texas' successful clean air programs, but it will cost the state tens of thousands of jobs."

On Monday, state officials asked the 5th U.S. Circuit Court of Appeals in New Orleans to review the EPA's decision in March to disapprove the state's permitting process for refineries.

(This version CORRECTS that EPA has threatened to take over Texas air permitting, but has not done so.)

**U.S. Senate votes for American unilateral economic disarmament (*Daily Caller*)**

By George Allen 06/16/10 at 12:01 AM
With a narrow 53-47 majority, the U.S. Senate appallingly voted for American economic unilateral disarmament. They voted against American jobs and coal-related jobs, manufacturers and business, our competitiveness, and affordable electricity and for ceding legislative responsibility to unelected judges and bureaucrats.

In the midst of a struggling economy, 53 U.S. Senators forfeited their legislative authority to the Environmental Protection Agency’s bureaucracy. They ceded their constitutional right and responsibility to enact a positive and reasonable American energy policy by allowing the EPA to dictate, with draconian regulations on greenhouse gas emissions under the Clean Air Act, without specific Congressional authority. This is an abdication of responsibility to “We the People” in our representative democracy.

Senator Murkowski's S.J. 26, a Resolution of Disapproval of the EPA's endangerment finding, under the Congressional Review Act, was an attempt to restore the constitutional separation of powers and democratic accountability that had been compromised by EPA's massive power grab through this regulation. More importantly, it was an attempt to hold off any more government intrusion into a free enterprise system that is trying to stand itself back up after the financial meltdown of 2008 and subsequent recession.

Because of this vote, EPA will be able to proceed with new regulations that will impose upon millions of small businesses, farms, thousands of schools, churches, and manufacturers by mandating an economy wide regulatory cap over carbon dioxide emissions. Several economic studies from the left and right have concluded that this regulatory action will significantly raise the cost of transportation fuels, electricity, food, heat and air conditioning of homes and businesses across America at a time when the nation can least afford it.

These regulations under the endangerment finding will be used to price and force our American coal industry out of business with a result of skyrocketing electricity prices for us all. They will push us in the direction of seeking fuel from foreign countries rather than accessing our own abundant and plentiful resources. For our national security and balance of trade, we cannot continue to allow Americans to be vulnerable to the whims of hostile dictators, oligarchs and cartels.

How many more jobs will have to go overseas before the majority in Congress understands that high energy costs deliver nothing but high unemployment rates?
No other country is willing to impose such economic harm upon their citizens. America now stands alone and will be hobbled in our ability to compete with China, India, Brazil and other countries in the global marketplace. America needs a rational energy policy that provides affordable and reliable electricity and transportation fuels to bring jobs back to our people and restore our nation's economic strength.

The vote against the Resolution of Disapproval was a vote for one of the single largest power grabs by the unelected bureaucracy in American history. It will be recorded as the day the U.S. Senate turned its back upon the American people, free enterprise and voted for U.S. economic unilateral disarmament.

**EPA takes over permitting process for two more plants (*Fort Worth Star-Telegram*)**

(Texas)
June 16, 2010 Wednesday
BY: DAVE MONTGOMERY; dmontgomery@star-telegram.com
AUSTIN --The Environmental Protection Agency wrested two more air quality permits from the Texas Commission on Environmental Quality on Tuesday, escalating an

unprecedented confrontation with Texas officials over enforcement of federal air quality standards.

The EPA action came a day after Texas Attorney General Greg Abbott filed a legal challenge against the agency in the clean air dispute. Two industry groups have also signaled plans to sue the agency.

The EPA's Dallas regional office, which has identified 39 Texas facilities with "serious flaws," moved in May to prevent the TCEQ from issuing a permit to a Corpus Christi refinery. It followed up Tuesday by taking over permits for two other facilities -- a Garland Power & Light plant in Collin County and the Chevron Phillips Cedar Bayou petrochemical plant in Baytown.

Texas officials unleashed a strong response to the agency's announcement, repeating assertions that state environmental policy has helped reduce pollution.

"Washington's latest attempt to intrude on the state's authority not only undermines Texas' successful clean air programs, but it will cost the state tens of thousands of jobs," declared Gov. Rick Perry, accusing the EPA of placing "a target on the backs of hardworking Texans."

Two members of the Texas Conservative Coalition -- Rep. Kelly Hancock, R-North Richland Hills, and Sen. Troy Fraser, R-Horseshoe Bay -- said the agency "has infringed on the rights of the State of Texas, our economy, and our environmental track record in favor of their own agenda."

"Lack of clarity"

The EPA directed the two Texas facilities to seek federally authorized permits directly from EPA. Officials at both facilities said they will work to bring the plants into compliance.

States are charged with issuing permits under the Clean Air Act but the EPA is empowered to take over the process if it believes states have fallen down on the job. The EPA actions in Texas came after protracted disagreement over how Texas officials regulate emissions in the nation's second most populous state.

Al Armendariz, the EPA's regional director, indicated that the agency is prepared to take further steps "to federalize" the permitting process in Texas but said he is hoping TCEQ officials will act swiftly to correct violations.

"That really depends on the TCEQ," Armendariz said, stressing that he has "no agenda" to take over the state's permits. "The number of permits that we federalize is really dependent on the number of permits that get fixed this summer by the TCEQ."

In taking over the permit governing the Flint Hills Resources refinery in Corpus Christi,

the EPA challenged the state's "flexible permitting" policy in which facilities cap emissions under a plant-wide ceiling instead of using caps for each source within the facility. EPA officials contend that the policy weakens compliance with the Clean Air Act.

In the latest action, Armendariz said, his agency says the companies are obscuring the ability of investigators and other outsiders from detecting possible violations by the way they document emissions requirements on their operating permits. Instead of listing the specific requirements, the documents contain only reference numbers, say EPA officials, forcing interested parties to do a vigorous records search to determine compliance.

"Operating permits in Texas are very difficult to interpret," Armendariz said. "There's a severe lack of clarity in the operating permits in Texas."

Work toward complaince

Garland Power & Light, a municipal utility which serves 68,000 customers in Garland, operates the Ray Olinger Power Plant on Lake Lavon in Collin County.

"We've received a notification from the EPA on the permit filing and we're glad to have received this notice so we now know our next step, which is to work through the permit renewal process with the EPA," said spokeswoman Elizabeth Kimbrough. "And we expect to be in compliance."

The Baytown petrochemical plant is the largest of 34 manufacturing facilities operated by Chevron Phillips Chemical Co., according to the company Website.

"The EPA had earlier notified the Texas Commission on Environmental Quality that it might intervene in the permitting process," Chevron Phillips Chemical said in a response. "The company plans to work cooperatively with all involved agencies to complete the process of renewing its operating permit.

Armendariz declined to comment on Abbott's suit, saying he wanted to "stay away from getting in a back-and-forth with elected officials in Texas."

The suit, filed in the U.S. Fifth Circuit Court of Appeals in New Orleans, focused on the EPA's dis

## Board to review parts of Hyperion permit (*Associated Press*)

By WAYNE ORTMAN (AP

PIERRE, S.D. — A judge on Tuesday granted a request from Hyperion Resources to have a state board reopen the permitting process for a $10 billion oil refinery the company wants to build in southeast South Dakota.

The state Board of Minerals and Environment granted an air quality permit for the project last August. The Sierra Club and two local groups filed a lawsuit seeking to overturn the permit on the grounds that it does not address some environmental issues.

Hyperion said it needs to delay the start of construction while the appeal is pending and wants the state board to consider new rules implemented by the U.S. Environmental Protection Agency since the permit was granted.

Robert Graham, a lawyer for the opponents, asked Circuit Judge Mark Barnett to vacate the entire permit. Graham said the fact Hyperion wants to reopen the process is an acknowledgment that the permit is flawed.

Hyperion attorney Rick Addison said that's not the case and that the company wants to make sure it's meeting all compliance standards with a state-of-the-art refinery.

"We haven't admitted anything is wrong with our permit," Addison said. "We could start construction now with the permit we have."

Barnett refused to set a deadline for the board to complete its review of new evidence and said it has the latitude to hear arguments brought by project opponents. He surmised, though, that the board would not take up issues covered in a previous hearing process spread over several months.

The permit granted to Hyperion requires it to begin construction within 18 months — by February 2011 — but the court appeal will delay that.

Because the permit is now in the courts, the state cannot grant an extension on the start of construction, Deputy Attorney General Roxanne Giedd told Barnett.

The state supported Hyperion's request to reopen the process so an 18-month extension could be part of the board's review, she said.

Hyperion executive Preston Phillips said after the hearing that the company plans to begin construction in the second half of 2011.

The refinery would be located on 3,800 acres north of Elk Point. It would process 400,000 barrels of Canadian tar sands crude oil each day into low-sulfur gasoline, diesel, jet fuel and liquid petroleum gas.

Specific items the board is expected to consider in its review are new EPA rules regarding emissions of sulfur dioxide, nitrogen dioxide, and those from a process to turn a refinery byproduct into electricity; proposed new EPA rules on greenhouse gas

emissions; so-called Best Available Control Technologies, and a delayed start to construction.

Reopening the permitting process will put the court challenge on hold. A hearing in the case had been scheduled for June 23.

**BP SPILL**

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**A call to end oil dependence (*Los Angeles Times*)**

June 16, 2010 Wednesday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 14
A call to end oil dependence;
Obama says the gulf crisis is a 'powerful reminder' of the need for clean energy.
Jim Tankersley

DATELINE: WASHINGTON

President Obama on Tuesday night capped his Oval Office address on the massive gulf oil spill with a call for new efforts to reduce U.S. dependence on oil, saying "the tragedy unfolding on our coast is the most painful and powerful reminder yet that the time to embrace a clean-energy future is now."

In a bow to political reality and the still-troubled economy, however, he stopped short of spelling out specifics for dealing with a problem that has bedeviled presidents since Richard Nixon in the 1970s and goes straight to the heart of such bread-and-butter issues as consumer prices, jobs and the viability of major industries.

"The one approach I will not accept is inaction," Obama said.

Yet major changes in energy policy -- and attendant policies on climate change -- are hard to bring to fruition because they require support from Congress and a broad array of contending interest groups. So far, even modest steps toward energy independence have proved unacceptable.

Case in point: The Environmental Protection Agency said Tuesday that additional fossil fuel costs imposed by an Obama-blessed energy proposal being discussed in the Senate would cut petroleum consumption only 4% over the next 20 years.

And many political analysts say even this proposal is likely to prove unacceptable in an election year.

"Reducing dependence on oil is one of the hardest pieces of energy policy we've got," said Trevor Houser, a visiting fellow at the Peterson Institute for International Economics, who has conducted detailed analyses of energy and climate policies.

"Even with a highly targeted focus on oil, with all the tools we have, it's going to take decades," he said.

And the same factors that have blocked past efforts to make major changes in the nation's dependence on oil and other fossil fuels are still present today, such as potential job losses and higher costs for consumers, at least for the immediate future. Another factor: likely resistance to sweeping changes in the nation's way of life, such as its reliance on cars.

Environmentalists want the president to use the oil spill as a bully pulpit to push harder on renewable energy sources, such as wind and solar power, while avoiding the environmental costs of such fossil fuels as shale, offshore oil and coal.

Conservatives have advocated more efforts at extracting fossil fuels.

"The United States has over a trillion barrels of oil shale out West. Billions of barrels of untapped oil in Alaska. And more coal and natural gas than we know what to do with," said Patrick Creighton, a spokesman for the free-market Institute for Energy Research.

"An effective energy policy would treat these homegrown, job-creating energy resources as an asset, not a liability," he said.

Obama acknowledged those arguments, and brushed them aside as time-worn impediments.

"For decades, we have talked and talked about the need to end America's century-long addiction to fossil fuels," he said. "And for decades, we have failed to act with the sense of urgency that this challenge requires."

He declared he was open to "ideas and approaches from either party -- as long they seriously tackle our addiction to fossil fuels," including strengthening energy efficiency standards and increasing energy research funding.

Obama began by referencing the core principles of his energy proposals as a candidate and as president: legislation to limit greenhouse gas emissions and drive up fossil fuel prices. The House passed such a bill last year.

The EPA predicted the effort would not increase gasoline costs enough to significantly curb oil use.

Democratic leaders in the Senate are beginning work this week on a version of their own.

It's unclear how far they will go in stitching the ideas Obama mentioned into a final energy bill, though several Democrats suggested Tuesday that no bill had the 60 supporters needed to pass.

A Senate aide expressed hope that Obama's speech would launch an aggressive effort by the president and top advisors to line up the votes.
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**Gulf Coast welcomes Obama's pledge to restore land (*Associated Press*)**

**Story also appeared: *Washington Post***

By CAIN BURDEAU
The Associated Press
Wednesday, June 16, 2010; 5:45 AM

NEW ORLEANS -- After 50 years of watching wetlands created by the fertile Mississippi River turn into open water, Louisiana residents finally got what they'd long awaited: A U.S. president saying he'll fight to save what little is left along their eroding coast.

Though details were vague, President Barack Obama's pledge to restore the Gulf Coast's degraded coast line has multibillion-dollar implications for the region's culture and economy and could preserve wildlife endangered by the BP oil spill in the Gulf of Mexico.

In an Oval Office address Tuesday night, Obama said he was committed to making sure southern Louisiana, which is hemorrhaging a football field of marshland every 38 minutes, and other coastline are saved.

"We need a long-term plan to restore the unique beauty and bounty of this region," Obama said. "The oil spill represents just the latest blow to a place that has already suffered multiple economic disasters and decades of environmental degradation that has led to disappearing wetlands and habitats."

Obama appointed Ray Mabus, the secretary of the Navy and a former Mississippi governor, to lead the effort to develop a long-term Gulf Coast restoration plan. Obama said he wanted BP to "pay for the impact this spill has had on the region."

Coastal advocates have long said the human fabric and economic future of the Gulf Coast are at risk unless more aggressive steps are taken to inject freshwater sediment into Louisiana's estuaries. About 2,300 square miles of marshland have been lost from the state's coastline since the 1930s.

"Finally, we have someone at the highest level recognizing the significance of this issue and the significance of the pending tragedy, and just that is worth its weight in gold," said R. King Milling, a banker who chairs Louisiana Gov. Bobby Jindal's coastal commission.

The Mississippi River built all of south Louisiana, including the fragile area on which the city of New Orleans sits, as it moved silt from the nation's heartland to the coast, creating land. But the river has been channeled since the 1930s with massive flood control structures and levees, cutting off its natural flow tendencies.

Without a new feed of nutrients and fresh water, natural erosion processes that are worsened by powerful hurricanes have steadily worn down the coast from Atchafalaya Bay to New Orleans. Delicate wildlife estuaries that provided a buffer and kept the full force of hurricane storm surge ramming urban areas have all but vanished in some places.

"For us coastal Louisiana is on life support, and it will take more than a cleanup for it to survive," said Val Marmillion, a founder of the America's WETLAND campaign, an initiative to persuade the U.S. government to use more offshore drilling royalty taxes to shore up the coast.

Obama provided few details about how his administration would restore the coast. He noted that he had approved a plan by Louisiana officials to build new barrier islands to block oil coming ashore.

Experts believe the best way to rebuild the coast is to redirect the Mississippi River's flow so that the river could mimic the way it once built up estuaries before the levees were erected.

Glen Swift, a fisherman and Arkansas native who came to Louisiana in the 1970s, said his marsh cannot be rebuilt unless the levees are taken down.

"They got it where the current (in the Mississippi) is so fast, it's carrying all the sediment out to the Gulf," Swift said. "The land's disappearing so quick, it's a man-made thing."

In 1990, Congress passed the Coastal Wetlands Planning, Protection and Restoration Act, which allowed federal agencies to do about $50 million a year in small-scale restoration.

At the time, Louisiana had lost about 1,800 square miles of coastal wetlands, an area roughly the size of Delaware, according to U.S. Geological Survey maps.

Still, the loss has outpaced restoration. Since the 1990s, more than 400 square miles of wetlands have been lost, the USGS says.

Fixing Louisiana's estuarine environment is estimated to cost between $10 billion and $50 billion. To do the costly work, Douglas Brinkley, a Rice University historian, said Obama could tap a share of the billions of dollars BP is expected to pay for damage caused by the oil spill. Obama was scheduled to meet with BP executives Wednesday to negotiate a deal on compensation for the fishermen and towns affected by its April 20 blowout of the 5,000-foot-deep well.

"They (the White House) need to attack the wetlands issue head on right now," Brinkley said.

Rebuilding coastal Louisiana with river water and sediment has been studied for years and there are detailed plans on the shelf to ramp up conservation efforts.

Experts say one early effort could be to open a portion of the lower Mississippi River levee system. The break in the levee, known as a crevasse, would flush out oil and slowly help build land.

But allowing the river to run free of its channel also presents problems.

Louisiana's coast is dotted with river diversion structures running below capacity - and in some cases left unused for years. Opposition from shippers, oystermen, towns and some ecologists has stymied the reintroduction of fresh, but polluted, Mississippi water and mud in the coastal system.

"It's a balancing act," said Robert Turner, the regional director of the Southeast Louisiana Flood Protection Authority-East, a levee agency that oversees flood protection around New Orleans.

Over at least two generations, Louisiana residents have watched as places dear to them have turned into open water. It's common to talk with 50-year-old fishermen who can point to places where ridges, airstrips, cemeteries and entire villages once stood.

Even New Orleans is at risk. Founded in 1718 on a high ridge next to the Mississippi, its growth for nearly 300 years has spread to the mushy ground once poured out by the Mississippi. Those coastal marshes are a first line of defense against massive storm surges driven in from the Gulf by hurricanes.

"If this country fails to understand the significance of this delta region, the damage to the area and the impacts of the citizens of this country will be astronomical," Milling said.

**Obama presses for action on energy bill (*Washington Post*)**

June 16, 2010 Wednesday
Met 2 Edition

A-SECTION; Pg. A01
Maryland
Obama presses for action on energy bill;
Address to nation on spill 'We're running out of places to drill,' president says
By Scott Wilson and Anne E. Kornblut
President Obama urged the nation Tuesday to rally behind legislation that would begin changing the way the country consumes and generates energy, saying the expanding oil spill in the Gulf of Mexico is "the most painful and powerful reminder yet that the time to embrace a clean energy future is now."

In his first Oval Office address, Obama compared the need to end the country's "addiction to fossil fuels" to its emergency preparations for World War II and the mission to the moon. Hours after the government sharply increased its estimate of how much oil is flowing into the gulf, the president warned that risks will continue to rise because "we're running out of places to drill on land and in shallow water." He called for fast Senate action on an energy bill that has already passed the House.

"There are costs associated with this transition, and some believe we can't afford those costs right now," Obama said. "I say we can't afford not to change how we produce and use energy, because the long-term costs to our economy, our national security and our environment are far greater."

Even before the president addressed a prime-time television audience, congressional Republican leaders warned him not to use what he described as "the worst environmental disaster America has ever faced" to further his political agenda. But beyond the urgency of his appeal, his remarks were largely an 18-minute compilation of what he has said about the spill over the past several weeks.

His audience this time extended well beyond the Gulf Coast, where he just concluded a two-day visit, to an electorate that mostly disapproves of the way he is handling the crisis.

The fact that Obama himself chose to deliver his message from the Oval Office underscored the extent of the disaster, both in terms of its environmental and economic impact on the gulf region and the political ramifications it holds in a midterm election year. The spill, which began April 20, has challenged the administration's cultivated image of competence and Obama's skill in using the right tone to discuss a widening environmental catastrophe that is in many ways out of his control.

The government released new figures Tuesday showing that far more oil is flowing from the seafloor than believed as recently as last week. The Flow Rate Technical Group said as much as 60,000 barrels (2.5 million gallons) of oil a day is escaping from the damaged well, a 50 percent increase from the last estimate.

BP announced plans earlier this week to capture 53,000 barrels (2.2 million gallons) of oil a day by the end of June. But the new figure highlights the extent of the challenge of

plugging the leak, and the threat facing an increasingly frustrated and fearful Gulf Coast as the summer tourist season begins.

Obama is scheduled to meet Wednesday morning with BP executives to discuss response efforts and the establishment of escrow accounts to compensate those who the president said have been "harmed as a result of his company's recklessness."

He also announced the appointment of Michael Bromwich, a former Justice Department official, to head the Minerals Management Service, which is responsible for regulating offshore drilling.

Senior administration officials said Obama's address -- which they described as coming at an "inflection point" in the crisis -- will help adjust the nation's focus from the immediate spill to a longer-term strategy for restoring the gulf region and changing the way the country uses energy. Obama said he has assigned Navy Secretary Ray Mabus, a former Mississippi governor, to draw up a long-term strategy for the gulf "as soon as possible."

Privately, one senior official said the speech was a direct effort to "wipe the slate clean," adding that the goal now is to "shift the conversation to something more future-oriented."

But Obama spoke only in general, often lofty terms about the need for Congress to pass energy reform legislation this year, a point he has made at least twice in the past month. He did not call for a price to be placed on carbon, even though one senior administration official said he thinks that is the most effective way to reduce U.S. energy consumption and protect against climate change.

A presidential push for energy reform could energize a dispirited Democratic base heading into the fall campaign season. Liberals are dissatisfied with Obama on a range of issues -- including the still-stumbling economy and his escalation of the war in Afghanistan -- and the president's top advisers consider energy and the environment issues where he could work to restore his standing. But administration officials doubt the energy bill has enough support to pass in the Senate.

"The votes don't exist now," one senior White House official said. "But he is going to press for it."

The Oval Office address was Obama's most pointed attempt since the spill began to explain how the crisis should be leveraged on behalf of long-term reform, and it could well be his last chance to do so this year on a national scale. He said he will listen to ideas from all parties, adding that "the one approach I will not accept is inaction."

Until his national address, the president focused his attention mostly on the gulf itself, and he spoke hours after returning from his visit to Mississippi, Alabama and the Florida Panhandle.

On his fourth and most extensive trip to the region, Obama toured staging areas being used in the response and met with local officials and business owners worried about the enormous slick offshore. He traveled by helicopter, ferry and motorcade along a seaside highway bordering white-sand beaches, booms floating offshore along much of the route. He spoke hopefully to many of the people he met, delivering a variety of pep talks while also warning that the Gulf Coast faces "painful" times ahead.

"The consequences of our inaction are now in plain sight," Obama said. "Countries like China are investing in clean energy jobs and industries that should be here in America. Each day, we send nearly $1 billion of our wealth to foreign countries for their oil. And today, as we look to the gulf, we see an entire way of life being threatened by a menacing cloud of black crude."

Republicans seized on the president's approach as further evidence of what they say is his over-reliance on the government to solve the nation's biggest challenges.

In a statement, Senate Minority Leader Mitch McConnell (Ky.) said that "the White House may view this oil spill as an opportunity to push its agenda in Washington, but Americans are more concerned about what it plans to do to solve the crisis at hand."

**Obama says BP will pay for worst coastal crisis (*Washington Times*)**

June 16, 2010 Wednesday
SECTION: A, PAGE ONE; Pg. 1
Obama says BP will pay for worst coastal crisis;
Pushes for changes in energy dependence
By Kara Rowland and Stephen Dinan THE WASHINGTON TIMES
A stern President Obama on Tuesday blamed BP's "recklessness" for the oil spewing into the Gulf of Mexico, vowed to make the company pay for the damage, and said the worst environmental crisis in U.S. history must force the country to move to energy independence.

Making the first Oval Office address of his presidency, Mr. Obama tried to assure Americans that he is on top of the cleanup effort, though he acknowledged the spill has "tested the limits of human technology." But he stopped short of setting a deadline or offering details of what he wants to see in energy legislation, leaving Congress to take the lead on yet another major part of his agenda.

He called for an escrow fund, paid for by BP, that will compensate those who live along the coast and whose livelihoods have been affected by the spill, and he promised to carry out a long-term restoration plan to repair an entire region that he said is still recovering from Hurricanes Katrina and Rita. Mr. Obama said Navy Secretary Ray Mabus, a former Mississippi governor, will head the reconstruction effort, consulting

broadly with governments, communities and businesses in the affected regions.

"The millions of gallons of oil that have spilled into the Gulf of Mexico are more like an epidemic, one that we will be fighting for months and even years," Mr. Obama said. "But make no mistake: We will fight this spill with everything we've got, for as long it takes."

And despite the huge projected environmental and economic costs related to the spill, Mr. Obama added, "We will make BP pay."

With the Oval Office speech, Mr. Obama tapped into a presidential tradition reserved for matters of grave importance, a move that signals the seriousness with which his administration is now treating the spill. The administration has steadily upped the ante in the weeks after the April 20 explosion of the Deepwater Horizon oil rig, which killed 11 workers and created the massive leak, after taking criticism over what many described as an initially tepid federal response.

Government scientists said Tuesday that they estimate far more oil could be leaking into the Gulf than originally thought. The new estimate is between 35,000 and 60,000 barrels of oil per day, much higher than the previous guess of between 20,000 and 40,000 barrels.

The administration says 15,000 to 17,000 barrels of leaked oil are being contained daily.

Mr. Obama said within a few weeks he wants to see more than 90 percent of the oil being captured. A new well being dug to relieve the pressure on the leaking well is not expected to be completed until August.

The president outlined the joint BP-government response so far, including 30,000 people deployed across four states and more than 5 million feet of containment booms used. Mr. Obama also said he has authorized up to 17,000 National Guard troops to be deployed to the Gulf states if governors request them. He said the federal government will pick up the cost.

"For generations, men and women who call this region home have made their living from the water. That living is now in jeopardy," Mr. Obama said.

The disaster threatens the reputation of his 17-month-old presidency, with Republicans saying he has fumbled the response.

"It's puzzling it took President Obama so long to address a waiting nation regarding a tragedy that he has compared to September 11th," said Sen. John Cornyn, Texas Republican. "While he spent two months searching for someone to blame, residents of the Gulf Coast have been searching for answers and looking for help."

Republican National Committee Chairman Michael S. Steele accused Mr. Obama of seeking to use the disaster for political gain and to build support for his push for climate-

change legislation.

"Exploiting the tragedy in the Gulf to try to ram through a devastating, job-killing national energy tax is more of the same Chicago-style politics that has the president's approval ratings plummeting to an all-time low," Mr. Steele said.

An Associated Press poll released Tuesday found 52 percent of the public disapproves of the way the president has handled the oil spill. That's similar to the proportion who were displeased with the way President George W. Bush handled the aftermath to Hurricane Katrina in 2005.

In Louisiana, which has seen the brunt of both disasters, voters say Mr. Obama's performance has been worse than Mr. Bush's reaction to Katrina, according to a survey by a Democratic polling firm. According to Public Policy Polling, 50 percent of voters say Mr. Bush did a better job on Katrina than Mr. Obama has done on the spill, with only 35 percent saying the Democrat has done a better job.

Keenly aware of those types of numbers - an image problem exacerbated daily by jarring images of oily birds and fresh reports of displaced fishermen - the Obama administration has been dogged in its efforts to show it is in control of the situation. Mr. Obama on Monday made his fourth trip to the region, this time visiting the three Gulf states east of Louisiana and imploring Americans to support the local economy by visiting there.

The president said he has already told BP to send more resources to the Gulf to aid the containment efforts, and said the company must set up an escrow account, to be managed by an independent third party, that would pay the compensation claims of Gulf-area residents.

Mr. Obama has summoned BP CEO Tony Hayward and Chairman Carl-Henric Svanberg to the White House for a 20-minute meeting Wednesday morning, when he is expected to push the executives to accept the proposal for the escrow account to apply to damages and costs resulting from the spill. It will be the first time since the rig explosion that Mr. Obama has spoken directly with either man.

It was unclear how much of the president's demands BP has agreed to. A senior administration official, briefing reporters before the speech, said he didn't want to speak ahead of Wednesday's meeting with BP executives.

But the official did say one unresolved issue among the administration, Congress and BP is who will be responsible for paying oil workers idled by the six-month moratorium on deep-water drilling.

That moratorium has enraged a bipartisan group of House lawmakers, who argue that it will cost good-paying jobs at a time when the Gulf region desperately needs them.

"The president ought not kick the people of Louisiana when we're down, and that's what the president's moratorium does," said Rep. Steve Scalise, Louisiana Republican, who called the ban on drilling a "bigger threat to Louisiana long-term than the oil itself."

Oil company CEOs testified to Congress on Tuesday that letting their rigs sit idle costs as much as $1 million a day per rig, and they said they'll soon have to move those rigs to waters off the shores of other countries to stop the losses. The House lawmakers said if the rigs move, they're not likely to come back if and when the moratorium is lifted.

Rep. Bill Cassidy, another Louisiana Republican, said the moratorium also won't end the U.S. demand for the 17 percent of the country's oil supply now produced from the Gulf, but the freeze will increase U.S. reliance on crude shipped by less-safe tankers from the Middle East.

"We're making a decision to begin spilling oil from tankers," Mr. Cassidy said

In his 17-minute address, Mr. Obama said he understood the economic hardship the six-month moratorium had imposed on local industries, but said he was not prepared to lift the ban until he heard from a presidential commission investigating the BP spill and the safety of offshore drilling.

A new poll released Tuesday by the National Journal Group, the Pew Research Center and the Society for Human Resource Management found the public willing to pay higher energy prices if it means a cleaner environment.

Still, the survey said 66 percent of the public supports offshore drilling and 68 percent want Congress to include mining coal and drilling for oil and gas in the U.S. as part of any new energy bill.

Republicans had cautioned Mr. Obama not to use the oil spill as an excuse to lobby for action on climate change, but the president said the disaster must push the country to move to a clean-energy economy.

"This is not some distant vision for America. The transition away from fossil fuels will take some time, but over the last year and a half, we have already taken unprecedented action to jump-start the clean-energy industry," he said.

While not laying out a specific set of plans, Mr. Obama said it was imperative to act.

"The one approach I will not accept is inaction. The one answer I will not settle for is the idea that this challenge is too big and too difficult to meet," he said.

The call for action on climate-change legislation is a tough sell, though.

The House last year passed a bill that set up caps for greenhouse-gas emissions, and two senators have proposed their own version of the bill. But in a test vote last week on

another climate-change measure, the Senate signaled that there aren't the 60 votes needed to overcome a filibuster this year.

Mr. Obama was also harshly critical of the Minerals Management Service, the government agency responsible for overseeing drilling. The president said MMS had gotten too cozy with the companies it is supposed to be regulating, and said that must end.

His first appointee to lead MMS, Elizabeth Birnbaum, abruptly resigned in late May. On Tuesday, the president said he'll nominate Michael Bromwich, a former Justice Department inspector general, to run the agency.

**President's show of command has repercussions way beyond Gulf (*USA TODAY*)**

June 16, 2010 Wednesday
CHASE EDITION
NEWS; Pg. 6A
Address reflects new battle plan;
President's show of command has repercussions way beyond Gulf
By Susan Page
WASHINGTON -- For President Obama, the Oval Office address Tuesday night was about more than the oil spill.

His ability to project more command, competency and compassion in response to the crisis in the Gulf of Mexico -- and the eventual success of the administration's actions -- will have repercussions for his ability to do anything else, from pushing legislation on energy and jobs to holding down Democratic losses in the midterm elections.

So his tone was unyielding toward BP and his language almost military, calling the current effort a "battle we're waging against an oil spill that is assaulting our shores and our citizens."

In his first address from the Oval Office, a forum presidents reserve for the most consequential of messages, he promised a skeptical nation that he would marshal government resources to guarantee the Gulf coast recovers.

"Make no mistake: We will fight this spill with everything we've got for as long it takes," he declared. "We will make BP pay for the damage their company has caused. And we will do whatever's necessary to help the Gulf Coast and its people recover from this tragedy."

White House spokesman Robert Gibbs described the speech as an "inflection point," a moment when the initial response is replaced by more decisive action. Obama announced a BP-financed compensation fund -- though with no details about who will

run it and what it will cover -- and named Navy Secretary Ray Mabus, a former Mississippi governor, to head a long-term restoration program.

Eight weeks after explosion

The speech was laced with impressive statistics: 90% of the spill to be capped within weeks; 17,000 National Guard members authorized to help; 5.5 million feet of boom laid in the water.

Eight weeks after the Deepwater Horizon rig exploded, however, he acknowledged there was no immediate end in sight to the nation's worst environmental disaster. Cable stations displayed logos Tuesday that declared "Day 57" as a live video feed from the seafloor showed oil spewing into the water.

Obama said the oil spill was more like an epidemic than an earthquake, not a single event but a problem "that we will be fighting for months and even years."

He has been hammered by critics, including such fellow Democrats such as Louisiana Sen. Mary Landrieu, who said he was too slow to get fully engaged, too deferential to BP and too cerebral in his response to a catastrophe that threatens a region's way of life. In a USA TODAY/Gallup Poll taken last weekend, 53% of Americans rated Obama's performance on the oil spill as "poor" or "very poor," including one in four Democrats. Seventy-one percent said he hadn't been tough enough on BP.

No surprise then, that he ramped up his rhetoric, denouncing BP's "recklessness" and saying he would tell company executives at a White House meeting today "to set aside whatever resources are required to compensate the workers and business owners who have been harmed."

The criticism hasn't driven down Obama's overall job-approval rating, at 50% in the new poll, the highest since January. But it may be affecting his standing in other ways. By 51%-46%, the registered voters surveyed said Obama didn't deserve re-election.

The enthusiasm gap

Enthusiasm about voting in the midterm elections fell, especially among Democrats. Just 35% of Democrats say they are "more enthusiastic about voting than usual," the lowest level in more than a decade and 18 percentage points below that of Republicans.

"When a guy who came in promoted by his followers as the first Superman president turns out to be not able to fly, I think some of his supporters feel let down," GOP pollster Glen Bolger said.

"Every minute he and others in his administration are spending on the oil spill, it's time that they aren't able to devote to other issues that they prefer to be dealing with," he said.

There is significant support for Congress to act on other fronts. A majority of respondents support passage of legislation this year to create jobs, reduce global warming and expand financial regulations.

Obama devoted the final quarter of his speech to push for an energy bill, which has passed the House but been stalled in the Senate. He argued that the spill demonstrated the need for the country to pursue alternative energy sources and reduce its dependence on oil, but he didn't outline any new specifics for a compromise bill or outline a course to pass it.

GOP leaders dismissed his pitch. Texas Sen. John Cornyn accused the president of trying "to use this crisis to force a job-killing energy tax on the American people."

Obama's speech was direct and determined, but it was less than the commanding rallying cry that the elder President Bush made from the Oval Office when he announced the launch of the first Gulf War or the compassionate tone President Reagan struck from the setting after the space shuttle Challenger exploded in air.

"It remains to be seen whether this is a kind of environmental 9/11, where the country fundamentally shifts gears and decides we have to do something different," says Matt Bennett of the moderate think tank Third Way. "Nothing concentrates the mind like the pictures people are seeing of this devastation."

**W&M grad named to fed commission on BP spill (*Virginia Gazette*)**

Published:
Tuesday, June 15, 2010 10:38 AM EDT
WASHINGTON – A graduate of the College of William & Mary is among five people President Barack Obama named to a commission tasked with finding ways to avoid a repeat of the oil spill that occurred as a result of the Deepwater Horizon disaster. The group will be led by a former Florida governor and U.S. senator, Bob Graham, and a former administrator for the Environmental Protection Agency, William K. Reilly.

Named to the panel were Frances G. Beinecke, Donald Boesch, Terry D. Garcia, Cherry A. Murray and Frances Ulmer. The council is co-chaired by former former U.S. Senator Bob Graham and former Administrator of the Environmental Protection Agency, William K. Reilly.

“These individuals bring tremendous expertise and experience to the critical work of this commission," President Obama said in announcing the panel.

Boesch earned his Ph.D. from W&M. He is the President of the University of Maryland Center for Environmental Science, where he is also a Professor of Marine Science and Vice Chancellor for Environmental Sustainability for the university. In 1980-90 he

served as the first Executive Director of the Louisiana Universities Marine Consortium and worked as a Professor of Marine Science at Louisiana State University.

Boesch is a biological oceanographer who has conducted research on coastal ecosystems along the Atlantic Coast, the Gulf of Mexico, Australia and the East China Sea. He has also assessed the long-term environmental effects of offshore oil and gas development and multiple environmental problems of the Gulf Coast.

Considered a pioneer in the study of the environmental effects of offshore energy development, Boesch edited the 1987 work, "Long-Term Environmental Effects of Offshore Oil and Gas Development," considered seminal for the field.

Boesch is also chairman of the Ocean Studies Board of the National Research Council and a member of the National Academies Committee on America's Climate Choices.

## CLIMATE CHANGE / GLOBAL WARMING

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### Lieberman: Pay $1 a day for climate (*Pittsburgh Post-Gazette*)

Senate authors of a controversial climate change bill heralded EPA modeling results unveiled Tuesday as proof that their plan would have a limited pinch on Americans' pocketbooks.
Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) found many reasons to gloat after getting the 74-page study that showed the overall costs from their legislation's major global warming provisions would cost an average household between $80 to $150 per year.

"There'll be some people who will want to demagogue that politically, but that's less than $1 a day," Lieberman told reporters. "Is the American household willing to pay less than $1 so we don't have to buy oil from foreign countries, so we can create millions of new jobs, so we can clean up our environment? I think the answer is going to be yes."

President Barack Obama is expected to give the Kerry-Lieberman bill a big push Tuesday night during a prime time speech from the Oval Office, but the measure's sponsors still have a big fight on their hands if they're going to have success.

Senate Democrats are divided over whether to set up a cap-and-trade program dealing with power plants, petroleum refiners and a range of other big industries, while most Republicans see the issue as red meat headed into the mid-term elections.

Senate Minority Leader Mitch McConnell (R-Ky.) said on the floor Tuesday morning that he didn't buy into the connection that Obama and the climate bill authors are making

between their proposal and the Gulf of Mexico oil spill.

"With all due respect to the White House, the wetlands of the Bayou, the beaches of the coast, and our waters in the Gulf are far more important than the status of the Democrats' legislative agenda in Washington," McConnell said. "Americans want us to stop the oil spill first. And until this leak is plugged, they're not in any mood to hand over even more power in the form of a new national energy tax to a government that, so far, hasn't lived up to their expectations in its response to this crisis."

EPA's modeling of the Kerry-Lieberman bill focused on the cap-and-trade sections aimed at curbing U.S. emissions 17 percent below 2005 levels by 2020, as well as provisions in the nearly 1,000-page bill that are designed to help energy-intensive manufacturers deal with costs for compliance.

Overall, EPA predicted industries would pay between $12 and $41 in 2013 for an allowance that's necessary for compliance with the Kerry-Lieberman bill's greenhouse gas limits, rising to between $13 and $59 in 2020. The wide range is because of different modeling assumptions, including a company's access to special offset projects such as helping to keep a forest standing in a developing country

EPA's study didn't look at provisions in the legislation to improve energy efficiency from lighting and power more vehicles from natural gas, or in spelling out in more detail when a state can open itself up to more offshore oil and gas drilling.

And the models also are limited in studying the monetary impacts associated with the scientific warnings around climate change, including more heat-related deaths and intense storms, poorer farming conditions and rising sea levels. "There are many benefits here that don't get reflected," Kerry said.

**EPA: Climate bill costs less than postage stamp (*Associated Press*)**

By MATTHEW DALY (AP)
WASHINGTON — The Obama administration says a climate and energy bill being pushed in the Senate would cost American households 22 to 40 cents a day, less than the cost of a postage stamp.

The Environmental Protection Agency said in a new analysis released Tuesday that a bill sponsored by Sens. John Kerry and Joe Lieberman would cost households an average of $79 to $146 per year.

The EPA analysis comes as President Barack Obama prepares an Oval Office speech Tuesday night on efforts to contain the massive oil spill in the Gulf of Mexico. Obama is expected to press for action on sweeping legislation to curtail pollution blamed for global warming and to reduce oil imports.

**As Senate Defeats Challenge to Climate Finding, EPA Faces Additional Trials (*OMB Watch*)**

By sys_anon
Created 06/15/10

Earth Opponents of climate change regulation are attempting to dismantle the regulatory framework the U.S. Environmental Protection Agency (EPA) has crafted thus far under the Obama administration. The Senate unsuccessfully attempted to overturn a scientific determination in which the agency found that greenhouse gases threaten public health and welfare. However, EPA still faces court challenges by industry groups on regulations limiting emissions from both vehicles and industrial sources.

On June 10, the Senate defeated a resolution (S.J. Res. 26 [1]) introduced by Sen. Lisa Murkowski (R-AK) that would have canceled EPA's endangerment finding for greenhouse gases. The Dec. 7, 2009, endangerment finding [2] declared climate-altering emissions a threat to "the public health and welfare of current and future generations" under the Clean Air Act. A procedural vote that would have brought the resolution up for a vote failed, 47-53 [3], effectively killing it.

Critics accused the Senate of attempting to interfere with an agency scientific determination and hailed the defeat of the resolution as a victory not only for the environment, but also for scientific integrity. "It's deeply disturbing that some senators thought they could wave a magic wand and make the entire body of climate science disappear," Kevin Knobloch, president of the Union of Concerned Scientists, said in a statement [4]. "The EPA determined that global warming emissions endanger public health," he added. "Fortunately a majority of the Senate stood up to this attack on science."

Murkowski introduced the resolution under the Congressional Review Act [5] (CRA), a 1996 law that allows Congress to veto agency regulations and gives privileged consideration to resolutions introduced in the Senate if sponsors meet certain deadlines. Murkowski missed [6] a deadline under the CRA; however, Senate Majority Leader Harry Reid nonetheless allowed her to bring the resolution to the floor. Some benefits of moving a resolution under the CRA include limited time for debate, a prohibition of amendments or filibusters, and the need for just a simple majority to pass any such resolution of disapproval.

"[I]n the face of the worst environmental disaster in our nation's history, Senator Murkowski's resolution never should have even reached the Senate floor," former Vice President Al Gore said in a statement [7], referring to the BP oil spill disaster in the Gulf of Mexico. "The fact that we had to work to defeat this legislation is a testament to the continued strength of the fossil fuel lobby."

The resolution drew significant Democratic support, with six Democrats joining all 41 Republicans to vote in favor. Even if the resolution had cleared the Senate, it was unlikely to pass the House, and President Obama had threatened to veto it.

EPA's decision to explore an endangerment finding was first prompted by the U.S. Supreme Court. In 2007, the Court ruled in Massachusetts v. EPA [8] that greenhouse gases were eligible for regulation under the Clean Air Act pending an EPA examination of whether emissions posed public health risks.

The endangerment finding is not only EPA's most definitive statement to date on the link between greenhouse gas emissions and global climate change, but it also serves as a legal trigger for future regulation. EPA recently finalized two regulations supported by the endangerment finding, one limiting emissions from passenger vehicles and the other targeting stationary sources.

The vehicle emissions rule, finalized [9] in April in partnership with the Department of Transportation (DOT), sets new fuel economy standards for vehicles from model years 2012 through 2016. The standards will require new cars to reach an average fuel economy level of 34.1 miles per gallon by 2016, resulting in 1.8 billion barrels of oil saved over the life of the vehicles, according to administration estimates.

A coalition of industry groups is suing EPA and DOT over the joint rule. The coalition includes, among others, Massey Energy, the owner of the West Virginia mine where an explosion killed 29 miners in April, according to BNA news service [10] (subscription required).

Auto makers support the EPA/DOT rule and have filed in court on behalf of the administration. The standards were set after Obama brokered a deal among the auto industry, environmental groups, and states. The industry agreed not to challenge stricter fuel economy standards as long as those standards were consistent across all 50 states. Environmental groups have also filed in court on the agencies' behalf.

EPA faces a more serious challenge to its standards for stationary sources such as power plants and oil refineries. The rule, finalized in May [11], requires new and existing facilities emitting greenhouse gases above certain thresholds to obtain permits and upgrade pollution control technology beginning in 2011. EPA says the rule covers only major facilities but will still allow the agency to oversee 70 percent of greenhouse gases emitted from stationary sources. At least 14 lawsuits have been filed against EPA over the stationary source rule, according to BNA [12]. Plaintiffs include the U.S. Chamber of Commerce and the National Association of Manufacturers. The Center for Biological Diversity, an environmental group, is also challenging the rule, hoping to force EPA to move up the implementation schedule.

Additional legislative challenges are also expected. Sen. Jay Rockefeller (D-WV) has introduced legislation (S. 3072 [13]) that would delay for two years implementation of EPA's stationary source regulation. The bill would not impact vehicle emissions

standards. Some Democrats who opposed the Murkowski resolution said during the debate that they would support Rockefeller's bill and hoped to bring it to the floor for a vote.

Both Obama administration officials and environmental advocates hope that the continued presence of EPA regulation will prod Congress into more quickly passing comprehensive climate change and energy legislation. The House passed a bill (H.R. 2454 [14]) in June 2009 that would establish a cap-and-trade program for greenhouse gases, but action has stalled in the Senate, where different proposals, likely without cap-and-trade provisions, are being considered.

Senators from both sides of the aisle have said they prefer legislation to EPA regulation, and supporters of the Murkowski resolution assailed EPA over what they characterized as an administrative attempt to usurp Congress's power. "Many of the senators who voted for the resolution say they want Congress, not the administration, to address climate change," Knobloch said. "That position has integrity only if the Senate moves swiftly to pass a strong climate and energy bill."

Senate Democrats say they hope to consider and pass a comprehensive bill before breaking for the August recess. However, the BP oil disaster has further complicated both the politics and the timing of the legislation. Obama is scheduled to address the nation Tuesday evening (June 15) and will likely continue his push for comprehensive energy and climate policy.

## GRANTS

Tuesday, June 15, 2010, 12:56pm EDT

### Dublin Rec Center gets EPA grant for green roof (*Business First of Columbus*)

An environmentally friendly project at the Dublin Community Recreation Center is getting a $50,650 boost from the Ohio EPA.
The agency has awarded a Surface Water Improvement Fund grant to the city for an effort to “green” 2,300 feet on the roof of the recreation center by planting vegetation. The city also plans to install a walkway, small patio and two rain barrels.

The goal of the project, the EPA said, is to cut the volume of storm water flowing from the roof to the South Indian Run waterway.

The state grant was a piece of more than $1 million the EPA made available for similar projects aimed at cutting pollution into stream banks.

## Court: Planned NM uranium mine not on Navajo land (*Associated Press)*

By FELICIA FONSECA (AP)
FLAGSTAFF, Ariz. — A New Mexico-based uranium producer plans to move forward with a mining operation in the western part of the state after that a federal appeals court ruled Tuesday that its land is not part of Indian Country.

The full 10th U.S. Circuit Court of Appeals in Denver ruled in a 6-5 decision that the U.S. Environmental Protection Agency erred when it determined that a parcel of land near the Navajo community of Church Rock was Indian land.

The decision means that Hydro Resources Inc. can seek an underground injection control permit from the state of New Mexico rather than the EPA, which has permitting authority on tribal lands.

Hydro Resources wants to inject chemicals into the ground to release uranium and pump the solution to the surface in a process called in-situ leaching.

"I think that it's clear we were right all along, and we've been vindicated," said Rick Van Horn, senior vice president of operations for Hydro's parent firm, Uranium Resources Inc. "That doesn't mean we're going to go ahead and do this without discussion with the other stakeholders in the community and surrounding areas."

Hydro Resources had argued the company's land, known as Section 8, isn't legally part of the Navajo reservation because it had not been set aside for the federal government for use as Indian land. The parcel had been a part of Indian Country at one time, but was removed by federal executive order in 1911.

David Taylor, a natural resources attorney with the Navajo Department of Justice, said the tribe was disappointed by the court's ruling and will consider its options, including filing an appeal to the U.S. Supreme Court.

The New Mexico Environment Department granted an injection control permit to Hydro Resources in the late 1980s for the vacant property about six miles northeast of the Church Rock Chapter house. When the land status came into question, the state asked the EPA to make a determination.

The agency ruled in 2007 that the parcel was Indian land after considering the makeup of the population and the services the community receives from the Navajo Nation. A three-judge panel of the court had upheld the EPA's decision, but Hydro asked for a hearing before the full court.

Nearly 98 percent of the 2,802 residents of the Church Rock Chapter are American Indian, and most of the other residents are married to Navajos, according to the 2000 Census. Most speak Navajo and receive services through the chapter.

EPA reasoned that all of the Church Rock Chapter is Indian Country because a high percentage of the land within its boundaries is set aside for Indian use and federally superintended.

But the 10th Circuit court said Congress has not explicitly set aside Hydro's land for Indian use nor is it under federal superintendence and, therefore, cannot be considered Indian land. The court further rejected the EPA's consideration of a community of reference, which it said would turn the determination of land status into a guessing game.

"If Congress hasn't declared the land set aside for the establishment of a federally dependent Indian community, we are powerless to do so ourselves," the court majority wrote.

Cara Peck, an EPA spokeswoman, said the agency had not yet reviewed the decision.

The court dissents argued that the majority opinion introduces confusion into the law and that a community reference should be the primary consideration when determining land status. The notion of community also should assume heightened importance when it comes to natural resources, the minority said.

"A parcel of 160 acres completely surrounded by a community of 57,000 acres should not fail to be part of that community simply because of the ownership status of that parcel," the minority said.

The majority noted the "grave consequences" that mining operations can pose but said "it is the court's hope, no less than the hope of the dissents, that the appropriate agencies will do their assigned jobs in protecting the environment."

Eric Jantz, an attorney for the Santa Fe, N.M.-based Environmental Law Center, which represents mining opponents, called the ruling tragic.

"Frankly, I don't think the state has much of a stake in this in terms of people with political power," he said. "Who is going to assure that this community's water isn't going to get polluted. The federal government, the EPA is going to be a much better guardian of that than the state."

**PESTICIDES**

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**Endosulfan insecticide will be phased out (*Delta Farm Press*)**

Jun 15, 2010 2:50 PM

The Environmental Protection Agency has announced a plan to end all uses of the insecticide endosulfan in the United States.

An EPA news release said that endosulfan, which is used on vegetables, fruits and cotton, “can pose unacceptable neurological and reproductive risks to farm workers and wildlife and can persist in the environment.”

Makhteshim Agan of North America, the manufacturer of endosulfan, opposed EPA’s findings, but announced that it would voluntarily participate in a plan to withdraw endosulfan over time.

“From a scientific standpoint, MANA continues to disagree fundamentally with EPA’s conclusions regarding endosulfan and believes that key uses are still eligible for re-registration,” said Scott Rawlins, MANA director of global governmental and industry relations. “The agency has made a number of overly conservative and unrealistic assumptions about how endosulfan is used that do not reflect the best available science.

“However, given the fact that the endosulfan market is quite small and the cost of developing and submitting additional data high, we have decided to voluntarily negotiate an agreement with EPA that provides growers with an adequate timeframe to find alternatives for the damaging insect pests currently controlled by endosulfan,” Rawlins said.

Endosulfan was first registered in the 1950s. MANA is the exclusive marketer of two formulations of endosulfan under the brand names Thionex 3EC and Thionex 50W.

Details of the final timetable for Thionex will be announced to producer organizations and agricultural product retailers in the coming weeks.

EPA stated said that farm workers “can be exposed to endosulfan through inhalation and contact with the skin. Endosulfan is used on a very small percentage of the U.S. food supply and does not present a risk to human health from dietary exposure.”

EPA says the phase out “is based on new data and scientific peer review, which have improved EPA’s assessment of the ecological and worker risks from endosulfan.”

**Exterminator is charged with using banned pesticides (*Boston Globe*)**

June 16, 2010 Wednesday

NEWS; Metro; Pg. 2
Exterminator is charged with using banned pesticides;
Brazilian national pleads not guilty

By Brian R. Ballou, Globe Staff
A Brazilian national who ran an extermination company in Everett was arrested early yesterday by federal authorities on charges of using chemicals banned indoors and operating without certification.

Several hours after his arrest, Josimar Ferreira was arraigned by US Magistrate Jennifer C. Boal on charges that he violated federal law by using malathion and carbaryl, agricultural **pesticides** banned for indoor use, in jobs to eradicate beg bugs in Quincy, Somerville, Malden, and Everett.

In one case, according to an affidavit filed in Federal Court in South Boston, Ferreira sprayed several units inside a red-brick apartment complex at 41 Mullin Ave. late last year. The tenants were unaware of the scheduled spraying set up by their landlord, and, in at least one case, a resident chose to stay with relatives after complaining that the chemicals sprayed were overpowering.

Jasmine Holden, 24, who lived at 41 Mullin Ave., said that Ferreira's company sprayed harsh chemicals all over her apartment, including on her 8-month-old daughter's crib.

``He did a terrible job, tore up my apartment spraying, and virtually left it uninhabitable for several days,'' said Holden, who contacted the state's Agricultural Department in December to complain about Ferreira's firm.

``My daughter was crawling on her hands and knees, so she could have gotten very sick from those chemicals,'' Holden said. ``I had to have a cleaning company come in to wipe the place down from top to bottom. And after everything that happened, the bed bugs still existed.''

Holden said she moved out two weeks ago.

Stellio Sennis, the attorney representing Ferreira, entered a plea of not guilty on his behalf.

Ferreira was ordered released on personal recognizance but was taken into custody by Immigration and Customs Enforcement agents. According to the affidavit, Ferreira entered the United States in 1996 on a tourist visa, which expired months later. Ferreira has been living in Everett for about five years, near his business, TVF Pest Control, on Main Street, and has been married for 14 years. His wife and 9-year-old daughter live with him.

The maximum penalty for violating the **EPA** regulation is a year in jail, a $25,000 fine, or both, but prosecutors say they will probably not seek jail time for Ferreira. Deportation is

also a possibility.

Ferreira also allegedly maintained pest control businesses in New York and New Jersey, according to the affidavit. An anonymous complaint led the New Jersey Department of Environmental Protection to visit his offices in December.

Ferreira was not there, but the department cited him and an associate as unlicensed **pesticide** applicators.

In New York in April, the state's Department of Environmental Conservation - acting on a tip by the Massachusetts Department of Agricultural Resources, which was conducting its own investigation - cited Ferreira for operating an unlicensed **pesticide** business.

The Massachusetts Department of Agricultural Resources initially received an anonymous complaint about TVF in August 2009, and an investigation was launched, revealing that Ferreira had repeatedly failed the certification test for exterminators.

Brian Ballou can be reached at bballou@globe.com

**SUPERFUND**
**==========**

**EPA: Company must halt poison gas at SE Idaho site (*Associated Press*)**

June 15, 2010, 8:06AM ET
By JOHN MILLER
BOISE, Idaho

The Environmental Protection Agency on Monday ordered a chemical company to halt toxic, explosive gases leaking from a southeastern Idaho Superfund site that toxicologists concluded were an "urgent public health hazard."

Philadelphia-based FMC Corp. operated a phosphorous production plant from 1949 to 2001 on the Eastern Michaud Flats area west of Pocatello, on the Shoshone-Bannock Indian Reservation.

Nearly a decade after FMC mothballed the operation, however, its capped ponds continue to produce phosphine gas that smells of rotten fish and can damage respiratory, nervous and gastrointestinal systems, and the heart, liver, and kidneys.

The EPA in April began investigating leaks after learning that FMC and its contractors had detected concentrations at dangerous levels, said Greg Weigel, an EPA Superfund

coordinator in Idaho. A meter that measured phosphine in the air at breathing height near Pond 15S was "maxed out," though no cases of sickness or injury were reported.

"Prior to April, we had no knowledge there was a problem at Pond 15S -- or any of the other ponds," Weigel said. "If phosphine gas is being generated, it's collecting under the cap. Once it collects to a high enough concentration, it tends to find the pathway of least resistance to leak out."

FMC, where former U.S. Interior secretary and Idaho Gov. Dirk Kempthorne was once a lobbyist and is now on the board of directors, didn't immediately return a phone call Monday seeking comment.

This is just the latest challenge for FMC at its defunct elemental phosphorous plant, located about a mile from the Pocatello Airport passenger terminal and a few hundred feet south of U.S. Interstate 86.

The company experienced pond fires in the decades before its facility closed. In 1998, it paid $11.9 million -- then the largest civil penalty settlement ever under a 1976 hazardous waste law -- and had to cap the ponds. In 2006, FMC had to install a treatment system at one capped pond to remedy leaking phosphine, hydrogen sulfide and hydrogen cyanide gases.

Weigel said Monday's order is an "emergency response." Additional, longterm measures must still be developed to remedy phosphine gas welling up under the ponds' caps.

Idaho Department of Health and Welfare toxicologists, working with the federal Centers for Disease Control and Prevention in Atlanta, analyzed data from the site after the EPA requested help.

The state concluded this month that phosphine gas burping from FMC's Pond 15S between February and May posed a threat to workers cleaning up the site -- and anybody else who chanced onto this land that's been on a federal list of America's most-contaminated places since 1990.

"The phosphine gas being released from Pond 15S is an urgent public health hazard to the health of people breathing the air in the proximity of Pond 15S, including workers, visitors to the pond area and any potential trespassers in the pond area," Kai Elgethun, a Health and Welfare public health toxicologist, wrote in a June 1, 2010, letter to the EPA.

In recent weeks, FMC has installed a temporary gas extraction and treatment system.

"Phosphine levels have decreased significantly," the EPA said in a statement.

But Monday's order also requires the company to address phosphine gas releases at two other ponds.

What's more, FMC will have to extract and treat hazardous gases at any other ponds on the site, should the EPA find further measures are needed to protect human health and the environment, according to the order.

**TOXICS**
**==========**

**Australian toxic waste to be treated by Nyborg firm (*Copenhagen Post*)**

Wednesday, 16 June 2010 10:07 BJS News
Minister sets strict conditions for the cargo of hazardous Australian waste sent to Denmark for processing

The Environmental Protection Agency has agreed to allow dangerous hexachlorobenzene chemicals to sail from Australia to Denmark, which the Australians have tried but failed to destroy, to be processed in Nyborg on the island of Funen.

‘I think it is very problematic to transport hazardous waste from one end of the globe to the other. But we have a duty to step in when others have an insoluble problem,’ said Karen Ellemann, the environment minister.
Ellemann has insisted that the ships transporting the waste must be double-hulled, and that each container with hexachlorobenzene (HCB) waste must have an attached GPS transmitter so that the waste can be tracked at all times.

The HCB waste – which the Australians have spent many years trying to destroy - is currently located in a populated area between the centre of Sydney and the city’s airport.

Hexachlorobenzene (or HCB) is one of the banned environmentally hazardous substances listed by the UN’s Stockholm convention. Signatories to the convention are obliged to assist each other dealing with hazardous waste such as HCB if the country concerned is unable to dispose of the waste by itself.

‘This case shows that we must look again at global preparedness for dealing with depots of hazardous waste. I intend raising this matter with my colleagues at the EU. We need to focus on how we can solve the problem of destroying depots of environmentally-dangerous waste in a manner that is least harmful to the environment, without having to freight it around the globe,’ concluded Ellemann.

**DuPont agrees to $59K settlement over NC pollution (*Associated Press*)**

**Story also appeared: *BusinessWeek***

The Associated Press June 15, 2010, 2:53PM ET
KINSTON, N.C.
Industrial giant DuPont Co. has agreed to pay a $59,000 penalty for mercury discharges at a North Carolina plant.
The federal Environmental Protection Agency said Tuesday the settlement relates to the company's polymer fiber manufacturing facility in Kinston.
The EPA says discharges at the plant exceeded permitted levels of mercury for eight months between September 2008 and March 2009.

A call to Delaware-based DuPont was not immediately returned.

Stan Meiburg is the EPA's acting regional administrator for the region of the U.S. that includes North Carolina.

Meiburg says the settlement underscores the importance of the federal permitting process in protecting the water supply from dangerous chemicals like mercury.

**DuPont fined $59K by EPA (*ENC Today*)**

Wesley Brown
2010-06-15 18:15:29

Kinston's DuPont plant has paid a fine of $59,000 to settle water-quality violations that the federal Environmental Protection Agency says the polymer fiber manufacturer committed between July 2008 and March 2009.

An investigation conducted by the EPA found that during those nine months the DuPont facility at 4693 N.C. 11 North discharged greater than allowable levels of mercury into the Neuse River in violation of the Clean Water Act.

A state-issued permit limits the factory to a daily maximum mercury discharge of 0.012 micrograms per liter. Davina Marraccini, a spokeswoman with the EPA, said Tuesday that from July 2008 to March 2009 the facility averaged a daily maximum mercury discharge of 0.104 micrograms per liter, which is 8½ times the limit.

In a statement issued to The Free Press on Tuesday, DuPont spokesman Terry Gooding said mercury leaked into the river from a concrete pipe that had separated at several joints due to settling over time. "The separations allowed groundwater with low levels of mercury to enter the storm water piping system," he said.

Gooding said DuPont unknowingly inherited the problem when it re-acquired the Kinston facility in July 2008 from Unifi.

“The EPA had originally notified the former site owner about the violation and the former site owner notified DuPont after the re-acquisition,” he said.

As soon as administrators at DuPont’s Kinston plant learned about the problem, they immediately began working with the N.C. Department of Environment and Natural Resources — even before receiving the notice of violation from the EPA — to take the necessary steps to identify the source and mitigate it, Gooding said.

DuPont faced a maximum penalty of $297,500. Clean Water Act violations made before February 2009 can incur a maximum fine of $32,500 per month and $37,500 per month after that.

Marraccini said a consent agreement reached between DuPont attorney Patricia McGee and Wilda Cobb, associate regional counsel for the EPA, set the fine.

DuPont paid the fine and complied with an administrative order made by the EPA requiring DuPont to submit a corrective action plan to prevent further violations, Marraccini said.

Gooding said DuPont completed the necessary corrective actions by August 2009.

Reports by the Environmental Protection Agency state mercury contains neurotoxin, a chemical that can adversely affect pregnant women and a baby's growing brain and nervous system.

Impacts on cognitive thinking, memory, attention, language, and fine motor and visual spatial skills have been seen in pregnant women and children exposed to mercury in the womb, the study states.

Gooding said DuPont understands the severity of mercury side effects.

“We take our responsibility to protect the environment very seriously,” he said.

Wesley Brown can be reached at 2525-559-1075 or wbrown@freedomenc.com.

**Industry Pushes To Delay EPA's PAH Risk Method Amidst New Spill Fears (*Inside EPA*)**

**Posted: June 15, 2010**

Industry groups are continuing to press EPA to delay completion of a controversial method for calculating the risks of polycyclic aromatic hydrocarbons (PAHs) -- a

ubiquitous class of carcinogenic chemicals found in crude oil and other sources -- amidst new concerns from environmentalists that the worsening BP oil spill could increase PAH exposure.

EPA's National Center for Environmental Assessment (NCEA) proposed a method for calculating the toxicity of PAH mixtures in its Feb. 26 draft document, *Development of a Relative Potency Factor (RPF) Approach for PAH Mixtures.* The document creates a potency factor for each PAH relative to benzo(a)pyrene (BaP) -- one of the most studied of the PAHs.

EPA's method could become relevant to the contested use of chemical dispersants to break down spilled oil in the Gulf of Mexico because, according to one study, the dispersants may heighten human and aquatic exposure to PAHs.

But industry groups are criticizing EPA's approach, in part because it relies on a 15-year-old cancer assessment for BaP. In recent comments on the approach, industry urges EPA to delay finalizing the RPF method until the agency reassesses the chemical (*see related story*).

The draft document is scheduled to undergo peer review by a Science Advisory Board panel June 21-23 in Washington DC. But public comments filed by industry representatives charge that EPA fails to offer justification supporting their use of BaP as an index chemical in the formula.

One industry source indicated that EPA held an internal review hearing on BaP last week. BaP is being "actively reassessed," an EPA source says.

Industry is asking that EPA delay finalizing the approach until a current toxicity assessment on BaP is available.

Members of the peer review panel also appeared to question EPA's proposed approach during a June 8 conference call preparing for the meeting.

EPA's current assessment of BaP, which classifies the chemical as a "probable" human carcinogen, was published in 1994. An updated Integrated Risk Information System (IRIS) assessment of BaP began in 1998, and a draft of the new assessment is anticipated in the summer of 2011, according to an EPA source.

**Prospects For EPA Delay**

But prospects for an EPA delay may be limited as environmentalists are raising new concerns that the massive BP spill in the Gulf of Mexico could result in massive human and aquatic life exposure to PAHs.

Gina Solomon, a scientist with the Natural Resources Defense Council, raised concerns about PAHs wreaking havoc with the marine ecosystem as a result of the BP spill in her June 10 testimony before a House Energy and Commerce subcommittee.

Sublethal effects of the chemicals as a result of bioaccumulation are a major concern, Solomon said, adding that "heavy metals in PAHs may not kill the fish and other marine organisms outright but will have long-term health affects on the health of the marine ecosystem and also on anyone who consumes seafood."

Similarly, Jeffrey Short, of the ocean conservancy group Oceana, told *Risk Policy Report* following a House science subcommittee hearing June 9 that more information about the sublethal effects of chemical dispersants in use would be "useful."

And a widely cited 2005 National Academy of Sciences report, Oil Dispersants: Efficacy and Effects, suggests the use of dispersants may actually increase accumulation of PAHs in fish, amplifying the need for a sound means of calculating the human health risks of PAH, yet industry sources say they don't expect the issue to affect their arguments to delay EPA's final RPF document draft.

Industry sources said they will continue their argument against relying on outdated and "possibly incorrect" cancer risk information for BaP, arguing that the proposed approach fails to use current EPA 2005 Cancer Guidelines.

One industry source said delaying the final draft until the BaP assessment was completed would still be "prudent" of EPA, but declined to speculate on whether concerns about the oil spill would have any impact on the time line for the process. Any intentions to accelerate the process would likely be announced during the June 21-23 peer review, the source said. The source said it "wasn't clear" whether the BAP assessment process could be moved along faster under the circumstances.

Another industry source said the dispersant studies involving PAHs have no relevance to the oil spill because they do not deal with human health risks.

**Conference Call Sparks Questions**

EPA discussed its RPF approach with members of the review panel on a June 8 conference call, sparking additional questions from panelists about the formula, including how EPA arrived at its estimated final RPF values.

"It seems like there's a big range in RPF values," John DiGiovanni, of the University of Texas at Austin, said on the call, questioning the use of averaged data from multiple published studies to arrive at the potency factors.

Dr. Lynn Flowers, NCEA's acting associate director for health, said averages were used because researchers were unable to arrive at an appropriate method for weighting the data.

"That may not be really good. If you look at the validity of these studies, they can't all be equally valid," replied Nicholas Geacintov, of New York University. -- *Bridget DiCosmo*

**Bush-Era Formaldehyde Model Complicates EPA Bid For Strict Cancer Limit (*Inside EPA*)**

**Posted: June 15, 2010**

EPA's effort to set a strict cancer risk estimate for formaldehyde could be complicated by the agency's decision to jettison a significantly weaker industry-funded risk model that has won endorsements from a National Academy of Sciences (NAS) panel and that the Bush EPA used to limit regulation of formaldehyde from stationary sources.

Industry groups and other federal agencies are questioning the agency's decision to drop the model but the agency is already strongly defending its decision, charging that it is so sensitive to small data changes that it is not conservative enough to protect human health.

The agency June 2 unveiled a draft risk estimate of formaldehyde that for the first time finds a causal link between formaldehyde exposure and several types of cancer. The draft assessment, conducted for EPA's Integrated Risk Information System (IRIS) database proposes an upper bound lifetime unit risk estimate of 1.1x10-4 per microgram per cubic meter.

But the assessment dropped use of a model crafted by scientists at the *Chemical Industry Institute of Toxicology* (CIIT) in 1999 that produced a risk estimate more than 10,000 times weaker than EPA's new draft estimate of cancer potency.

EPA and industry sources anticipate that the agency's new, more-stringent assessment will lead to significantly tougher controls on sources of formaldehyde emissions. These sources include natural gas turbines, which the Bush EPA's air office chose not to regulate based on the CIIT model and plywood facilities, which the air office regulated based on the weaker risk estimate of the CIIT model.

EPA is revising the plywood rule, after it was vacated by the U.S. Court of Appeals for the District of Columbia Circuit for including unlawful risk-based off-ramps for those facilities that could prove they emitted low levels of air toxics.

The agency's most recent regulatory agenda, issued earlier this spring, indicates that the agency will propose an air toxics standard for plywood and composite wood products in late 2011. Similarly, the agenda indicates that officials anticipate final action on a decision regarding natural gas turbines in November 2012 -- but that the "Agency is waiting until the completion of the final Integrated Risk Information System (IRIS) assessment for formaldehyde before taking final action..."

EPA sources said last year that updated data from the National Cancer Institute led EPA's research office conducting the IRIS assessment, to believe the CIIT model provided a cancer estimate that was far too weak. ORD reached "the conclusion that the number we used for delisting [the natural gas turbines from the turbine MACT] was probably 10,000 times too low," one source said.

**Draft EPA Assessment**

But in comments on a draft version of EPA's assessment, NASA points to a 2007 report from the National Academy of Sciences National Research Council (NRC), which endorses use of the CIIT model. Conducted for the Navy, the report considers risks that several chemicals, including formaldehyde, present to submariners. Like the Navy, NASA's chief concern with formaldehyde is that its employees may be exposed to it in enclosed spaces -- such as a spacecraft, a NASA source says.

"EPA does not apply the models suggested by the NRC 2007 report or internal EPA models utilized by the Agency's Office of Air and Radiation. Given the large body of research on formaldehyde, NASA questions why EPA's IRIS draft not clearly detail the applicability of these established models and scientific understanding in the development of the IRIS draft," according to NASA's undated comments on an earlier draft of the assessment. "EPA needs to clarify and support transparency in the development of IRIS draft risk assessments, especially when alternative approaches to established models are applied."

Seconding NASA, OMB urges EPA to address charge questions to the new NAS panel reviewing the draft assessment to consider "EPA's decision to rely upon the re-implemented Subramanian 2007 model," in its cancer risk estimates. EPA scientist Ravi Subramanian and colleagues published several articles critiquing the CIIT model, and their revised model was used instead in the draft assessment's inhalation cancer risk estimation.

The 2007 NRC report NASA cites uses the CIIT model as the basis for its conclusion that EPA's existing published IRIS assessment of formaldehyde -- itself two orders of magnitude weaker than the new draft document -- overstates the risk formaldehyde presents.

The NRC report, *Emergency and Continuous Exposure Guidance Levels for Selected Submarine Contaminants*, argues that "The available evidence, however, strongly suggests that the risk from formaldehyde at high doses demonstrated in animals studies cannot be extrapolated to lower doses using the EPA's [1991] approach," citing two publications by CIIT scientists. "The more recent CIIT assessment results in a theoretical cancer risk well below the U.S. Department of Defense 'acceptable' risk level of 1 in 10,000, even for lifetime exposure . . . The subcommittee concluded that the CIIT assessment more accurately reflects the scientific weight of evidence for formaldehyde carcinogenicity than does EPA's [1991] approach."

An agency source, however, indicates that staff drafting the latest IRIS assessment deemed the NRC report not applicable because it focused on acute exposures rather than the lifetime risk estimates contained in IRIS documents. The source also noted that several of EPA's critiques of the CIIT model were published after the NRC's report.

EPA argues in the new draft assessment that the CIIT model and followup modeling published by Rory Conolly, formerly of CIIT and now with EPA, is sensitive to multiple small changes in the data and estimates used to create the model's risk predictions. As a result, the model is not sufficiently conservative to be used to protect human health, according to the draft assessment.

The draft assessment notes that by changing just one of the data inputs -- using rat data only from studies where the animals were exposed by inhalation instead of all routes of exposure -- "the upper bound human risk estimate obtained by Conolly et al. (2004) (i.e., with everything else in their modeling retained unchanged) was increased by 50-fold."

**CIIT Modeling**

The draft assessment explains that the CIIT modeling approach "and the variations examined showed extreme sensitivity, including numerical instability, to uncertain model assumptions. This model, and the alternative [biologically based dose response] models examined, were therefore determined not to be informative for extrapolation from animal to human at any exposure concentration."

EPA also devotes several appendices in the draft assessment to its review of the CIIT model. Subramanian and colleagues have published a handful of papers performing a sensitivity analysis of the model and critiquing it over the last three years, which are also referenced in the draft assessment. -- *Maria Hegstad*

## WATER

### US Appeals Court overturns EPA decision on mine (*Associated Press*)

**Story also appeared: *KOLD News***

June 15, 2010 7:34 PM ET
FLAGSTAFF, Ariz. (AP) - The full 10th U.S. Circuit Court of Appeals in Denver has ruled that a proposed uranium mine in western New Mexico is not on American Indian land.

Tuesday's ruling overturns that of a three-judge panel of the court. The decision means that a New Mexico-based uranium producer can seek a groundwater injection permit from the state of New Mexico rather than the U.S. Environmental Protection Agency.

Hydro Resources wants to inject chemicals into the ground to release uranium and pump the solution to the surface in a process called in-situ leaching.

The EPA had argued that one area where Hydro Resources proposes to mine is within the boundaries of the Church Rock Chapter of the Navajo Nation.

**DEC proposes excavating Spencer St. sewer line in Ithaca (*Ithaca Journal*)**

Emerson plan to be discussed Thursday
The state Department of Environmental Conservation has released a proposed cleanup plan for part of the neighborhood downhill from Emerson Power Transmission and is hosting a public hearing on the plan at 7:30 p.m. Thursday in Ithaca Town Hall, 215 N. Tioga St.

According to the DEC, the estimated $1.14 million remedy to clean up toxic contamination in the neighborhood north of Emerson would involve:

* Removing and replacing approximately 300 feet of sanitary sewer line on East Spencer Street, starting at Turner Place and moving southwest toward Cayuga Street.

* Installing "slotted or perforated pipe to passively vent soil vapor that re-enters the sewer trench."

* Continuing maintenance of vapor mitigation systems installed in homes with toxic contamination. This strategy includes required testing of any new buildings, existing buildings that undergo "a significant change in use," and vacant buildings that become occupied.

The approximate area included in the DEC's plan is bounded by South Cayuga Street and Six Mile Creek on the west, Clinton Street on the north, Turner Place on the east, and the Emerson plant on the south.

According to the DEC, there are nine homes that have required vapor mitigation systems, based on state Department of Health guidelines, and five are clustered around the area where sewer line replacement is proposed.

Another three are clustered around the intersection of South Hill Terrace and Turner Place, though no excavation is proposed in that area. The ninth home is near the Emerson plant on South Hill Terrace.

Ken Deschere, a South Hill homeowner and member of a state vapor intrusion alliance, said he was glad to see plans for excavation along Spencer Street, but questioned why more areas of the neighborhood aren't also being addressed.

"That area was certainly very hot and it needs to have substantial remediation, and I think what they're talking about for that 300 feet rates as substantial remediation, but I don't understand why they're not trying to do similar things in the other neighborhoods," he said.

He also noted that the DEC's action plan only accounts for homes that have been mitigated based on state health department guidelines. For example, the DOH requires mitigation if trichloroethene (TCE) is found in indoor air at 5 parts per billion or higher.

Several other states and EPA regional offices require mitigation systems at much lower levels of TCE, and Emerson voluntarily installs mitigation systems in homes with readings as low as 0.8 ppb.

For the DEC not to propose anything on South Hill Terrace or Turner Place, "I just find that utterly inadequate," Deschere said.

Asked why sewer pipe replacement is not being considered in other areas, DEC Spokeswoman Stephanie Harrington by e-mail referred to the DEC's action plan, which states that the section of East Spencer Street where excavation is proposed is where the highest levels of TCE were detected.

Two bedrock fractures run below the East Spencer Street homes and three of the four South Hill Terrace homes "and it is believed that the fractures represent a primary migration pathway for contaminated soil vapor from the East Spencer Street sewer line to the homes," the plan states.

**Storms prompt calls about sewer problems (Kansas City Star)**

June 16, 2010 Wednesday
SO; Pg. 6
By BRIAN BURNES; The Kansas City Star
About 25 residents contacted Independence officials on Monday, describing stormwater or sanitary sewer problems likely related to heavy weekend rains.

As bad as it was for those residents, that number probably would have been much higher years ago, said Dick Champion, the city's water pollution control director. That was before voters, in August 2000, approved a 10-year quarter-cent sales tax increase to fund about $30 million in stormwater improvements.

"With rainfalls like this 10 years ago, we may have had hundreds of calls," said Champion. "But the work we have done over the last decade has meant significant progress.

"Still, we are not taking these things lightly."

While several of the 25 residents called to alert city officials to specific stormwater problems, such as debris blocking stormwater flow at particular locations, about 15 reported sanitary sewer issues, Champion said.

Three of the calls concerned problems on South Lynn Street, just west of Noland Road and south of 39th Street.

One caller was Jesse Stephenson, who rents a residence there. Stephenson described

raw sewage coming out of a toilet and basement floor drain. While his landlord cleaned up, Stephenson said, there was a limit to what he could do to resolve the issue.

“The city should be responsible for this,” Stephenson said.

Champion said he would address the situation on South Lynn.

“We are not just going to study it to death. We are going to check to make sure our lines are clear,” he said. “We are going to service that whole area.”

Independence continues to focus on sanitary and stormwater sewer upgrades. In April the city council authorized a storm sewer project in the Rock Creek watershed area of western Independence, as well as stormwater and sanitary sewer upgrades in the Susquehanna district of northeast Independence.

Also in April, the Environmental Protection Agency approved the city’s remedial measures master plan, which seeks to eliminate sanitary sewer overflows from the city system. The remedial measures must be completed by April 2015.

Rally Thursday Neighborhood, civic and business leaders are scheduled to launch a campaign Thursday to renew funding for stormwater control and parks improvements.

On Aug. 3, Independence voters will consider a single ballot measure to renew both the quarter-cent sales tax to maintain and improve the storm drainage system and an eighth-cent sales tax to maintain parks and recreational facilities.

The rally will begin at 5:30 p.m. at Ophelia’s Restaurant, 206 N. Main St. on Independence Square.

To reach Brian Burnes, call 816-234-4120 or send e-mail to bburnes@kcstar.com

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