**U. S. Environmental Protection Agency**
**E-Clips**
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# AIR

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## Chemical Firm Invista in Largest-ever Settlement for Self-Reported Environmental Violations (*Environmental Leader*)

April 14, 2009

After self-reporting environmental violations at 12 facilities in seven states, Invista will spend up to $500 million to correct the problems, on top of a $1.7 million civil penalty.

This is the largest such settlement under the Environmental Protection Agency's audit policy, according to a press release.

Invista, which manufactures polymer-based fibers including Lycra, Stainmaster and Coolmax, purchased the facilities in 2004 from DuPont, after which it disclosed to EPA more than 680 violations relating to air, water, hazardous waste, pesticide regulations, and energy planning and preparedness. the release stated.

By fixing the problems, Invista will reduce air pollution by 10,000 tons a year, and EPA estimates that alone may result in annual health benefits worth $325 million, including 30 fewer premature deaths annually, 2,000 fewer days per year where people miss work or school, and as much as 9,000 fewer cases of respiratory illness.

"Invista is making a clean start in a settlement that achieves significant environmental benefits, and we encourage other new owners to do the same," said Catherine R. McCabe, acting assistant administrator of EPA's Office of Enforcement and Compliance Assurance, in the press release.

EPA provides incentives to companies that "voluntarily discover, promptly disclose, and expeditiously correct environmental violations."

If companies also take steps to prevent future violations, EPA has the discretion to reduce or waive penalties for certain violations. In this case, EPA waived a a large portion of the penalty. Learn more about the settlement here.

EPA introduced the notion of reduced penalties for self-reporting in 2007.

# OMB OKs EPA Endangerment Finding On C02 Emissions (*EasyBourse.com*)

Tuesday April 14th, 2009 / 21h26

(Updates with EPA comment, details, background)

By Ian Talley and Siobhan Hughes
Of DOW JONES NEWSWIRES
France

WASHINGTON -(Dow Jones)- The White House's policy-coordination arm has cleared the way for the Environmental Protection Agency to issue a finding that greenhouse gasses pose a danger to public health and welfare.
The White House's Office of Management and Budget said Tuesday that its review of the EPA's "endangerment finding" was completed on April 13, a decision that could trigger regulation of emissions such as carbon dioxide from industries across the economy under the Clean Air Act.
The EPA had been aiming to issue the endangerment finding this Thursday, but agency officials have said the official endangerment proposal could be delayed to next week.
Although new regulations would take months, if not years, to finalize, environmental advocates say an endangerment finding would give states confidence to more aggressively regulate greenhouse gas emissions within their own boundaries.
Industry analysts say plans for dozens of coal-fired power plants have been halted or canceled in recent years, a trend expected to not only solidify under an endangerment finding but one that could cause a market squeeze if and when the economy recovers.
President Barack Obama's administration would prefer Congress to legislate a more fine-tuned law to cut emissions. But given the political uncertainty of getting enough legislators to support a bill, especially from states that primarily burn coal for power and are industrially based, the White House has directed the EPA to move forward with its own regulatory process. This follows a 2007 Supreme Court decision ordering the EPA to determine whether carbon dioxide emissions from motor vehicles represented a threat to public health and welfare.
EPA's action puts pressure on lawmakers to compromise.
While the House is considering climate legislation, many political pundits doubt that the Senate will be able to pass a bill.
Environmental lawyers say that while the EPA's endangerment finding will officially focus on emissions from motor vehicles, the agency will also be required to set new standards for airplanes, power plants and other emitting industries such as steel mills and cement plants.
The National Association of Manufacturers and the U.S. Chamber of Commerce warn that regulation of the greenhouse gases under the Clean Air Act could cause a deluge of legal challenges by environmental activists. That, they say, could curb economic growth and force a

migration of energy-intensive business out of the country to cheaper climes such as China and India that don't have the same climate restrictions.
-By Ian Talley and Siobhan Hughes, Dow Jones Newswires; 202-862-9285; ian.talley@dowjones.com
Click here to go to Dow Jones NewsPlus, a web front page of today's most important business and market news, analysis and commentary: http://www.djnewsplus.com/access/al?rnd=tttPu7foH6mxFOSPPy0mpw%3D%3D. You can use this link on the day this article is published and the following day.

## EPA study finds education effective in improving air (*Waste News*)

April 14 -- The U.S. EPA has funded a study that concludes that environmental education programs are an effective tool to improve air quality in North America.

Nearly half of the surveyed institutions hosting education programs reported an improvement in air quality at their facilities because of actions taken by students, including doing service-learning projects and fostering community partnerships. Examples include decreased levels of carbon monoxide and mold, and enactment of a policy that decreased car or bus idling.

An additional 43 percent of the surveyed programs reported some kind of action was taken to improve the environment.

Information on the study: http://www.epa.gov/education/

# BUDGET/STIMULUS

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## Stimulus funds to help clean major toxic sites (*Associated Press*) This story also appeared: *Boston Herald*

**By Associated Press** | Wednesday, April 15, 2009

Massachusetts

BOSTON — New England's largest pollution cleanup project — the scrubbing of New Bedford Harbor — is set to receive a major boost in federal funding.

Environmental Protection Agency Administrator Lisa Jackson will travel to New Bedford on Wednesday to announce about $600 million in stimulus dollars for Superfund sites across the country.

New Bedford Harbor, New England's oldest Superfund site and the former whaling city that inspired Herman Melville's "Moby Dick," will receive $25 million to $35 million of the funds to help speed efforts to remove sediment from the floor of the harbor.

It's the largest single portion of the stimulus Superfund grants to be announced by Jackson on Wednesday.

Hundreds of thousands of cubic yards of sediment were polluted with toxic chemicals from the 1940s through the 1970s, including PCBs pumped out by at least two manufacturers during the production of electrical devices.

The Environmental Protection Agency banned the use of PCBs in 1973.

As a result, the state has banned fishing and lobstering in the harbor, although the ban has been hard to enforce against individuals fishing for themselves.

Since the project was first listed as a Superfund site in 1982, about $250 million has been spent on the cleanup. At that rate, it could take another 40 years to finish at a total cost of about $1 billion.

Between 1993 and 1996, the EPA developed a plan calling for the offsite disposal of more than 800,000 cubic yards of hazardous material dredged from the Harbor.

Sen. Edward Kennedy, who pushed for the funding along with fellow Massachusetts Democrats Sen. **John Kerry** and U.S. Reps. Barney Frank and William Delahunt, said the funding boost will help accelerate the project and bring down the total cost.

They had sent a letter to Jackson asking for $110 million for the project over the next two years.

"We've been on this mission for more than 30 years, and today is a celebration for New Bedford," Kennedy said in a statement. "We can see the light at the end of the tunnel."

New Bedford is one of the nation's highest value fishing ports, but Kennedy said its economic growth has been stymied in part because of the slow cleanup process. That in turn has slowed the growth of the surrounding community, one of the poorest in Massachusetts.

There are 50 Superfund sites across the country.

# Stimulus to finance reduction in diesel emissions (*Bizjournals.com*)

Tuesday, April 14, 2009, 4:25pm MDT

**New Mexico Business Weekly**

The state has received $1.73 million in stimulus funds for projects that will reduce diesel emissions in Albuquerque, Los Alamos and Santa Fe.

The **U.S. Environmental Protection Agency** is providing the money to the New Mexico Environment Department via the American Recovery and Reinvestment Act. The funds will pay for 20 percent reductions of diesel emissions from 200 municipal fleet vehicles. These include garbage trucks, heavy equipment, street sweepers and off-road vehicles.

The Environment Department plans to seek another $1 million in grant money from EPA to expand the program to other parts of the state.

Some 130 vehicles are scheduled to be retrofitted in Santa Fe, 50 in Los Alamos and 25 in Albuquerque. The Environment Department selected cities to be involved in the projects that were able to implement the program quickly. The department's Air Quality Bureau also will launch a clean diesel retrofit project on 55 school buses in Farmington this summer.

The work involves replacing older engines with new, cleaner equipment to help reduce pollution created by idling vehicles. The EPA estimates the health benefits from diesel emission reductions to outweigh the costs by a ratio of up to 13 to 1. Diesel emissions have been linked to many health problems, including respiratory diseases.

State officials said the projects will spur job creation, but did not have specifics on how many positions would be created.

# Stimulus $ to Clean Vt. Air, Water (*WCAX*)

*Montpelier, Vermont - April 14, 2009*

Some federal stimulus money is coming to Vermont to help clean up the air and water.

Gov. Jim Douglas, R-Vermont, announced Tuesday that Vermont will receive more than $21 million from the Environmental Protection Agency. Of that, $19 million will go toward repairing aging infrastructure, like pipes that make clean water. In total, 46 projects will be funded. Right now there is a big backlog. And a little less than $2 million will go toward reducing emissions from older diesel engines in 32 school buses.

The EPA's Ira Leighton said, "Reducing emissions from diesel engines is one of the most important air quality challenges facing the country today. If you look at New England it has some of the highest asthma rates in the nation -- in Vermont lifetime asthma rates in children are estimated to be approximately 11 percent."

It is expected the money will help put Vermonters to work on projects, but how many jobs is not known.

# CLIMATE CHANGE/GLOBAL WARMING

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## Browner: US needs to be world energy leader again (*BusinessWeek*)

By STEVE LeBLANC

The Associated Press April 14, 2009, 7:56AM ET

CAMBRIDGE, Mass.

A top adviser to President Barack Obama said Monday that Congress needs to pass a sweeping energy bill to spur the development of renewable energy while curbing the emissions that contribute to global warming.

Carol Browner, director of the White House Office of Energy and Climate Change, said the country needs the legislation to help "re-establish the United States as a leader" in clean energy production and fighting climate change.

Browner said the administration would like to have comprehensive legislation in hand before a planned U.N. climate conference in Copenhagen in December.

"It is the strong preference of the administration that we secure legislation," Browner said. "Copenhagen and the position we can take will be driven by what we are prepared to do domestically."

Browner made her comments at a forum at the Massachusetts Institute of Technology hosted by Democratic Rep. Edward Markey, chairman of the Select Committee on Energy Independence and Global Warming.

A bill co-authored by Markey is set to come up for a hearing next week in Congress. The bill would require 25 percent of the nation's electricity come from renewable sources by 2025. It also would create a cap on global warming pollution, push the production of electric cars and require improvements to the nation's electric grid.

Markey said if Congress fails to act, the Environmental Protection Agency may have to set new regulations on greenhouse emissions -- a process that he warned would carry "less flexibility" than congressional action.

"Industries across the country will have to gauge how lucky they feel," he said.

Markey also said that during an initial transition period some emission credits would have to be given away to protect energy-intensive industries -- in part to prevent sudden spikes in prices -- but that in the long run the goal is to auction off all the credits to generate revenue.

Obama has championed a "100 percent auction" of emission credits. He has said the money raised from the auctions could go toward a range of programs, including clean energy projects and helping people cope with higher energy costs.

Browner said renewable energy is not just good for the planet, but could help reinvigorate the nation's economy as it emerges from the current fiscal turmoil. She said the solar and wind energy industry could create 2 million jobs over the next decade.

She said the $65 billion in loan guarantees and other financial incentives for the renewable energy sector included in the federal stimulus package is designed to keep as many of those jobs as possible in the U.S.

John Holdren, director of the White House Office of Science and Technology Policy, said the country needs to have a sense of urgency in the fight against global warming, which could alter the environment, sparking droughts, floods, wildfires and explosions of pests. While there's no way to completely stop climate change, he said, steps can be taken to prevent it from worsening.

Options include constructing millions of wind turbines and hundreds of nuclear power plants, doubling the fuel efficiency of cars to an average 60 miles per gallon, and developing solar panels for homes that "are as cheap as paint."

"It will take more than an Apollo program, more than a Manhattan project," he said.

# Industry May Face Hurdles In Bid To Target Stand-Alone EPA GHG Finding (*Inside EPA*)

TUESDAY, APRIL 14, 2009

Despite its broad policy significance, industry groups could face an uphill legal battle challenging EPA's upcoming endangerment finding for greenhouse gases (GHGs) in the event the agency issues a final version of the document before putting out emissions regulations based upon the finding, according to legal experts.

The legal experts say courts are likely to grant EPA broad deference in developing the document -- which was required by the Supreme Court -- and it may not be considered a “final agency action” subject to review by the Administrative Procedure Act (APA).

However industry and other sources say critics would still be likely to challenge any finding given the high stakes of the climate change battle in general, and questions about how the finding, initially expected to focus on motor vehicle emissions, will impact other industries and its use in other regulatory venues.

The legal experts say any challenge to the finding may be more legally viable if the document is challenged as part of a broader challenge to any future EPA regulation, which is subject to judicial review. “The ripe opportunity to challenge the endangerment finding would be once they finalize an actual rule that incorporates the endangerment finding,” one attorney says.

EPA is expected to issue as soon as this week a proposed endangerment finding formally identifying GHGs from motor vehicles as a threat to both public health and welfare. The proposal cleared the review process at the White House Office of Management & Budget (OMB) April 13, according to the OMB Web site.

During an April 14 teleconference on the upcoming finding, National Wildlife Federation's Joe Mendelson called it "the largest step that the federal government will have taken to date on fighting climate change and it will be the first step toward what we expect to be mandatory reductions in U.S. global warming pollution." On the same call, Sierra Club's David Bookbinder predicted that an endangerment finding would trigger more aggressive actions by states to regulate emissions.

EPA, however, has not yet outlined a precise schedule for finalizing the document, which will be subjected to a comment period -- or precisely how the timing will mesh with issuance of proposed or final rules on motor vehicles or other emissions sources.

A previously leaked draft EPA briefing on the upcoming finding suggests that it could be finalized prior to final GHG regulations, though some sources tracking the issue say it appears to be equally likely the document will be finalized in tandem with regulatory proposals on vehicle emissions.

The EPA finding will also likely include a definition and scope of "air pollution" with respect to greenhouse emissions as well as criteria for determining what emissions "cause or contribute" to endangerment.

In this vein, Bookbinder noted on the teleconference that, for sources ultimately found to cause or contribute to global warming pollution, the Clean Air Act sets either mandatory or discretionary duties for EPA to impose emissions limits. He said the requirement is mandatory for stationary sources, such as power plants, as well as airplanes, while it is discretionary for fuels and mobile sources such as ships and locomotives.

But the question of whether EPA ultimately finalizes its endangerment finding as a stand-alone document in the coming months could matter to any industry challenge, especially given industry concerns.

One industry source, for example, says EPA may choose to finalize the endangerment finding simultaneous with any rules as a way to sidestep the significance of the finding, which the source says will have enormous economic consequences. But the source raises concern that OMB's review of EPA's proposed endangerment finding, using OMB's regulatory review criteria, classified the finding as having no economic significance, unrelated to national security and imposes no unfunded mandates.

An attorney closely following the issue says the main focus of any upcoming industry legal challenges on GHGs is likely to be upcoming emissions rules, but the source says the finding itself is unlikely to escape at least some challenge from industry groups even if issued as a stand-alone document. The source says that particularly when it comes to climate change, "people will take advantage of any opportunity they have to pursue any argument they can to bring these issues to a court's attention."

The source offered the appraisal even while suggesting that such a challenge prior to specific emissions rules would be legally sketchy. Specifically, for an industry plaintiff, one major obstacle would be difficulties in demonstrating standing to sue prior to regulations that specifically affect that industry. In addition, the source doubts that a finding in the absence of regulations is "final agency" action subject to review under the APA. "It is not until EPA makes a decision that affects people's rights and obligations [that] there is final agency action," the source says.

One attorney familiar with the concerns of environmental groups agrees that a challenge to EPA's finding makes little legal sense until emissions standards are issued.

But another attorney disagrees with the notion that the finding itself is not a final agency action, while agreeing that a challenge to the finding is inevitable. The source argues that the finding will be reviewable in a federal appellate court once issued as a final document. -- *Doug Obey*

# EDITORIAL/COMMENTARY/OP ED/LETTERS

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# Going to the Mattress (*Washington Post*)

By Dana Milbank
Wednesday, April 15, 2009; A02

The enemy is stealthy and bloodthirsty. It attacks innocent victims without warning, while they sleep.

Fortunately, the federal government is on the case. In a hotel ballroom in Crystal City yesterday, the Environmental Protection Agency convened the first-ever National Bed Bug Summit -- a veritable Yalta Conference for the species *Cimex lectularius*. With help from the Centers for Disease Control and Prevention, the Department of Housing and Urban Development, and even the Pentagon, the EPA assembled scientists, state and local officials, and a colony of exterminators to buzz about such topics as "Bed Bug Perspectives," "Bed Bug Basics" and "Government Responses to Bed Bugs."

"These insects can have a life-altering impact," warned panelist Richard Cooper of Cooper Pest Solutions.

"They are showing up in some of the finest hotels," contributed Saul Hernandez, an aide to the congressman who introduced H.R. 6068, "The Don't Let the Bed Bugs Bite Act of 2008."

All this for an insect the size of an apple seed that has a painless bite and is not known to spread disease?

University of Kentucky entomologist Mike Potter called the bedbug nothing less than "the most difficult, challenging pest problem of our generation." Tossing out phrases such as "doomsday scenario" and "perfect storm," he ventured: "In my opinion, we are not going to get out of this thing" -- the bedbug thing -- until we "allow the pest-control industry to go to war."

The layman might think that in an age of bin Laden and Ahmadinejad, not to mention pandemic flu and poisonous peanut butter, the threat posed by the tiny insect might be rather manageable. But that is not the prevailing view at this week's National Bed Bug Summit.

"A year ago I thought bedbugs were a thing from a couple of centuries ago and maybe in a children's bedtime rhyme," testified Joan Quigley, a New Jersey state representative. "I had no idea they were a modern scourge." But when she scratched the surface, she found the bedbug matter to be "a can of worms," so to speak. "I had no idea how many stakeholders there were in the bedbug issue."

An official from the New Jersey Apartment Association (Jersey is a hotbed of bedbug activity) concurred. "I hesitate to use the words 'It became a sexy issue,' but it became a cause celebre," said the official, Conor Fennessy. "It kind of got legs for a while."

Actually, six legs and two antennae, according to the eight-inch drawing of a bedbug on the sign outside the Sheraton ballroom yesterday announcing "National Bed Bug Summit -- Please Sign In." The sign-in area was well stocked with coffee (sleep disruption is common in bedbug circles). Inside the ballroom, 200 people, some in military uniform, others in Orkin Man-style uniform, listened as Lois Rossi, from the EPA's pesticide division, spoke of "the size of the problem we have with bedbug infestations."

Bedbugs had been all but eradicated decades ago, panelist Potter explained, but thanks to increased travel, pesticide bans and resistance, we've "let bedbugs get back in the game."

Now, said Hernandez, the congressional staffer, "bedbugs invade luggage, burrowing deep into clothes, and are transported back home, where they infest their victims' homes . . . and the affected people have no choice but to trash their furniture, clothes and linen."

Audience members were squirming and scratching by the time Cooper told them of where he's found bedbug infestations: "behind picture frames or other wall hangings, or inside the bindings of books or on stuffed animals. Or how about an entire reproducing population with over 30 eggs inside the head of an adjustable wrench?" On the projection screen, the bugs in his presentation looked to be about three feet long.

After a representative of the National Pest Management Association divulged the "startling" fact that, in the pest-control business, the bedbug has surpassed the fire ant and is closing in on the flea, Harold Harlan, from the Armed Forces Pest Management Board, described the savage beast's method of attack. "They have piercing, sucking mouth parts -- that's important," said Harland, who boasted of the "trained" bedbugs he keeps in his lab. "They feed only on blood" -- known as a "blood meal" in the bedbug community.

Dini Miller of the Virginia Polytechnic Institute reported her findings that a particularly nasty strain of insecticide-resistant super-bedbug has taken up residence in Arlington. "It's pretty amazing how tough these bugs are," she said, showing a spray can of "Bedlam" aerosol. "Very determined, these bedbugs."

But what about that article two weeks ago in the Journal of the American Medical Association finding "little evidence" that the bugs transmit disease?

Well, consider the "mental health aspects" of the bedbug. "When you've got bedbugs, your bed is not your comfort," explained Tom Neltner of the National Center for Healthy Housing. "It can have a tremendous impact on the mental health of people."

Potter, who boasted that he's spent "the last three years of my life digging deep into the history of bedbug management," offered a challenge: "I'd like to take anybody who thinks bedbugs is not a big deal, and we'll sprinkle a few in their house and see what they think."

The rest of us can sleep tight, knowing our government is doing all it can not to let the bedbugs bite.

# PCB cleanup gets stimulus boost (*South Coast Today*)

By BECKY W. EVANS
revans@s-t.com

April 15, 2009 6:00 AM

The New Bedford Harbor Superfund site will receive $25 million to $35 million in federal stimulus funds to accelerate dredging of PCB-contaminated sediment generated by electrical parts manufacturers and responsible for a decades-long ban on eating seafood caught in and around the harbor.

In addition to speeding up the toxic cleanup, the money will benefit New Bedford by "creating jobs and jump-starting the local economy," the Environmental Protection Agency said in a news release.

The official funding announcement will be made Tuesday by Lisa Jackson, the EPA's new administrator. Regional EPA spokesman David Deegan said Jackson will use New Bedford as a backdrop to unveil her agency's plans for allocating $600 million in Superfund cleanup money appropriated by Congress in the American Recovery and Reinvestment Act of 2009. The visit will be the administrator's first to New England since being nominated by President Barack Obama in December, Deegan said.

The stimulus money comes in addition to the annual $15 million that the New Bedford Harbor site has received from the general tax fund since 2004, when full-scale dredging began.

"It's a nice sort of bonus for New Bedford Harbor," Deegan said.

The money will significantly "speed up" dredging operations, though it will not be enough to complete the project this year, he said, adding that it remains unclear exactly when dredging will be finished.

A year ago, EPA officials predicted it could take 38 years to sweep the harbor clean if funding remained at $15 million per year. At that rate, the money provided for just 45 days of dredging per year. The project, which included construction of a $25 million de-watering plant to process contaminated sediment, was originally designed for an $80 million annual budget. That funding level would have allowed for year-round dredging, allowing the project to be completed in about five years.

According to the EPA, the $600 million in stimulus funds were to be awarded to start long-term cleanup projects and to accelerate ongoing construction projects at sites listed on the National Priorities List of Superfund sites.

On Feb. 17, members of the Massachusetts congressional delegation sent a letter to Jackson requesting $110 million for the New Bedford Harbor Superfund site.

"This project is extremely important to public health and economic growth in Southern New England, and we urge you to give it the highest consideration in allocating the recently-approved Superfund funds," according to the letter, which was signed by U.S. Sens. Edward M. Kennedy and John F. Kerry and U.S. Reps. Barney Frank and William D. Delahunt.

To further make their case, the congressmen met with Jackson on March 3, with Kennedy calling into the meeting from Florida, according to Kennedy's office.

When the funding for the New Bedford site was announced Tuesday, Kennedy said in a statement that it has been "a long and often difficult challenge to restore the health and vitality of New Bedford Harbor. ... We've been on this mission for more than 30 years, and today is a celebration for New Bedford — we can see the light at the end of the tunnel."

New Bedford Harbor was listed as a Superfund site in 1983. The site contains 880,000 cubic yards of contaminated sediment. It is the oldest and largest Superfund site in New England. To date, about 118,000 cubic yards have been removed. The EPA has spent more than $250 million on the cleanup.

# Mountaintop removal mining (*Roanoke Times*)

The EPA's welcome crackdown delays a permit in Virginia.

Tuesday, April 14, 2009

The Obama administration continues to show real signs that the destructive practice of mountaintop removal mining will not continue to get a free pass.

The U.S. Environmental Protection Agency objected to three more permits the U.S. Army Corps of Engineers was preparing to issue authorizing mountaintop removal operations, two in West Virginia and one in Virginia.

The EPA said the mines will need individual permits under the Clean Water Act, not the streamlined "nationwide" permits that should be allowed only for projects with minimal environmental impact. Individual permits require extensive environmental impact studies.

One look at a mountaintop removal site is enough to realize that no one could seriously argue that mountaintop removal mines fit in the nationwide category.

It's amazing that a coal company ever had the gall to make the case that a nationwide permit would be appropriate. Who could say with a straight face that this process -- involving stripping a mountain of all vegetation, blowing it apart, extracting the coal and dumping the leftover dirt and rock into nearby valleys, burying hundreds of miles of streams -- has only a "minimal" environmental impact.

That government regulators would go along with such a charade demonstrates how much the industry mindset pervaded agencies that are supposed to act as watchdogs.

The EPA's action is welcome, but the real test of President Obama's position on mountaintop removal mining may come in a couple of weeks. His Justice Department will have to respond to a request by environmental groups to have the 4th U.S. Circuit Court of Appeals rehear a case. The appeals court had struck down a federal judge's ruling requiring the individual permits for all mountaintop removal mines. That response will show just how serious the new president is.

# ENERGY

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## New Energy Star Standards Add Up to Bigger Savings (*QSR magazine*)

April 14, 2009

[2009-04-14] The U.S. Environmental Protection Agency is announcing new Energy Star requirements for commercial refrigerators and freezers, which, on average, will be 33 percent more energy efficient than standard models. If all commercial refrigerators and freezers sold in the United States meet the new Energy Star specification, the energy savings would grow to $275 million per year and prevent greenhouse gas emissions equivalent to those outputted from nearly 400,000 vehicles.

The requirements are effective Jan. 1, 2010, the same date that new federal standards take effect. This revised specification will provide consumers with a choice to continue to go beyond the federal standards with Energy Star, delivering energy efficient products with the performance they expect.

Under the new scope of products covered by the Energy Star commercial refrigerators and freezers specification are glass door refrigerators and freezers, typically found in convenience stores,

supermarkets, and restaurants. Glass door models, as of April 1, 2009 can begin to qualify for Energy Star label. Purchasers of commercial glass door refrigerators and freezers can expect to save more than $800 per refrigerator and $2,500 per freezer over the expected 10-year life of the product.

For more information on Energy Star qualified commercial kitchen products, visit energystar.gov/cfs.

## SATCO Products Named 2009 Energy Star Partner of the Year (*EC&M*)

Apr 14, 2009 9:20 AM

SATCO Products, Inc., Brentwood, N.Y., has received the 2009 Energy Star Partner of the Year award in the lighting manufacturing category. The U.S. Department of Energy (DOE) and the U.S. Environmental Protection Agency (EPA) recognized SATCO, and its NUVO lighting brand, for promoting energy efficiency and offering consumers lighting technology that is economical.

"EPA is pleased to recognize SATCO Products for leadership in addressing global warming through greater energy efficiency," says Kathleen Hogan, director of the Climate Protection Partnerships Division at the EPA. "By promoting their products that have earned the Energy Star, SATCO is showing customers that we can boost our nation's energy efficiency and reduce our emissions of greenhouse gases, while producing quality products."

## Forget pricey eco-resorts — here come the chains (*msnbc.com*)

**ARTHUR FROMMER'S BUDGET TRAVEL**
updated 10:07 a.m. ET, Tues., April 14, 2009

In the lodging world, green has gone mainstream.

Once chided for being wasteful, the big hotel chains are now constantly trying to one-up each other with smart eco-design upgrades and stringent water and energy conservation policies.

Consider this fact: In a recent survey, 68 percent of U.S. hotels said they had energy-efficient lights, and two-thirds had implemented towel- and linen-reuse programs, up from just over half five years ago.

The number of properties trying to become LEED (Leadership in Energy and Environmental Design) certified, the most recognized standard for building sustainability, is also on the rise: Applications to the U.S. Green Building Council for the award spiked by 550 percent between 2006 and 2008.

More than 500 hotels could soon earn the label; until four years ago, only one had the designation.

Although all the major players are making strides toward better green policies, some are doing more than others. Here's what the leaders have achieved in four earth-changing categories:

**Energy conservation**
Replacing inefficient lighting, one energy-draining bulb at a time

**Accor:** More than 8,600 Motel 6 locations in at least a dozen states have been retrofitted with occupancy sensors that cause the thermostat to readjust when guests go out.

**InterContinental:** A trial program has been rolled out at 650 hotels that aims to cut energy consumption by as much as 25 percent. If successful, it could be expanded to all of the chain's 4,000 properties, including Holiday Inns.

**Marriott:** Over the past decade, 450,000 incandescent bulbs have been replaced with compact fluorescent ones, and more than 250 hotels (including some Residence Inns) have earned an Energy Star efficiency label from the U.S. Environmental Protection Agency.

**Starwood:** The new Element brand's goal is for every hotel to be LEED certified. Its first property, which opened last year in Lexington, Mass., is fully loaded with Energy Star appliances, LED lighting, and top-notch ventilation systems. All together, that saves enough energy annually to power 236 homes.

**Water conservation**
Tightening up on all the drips and drops in hotel bathrooms

**Hilton:** The company's aim: to reduce water use at all of its brands, such as Hilton, DoubleTree and Embassy Suites, by 10 percent by 2014. Its nearly 90 European properties have taken the lead,

installing water-saving toilets, showerheads, and faucets over the past three years. Home-turf hotels are next.

**Hyatt:** Nearly all North American properties have "low-flow" showerheads (which use a maximum of 2.5 gallons of water per minute) and toilets (1.6 gallons of water per flush). The improvements helped reduce the chain's overall water consumption by 3 percent in 2007.

**Marriott:** Over the past 10 years, the company has added some 400,000 low-flow showerheads and toilets to all of its locations worldwide. Marriott also buys 1 million towels annually that don't require prewashing, conserving 6 million gallons of water each year.

**Starwood:** All new Element hotels will have low-flow water fixtures in rooms and water-efficient landscaping; its Lexington star has led the way, saving up to 1 million gallons of water per year.

**Green design**

Thinking about the environment from the foundation up

**Accor:** The Motel 6 brand broke ground last year on an ultra-green building near Dallas, with laminate flooring made from recycled wood chips and a solar-powered water-heating system.

**Best Western:** Opening this year in Golden, Colo., the chain's first LEED-certified hotel will run partially on solar power and have a porous asphalt parking lot to reduce storm-water runoff.

**Hilton:** The company's green gem is in Vancouver, Wash.: a LEED-approved hotel with low-emission paint on the walls and special drains that funnel rainwater into wells for future use.

**Hyatt:** Seattle's Hyatt at Olive 8, which opened in January, has an 8,000-square-foot rooftop garden, water-efficient dual-flush toilets, outlets in the parking lot for electric cars and lighting controlled by room key cards.

**Marriott:** In 2005, the Marriott in College Park, Md., was the first chain hotel in the U.S. to become LEED certified. Among the earth-friendly frills: kitchen composting, in-room recycling bins, water pitchers instead of plastic bottles and an organic restaurant.

**Starwood:** All eight Element locations being built across the country this year have carpets and cushions made from recycled materials, art mounted on frames constructed from old tires, and priority parking for guests with hybrids.

**Recycling**

Allowing not a single can, bottle, or plastic key card to go to waste

**Hyatt:** Starting this year, the company will only use key cards and shampoo and lotion containers made from recycled plastics. Hyatt has also begun recycling its own aluminum, plastics, and paper in countries such as Russia and Chile where such programs don't exist.

**Intercontinental:** As part of a pilot program started two years ago, about 140 Candlewood Suites properties donated old furniture and linens to local families following renovations — helping to cut back on landfill. It hopes to replicate the initiative nationwide.

**Marriott:** Each year, the chain buys 47 million pens and 24 million key cards made from recycled plastics; it has also eliminated Styrofoam and plastic utensils at all of its locations. Coming soon: bed pillows made from the polyester fibers of recycled plastic bottles.

**Wyndham:** Debuting later this year at Super 8 motels across the country: new staff uniforms fashioned entirely from recycled plastic bottles.

# ENFORCEMENT

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## Invista to pay in EPA settlement (*Kansas.com*)

BY DION LEFLER
The Wichita Eagle
Posted on Tue, Apr. 14, 2009
Kansas

Invista, a Wichita-based Koch Industries subsidiary, has agreed to pay a $1.7 million civil penalty and make as much as $500 million in improvements to settle environmental violations in seven states, the U.S. Justice Department announced Monday.

More than 680 violations of federal environmental regulations were self-discovered and reported by Invista during audits of 12 facilities Koch acquired from DuPont in 2004.

The settlement is the largest ever under the Environmental Protection Agency's "audit policy," which allows companies to reduce their liability for civil fines by finding and correcting environmental compliance problems they inherit when they take over a company.

"It is fair to say the overwhelming majority of the more than 680 environmental violations... began or occurred when DuPont owned the plants," said Dave Ryan, a spokesman for the EPA in Washington.

The EPA estimated that the changes that have been and will be made by Invista will cut harmful air pollution by 10,000 tons a year.

The emission reductions are estimated to eliminate 30 premature deaths, 2,000 sick days and 9,000 cases of respiratory symptoms a year, according to the EPA.

In a statement, Invista blamed DuPont for the problems.

"Shortly after taking ownership of the facilities from DuPont in 2004, Invista discovered significant and widespread environmental noncompliance at certain plants," Invista said in the statement. "Faced with these serious issues, Invista acted responsibly and moved promptly to identify and disclose violations to regulators and systematically correct them to ensure compliance and protect employees, the public and the environment."

In a statement, DuPont spokesman Anthony Farina said the company had nothing to do with it.

"DuPont is aware that Invista and DOJ and EPA lodged a consent decree with the United States District Court... and that various state environmental agencies simultaneously filed complaints against Invista," Farina said. "DuPont is not a party to the consent decree and is not named as a defendant in any of the complaints that were filed."

Invista sued DuPont about a year ago in a New York federal court, alleging that DuPont had assured Koch that its plants were in compliance with environmental regulations at the time of the sale.

The suit seeks $800 million plus potential punitive damages.

DuPont has previously called Invista's allegations "grossly exaggerated and misguided" and implied Invista was seeking to gain funding for plant expansion.

Violations found at the former DuPont plants involved federal regulations on air, water, hazardous wastes, pesticides and emergency planning and preparedness, according to a joint statement by the Justice Department and the EPA.

Among the products manufactured by Invista are Dacron, Lycra and Cordura synthetic fabrics. The company also makes Stainmaster carpet and supplies plastics used in the manufacture of soda bottles.

The plants at issue are in Seaford, Del.; Athens, Calhoun and Dalton, Ga.; Kingston, N.C.; Camden, S.C.; Chattanooga, Tenn.; LaPorte, Orange and Victoria, Texas; and Waynesboro, Va.

Reach Dion Lefler at 316-268-6527.

# Invista environmental cleanup to cost $500M (Online Athens)

Settlement with EPA

By Don Nelson | don.nelson@onlineathens.com | Story updated at 10:52 pm on 4/14/2009
Originally published in the Athens Banner-Herald on Wednesday, April 15, 2009
Georgia

Textile and chemical product maker Invista will pay a $1.7 million fine and spend $500 million to correct and clean up self-reported environmental violations at a dozen former DuPont facilities in seven states as part of a record-setting settlement with the U.S. Environmental Protection Agency.

Shortly after acquiring the 12 DuPont plants in 2004, Invista followed EPA policies and conducted environmental audits, identifying and reporting more than 680 violations, including 17 at the company's Athens plant. Violations also were found at plants in Delaware, North Carolina, South Carolina, Tennessee, Texas and Virginia.

In its Athens facility, Invista discovered various compliance issues with the Clean Water Act and with plant emissions. In addition, the facility had problems with solid waste, stormwater and pesticides, according to a document filed with the EPA.

Those problems and most of the other findings at other facilities have been corrected, said Invista communications spokeswoman Mary Beth Jarvis.

"Any findings from the Athens site have already been corrected and resolved," Jarvis said. "There are no remaining issues at the Athens site outlined for future remedies in the (agreement with the EPA and Justice Department)."

The company still must address about 50 more problems at Invista facilities in Chattanooga, Tenn.; Seaford, Del.; Camden, S.C.; and Orange and Victoria, Texas.

Invista's $500 million settlement and $1.7 million penalty was announced Monday.

The settlement with the two regulatory agencies represents the largest in the 14-year history of EPA's audit policy, which provides incentives to companies that voluntarily disclose and correct environmental violations.

Once the corrective actions are done, the company projects it will reduce environmental emissions at its facilities by nearly 10,000 tons per year.

Invista sued DuPont, its former parent company, last year, claiming DuPont was liable for the safety and environmental violations at the plants.

# Invista to pay $500 million to clean up facilities (*Forbes*)

Associated Press, 04.14.09, 10:42 AM EDT

Textile and chemical maker Invista will pay an estimated $500 million to correct environmental violations at 12 former **DuPont** facilities in seven states.

The cleanup is part of a settlement with the federal Environmental Protection Agency. The subsidiary of Wichita, Kan.-based Koch Industries Inc. also will pay a $1.7 million civil penalty.

Invista discovered the violations shortly after acquiring the facilities from **DuPont** ( DD - news - people ) in 2004. Last year, the company filed an $800 million lawsuit, saying DuPont did not allow a thorough review of the properties before the sale.

The plants are in Delaware, Georgia, North Carolina, South Carolina, Tennessee, Texas and Virginia.

The settlement is the largest in the 14-year history of EPA's audit policy, which provides incentives to companies that voluntarily disclose and correct environmental violations.

# Invista Settles With EPA, Violation Fixes Will Cost $500M (*Environmental Leader*)

April 14, 2009
Colorado

After self-reporting environmental violations at 12 facilities in seven states, Invista will spend up to $500 million to correct the problems, on top of a $1.7 million civil penalty.

This is the largest such settlement under the Environmental Protection Agency's audit policy, according to a press release.

Invista, which manufactures polymer-based fibers including Lycra, Stainmaster and Coolmax, purchased the facilities in 2004 from DuPont, after which it disclosed to EPA more than 680 violations relating to air, water, hazardous waste, pesticide regulations, and energy planning and preparedness. the release stated.

By fixing the problems, Invista will reduce air pollution by 10,000 tons a year, and EPA estimates that alone may result in annual health benefits worth $325 million, including 30 fewer premature deaths annually, 2,000 fewer days per year where people miss work or school, and as much as 9,000 fewer cases of respiratory illness.

"Invista is making a clean start in a settlement that achieves significant environmental benefits, and we encourage other new owners to do the same," said Catherine R. McCabe, acting assistant administrator of EPA's Office of Enforcement and Compliance Assurance, in the press release.

EPA provides incentives to companies that "voluntarily discover, promptly disclose, and expeditiously correct environmental violations."

If companies also take steps to prevent future violations, EPA has the discretion to reduce or waive penalties for certain violations. In this case, EPA waived a a large portion of the penalty. Learn more about the settlement here.

EPA introduced the notion of reduced penalties for self-reporting in 2007.

# GENERAL

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## Labor-Management Partnerships Poised to Revive (*Washington Post*)

By Joe Davidson
Wednesday, April 15, 2009; A17

From the Federal Diary's personals section:

*ISO -- Older, yet vibrant, colorfully dressed male, with top hat, in search of partners for meaningful relationships. Marriage not necessary, but a civil union would be nice.*

Uncle Sam, after eight years of emotional separation, is ready to rekindle affairs with his employees. This isn't the kind of workplace dalliance that could get him sued; it is the kind that could make the federal workplace work better.

Sam, under President Obama's guidance, and federal employee unions are working to get back together in the form of labor-management partnerships.

The partnerships were created in 1993 by President Bill Clinton's Executive Order 12871 but withered during the Bush years. Clinton's goal was to build a more cooperative relationship at the workplace between management and employees, which could reduce tensions and formal complaints, including grievances and charges of unfair labor practices. Unions also saw partnerships as an opportunity to gain a greater voice in workplace decisions traditionally left to management.

But President George W. Bush issued his own order revoking Clinton's less than a month after taking office. Now, union leaders say the Obama administration is considering an order to establish a new and improved version of the partnerships.

But even without that order, there is movement within the Obama administration on the partnership front, notably at the Environmental Protection Agency.

Tomorrow the executive board of the EPA's National Partnership Council will hold its first meeting in years, said Mark Coryell, a co-chairman of the council who is also the president of the American Federation of Government Employees local in Ann Arbor, Mich.

"We're trying to get it back together again," he said. "Right now we see some good signs."

EPA Administrator Lisa P. Jackson said she met with union leaders shortly after taking office and agreed to reestablish the partnerships at her agency. "I'm excited about it," she said in a conference call with the Trotter Group, an organization of black columnists. "They asked, and I was thrilled that they wanted to be part of a partnership again."

Partnership meetings are not the same as labor negotiations. The focus, which is more broadly defined, is on how workers and bosses can cooperate to improve agency services. Coryell expects that the EPA panel, which has six members from labor and management each, eventually will discuss such general workplace issues as getting managers to allow regular telework schedules.

A Clinton administration document explained the rationale for partnerships: "Traditional union-employer relations are not well-suited to handle a culture change that asks workers and managers to think first about the customer and to work hand-in-hand to improve quality. We can only transform government if we transform the adversarial relationship that dominates federal union-management interaction into a partnership for reinvention and change."

As an example, Mark Roth, AFGE's general counsel, cited Clinton-era partnerships at the Department of Veterans Affairs and the U.S. Mint that improved service and saved money. VA established teams on patient care, patient wait times and employee overtime. Wait times were cut dramatically, and mandatory overtime dropped, saving the agency money while boosting worker morale. A shop-floor Mint worker suggested changing the dye in the money-printing process, and that saved millions of dollars.

"At this point," Roth said, "it would be fair to say partnership is one of our strongest priorities because it is probably the most meaningful way we can work with the Obama administration in transforming the way government delivers services to the people."

Congress also could get into the act, if a bill from 2007 is reintroduced. The measure by Sen. Daniel K. Akaka (D-Hawaii), chairman of the Oversight and Government Reform subcommittee on oversight of government management, the federal workforce and the District of Columbia, would establish the Federal Labor-Management Partnership Council. Bush's order killed a similar body. Hillary Rodham Clinton, then a senator and now secretary of state, co-sponsored

the bill. Sen. George V. Voinovich (Ohio), the ranking Republican on the subcommittee, also spoke in favor of partnerships before Bush issued his order.

With backing like that, and with a new administration in place, partnerships almost certainly will be seen again.

"We think partnerships help make the government better," said Colleen M. Kelley, president of the National Treasury Employees Union. "Frontline employees have a lot of really good ideas about how to make the government work better."

*Diary associate Eric Yoder contributed to this report. Contact Joe Davidson at federaldiary@washpost.com.*

# HAZARDOUS WASTES

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## Raymark remediation battle continues (*Connecticut Post*)

By Richard Weizel
STAFF WRITER
Updated: 04/14/2009 11:44:10 PM EDT

Connecticut

STRATFORD -- Last year, Gov. M. Jodi Rell came to Stratford to sign a bill derailing the U.S. Environmental Protection Agency's plans to dig up hazardous waste around town and deposit the materials in dumps in residential neighborhoods.

Last month, EPA officials and the state Department of Environmental Protection announced plans to resume short-term solutions such as capping of toxic Raymark waste at one of the most contaminated locations in town, 576-600 East Broadway.

But on Tuesday night leaders of the grassroots group Save Stratford and members of the Raymark Superfund Team that has been meeting for months to formulate a new remediation plan, expressed renewed frustration that the EPA is still talking about consolidating much of the waste -- consisting of asbestos, lead and PCBs -- at locations within town.

"Unfortunately, despite the fact our group has presented five different plans to remove Raymark waste with the remaining $21 million left in the superfund budget, the EPA continues to talk about large scale consolidation," said Tom Smith, co-founder of Save Stratford.

"My question is, after all this time, why are we not focusing on finding ways to remove this hazardous waste out of town instead of still talking about consolidating at sites in Stratford?" Smith asked. "This waste should be moved to certified hazardous waste locations."

EPA leaders countered that removing the waste from the remaining 26 town properties where it is still not remediated is not a problem, but that there's nowhere to dump the hazardous materials.

"It would take far more than the $21 million in the Raymark Superfund account to remove all the toxic waste from Stratford, and frankly we don't have anywhere outside of town to dump it," said Ron Jennings, the EPA's Raymark superfund manager.

Jennings and John W. Kilborn, senior enforcement counsel for the EPA, said the agency is moving ahead on short-term actions like fencing off hazardous sites and placing signs to warn people where toxic sites are located.

Meanwhile, Town Council Majority Leader Michael Julian, R-1, who resides at the last remaining residential property, on Third Avenue, still not remediated in Stratford, asked EPA and DEP officials why they can't find a way to remove Raymark waste from his backyard.

"In 1995 I pleaded with the EPA to do a thorough inspection of my property, and then in 2005 you came to my door and said we have Raymark waste," Julian said. "No one wants something like this in their backyard, yet it's literally in our backyard. But you forgot about us. Why can't we be in the short-term action plan?" EPA officials said they would consider Julian's request.

Paul Rohaly, a member of the former Raymark Advisory Committee, and most recently the Raymark Superfund Team, resides next to the Raybestos ballfield and said Tuesday he's been working to find a solution for more than 10 years.

"I've been involved in the Raymark waste problem for more than a decade, and I never liked the idea of consolidation," Rohaly said. "But we're getting to the point that we're going to need a permanent cap on the field, and some consolidation there is inevitable."

The waste was generated by Raymark Industries, which over the span of about seven decades manufactured brakes, clutches and other automotive parts at its East Main Street plant. The business used a system of lagoons in the area to dispose of waste, much of which seeped into the soil and contaminated it with various chemicals.

## Dioxin cleanup begins in Saginaw Township *(The Saginaw News - MLive.com)*

Posted by Barrie Barber | The Saginaw News April 14, 2009 08:41AM

Earth-moving equipment will roll through West Michigan Park when crews begin a dioxin cleanup of the Saginaw Township playground and recreation area later this month, Township Manager Ron Lee said.

Workers will remove a foot of topsoil and replace it with new dirt, pave a gravel parking lot and possibly replace old playground equipment. Midland-based Dow Chemical Co. will pay the expense, Lee said. He did not have a cost estimate.

Work is set to start Friday, April 24, and finish by mid-July, Lee said. The park, along the Tittabawassee River at 5951 W. Michigan, will remain open to visitors for the Walleye Festival that weekend but will close the following week during the removal.

Mary Draves, a Dow spokeswoman, said the chemical giant wants to conduct the cleanup in as safe and efficient manner and return the park as quickly as possible to residents. She said because Dow is outlining the project in cooperation with the U.S. Environmental Protection Agency, she had no estimate on the cost.

Researchers have linked dioxin contamination to Dow releases in Midland in the 20th century.

Officials have found dioxin in the Tittabawassee and Saginaw rivers, Saginaw Bay, nearby floodplains.

The cleanup is part of a remediation plan Dow agreed to with the EPA, Lee said.

Past tests of 289 soil samples revealed 80 with dioxin levels above 1,000 parts per trillion, an EPA spokesman has said. That's also the point state guidelines direct corrective measures. The highest level measured 5,900 points per trillion, the federal agency has reported. The state average for dioxin in soil is 7 parts per trillion.

Crews were also set to remove and replace contaminated soil from the Riverview condominium complex, east of the park on West Michigan, and 10 residential properties to the west, the EPA has said.

The park and surrounding area often flood, the federal agency has said, which happened again in February.

Lee said the suburb has not discussed with Dow who would pay for future cleanups should the park flood again.

"This has not come up," he said, but added the chemical maker would "hopefully" pay future costs.

While Graves couldn't speculate on costs, she said Dow will offer an interim response to help cleanup sediment that has deposited after a flood.

At least once a year since 2004, Dow has sent crews to clean up after Tittabawassee River floods at Imerman Memorial Park on Midland near McCarty. The company also has removed at least 10 "hot" spots along the waterways of the Tittabawassee and Saginaw rivers. In 2007, authorities found a sample measuring 1.6 million parts per trillion in the Saginaw River next to Wickes Park.

The find was 20 times higher than any other in EPA history, researchers said then. Dow removed the contamination.

In the fall of 2008, Dow clean up 11 homes and properties along Riverside Drive, a private Saginaw road next to the Tittabawassee.

A high-level EPA delegation from the Obama administration visited the region last month to meet with officials at Dow, congressional staff, the state Department of Environmental Quality, property owners and community officials. Great Lakes Bay Region leaders are awaiting word on how a future cleanup will proceed.

*Staff writer Brian Brunner contributed to this report.*

# PESTICIDES

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## Don’t Let The Bedbugs Bite (*Associated Press*)

by Associated Press
Published: April 15 2009 - 5:50 am Last Updated: April 15 2009 - 5:56 am

ARLINGTON, Va. (AP) - We've all heard the old bedtime rhyme: "Good night, sleep tight, don't let the bedbugs bite."

It may have been a joke at one time, but it's no laughing matter now that the nasty critters are invading hospitals, college dorms
and even swanky hotels.

The government is trying to figure out how to respond to the biggest bedbug outbreak since World War II. The EPA is hosting its
first-ever bedbug summit, at a Washington-area hotel that's had no reports of bedbugs.

One of the problems with controlling the reddish-brown insects is that there are few chemicals on the market approved for use on
mattresses and other household items that are effective at controlling bedbug infestations.

Bedbugs are not known to transmit any diseases. But their bites can cause infections and allergic reactions in some people.

## Yikes, bedbugs! EPA looks to stop resurgence (*Associated Press*) This story also appeared: *Washington Post*

By DINA CAPPIELLO
The Associated Press
Tuesday, April 14, 2009; 6:14 PM

ARLINGTON, Va. -- "Don't let the bedbugs bite." Doesn't seem so bad in a cheerful bedtime rhyme, but it's becoming a really big problem now that the nasty critters are invading hospitals, college dorms and even swanky hotels. With the most effective pesticides banned, the government is trying to figure out how to respond to the biggest bedbug outbreak since World War II.

Bedbugs live in the crevices and folds of mattresses, sofas and sheets. Then, most often before dawn, they emerge to feed on human blood.

Faced with rising numbers of complaints to city information lines and increasingly frustrated landlords, hotel chains and housing authorities, the Environmental Protection Agency hosted its first-ever bedbug summit Tuesday.

Organized by one of the agency's advisory committees, the two-day conference drew about 300 participants to a hotel in Arlington, just across the Potomac River from Washington. An Internet site notes that the hotel in question has had no reports of bedbugs.

One of the problems with controlling the reddish-brown insects, according to researchers and the pest control industry, is that there are few chemicals on the market approved for use on mattresses and other household items that are effective at controlling bedbug infestations.

Unlike roaches and ants, bedbugs are blood feeders and can't be lured by bait. It's also difficult for pesticides to reach them in every crack and crevice they hide out in.

"It is a question of reaching them, finding them," said Harold Harlan, an entomologist who has been raising bedbugs for 36 years, feeding them with his own blood. He has the bites to prove it.

The EPA, out of concern for the environment and the effects on public health, has pulled many of the chemicals that were most effective in eradicating the bugs in the U.S. At the same time, the appleseed-sized critters have developed a pesticide resistance because those chemicals are still in use in other countries.

Increasing international travel has also helped them to hitchhike into the U.S.

"One of our roles would be to learn of new products or safer products. ... What we are concerned about is that if people take things into their own hands and start using pesticides on their mattresses that aren't really registered for that, that's a problem," said Lois Rossi, director of the registration division in the EPA's Office of Pesticide Programs.

The EPA is not alone in trying to deal with the problem. An aide to Rep. G.K. Butterfield, D-N.C., says the congressman plans to reintroduce legislation next week to expand grant programs to help public housing authorities cope with infestations.

The bill will be called the "Don't Let the Bedbugs Bite Act."

"It was clear something needed to be done," said Saul Hernandez, Butterfield's legislative assistant.

Bedbugs are not known to transmit any diseases. But their bites can cause infections and allergic reactions in some people. The insects release an anticoagulant to get blood flowing, and they also excrete a numbing agent so their bites don't often wake their victims.

Those often hardest hit are the urban poor, who cannot afford to throw out all their belongings or take other drastic measures. Extermination can cost between $400-$900.

So bedbug problems increase, said Dini Miller, an entomologist and bedbug expert at Virginia Tech, who until 2001 saw bedbugs only on microscope slides dating from the 1950s. Now she gets calls and e-mails several times a day from people at their wits' end.

"I can't tell you how many people have spent the night in their bathtubs because they are so freaked out by bedbugs," Miller said. "I get these people over the phone that have lost their marbles."

Because the registration of new pesticides takes so long, one thing the EPA could do is to approve some pesticides for emergency use, Miller said.

Another tactic would be to screen pesticides allowed for use by farmers to see if they are safe in household settings.

Representatives of the pest control industry will be pushing for federal funding for research into alternative solutions, such as heating, freezing or steaming the bugs out of bedrooms.

"We need to have better tools," said Greg Baumann, a senior scientist at the National Pest Management Association. "We need EPA to consider all the options for us."

# EPA Searches for Ways to Not Let the Bedbugs Bite (*Associated Press*) This story also appeared: *Wall Street Journal*

***Agency Committee, Lawmaker Consider How to Stop Rising Urban Infestation of the Tiny Reddish-Brown Insects***

**ASSOCIATED PRESS**

APRIL 14, 2009, 10:06 P.M. ET

ARLINGTON, Va. -- The federal government is waking up to what has become a growing nightmare in many parts of the country -- a bedbug outbreak.

The tiny reddish-brown insects, last seen in great numbers before World War II, are on the rebound. They have infested college dormitories, hospital wings, homeless shelters and swanky hotels from New York to Chicago to Washington.

They live in the crevices and folds of mattresses, sofas and sheets. Then, most often before dawn, they emerge to feed on human blood.

Faced with rising numbers of complaints to city information lines and increasingly frustrated landlords, hotel chains and housing authorities, the Environmental Protection Agency hosted its first-ever bedbug summit Tuesday.

Put on by an EPA federal advisory committee, the two-day conference drew about 300 participants to the Sheraton Crystal City Hotel in Arlington, Va. (According to a popular online registry, the Sheraton has had no reported bedbug problems.) The conference is expected to provide the agency with advice and recommendations.

"The problem seems to be increasing, and it could definitely be worse in densely populated areas like cities, although it can be a problem for anyone," said Lois Rossi, director of the registration division in the EPA's Office of Pesticide Programs.

The EPA isn't alone in trying to deal with the problem. An aide to Democratic Rep. G.K. Butterfield of North Carolina says he plans to reintroduce legislation next week to expand grant programs to help public-housing authorities deal with infestations.

Many of the programs cover cockroaches and rodents but not bedbugs. The bill will be called the Don't Let the Bedbugs Bite Act.

"It was clear something needed to be done," said Saul Hernandez, Mr. Butterfield's legislative assistant.

One of the problems, according to researchers and the pesticide industry, is that there are few chemicals on the market approved for use on mattresses that are effective at reducing the bedbug population. The appleseed-size critters have also developed resistance to some of the chemicals on the market.

The EPA, out of concern for the environment and the effects on public health, has pulled from shelves many of the chemicals -- such as DDT -- that were most effective in eradicating the bugs from the U.S. over the last 50 years.

Increased international travel has boosted the chances for the bugs to hitchhike from developing countries that never eradicated them completely.

"This is a world-wide resurgence," said Dini Miller, an entomologist and bedbug expert at Virginia Polytechnic Institute and State University, who until 2001 saw bedbugs only on microscope slides dating from the 1950s. Now she gets calls several times a day from people who are often at their wits' end about how to deal with the problem.

"I can't tell you how many people have spent the night in their bathtubs because they are so freaked out by bedbugs," Ms. Miller said. "I get these people over the phone that have lost their marbles."

Bedbugs aren't known to transmit any diseases. But their bites can cause infections and allergic reactions in some people. The insects release an anticoagulant to get blood flowing, and they excrete a numbing agent so their bites don't usually stir a victim's slumber.

Those hardest hit tend to be the urban poor, Ms. Miller said. They can't afford to throw out their belongings or take the sanitation measures necessary to rid themselves of the problem.

Because the registration of new pesticides takes so long, one thing the EPA could do is to approve some pesticides for emergency use, Ms. Miller said.

The pesticide-management industry will be pushing for federal funding for research into alternative solutions, such as heating, freezing or steaming the bugs out of bedrooms.

"We need to have better tools," said Greg Baumann, a senior scientist at the National Pest Management Association. "We need EPA to consider all the options for us."

## EPA Holds Bed Bug Summit (*EmpowHer - Women's Health Online*)

April 14, 2009 - 4:25pm

In response to a resurgence of bed bugs, the U.S. Environmental Protection Agency is this week hosting its first-ever summit on the little blood suckers.

"The problem seems to be increasing, and it could definitely be worse in densely populated areas like cities, although it can be a problem for anyone," said Lois Rossi, director of the registration division in the EPA's Office of Pesticide Programs, the Associated Press reported.

Bed bugs live in mattresses, sofas and sheets. They're not known to transmit any diseases, but people can have an allergic reaction to their bites.

Once common, bed bug problems in the United States were rare over the past few decades. That's changed in recent years, and infestations of the tiny reddish-brown insects have been reported in hotels, hospital wings, college dormitories and homeless shelters in a number of cities, the AP reported.

Currently, there are few chemicals on the market approved for use on mattresses that are effective at combating bed bugs. Heating, freezing or steaming the bugs may be considered as alternatives to chemicals.

## EPA & Lawmakers Focus on New Environmental Issue: Bedbugs (*ABA Journal*)

Posted Apr 14, 2009, 02:53 pm CDT
By Martha Neil

Illinois

In a summit today near the nation's capital, the U.S. Environmental Protection Agency is putting a new emphasis on a growing environmental issue: A proliferation of bedbugs.

The increasing plague of the tiny insects, which notoriously lurk in mattresses waiting to feed on humans as they sleep, apparently has been encouraged by relaxed vigilance and increased federal restrictions in recent decades on the chemicals that can be used to combat them, reports the Associated Press.

At least one federal lawmaker is planning to introduce legislation on the topic. The bill proposed by Rep. G.K. Butterfield (D-N.C) will be known as the Don't Let the Bedbugs Bite Act.

# US to tackle resurgent bed bugs (*BBC News*)

**The US government is hosting its first-ever bed bug conference amid a comeback by the blood-sucking insects.**

Page last updated at 00:31 GMT, Wednesday, 15 April 2009 01:31 UK

Thought to have been virtually eliminated decades ago, bed bugs have re-emerged in dormitories, hospitals, shelters and hotels in several cities.

Bed bugs live in the seams of mattresses, sofas and sheets, emerging to feed on their victims at night.

They are not known to carry diseases, but many people develop an itchy swelling when bitten.

The US Environmental Protection Agency called the two-day summit in the face of rising complaints from landlords, hotel chains and housing authorities, the Associated Press news agency reports.

**Bath tubs**

Bed bugs were last seen in large numbers in the US before World War II.

They have usually associated with impoverished dwellings and inexpensive hotels.

Now, experts say international travel, immigration and changes in pest control practices have contributed to a resurgence of the bug in developed countries.

Dini Miller, an entomologist and bed bug expert at Virginia Polytechnic Institute and State University, told AP there had been a "worldwide resurgence" in bed bugs.

"I can't tell you how many people have spent the night in their bath tubs because they are so freaked out by bed bugs," she said.

Researchers say one of the main problems is that there are few chemicals approved for use on mattresses that are effective at killing bed bugs.

The EPA has withdrawn many of the chemicals over the last 50 years because of health and environmental concerns.

# EPA Could Loosen Restrictions on Disinfectant Green Claims (*GreenerDesign.com*)

By GreenerBuildings Staff
April 15, 2009

Later this month, U.S. Environmental Protection Agency officials are expected to make recommendations that would allow some companies to market disinfectants and sanitizers as "environmentally preferable."

Current EPA policy prohibits companies from making that claim for pesticide products, a category that includes disinfectants.

If the policy changes, suppliers would be able to make factual claims of environmental preferability for disinfectants and sanitizers, as well as use certain eco-labels when marketing hard surface antimicrobial products.

The EPA and its Design for the Environment program have been running an internal pilot regarding loosening the restrictions on green claims by identifying how the Design for the Environment label could be applied to certain disinfectants and sanitizers. An external pilot involving manufacturers and distributors is expected to follow.

*Spray - CC license by Editor B*

# RECYCLING

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## Wireless Providers Encourage Cell Phone Recycling (*RedOrbit*)

Posted on: Tuesday, 14 April 2009, 07:00 CDT

Texas

While some old cell phones pile up in closets, drawers, and other out-of-the-way places, most wind up in landfills, where their toxic elements are left to contaminate the environment.

According to the Environmental Protection Agency, the government and private industry are working to get cell phone users to recycle their phones.

In 2007, only 10 percent of 140 million phones were recycled.

The rest were stored away or put into the trash, said Latisha Petteway, an EPA spokeswoman.

According to Petteway, the EPA does not have an extensive breakdown of how many phones are stored away, and how many are sent to landfills.

The EPA, wireless carriers, and the wireless trade industry association (CTIA), are working together to increase cell phone recycling.

Wireless company Sprint hopes to collect 250,000 phones for reuse or recycling in April, and to increase that to 9 for every 10 phones the company sells by 2017.

According to the GSM Association, which represents phone makers using GSM technology, 80 percent of phone items like headsets, batteries, cases, cables, and chargers, can be recycled.

T-Mobile and AT&T have also vowed to standardize chargers for most cell phones by 2012. This would help reduce the more than 51,000 tons of phone charger waste disposed of each year.

Precious metals like gold, platinum, and silver can also be extracted from phones and reused.

Before recycling or disposing of old cell phones, users should remove all data from it.

According to ReCellular, a Michigan-based company that recycles old cell phones and accessories, the company collected 5.5 million phones in 2008 and told MSNBC.com that it "deleted an average of 5 megabytes of information per handset."

The company recommends doing a "hard reset" to put the phone back into its original state before donating or disposing of it.

ReCellular also offers a free Cell Phone Data Eraser program on its Web site: www.recellular.com.

According to Michele Triana of Florida-based GRC Wireless Recycling, many recyclers use "flashing software" to remove previous information from phones, especially if the phone could potentially be used in a different country.

"When a phone is going to be exported, that phone needs to be reprogrammed with the particular (phone) code for that country," she said. "Flashing software is what does this. Through the flashing process, all data in a phone is deleted."

SIM cards, also known as Subscriber Identity Module cards, should also be removed by users.

These small memory chips can hold personal information and are normally found on AT&T or T-Mobile phones.

Many carriers in the U.S. house drop-off bins in their stores, and will accept all donated phones, regardless of the make or model.

AT&T uses proceeds generated from the Cell Phones for Soldiers program to buy phone cards for troops stationed overseas.

Sprint offers a buy-back program for its customers. Proceeds from the company's recycled phones goes to "Project Connect," a fund that promotes "free Internet safety resources for kids, parents and educators."

T-Mobile and Verizon also offer similar phone recycling programs.

Verizon Wireless leads the way with its HopeLine program which has collected more than 5.6 million cell phones since 2001, and has given more than $1.5 million to domestic awareness/prevention groups, says Terri Stanton of Verizon.

# WATER

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# EPA Officials Coming Back to West Virginia (*WOWK*)

Posted Tuesday, April 14, 2009 ; 04:54 PM
Updated Tuesday, April 14, 2009 ; 05:20 PM

West Virginia

**Meeting set for later this week.**

Officials from the Environmental Protection Agency will be back in West Virginia this week to discuss recent announcements made by the agency concerning mountaintop mining.

Matt Turner, a spokesman with Gov. Manchin's office, said EPA officials are scheduled to meet with mining industry executives and state officials.

He did not have an itinerary for the meeting or a specific list of who would be in attendance.

A spokesperson for the EPA said the meeting would cover "technical issues" of the permitting process, but declined to elaborate on any specifics.

Hundreds of mountaintop mining permits face an uncertain fate after the EPA announced the agency wants to review pending permits.

In a memo released March 24, the EPA said it wants to review all backlogged permits presently with the Army Corps of Engineers.

The EPA also sent two letters to Corps offices in Huntington and Louisville, Ky., expressing concern about potential harm to water quality from coal mining, especially mountaintop mining.

Associated Press and other media reports estimate there are anywhere from 100 to 250 permits affected by the EPA decision.

In March 2007, U.S District Judge Robert C. Chambers found for several environmental groups in a lawsuit against the U.S. Army Corps of Engineers. The groups sued to change how the Corps reviews valley fill permits. The Corps appealed the case to the 4th Circuit Court of Appeals in Richmond which reversed and remanded Chambers' decision earlier this year.

A spokeswoman for the National Mining Association, said the review affects all permits in the Huntington and Louisville offices.

The two EPA letters were sent concerning the Reylas Surface Mine in Ethel, Logan County, owned by Highland Mining Co., and Central Appalachian Mining's Big Branch Surface Mine in

Pike County, Ky. The Logan County mine is located in the Dingess Run watershed, which drains into the Guyandotte River.

The Guyandotte River is a high-quality stream for fisheries as defined by the West Virginia Division of Natural Resources, according to the EPA letter.

Permit applications for such mining projects are required by the Clean Water Act.

According to its memo, the EPA also wants to meet with the Corps and mining companies seeking the new permits to discuss alternatives that would better protect streams, wetlands and rivers.

## Louisiana Begins Wetland Repair with Mississippi River Sediment (*Environment News Service*)

**BELLE CHASSE, Louisiana**, April 14, 2009 (ENS) - The first project in state history designed to mine sediments from the Mississippi River and transport them by pipeline to rebuild eroding coastal wetlands was announced today by Governor Bobby Jindal.

The $28.3 million project, known as The Mississippi River Sediment Delivery System at Bayou Dupont, will build and restore nearly 500 acres of marsh in Lower Jefferson and Plaquemines parishes using sediment from the Mississippi River.

Governor Jindal said, "The Bayou Dupont Project breaks new ground for coastal restoration in our state because it is the first time we have carried out a project to transport sediments from the Mississippi River through a pipeline to build wetlands outside the river's levees."

"This project is a great example of the ways the state and Environmental Protection Agency are pushing to use available sediments in the Mississippi River to build land rather than dredging them and dumping them in a wasteful way," Jindal said. "The path forward in rebuilding our coast is capturing and using sediment transported in our waterways to rebuild and strengthen our coasts."

The wetlands being restored have been destroyed by hurricanes and saltwater intrusion.

Louisiana has about 40 percent of the nation's wetlands and experiences 90 percent of the coastal wetlands loss in the entire lower 48 states.

The state is losing 25 to 35 square miles of wetlands each year, nearly a football field every 30 minutes. The highest rates of loss are occurring in the Barataria and Terrebonne basins at a rate

of 10 and 11 square miles per year. The Barataria basin is located immediately south of New Orleans, with the Terrebonne basin located further south and west.

As these coastal wetlands turn to open water, their ability to impede approaching storms is reduced and the risk of catastrophic loss of life and property from hurricanes is greatly increased, warns Restore or Retreat, a non-profit coastal advocacy group. The Barataria and Terrebonne basins are the two most rapidly eroding estuaries on Earth, and this erosion represents an economic and ecological crisis," the group says.

Under the project announced by the governor today, dredged material will be taken from the Mississippi River to two sites in the Upper Barataria Basin in Plaquemines and Jefferson parishes on what is called the Barataria Landbridge.

Coastal Protection and Restoration Chairman Garret Graves said, "While the levees on the Mississippi River accomplished their goal of preventing flooding and stabilizing the navigation channel that so many states rely upon, they also cut off the river sediment from nourishing and restoring our wetlands. This project takes the land-building process we learned from Mother Nature and does it much more efficiently."

The project will be built using federal and state funds from the Coastal Wetlands Planning Protection and Restoration Act program with project oversight from the Louisiana Coastal Protection and Restoration Authority and the U.S. Environmental Protection Agency.

The state is paying 15 percent of the cost, a total of $4.24 million, out of the state's coastal trust fund.

Governor Jindal said the contract for this project was awarded in February and work on building the infrastructure and laying the pipeline has begun. Marsh reconstruction is scheduled to start this summer.

In total, the pipeline will transport 2.3 million cubic yards of sediment from the Mississippi River to complete the project. After all the material is transported, native vegetation will be planted on the new marsh.

The area of the river where the sediments will be dredged was chosen because it will fill up with sediments again. Part of the pipeline infrastructure will remain in place after the project is complete so it can be used to build future projects.

Tp to 200 million tons of sediment washes down the Mississippi River every year, but only a fraction of the sediment has ever been used to rebuild land.

"This has to stop," Governor Jindal said. "Our soil and sediment is not waste. This is the same material that actually created the river delta that is Louisiana today. If it is taken from our waterways, it needs to be used to build land in our state to restore healthy marshes and protect our coastal communities."

In fact, said the governor, if all the available sediment dredged from our waterways was used beneficially, more than 18 square miles of land a year could be built in Louisiana, which would cut the state's rate of land loss by two-thirds.

Jindal said the Coastal Protection and Restoration Authority and the Department of Natural Resources currently are working on improving regulations and practices for using dredged materials from all coastal projects where sediments are dredged and removed.

The governor noted that every year the U.S. Army Corps of Engineers removes about 60 million cubic yards of sediment from Louisiana navigation channels. Now the state also is working with the Corps to utilize the maximum amount of these sediments to build land to restore and protect Louisiana coastal communities and wetlands.

# Corps Narrows CWA Permit After Court Backs Industry Standing To Sue (*Inside EPA*)

TUESDAY, APRIL 14, 2009

The U.S. Army Corps of Engineers is proposing to narrow the scope of a controversial Clean Water Act (CWA) permit in response to a district court ruling that found the original language provided grounds for the homebuilding industry to bring a facial challenge to the permit.

But the Corps has left intact controversial language in the permit that subjects “ditches” to regulation under the water act, the issue at the heart of industry's pending litigation.

The regulatory change comes as the Corps and industry officials have asked the court to back a proposed briefing schedule that would allow the parties to begin briefing the case on the merits next month.

At issue is language in nationwide permit (NWP) 46 that industry charged required dischargers to seek permit coverage even if they were not discharging into regulated waters. The permit authorizes the discharge of dredged or fill material into non-tidal ditches.

In a notice scheduled to be published April 15 in the *Federal Register*, the Corps is seeking to clarify language in the permit's preamble that details when dischargers need to seek permit coverage, stipulating such coverage is necessary only if there is a discharge into regulated waters. Industry is required to seek permit coverage -- by submitting a preconstruction notice (PCN) for coverage -- to avoid liability for unpermitted discharges, which are unlawful under the water act.

“These replacement sentences are intended to avoid any inference that NWP 46 requires any person to submit a PCN unless that person is voluntarily seeking permit authorization under NWP 46, and believes that his proposed activity would satisfy all the terms and conditions of NWP 46,” the notice says.

In 2007, the National Association of Home Builders (NAHB) sued the Corps, charging the agency lacks the authority to issue NWP 46 because ditches are point sources and not waters subject to CWA jurisdiction (*see related story*).

The Corps sought to dismiss the lawsuit, saying NAHB lacked standing. But the U.S. District Court for the District of Columbia last year allowed the case to go forward, finding that "the broad language of the permit does impose a regulatory burden onto [NAHB's] members by requiring the submission of PCNs when they are not expressly necessary."

The March 26, 2008, memorandum opinion rejected the Corps' argument that NWP 26 "merely provides that individuals wishing to discharge into ditches that are determined to be jurisdictional may do so without obtaining an individual permit." The court found the Corps' "argument would be more persuasive were it not for the broad language of NWP 46 which states that 'we are requiring pre-construction notification for all activities.'"

The interim decision, however, did not address the merits of the case, including the question of whether upland ditches, as a category, fall under the CWA's jurisdiction.

Now the Corps is proposing to modify the language, spelling out that dischargers need only seek permit coverage when they satisfy all of the permit's criteria, including that the ditch in question is constructed in uplands; receives water from an area determined to be a water of the United States prior to the construction of the ditch; diverts water to an area determined to be a water of the United states prior to the construction of the ditch; and is determined to be waters of the United States.

"Nationwide permit 46, like every other Corps general permit, does not make, and does not imply, any sort of assertion of geographic jurisdiction over any aquatic area or over any category of aquatic areas, nor does it make or imply any sort of assertion of activity-based jurisdiction over any activity or category of activities," the notice says.

The notice also emphasizes that "the issuance of NWP 46 did not and does not involve, and does not result in, any assertion of Clean Water Act jurisdiction over any particular aquatic area or over any category of aquatic habitats, or over any particular activity or over any category of activities."

The notice begins a 30-day comment period on the removed sentence, the replacement sentences, and the additional clarification provided in the notice.

Meanwhile, NAHB, with the consent and agreement of the Corps, asked the district court April 2 to adopt a briefing schedule in the still-pending litigation to allow for cross motions for summary judgment. If accepted, NAHB's first brief would be due May 26, after the comment period on the preamble change is scheduled to end but before the Corps is likely to have finalized its proposed changes, according to a source familiar with the litigation.

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