**U. S. Environmental Protection Agency**
# E-Clips
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**ADMINISTRATOR JACKSON**

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Posted on Wed, Jun. 09, 2010

**Obama will veto Alaska Sen. Murkowski's EPA proposal (*Miami Herald*)**

Erika Bolstad
McClatchy Newspapers

WASHINGTON — The White House made it clear Tuesday that President Barack Obama will veto Sen. Lisa Murkowski's proposal to curtail the U.S. Environmental Protection Agency's effort to regulate greenhouse gas emissions, in the unlikely event the Alaska Republican's proposal passes Congress.
Murkowski on Thursday will ask fellow senators to vote on a rarely used disapproval resolution, which signals congressional displeasure with the EPA's finding that greenhouse gases endanger public health. The proposal would keep the federal agency from regulating greenhouse gas emissions from large polluters such as power plants, a regulatory move already under way in the absence of any comprehensive climate bill by Congress.

The White House went as far as to issue a statement of administration policy on the EPA matter, and said Tuesday that the proposal from the Alaska Republican would "undermine the administration's efforts to reduce the negative impacts of pollution and the risks associated with environmental catastrophes, like the ongoing BP oil spill."

"As seen in the Gulf of Mexico, environmental disasters harm families, destroy jobs, and pollute the nation's air, land and water," the White House wrote.

The administrator of the EPA, Lisa Jackson, had even harsher words Tuesday at an EPA environmental conference for small business owners. She called the oil spill a "tragic reminder of the hazards of our oil addiction" and accused Murkowski of undermining the agency's efforts to zero in on large emitters, not small ones.

"It would take away EPA's ability to take action on climate change," Jackson said. "And it would ignore and override scientific findings, allowing big oil companies, big refineries and others to continue to pollute without any oversight or consequence. Finally, it will result in exactly zero protections for small businesses."

The EPA is working on regulations that will limit emissions by large producers of greenhouse gases, as part of its compliance with a 2007 U.S. Supreme Court decision requiring the agency to determine whether greenhouse gases endanger the country's health and welfare.

The Obama administration has long said it prefers that Congress write the guidelines, and even if lawmakers are slow to act, it could be years before the EPA rules take effect.

The Murkowski resolution has even trickled into local politics in Alaska.

Anchorage Mayor Dan Sullivan, a Republican who replaced Sen. Mark Begich in the job last year, lashed out at his predecessor for failing to support Murkowski's proposal.

"Your loyalty should first-and-foremost be with the people of our state," he wrote to Begich.

Begich, is "disinclined" to vote for it, a spokesman said.

On Tuesday, Murkowski and the nine Republican senators who stood beside her during a press conference worked to distance the disapproval resolution from the Gulf of Mexico oil spill, which began April when the Deepwater Horizon rig exploded and killed 11 workers. She called the administration's efforts to link her resolution to the oil spill a "new low" and "an insult to those impacted by the spill and to the hundreds of stakeholders that are concerned about the economic consequences of EPA's climate regulations."

"Ultimately this resolution is about protecting the economy and preventing agency overreach," Murkowski said.

However, one of her Republican colleagues, Sen. Lindsey Graham of South Carolina, said the Gulf spill and the country's climate policy are inexorably linked. Doing nothing on climate change is not an option, said Graham, who until recently was a co-sponsor of a climate bill being written by Sen. John Kerry, D-Mass., and Sen. Joe Lieberman, I-Conn.

But Graham also said he dislikes the idea of the rules the EPA is writing. The country must produce more of its own oil, Graham said, but also must use less of it.

"You know, the Gulf oil spill is a heartbreaking event," he said. "To those who believe that fossil fuels are -- they're going to be with us for a while, but would you let your children go swimming in the Gulf now? Why do you think burning that stuff and breathing it is good for you, if you wouldn't let your kids swim in it?"

Murkowski needs 51 votes for the measure to pass the Senate on Thursday. Right now, her resolution has 40 co-sponsors including three Democrats: Sen. Mary Landrieu of Louisiana, Sen. Blanche Lincoln of Arkansas and Sen. Ben Nelson of Nebraska.

However, environmentalists said they don't see the vote as a referendum on a climate bill. Some senators who vote for it might do so because they want Congress setting the agenda, not the EPA, said Dan Lashof, director of the Natural Resources Defense Council's Climate Center.

Lashof also disputes Murkowski's contention that the oil spill and the Gulf and her resolution have no link.

"What the public wants to see is a comprehensive response that not only tightens the regulation of drilling, but moves the country decisively onto a clean-energy path that breaks our dependence on oil," he said. "And the Murkowski resolution would move in the wrong direction on that."

Other environmental groups have called it "Big Oil's resolution," and have seized on it as an example of the close ties Murkowski and many others in Congress have to oil companies.

"At this point this vote is a blatant test to see who still stands with the oil companies," said Jeremy Symons, senior vice president of the National Wildlife Federation. "My advice to senators would be to ask themselves what Tony Hayward would do and do the opposite," he added, referring to BP's chief executive.

**National Review: The Cap-And-Trade Subterfuge (*NPR*)**

by The Editors
June 8, 2010

In the wake of the BP spill, Democrats face what might appear to be an intractable political dilemma. They are under enormous pressure to pass some kind of energy bill, yet the energy bill they want to pass — one that places onerous restrictions on the use of fossil fuels — lacks the requisite support in the Senate. Fortunately for them, and unfortunately for the nation, the Democrats don't need to pass a cap-and-trade bill in order to implement cap-and-trade. Obama's EPA can do the unpopular work of rationing energy consumption while Congress can do the popular work of handing out big bags of money to the green lobby and spanking the oil companies with a handful of tax hikes.

Sen. Chuck Schumer (D., N.Y.) tipped the Democrats' hand yesterday. Speaking on MSNBC, Schumer noted that Sen. Jeff Bingaman (D., N.M.) passed a bill through the Energy and Natural Resources Committee last year that included massive expansions in subsidies for renewable-energy companies but did not include a cap-and-trade component. Bingaman's bill would serve as the "base" for the Senate's energy bill, Schumer said, while the cap-and-trade bill drawn up by Sens. John Kerry (D., Mass.) and Joe Lieberman (I., Conn.) would be offered "in the form of an amendment." If the Kerry-Lieberman cap-and-trade amendment is voted down, the Democrats will still be able to take credit for passing a subsidy-rich energy bill without requiring their more vulnerable members to vote for higher energy costs in the midst of a recession.

The Democrats probably don't have any choice but to handle it this way. Sen. Lindsey Graham (R., S.C.) — the only Republican who had been willing to work with Democrats on a cap-and-trade bill — has pulled his support. Nor is it clear that the Maine ladies, Republicans Susan Collins and Olympia Snowe, could bail the Democrats out this time:

Sen. Ben Nelson (D., Neb.) has predicted that no cap-and-trade bill can get 60 votes in the Senate right now, signaling that he and other moderate Democrats would oppose any bill that made energy more expensive, particularly if forced to vote on such a bill right before an election.

Make no mistake: Even without cap-and-trade, the Bingaman bill would cost taxpayers and ratepayers plenty. We could ill afford the increase in green-energy subsidies even if our deficits weren't setting new records each month. And the bill includes a requirement that utility companies sharply increase the percentage of their electricity that they generate from renewable sources, which will result in higher energy bills.

The original Bingaman bill at least offered to reduce some of the red tape associated with domestic fossil-fuel production: It included provisions that would have encouraged coastal drilling and greater exploration of domestic sources of natural gas and oil shale. But these provisions aren't likely to survive in a post–Deepwater Horizon legislative environment. They are likely to be replaced by tax increases on oil companies. In a speech at Carnegie Mellon University last week, President Obama called for repealing "billions of dollars in tax breaks" on oil companies. The tax breaks in question include deductions on costs incurred exploring for domestic sources of oil that are similar to tax deductions other industries enjoy. On the issue of encouraging commercially competitive domestic sources of energy, the new Senate legislation will be 180 degrees from the original Bingaman bill.

Meanwhile, Obama's Environmental Protection Agency is poised to take unilateral action to regulate greenhouse-gas emissions, having declared atmospheric carbon dioxide a threat to human health (a finding, it bears repeating, that was based on a U.N. report whose scientific probity has been called into question). EPA administrator Lisa Jackson has taken to the digital pages of the Huffington Post to argue against a pending Senate measure, sponsored by Alaska Republican Lisa Murkowski, that would prevent the EPA from so grossly overstepping its bounds. Absent such a measure, there is nothing standing in the way of new EPA restrictions on the use of fossil fuels. The agency has already announced new regulations on power plants and factories that emit at least 100,000 tons of greenhouse gases a year.

Some fear that the BP spill will give proponents of new energy restrictions the political power they need to pass such restrictions through a recalcitrant Congress. Indeed, this is what President Obama is hoping for. But the second-best outcome for Democrats — a pork-loaded energy bill, new taxes on oil companies, and an EPA empowered to go ahead with its own version of cap-and-trade — is nearly identical to their ideal outcome. In fact, it would be a better outcome from the point of view of some hard-core environmentalists, who think the EPA's version of cap-and-trade would be preferable to (meaning more restrictive than) anything Congress could produce. Conservatives should not let up in their opposition to the Kerry-Lieberman cap-and-trade bill, but they should be ready to attack the Democrats' fallback position as well.

Last updated June 8, 2010 10:59 p.m. PT

**Big Oil's new gusher -- in U.S. Senate (*Seattle Post Intelligencer*)**

By JOEL CONNELLY
SEATTLEPI.COM STAFF

Lindsay Lohan, Britney Spears and Joran Van der Sloot are not written about here, but this column is about loose morals and a potential crime scene -- the floor of the U.S. Senate.

As oil gushes out of the Deepwater Horizon, and undersea plumes spread across the Gulf of Mexico, allies of Big Oil plan a crude maneuver Thursday on the floor of the U.S. Senate.

Sens. Lisa Murkowski, R-Alaska and Jim Imhofe, R-Oklahoma, will ask the Senate to approve a resolution that prohibits the U.S. Environmental Protection Agency from developing rules that regulate emissions from large polluters such as refineries and power plants.

The resolution would gut EPA's authority and rescind recently adopted rules that require increased fuel efficiency on cars and light trucks manufactured over model years 2012 to 2016.

"The resolution would ignore and override scientific findings and allow big oil companies, big refineries and others to continue to pollute without any oversight or consequence," EPA Administrator Lisa Jackson wrote Monday.

"It would also gut EPA's authority in the clean cars program, a program that would help reduce our dependence on foreign oil and cut down on air pollution," Jackson added in HuffingtonPost.

Big Oil is boss of senators from oil and automobile states. It's been that way since Sen. Robert Kerr, D-Oklahoma, ruled the Senate Finance Committee and enhanced finances of the Kerr McGhee Corp. a half-century ago.

Murkowski and Imhofe already have blocked legislation that would boost oil companies' liability when a spill kills thousands of birds and wrecks the livelihoods of thousands of people.

(The current liability cap is $75 million. Sen. Patty Murray, D-Wash., and others are seeking to raise it to $10 billion.)

Murkowski has called on such Democratic collaborators as Sen. Ben Nelson, D-Nebraska, to give a veneer of bipartisanship to Big Oil's gambit to block reductions in greenhouse gas pollution.

A Washington Post/ABC News poll, earlier this week, found that more than 70 percent of Americans believe the Gulf of Mexico spill qualifies as a full-fledged disaster.

Big Oil strumpets think otherwise.

"This is not an environmental disaster," Rep. Don Young, R-Alaska, told Alaska Public Radio. "Oil has seeped into this ocean for centuries and will continue to do it. During World War II there was over 10 million barrels of oil spilled from ships, and no natural catastrophe."

Gov. Haley Barbour, R-Mississippi, a longtime Washington, D.C., lobbyist, excused deepwater drilling with the words:

"In the last 50 years, with- the four states that allow off shore drilling on the Gulf, more than 30,000 wells have been drilled in the Gulf of Mexico. This is the first time in that 30,000 we have ever had anything happen."

As he spoke, a second Gulf rig was found to be leaking. Of course, Barbour conveniently ignores the massive oil spill from a Mexican drilling rig just a few years ago."

Big Oil has not only fouled the beaches of the Gulf of Mexico and Prince William Sound, and leaked thousands of gallons of crude (courtesy of corroded BP pipes) onto the tundra of the North Slope.

It has also fouled our politics, thwarting efforts to break this country of its addiction to oil -- the fixes delivered from places like Iran and Venezuela -- and cut back on emissions that are warming the planet.

President Barck Obama is trying to show Americans that he's damned mad, resorting to salty language on the Today Show and declaring he would have fired BP boss Tony Hayward if Hayward worked for him.

He ought to define a new national strategy using famous words of John F. Kennedy: Don't get mad, get even.

Twist arms to block the Murkowski amendment. Get behind Murray and other legislators trying to raise Big Oil's liability limit. And speak truth to the power of Big Oil:

It's time -- NOW -- to move out from the dark muck and corruption of the carbon economy, and into the sunlight of a new energy future.

**EPA Draws Early Criticism Over First-Time Oral Safety Standard For Dioxin (*Inside EPA*)**

Posted: June 8, 2010
EPA is facing early criticism from the chemical industry and federal agencies over its first-time oral safety standard for dioxin -- a standard that the agency created at the recommendation of the National Academy of Sciences (NAS) but which critics charge is not necessary, inappropriate and based on faulty data.

Meanwhile, industry officials are urging EPA's Science Advisory Board (SAB) to remove Paolo Mocarelli -- one of the members from the panel designated to review EPA's draft reassessment -- arguing that as the author of one of the principal studies EPA used in setting the standard Mocarelli cannot impartially review the assessment.

Mocarelli is known for his research of dioxins, and particularly of the residents of Seveso, Italy and surrounding towns exposed to large amounts of the contaminants after an industrial accident in 1976. EPA used one of Mocarelli's studies of the exposed residents, along with a second study by one of Mocarelli's colleagues also looking at Seveso residents as the basis for its calculation of the non-cancer risk that dioxin poses when ingested.

The industry source noted that SAB announced the members of the review panel last November, before the publication of the draft TCDD assessment, so "no one could have known there was a conflict." The source added that industry is "hoping SAB will review his participation on the panel" due to concern over Mocarelli's "potential lack of objectivity" in reviewing an assessment based in part on one of his own publications.

The source indicated that an industry representative discussed Mocarelli's participation on the panel with an SAB staff member, but the meeting was inconclusive. The source did not know how or if SAB intends to address the concern.

EPA's draft reassessment of the risks posed by 2,3,7,8-tetrachlorodibenzo-p-dioxin (TCDD) -- the most toxic form of dioxin against which other dioxins and dioxin-like compounds are assessed -- includes a first-time calculation of a reference dose (RfD) for TCDD. An RfD is the amount EPA considers safe to consume daily over a lifetime without experiencing non-cancer health effects.

EPA calculates an RfD for dioxin of 7x10-10 milligrams per kilogram of body weight per day (mg/kg-day), one of the strictest yet. EPA calculated the RfD in response to a 2005 NAS recommendation, which reviewed an earlier EPA draft reassessment of dioxin in 2005.

One environmental consultant says EPA in the past was reluctant to calculate an RfD for dioxin because "so much of the population is already in excess" of the RfD EPA would have calculated.

**'Not Practical'**

Similarly, a public health activist said that in the past EPA indicated that calculating an RfD was "not practical because the value was above the average intake value for the population so therefore it had no meaning. It never made sense to me." Instead, EPA calculated "benchmark levels between intake and adverse effects," the source adds. "I think they still make the argument that is more important" than the RfD.

The activist believes this is the first time that EPA has set an RfD above the daily ingestion rate.

The draft presents an estimated U.S. daily intake of TCDD and other dioxin-like compounds at "roughly 0.58 [picograms per kilogram body weight per day (pg/kg-day)] at the 50th percentile and suggest that human TEQ ingestion exposures likely peaked in the 1970's." That estimate converts to 5.8x10-10 mg/kg-day.

But both industry and other agencies, including the Agriculture (USDA) and Defense (DoD) departments, have questioned the RfD which is based in part on one of Mocarelli's studies. USDA questioned whether an RfD is "truly necessary for reduction of risk," while DoD and the American Chemistry Council (ACC), the chemical industry association, questioned the studies EPA used to calculate the RfD.

"An inappropriate data set was chosen for the chronic RfD," DoD argues in its March 26 interagency comments. The Pentagon explains that it does not believe EPA has met its own criterion for choosing the principle studies that are the basis for non-cancer risk calculations. "For noncancer risks, the document concludes that the human data are the most relevant. However, the studies selected do not meet EPA's criterion," according to DoD's comments. "For a chemical such as dioxin where the document states that body burden or area under the curve is the appropriate dose metric there must be more than acute exposure (such as the exposures in these studies) to attain the body burden."

ACC also protests the principle studies EPA chose when developing the RFD. In a May 21 letter, ACC Assistant General Counsel David Fischer argues that "while EPA appeared to heed NAS' recommendation to develop a dioxin RfD using human data, the agency did not use the best available science, and based the RfD on questionable research. As a result, the agency exaggerates health effects expected from normal dietary exposure."

ACC sources say that the two Seveso studies EPA used as the basis for its RfD "don't necessarily represent the typical background exposure" to TCDD. Even the control population used in the Seveso studies "are more exposed than people today," the sources say, adding that the upper tenth or fifth percentile of Americans exposed to TCDD are lower than the control population used in the Seveso studies.

The environmental consultant, however, says that the Seveso studies are the most appropriate for EPA to use.

"I don't buy the [industry's] argument. It's too thin," the source says. "The Seveso accident exposed 30,000 people, the exposure levels are well-documented. We have a better understanding of their exposures than any other cohort in the world."

**Human Data**

Industry is "arguing out of both sides of their mouths," the source says, noting that industry often criticizes EPA for "taking liberties with animal data and [being] too overprotective. Now that EPA has this excellent human data, they don't want them to use it."

Meanwhile, ACC is also urging EPA to expand the public and peer reviews of the draft assessment, saying the agency is not allowing enough time or data review in either process. "EPA's truncated comment period severely limits the public's ability to adequately review nearly 2000 pages of a highly technical report, which includes new analyses and provide substantive, constructive input into the SAB's deliberations. Similarly, SAB's peer review obligations are hampered without the full benefit of public input during its deliberations on very complex scientific issues," ACC President Cal Dooly says in a June 2 letter to EPA Administrator Lisa Jackson.

An SAB source indicates that the SAB review meeting will not be delayed, but emphasizes that meeting will be the first of ongoing opportunities for stakeholders to comment. -- *Maria Hegstad*

## EDITORIAL / OP-ED / COMMENTARY / LETTERS

### Oil-spill response not according to plan (*Washington Times*)

By
6:18 p.m., Tuesday, June 8, 2010
Although it has gone almost unmentioned, the Environmental Protection Agency (EPA) has a national contingency plan that has not been used to its full capacity by President Obama and his administration as the situation has worsened in the Gulf of Mexico ("One step forward, one step backward on oil gusher," Nation, Monday). Other existing laws grant the president executive power in the event of massive spills. The Oil Pollution Act of 1990, for example, gives the president the authority to direct federal, state and private actions to remove oil and the threat of oil in cases like the Gulf spill.

Instead of demanding that BP fix the leak and relying on the Coast Guard for everything, it appears that the president should have dusted off the national contingency plan and gotten the resources of the whole country involved as designated in the plan. In addition to the implementation of the plan, there should have been a national operations center set up at the scene with modern communications, expert professionals assigned and military watch officers like the Marine Corps has in combat situations. There is still time to take over the situation in a professional way.

LT. COL. DOMINIK NARGELE
U.S. Marine Corps (retired)
Arlington, Va.

**To the Editor (*New York Times*)**

"You never want a serious crisis to go to waste," Rahm Emanuel, the White House chief of staff, famously said. The New York Times seems to agree. Your editorial tries to use the tragedy of the Deepwater Horizon spill to advance your agenda regarding cap and trade.

We can all agree that we need to steadily decrease the percentage of oil in our nation's energy use. In fact, S. 1462, the American Clean Energy Leadership Act, which was passed by the Senate Energy and Natural Resources Committee last year on a strong bipartisan basis, would do exactly that. Though it has been waiting for Senator Harry Reid to calendar it for a year now, the bill doesn't rate a mention in your editorial.

There has also been strong bipartisan agreement (including President Obama's previous statements) that command-and-control regulation by the Environmental Protection Agency is the worst form of greenhouse gas regulation. Despite this, the editorial argues against my resolution to stop the E.P.A. on the assertion that it would undercut the government's authority and reduce the anticipated oil savings from new fuel economy standards.

In reality, the National Highway Traffic Safety Administration retains full authority to increase fuel economy standards, and assertions that the resolution undercuts government authority ignore the fact that such authority comes only with the consent of the people.

Lisa Murkowski Washington, June 7, 2010

The writer, a United States senator from Alaska, is ranking member, Senate Energy and Natural Resources Committee.

**The Climate Majority (*New York Times*)**

June 9, 2010 Wednesday
Late Edition - Final
Section A; Column 0; Editorial Desk; OP-ED CONTRIBUTOR; Pg. 25
By JON A. KROSNICK.
Jon A. Krosnick is a professor of communication, political science and psychology at Stanford.
Stanford, Calif.

ON Thursday, the Senate will vote on a resolution proposed by Lisa Murkowski, Republican of Alaska, that would scuttle the Environmental Protection Agency's plans to limit emissions of greenhouse gases by American businesses.

Passing the resolution might seem to be exactly what Americans want. After all, national surveys released during the last eight months have been interpreted as showing that fewer and fewer Americans believe that climate change is real, human-caused and threatening to people.

But a closer look at these polls and a new survey by my Political Psychology Research Group show just the opposite: huge majorities of Americans still believe the earth has been gradually warming as the result of human activity and want the government to institute regulations to stop it.

In our survey, which was financed by a grant to Stanford from the National Science Foundation, 1,000 randomly selected American adults were interviewed by phone between June 1 and Monday. When respondents were asked if they thought that the earth's temperature probably had been heating up over the last 100 years, 74 percent answered affirmatively. And 75 percent of respondents said that human behavior was substantially responsible for any warming that has occurred.

For many issues, any such consensus about the existence of a problem quickly falls apart when the conversation turns to carrying out specific solutions that will be costly. But not so here.

Fully 86 percent of our respondents said they wanted the federal government to limit the amount of air pollution that businesses emit, and 76 percent favored government limiting business's emissions of greenhouse gases in particular. Not a majority of 55 or 60 percent -- but 76 percent.

Large majorities opposed taxes on electricity (78 percent) and gasoline (72 percent) to reduce consumption. But 84 percent favored the federal government offering tax breaks to encourage utilities to make more electricity from water, wind and solar power.

And huge majorities favored government requiring, or offering tax breaks to encourage, each of the following: manufacturing cars that use less gasoline (81 percent);

manufacturing appliances that use less electricity (80 percent); and building homes and office buildings that require less energy to heat and cool (80 percent).

Thus, there is plenty of agreement about what people do and do not want government to do.

Our poll also indicated that some of the principal arguments against remedial efforts have been failing to take hold. Only 18 percent of respondents said they thought that policies to reduce global warming would increase unemployment and only 20 percent said they thought such initiatives would hurt the nation's economy. Furthermore, just 14 percent said the United States should not take action to combat global warming unless other major industrial countries like China and India do so as well.

Our findings might seem implausible in light of recent polls that purport to show that Americans are increasingly skeptical about the very existence of climate change. But in fact, those polls did not produce conflicting evidence at all.

Consider, for example, the most publicized question from a 2009 Pew Research Center poll: "From what you've read and heard, is there solid evidence that the average temperature on earth has been getting warmer over the past few decades, or not?" This question measured perceptions of scientific evidence that the respondent has read or heard about, not the respondents' personal opinions about whether the earth has been warming. Someone who has had no exposure to scientific evidence or who perceives the evidence to be equivocal may nonetheless be convinced that the earth has been heating up by, say, the early blossoming of plants in his garden.

Or consider a widely publicized Gallup question: "Thinking about what is said in the news, in your view, is the seriousness of global warming generally exaggerated, generally correct or is it generally underestimated?" This question asked about respondents' perceptions of the news, not the respondents' perception of warming. A person who believes climate change has been happening might also feel that news media coverage of it has been exaggerated.

Questions in other polls that sought to tap respondents' personal beliefs about the existence and causes of warming violated two of the cardinal rules of good survey question design: ask about only one thing at a time, and choose language that makes it easy for respondents to understand and answer each question.

Imagine being asked this, from a poll by CNN: "Which of the following statements comes closest to your view of global warming: Global warming is a proven fact and is mostly caused by emissions from cars and industrial facilities like power plants and factories; global warming is a proven fact and is mostly caused by natural changes that have nothing to do with emissions from cars and industrial facilities; or, global warming is a theory that has not yet been proven."

Notice that the question didn't even offer the opportunity for respondents to say they believe global warming is definitely not happening -- not the sort of question that will provide the most valid measurements.

When surveys other than ours have asked simple and direct questions, they have produced results similar to ours. For example, in November, an ABC News/Washington Post survey found that 72 percent of respondents said the earth has been heating up, and a December poll by Ipsos/McClatchy found this proportion to be 70 percent.

Our surveys did reveal a small recent decline in the proportion of people who believe global warming has been happening, from 84 percent in 2007 to 80 percent in 2008 to 74 percent today. Statistical analysis of our data revealed that this decline is attributable to perceptions of recent weather changes by the minority of Americans who have been skeptical about climate scientists.

In terms of average earth temperature, 2008 was the coldest year since 2000. Scientists say that such year-to-year fluctuations are uninformative, and people who trust scientists therefore ignore this information when forming opinions about global warming's existence. Citizens who do not trust climate scientists, however, base their conclusions on their personal observations of nature. These low-trust individuals were especially aware of the recent decline in average world temperatures; they were the ones in our survey whose doubts about global warming have increased since 2007.

This explanation is especially significant, because it suggests that the small recent decline in the proportion of people who believe in global warming is likely to be temporary. If the earth's temperature begins to rise again, these individuals may reverse course and rejoin the large majority who still think warming is real.

Growing public skepticism has, in recent months, been attributed to news reports about e-mail messages hacked from the computer system at the University of East Anglia in Britain (characterized as showing climate scientists colluding to silence unconvinced colleagues) and by the discoveries of alleged flaws in reports by the Intergovernmental Panel on Climate Change.

Our new survey discredited this claim in multiple ways. First, we found no decline in Americans' trust in environmental scientists: 71 percent of respondents said they trust these scientists a moderate amount, a lot or completely, a figure that was 68 percent in 2008 and 70 percent in 2009. Only 9 percent said they knew about the East Anglia e-mail messages and believed they indicated that climate scientists should not be trusted, and only 13 percent of respondents said so about the I.P.C.C. reports' alleged flaws.

Interestingly, Americans are not alone in having their views portrayed inaccurately. A February BBC News survey asked Britons, "From what you know and have heard, do you think that the earth's climate is changing and global warming is taking place?" Seventy-five percent of respondents answered affirmatively, down a somewhat improbable eight percentage points from 83 percent in November. A BBC headline

blared, "Climate Skepticism on the Rise," when it should have proclaimed that a huge majority of Britons still share common ground with one another and with Americans on this issue.

GLOBAL warming has attracted what political scientists dub an "issue public": millions of Americans who are passionate about this subject and put pressure on government to follow their wishes. For over a decade, this group has been of typical issue-public size, about 15 percent of American adults.

Although issue publics usually divide about equally on opposing sides -- think of abortion or immigration -- 88 percent of the climate change issue public in our survey believed that global warming has been happening; 88 percent attributed responsibility for it to human action; 92 percent wanted the federal government to limit the amount of greenhouse gases that businesses can emit. Put simply, the people whose votes are most powerfully shaped by this issue are sending a nearly unanimous signal to their elected representatives.

All this makes global warming a singular issue in American politics. Even as we are told that Americans are about equally divided into red and blue, a huge majority shares a common vision of climate change. This creates a unique opportunity for elected representatives to satisfy a lot of voters.

When senators vote on emissions limits on Thursday, there is one other number they might want to keep in mind: 72 percent of Americans think that most business leaders do not want the federal government to take steps to stop global warming. A vote to eliminate greenhouse gas regulation is likely to be perceived by the nation as a vote for industry, and against the will of the people.

Our view:

**Congress must act (*Anchorage Daily News*)**

Murkowski's battle with EPA sheds more heat than light
(06/08/10 18:54:37)

Alaska's Sen. Lisa Murkowski is right that Congress, not the Environmental Protection Agency, should drive energy and climate policy for the United States. To that end, her controversial disapproval resolution that would strip the EPA's ability to regulate greenhouse gases comes to a vote on Thursday after 10 hours of floor debate.

But this vote is more distraction than constructive step.

Politics surrounding the vote has become intense. Critics are linking Murkowski's resolution to the Gulf oil spill and business as usual and accuse her of trying to gut the

Clean Air Act. Supporters argue that EPA wants to reach an intrusive, clumsy, controlling hand, and warn that too much authority will allow the agency to gut the country's fragile economic recovery in the name of clean air.

Please. Sen. Murkowski proposed her resolution months before the Gulf tragedy. And whatever authority it claims, EPA won't get a blank check to hobble the economy in these troubled times.

Everybody should take a deep breath and get the focus back on the prize.

Congress and the Obama administration should be working on a realistic, long-term energy and climate policy that serves Americans in three ways:

• Increase the use of clean, renewable energy to power our economy, while at the same time tapping our oil and gas resources efficiently to carry us through decades of transition to a predominance of clean fuels.

• Increase our energy independence by cutting our reliance on foreign sources, no matter what they are. This is a matter of national security. We won't be completely energy-independent and we don't need to be -- after all, our biggest foreign supplier of oil is our friend and neighbor Canada. But energy independence allows us to deal with friend and foe from a position of strength.

• Cut greenhouse gas emissions. Whatever Americans think about the causes of climate change or the degree of change and its effects, reduction of emissions gives us cleaner air and a healthier planet, reducing the risk of climatic disruptions and all the miserable consequences that can follow.

The challenge is to meet these goals with intelligence and resolve, balancing environmental and economic needs so that we maintain a high standard of living and a vibrant free enterprise system that's sustainable for a long time to come.

That's going to require cleaner fuels. That's going to require innovation and investment. And right now, that's going to require leadership from both Congress and the president.

The EPA has a role to play, but it's not to call all the shots on these issues. Even the Obama administration and many other opponents of Sen. Murkowski's resolution agree that this is the rightful work of Congress, not one agency with an essential but limited purpose.

Sen. Murkowski, in a floor speech on her resolution, argued that "without a backstop that says 'emissions will be reduced, one way or another, not matter how painful,' supporters of climate legislation would have to get serious about finding common ground and bipartisan cosponsors." Her opponents, who likely include Alaska Sen. Mark Begich, argue just the opposite, that the specter of EPA control is the backstop that will force a dithering and overlobbied Congress to do its job.

Here's the reality. Even if Sen. Murkowski's resolution passes the Senate, it's unlikely to pass the House. And even if it did, White House advisors have said they'll recommend a veto. EPA regulation will still be in the works.

Congress should tackle the challenges of a comprehensive energy plan and greenhouse gas limits without regard to the EPA's plans. Give the country some solid goals and realistic means to achieve them -- polls suggest Americans are ready for the work. In that they may be ahead of their elected representatives.

BOTTOM LINE: Congress can pre-empt any long reach by the EPA if Congress does its job.

June 9, 2010

Editorial:

**Senate should keep EPA from usurping Congress' lawmaking powers (*Detroit News*)**

The U.S. Senate has an opportunity Thursday to establish that Congress still matters when it comes to governing the nation.

No matter how individual senators feel about the underlying issue of regulating greenhouse gas emissions, the Senate should assert its authority to write laws.

The Senate is scheduled to vote on a measure to repeal regulations issued by the Environmental Protection Agency that greatly expand the EPA's ability to regulate carbon dioxide emissions by placing severe limits on industries that emit the gases.

In effect, the EPA has embarked on a wholesale rewrite of the Clean Air Act without consulting Congress, the author of the act. In doing so, the Obama administration is usurping powers that belong to the legislative branch.

Voting to rein in the EPA is not necessarily a rebuke of the environmental agenda it is pressing, but rather a step to check a vast expansion of executive powers.

Congress can always return to the issue and even adopt the new EPA standards if it chooses.

But it should not allow a precedent to be established that the administration can make radical changes to law without approval of Congress.

The point must be made that the authority of Congress to write laws can not be usurped by unaccountable agencies. This should be particularly true when the proposed rewrite of federal legislation would have such a major effect on the economy.

Congress should not cede its responsibility in this matter. Michigan Sens. Debbie Stabenow and Carl Levin should vote to hang on to the authority the Constitution gives them.

**AIR**
**==========**

**White House threatens to veto bill that would block EPA from regulating gases (*Associated Press*)**

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

Wednesday, June 9, 2010; A07
The White House on Tuesday threatened to veto legislation that would block the Environmental Protection Agency from regulating greenhouse gases under the Clean Air Act.

The proposal by Sen. Lisa Murkowski (R-Alaska), which is expected to come to a vote Thursday, would disrupt the EPA's ability to curtail greenhouse gas pollution, the White House said.

The agency is moving ahead with rules to regulate emissions from coal-fired utilities and other major emitters and has enacted such standards for vehicles.

-- Juliet Eilperin

JUNE 8, 2010, 7:59 P.M.

**Rockefeller Signals Support to Overturn Greenhouse-Gas Curbs (*Wall Street Journal)***

WASHINGTON—Sen. Jay Rockefeller (D., W.Va.) on Tuesday broke ranks with Democratic party leaders and indicated that he would support an effort by Senate Republicans to overturn new rules to curb greenhouse-gas emissions.

The defection on the Obama administration's cornerstone environmental policy represents a blow to the White House, which on Tuesday threatened to veto any measure to overturn the first-ever Environmental Protection Agency greenhouse-gas rules. The measure, a "disapproval resolution," is being pushed by Sen. Lisa Murkowski (R., Alaska) and is scheduled for a Senate vote on Thursday.

"I have long maintained that the Congress—not the unelected EPA—must decide major economic and energy policy," said Mr. Rockefeller, who represents a coal state that could be hit hard by greenhouse-gas regulations. "EPA regulation will have an enormous impact on the economic security of West Virginia and our energy future."

Mr. Rockefeller's position brings to four the number of Democrats supporting the Republican effort and is notable because the West Virginia lawmaker had previously attempted to carve out a more modest approach that would have suspended new EPA rules that apply to stationary sources for two years. Now, he is throwing his weight behind efforts to overturn an EPA finding that greenhouse gases pose a danger to the public, a determination that is the underpinning for the EPA's greenhouse-gas regulations.

A 2007 Supreme Court decision had ordered the EPA to determine whether rising concentrations of carbon dioxide in the atmosphere posed a threat to the public. EPA Administrator Lisa Jackson issued an endangerment finding last year, saying higher gas concentrations create a risk of more flooding, more frequent and intense heat waves, and rising sea levels. The finding was the basis for the first-ever federal greenhouse-gas regulations for both cars and industrial sources such as power plants, which were finalized this year.

The White House went on offense on Tuesday, saying it "strongly opposes" the new rules and casting Republican efforts to overturn the EPA regulations as a sign that party leaders were putting the U.S. at risk from environmental disasters such as the BP PLC oil spill.

The Republican bill "also would undermine the administration's efforts to reduce the negative impacts of pollution and the risks associated with environmental catastrophes, like the ongoing BP oil spill," the White House said in a statement.

Republicans have sharpened their attack on the EPA as the regulations move closer to taking effect, portraying the EPA as a renegade agency that is overstepping its bounds. "EPA intends to take control of climate policy—take it away from Congress," Ms. Murkowski said at a press briefing on Tuesday. She said the economic impact of the rules "are beyond the pale."

**D-FW faces likelihood of tougher ozone standard (*Fort Worth Star Telegram*)**

Posted Tuesday, Jun. 08, 2010
By BILL HANNA
billhanna@star-telegram.com

FORT WORTH -- Dallas-Fort Worth, which fails to meet federal ozone standards, will have to find a way to cut ozone-forming emissions even further under tougher regulations.

The proposed changes, revealed by the Environmental Protection Agency in January, were discussed Tuesday at a public hearing of the Texas Commission on Environmental Quality that was held via videoconference in Fort Worth, Austin, Houston and Beaumont.

The EPA wants to reduce its eight-hour ozone standard from 75 parts per billion to a range between 60 and 70 parts per billion. An EPA rule is scheduled to be issued this summer and finalized by year's end.

The required date to meet the attainment deadline is still to be determined, commission officials said.

In 2009, Tarrant County had an eight-hour average ozone reading of 86 ppb at two locations, one in far north Fort Worth near Keller and another at Eagle Mountain Lake. Both were the highest readings in the state and well above the 2008 revised standard of 75 ppb -- and much higher than the proposed changes.

The readings are determined by averaging the most recent three years of data. The counties included in the D-FW nonattainment area are Tarrant, Dallas, Denton, Johnson, Hood, Parker, Collin, Kaufman and Rockwall.

Jim Schermbeck, head of the environmental group Downwinders at Risk, questioned commission staff about whether any ozone monitoring devices would be placed in Wise County since the highest concentrations of ozone in the Metroplex have consistently been found in northwest Tarrant County, near the Wise County line.

After officials said there was no plan to place devices in Wise County, Schermbeck asked the staff what assurances they could give the public that the agency would vigorously pursue implementation of a plan to meet the EPA standards, given the commission's previous opposition to the 1997 ozone standards and the 2008 revisions.

After the meeting, Schermbeck also predicted that Wise County will eventually be brought into the nine North Texas counties that are part of the nonattainment area.

David Brymer, assistant director of the commission's air quality division, replied that the agency has a "vested interest" in getting the plan properly implemented.

But in January, commission board members expressed dismay at the revisions.

"There is no doubt we strive to make the air cleaner through our permitting process and a variety of other programs; but the goals set by EPA must be achievable," Commissioner Buddy Garcia said at that time. "The purpose of the Clean Air Act is to protect human health and the environment, not to attain an arbitrary threshold."

EPA vs. Texas

The EPA is also battling the Texas Commission on Environmental Quality over other issues.

The federal agency has threatened to take over monitoring of air quality if the state keeps violating portions of the Clean Air Act. It has said it will take over the operating permit for one Corpus Christi refinery and signaled its intent to take over 39 more permits if Texas doesn't toughen its enforcement.

Brandt Maanchen of the Houston chapter of the Sierra Club also said the commission needs to take a regional or statewide approach to ozone rather than limiting the number of counties subject to monitoring.

He recommended monitoring devices be placed in pristine East Texas areas such as the Sam Houston National Forest and the Big Thicket National Preserve to gauge ozone's effect on those ecosystems.

The Sierra Club has threatened to file a lawsuit if the EPA fails to make Texas comply with the Clean Air Act.

The proposed EPA requirements would also add 10 areas -- Abilene, Wichita Falls, Sherman-Denison, Texarkana, Amarillo, Bryan-College Station, Lubbock, Midland, Odessa and San Angelo -- to ozone monitoring.

If the lowest standard of 60 ppb were implemented, even remote areas such as Big Bend National Park in far West Texas might have trouble meeting it. The National Park Service maintains an ozone monitoring station that recorded a three-year average of 66 ppb. Laredo had the lowest three-year average in the state, with 51 ppb.

BILL HANNA, 817-390-7698

**EPA lawsuit demands Xcel Energy disclose changes to pollution control equipment (*Pioneer Press*)**

By Leslie Brooks Suzukamo
lsuzukamo@pioneerpress.com
Updated: 06/08/2010 10:28:42 PM CDT

The Environmental Protection Agency is suing Xcel Energy for refusing to tell it about changes to pollution control equipment planned for its coal-fired power plants in Burnsville and Becker, Minn.

The EPA asked a federal judge Tuesday for a preliminary injunction requiring Xcel to turn over the information immediately or face fines of up to $37,500 per day at each location, according to the U.S. attorney's office. The agency filed its lawsuit in U.S. District Court in Minneapolis on Monday and is awaiting a ruling on its request for a preliminary injunction.

The EPA has been pursuing the information for almost 11 months to determine if any planned changes would result in plant emissions that violate the federal Clean Air Act.

Minneapolis-based Xcel is refusing to provide the information because it believes the EPA is exceeding its authority, the utility said Tuesday.

"EPA's request for future project information is incredibly burdensome, would be a significant drain on company resources, and provides for no environmental benefit. There is no environmental issue at stake in this dispute," Xcel said in a statement Tuesday.

Xcel told the EPA in a letter in August that the agency was exceeding its authority because the Clean Air Act only allows the EPA to investigate whether the utility is currently violating the law, not whether any future acts would result in violations.

The U.S. attorney's office, arguing for the EPA, called that "a cramped reading" of the law. It said the EPA limited its inquiry to plans for the next two years because regulatory approval for any construction typically takes 18 months to two years to complete.

The investigation involves Xcel's relatively small Black Dog Plant in Burnsville, which has two coal-fired units with a total capacity of 306 megawatts, and its massive Sherco Plant located 45 miles northwest of the Twin Cities in Becker.

Sherco is Xcel's largest plant in size, generating capacity and coal consumption. It has three generating units with a total capacity of 2,400 megawatts that burn 30,000 tons of coal a day or three trainloads, adding up to 9 million tons a year.

Xcel officials said its plans for either Black Dog or Sherco would not be available until August when it expects to file its regularly scheduled Resource Plan with the Minnesota Public Utilities Commission.

The Resource Plan is a document that outlines the utility's construction plans for all its plants for five years and generally is filed every two years.

In its last plan, filed in 2008 and approved by the PUC last year, Xcel proposed installing equipment at Sherco to reduce mercury emissions this fall, four years before it would be required by the state's Mercury Emissions Reduction Act, company spokeswoman Patti Nystuen said.

But Xcel's 2008 plan also proposed tabling replacing air quality controls on Sherco Units 1 and 2 while it investigates the feasibility of new technologies.

The air quality control replacement was to have been completed in 2012 and 2013 but would be delayed until 2015 and 2016.

The improvements at Sherco were also to add 70 megawatts of capacity at the plant, the resource plan said.

Meanwhile, the utility is evaluating the possibility of converting two coal-fired units at Black Dog to cleaner-burning natural gas by 2015, the utility said.

The Department of Commerce, which oversees utilities, was unaware of Xcel's plans. "If Xcel is planning significant changes to either its Black Dog and/or Sherco plants, then those will be addressed through resource planning and other permitting processes at the state," spokeswoman Nicole Garrison-Sprenger said.

Leslie Brooks Suzukamo can be reached at 651-228-5475.

**DP&L plant on Great Miami cited by U.S. EPA (*Dayton Daily News*)**

Boilers there underwent major modifications with improper permits.
By Steve Bennish, Staff Writer
Updated 1:15 AM Wednesday, June 9, 2010

MIAMISBURG — Dayton Power & Light's O.H. Hutchings Station power plant on the Great Miami River needs updates to bring it in compliance with the Clean Air Act, the U.S. Environmental Protection Agency said in a finding of violations.

A review showed that the plant made major modifications to its large boilers without obtaining the required permits, the agency said.

Ethan Chatfield, an environmental engineer for the EPA in Chicago, said the agency and DP&L are in discussions about the issue. "They have started that dialogue," he said.

Lesley Sprigg, DP&L's spokeswoman, said the utility "does not agree with the allegations contained in the U.S. EPA's November notice of violation." She added: "We have communicated our position to the EPA along with supporting information and data — and we will continue to work with them regarding this issue."

Chatfield said that under the Clear Air Act, a major modification at a power plant that results in an increase in emissions requires a permit. The modifications to the boilers occurred in 2001, he added, and came to light following an EPA query.

Hutchings Station began operations in 1948. It has six coal-fired boilers installed in 1949 through 1953, the EPA said.

**Attorney General Brown Files to Support Federal Clean Air Standards (*Imperial Valley News*)**

Written by Green Liver
Tuesday, 08 June 2010
Oakland, California - Attorney General Edmund G. Brown Jr. announced that he has asked to intervene in a lawsuit in order to protect newly adopted motor vehicle emission standards that would save nearly two billion barrels of oil and reduce greenhouse gas emissions by approximately one billion tons.

Brown filed a motion to intervene in the U.S. Court of Appeals in support of the federal Environmental Protection Agency (EPA) in a suit brought by energy companies and other industries challenging the EPA's authority to enforce the tough emission standards beginning in 2012.

"The thousands of barrels of oil spilling in the Gulf of Mexico each day are a graphic reminder that we need to cut oil consumption in America," said Brown. "These regulations would do that, as well as vastly reducing pollution from tailpipe emissions."

The EPA's new vehicle emissions standards are the first significant reduction in federal fuel consumption standards in more than 30 years. Over the lifetime of the vehicles sold in the first five years, the national program is projected to reduce U.S. greenhouse gas emissions by 2.1 billion tons and save 1.8 billion barrels of oil. Consumers can expect the new standards to save them between $130 and $180 a year in fuel costs.

EPA estimates the lifetime savings under the program for 2012 through 2016 model-year vehicles at $240 billion. The benefits include fuel savings, carbon dioxide reductions, improved air quality, and enhanced energy security.

California has long set the pace in enacting tough pollution standards, and it has been active in attempting to protect its right to impose those standards and in encouraging other states and the federal government to adopt similar standards.

In Massachusetts v. EPA, 549 U.S. 497 (2007), the Supreme Court ruled that the greenhouse gases that cause global warming are air pollutants under the Clean Air Act and that EPA's evaluation of whether those emissions from motor vehicles endanger

public health or welfare had to be based solely on science. Brown's office took a lead role in that case.

EPA has now made that endangerment finding. As the Supreme Court noted, such a finding triggers a mandatory duty on EPA to adopt motor vehicle regulations. EPA adopted those regulations on April 1 in a joint rulemaking with the National Highway Traffic Safety Administration. Those regulations set greenhouse gas emission standards and fuel economy standards that will achieve a fleet-wide fuel economy for new cars and trucks of roughly 35 miles per gallon in model year 2016.

These motor vehicle regulations are the rough equivalent of California's regulations. As part of a nationwide deal announced at the White House in May 2009, California agreed that compliance with national standards of equivalent stringency would also constitute compliance with California's established regulations, and the automobile manufacturing industry agreed not to challenge those standards (through model year 2016.) If these EPA vehicle standards were successfully challenged, that nationwide deal would fall apart.

Brown's filing today is in a lawsuit challenging the motor vehicle rule brought by industrial concerns plus politicians and other opponents of EPA action on global warming. Plaintiffs include Massey Energy Company, Rosebud Mining Company, National Cattlemen's Beef Association and the Industrial Minerals Association of North America. The challenge was not joined by the automobile manufacturing industry, the only party directly affected by the EPA regulations.

Brown filed the motion on behalf of himself, Governor Schwarzenegger and the state Air Resources Board, plus 12 other states - Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont, and Washington - as well as the Pennsylvania Department of Environmental Protection and the City of New York.

Wednesday June 9, 2010

**Still trying to get a handle on Cuccinelli (*Fairfax Times*)**

Apparently not content to squander public money to challenge Obama's federal health care reform or the Environmental Protection Agency's authority to regulate greenhouse gas emissions -- to say nothing of that failed "modesty" redesign of the Commonwealth's seal -- Virginia Attorney General Kenneth T. Cuccinelli (R) continues on his quest to become a legend in his own mind.

With his investigation into former University of Virginia research scientist Michael Mann's academic e-mails concerning climate control, Cuccinelli is operating under the pretense of fraud with regard to use of state grant funding. A much better inquiry would

be to look into all the taxpayer revenue that "Kookinelli" is wasting in his pursuit of these obviously personal pet peeves in these hard economic times.

Per the 1967 U.S. Supreme Court decision in Keyishian v. Board of Regents, the First Amendment "does not tolerate laws that cast a pall of orthodoxy over the classroom." That case must be in a book that has not made it onto irginia's top lawyer's reading queue. Or maybe because that matter came on appeal from New York, he has rationalized that its dictates don't apply in Virginia. Scarier still, maybe he just doesn't care. Sure, there's that 2000 Federal Appeals Court decision holding that college professors have no First Amendment based on academic freedom rights in job-related teaching and scholarship, but that ruling is regionally and judicially limited in scope and it was never considered by the Supreme Court.

In 2007, a U.S. District Court decision, now on appeal, denied First Amendment protection to professors who spoke out against hiring and promotion practices -- specifically regarding the excessive use of adjunct faculty. And the Supreme Court did rule a year earlier in Garcetti v. Ceballos that the First Amendment doesn't shield public employees from retaliation for speaking out if that speech was part of their "official duties" -- in that case, whistle-blowing. But internal e-mails traded in the normal course of academic discourse are a far cry, no pun intended, from vocal and/or extra-institutional whining. And vigorous scholastic debate is not tantamount to an intrusion into employer personnel decisions. Those are distinctions with merit that Cuccinelli will be hard-pressed to overcome. But maybe that's not his point.

Maybe our "Almost Governor" just wants to have a chilling effect on any thought he finds disagreeable, and by either threatening to or bringing these frivolous lawsuits, he may somewhat achieve his purpose and accomplish that result. If his strategy works, it could be a return to McCarthyism for this state and equivalent to the 1950s Communist purges in this country, or oppression under Communist rule elsewhere. Cuccinelli's Virginia would be stuck in a time warp of his domain.

Since he is the Attorney General, it is important Cuccinelli doesn't lead us into becoming the laughing stock of the nation, or even worse, into being an outlaw breakaway republic under his whimsical rule. In a political climate where residents of Louisiana are feeling ostracized and unloved by yet another administration but are still pleading the value in being part of U.S., there is irony in Cuccinelli's separatist stance. While we're cutting library hours and slashing education funding across the state, there's one budget we haven't looked at -- his. Perhaps to stop the "Kookiness" we should. The State of the Union isn't perfect, but membership has its privileges, making it far better than going it alone.

Karen Ann DeLuca, Alexandria

**Carmakers, states side with EPA in court fight over auto rule (*Greenwire*)**

(06/08/2010)
Robin Bravender, E&E reporter
Automobile manufacturers, states and environmentalists are asking a federal appeals court to allow them to back U.S. EPA in a lawsuit attacking the agency's greenhouse gas standards for tailpipes.

The Alliance of Automobile Manufacturers and the Association of International Automobile Manufacturers filed separate petitions yesterday with the U.S. Circuit Court of Appeals for the District of Columbia to intervene in a lawsuit challenging EPA's auto standard.

EPA's joint rulemaking with the Transportation Department would boost fuel economy requirements and set the first greenhouse gas limits for automobiles. The standards represent a White House-brokered compromise between carmakers and more than a dozen states that had pushed to create their own auto emissions standards (Greenwire, April 1).

The Coalition for Responsible Regulation Inc. sued the agency last month over the EPA rule, which is set to kick in next year (E&ENews PM, May 10). The Southeastern Legal Foundation is also challenging the rule on behalf of itself, 14 House lawmakers and a coalition of business groups (Greenwire, May 18).

Petitioners won't be required to make their arguments to the court until future briefings, but attorneys representing the groups have said they plan to challenge the science underpinning the standard. The groups are involved in a separate lawsuit challenging EPA's "endangerment" finding, a scientific determination that allows EPA to regulate automobiles' greenhouse gas emissions.

But the auto groups want the court to uphold EPA's tailpipe rule, arguing that without the federal standard, their members would be subject to a patchwork of conflicting regulations across the country.

"The operations of the alliance's members are directly implicated by the final rule and would be directly affected should this court grant the petitions for review," the Alliance of Automobile Manufacturers said. "These petitions jeopardize the development of an integrated national approach to increasing automobile fuel economy and thus reducing carbon emissions."

States, enviros offer support to EPA
California Attorney General Jerry Brown (D) yesterday filed a motion to intervene in the case on behalf of himself, Gov. Arnold Schwarzenegger (R), the California Air Resources Board, New York City and 12 other states: Delaware, Illinois, Iowa, Maine, Maryland, Massachusetts, New Mexico, New York, Oregon, Rhode Island, Vermont, Washington and the Pennsylvania Department of Environmental Protection.

"Global warming is harming, and will continue to harm" the states seeking to intervene "and their citizens, and the rule challenged by this action will lessen those harms," the motion says.

Brown yesterday pointed to the massive oil spill in the Gulf of Mexico as another reason the federal standard is necessary.

"The thousands of barrels of oil spilling in the Gulf of Mexico each day are a graphic reminder that we need to cut oil consumption in America," Brown said in a statement. "These regulations would do that, as well as vastly reducing pollution from tailpipe emissions."

The 14 states and New York City are also supporting EPA in a separate lawsuit over the endangerment finding (Greenwire, March 19).

Three national environmental groups are also hoping to intervene in support of the auto rule.

The Natural Resources Defense Council, Environmental Defense Fund, and Sierra Club yesterday filed a joint motion with the court, arguing that their members "will benefit directly from the reductions in global warming air pollution that will result from the regulation of greenhouse gas emissions from motor vehicles and other sources."

Accordingly, their members "would be injured if the vehicles rule were overturned and EPA were unable to issue such regulations," they said.

The environmental groups are also backing EPA in the lawsuit over the endangerment finding.

**Pedestrians, bicyclists spar for space in NYC's new no-car zones (Greenwire)**

(06/08/2010)
Nathanial Gronewold, E&E reporter
Fourth story in an occasional series on the greening of New York City.
NEW YORK -- Against all odds, this notoriously congested city is getting motor vehicles off the street.
Two years ago, lawmakers in Albany thwarted New York City's attempt to bring London-style congestion pricing into its central business district. Now officials here are taking a different approach: They are banning cars from certain parts of the city.
Since the defeat of the congestion-toll plan, the city has replaced a large number of on-street parking spots with hundreds of miles of bicycle lanes while rerouting traffic across town. It has created two pedestrian-only zones on its most famous thoroughfare, Broadway, in Times Square and Herald Square, further restricting traffic in the center of

the city. And it has started converting an abandoned elevated rail line into a pedestrian-only trail across much of west Manhattan.

So Manhattan streets have begun to feel less mean for pedestrians and bicyclists. "It's definitely more biker friendly," said Cornelius Bethea, a veteran bicycle messenger who has been delivering packages up and down Manhattan for 20 years. "By far Greenwich, Washington, those streets are the best. Hardly no traffic."

Though the New York Department of Transportation won't confirm whether fewer cars are entering the heart of the city, DOT spokesman Montgomery Dean said data show traffic is moving more freely during the day. Bicycling to work is also booming, with the number of bicycle commuters rising a whopping 26 percent from 2008 to 2009. Meanwhile U.S. EPA says Manhattan's air quality has even improved, another indication of fewer idling cars and trucks.

Bike riders on their way home from work in Midtown Manhattan. City officials say commuter bicycling has doubled in five years, and they are hoping ridership doubles again over the next couple years. Photo by Nathanial Gronewold.
Testament to the effort's success: Pedestrians have replaced drivers as the most-hated enemies of bicycle messengers, who each ride 40 to 50 miles a day and know the borough as well as anyone.

For one, Bethea has given up using a bike lane running between the new Broadway pedestrian zones because of emboldened foot travelers. "The very first time I used this thing I almost collided with a pedestrian because she crossed right in the middle, and I had to swerve around her," he said. "It's not appropriate to close off Times Square."

Other longtime bike messengers concur. Though they all agree the city in general is more navigable, their biggest worry today is a collision with pedestrians, or the new commuter bicyclists.

Veteran messenger Zo Coober is grumbling about a plan to create another car-free zone on 34th Street. "Worst idea ever," he said. "It's not Disney World here. This is a real working city."

But the office of Mayor Michael Bloomberg (I), who is pushing cars off some streets, says clearing some streets of cars is helping make the city more liveable. There is no alternative, city officials say.

The car-free zones were developed after state lawmakers killed the congestion pricing plan, insisting they had a better idea -- one that has yet to materialize. The city's plan called for charging drivers entering Manhattan's most heavily traveled business district an $8 toll for cars and a $21 toll for trucks, using the proceeds for transportation projects.

But Bloomberg is now taking a different approach. His ambitious "PlaNYC" agenda has led to the installation of more than 200 miles of new bicycle lanes to city streets, much of them created by eliminating parking. Traffic has been rerouted in some areas and an ad campaign is under way to encourage commuters to leave their cars at home, especially if traveling to Manhattan for work.

And a little over a year ago the city closed Broadway to vehicle traffic in Times Square and Herald Square, transforming New York's two busiest shopping and entertainment plazas into pedestrian malls.

"We brought forward the plan on Broadway to eliminate the two biggest bottlenecks that exist in the midtown grid," Bloomberg spokesman Marc La Vorgna said. "That's been effective in helping to improve traffic flow at the same time having the added bonus of creating some open space that people in the city use and have overwhelming support for."

Travel times improve

DOT recently decided to make the Broadway change permanent while announcing a new proposal to do something similar to 34th Street between 5th and 6th Avenues. The idea on 34th Street is to only allow buses to run in the center of the busy throughway while letting foot traffic spill onto the rest of the street, pushing cars and trucks to the side streets and speeding up the time it takes buses to cross Manhattan.

Though DOT says it cannot confirm whether fewer cars are entering the city's heart daily, spokesman Montgomery Dean said data show traffic is moving more freely. The development of the bike lanes, he said, is a key part of the initiative.

"Usually what we try to do is try to see how any of our projects fit into the network, basically creating something that makes it easier for people to get from different parts of the city," he said. "We do have routes that we're looking at for the future that would help complete the network."

Through analyzing data garnered from the GPS systems of this city's taxi cab fleet, DOT knows that the average travel time in the heart of Manhattan during daylight hours has improved by 13 percent from 2007.

The steep economic recession probably had something to do with that, but the same data show that congestion in the central business district has dropped by around 7 percent since 2003, even as the city grew and despite cuts in service by New York's financially strapped subway operator, the Metropolitan Transit Authority.

And New Yorkers now have another way to escape Manhattan's traffic-clogged thoroughfares.

The first section of High Line Park, a pedestrian-only greenway built on an abandoned elevated rail line, opened last year and has quickly gained a following.

Phase two, under construction now, should be open by next year. When completed, the park will let pedestrians cover Gansevoort Street in the West Village all the way to 34th Street -- about 25 blocks -- high above the traffic below.

More bicyclists

Meanwhile, commuter cycling has more than doubled since 2005, with DOT reporting a 26 percent increase between 2008 to 2009. The city's Department of Health estimates that well over half a million New Yorkers now take their bikes to work, weather permitting.

A new push has the city re-engineering roadways so that bikes and vehicle traffic are physically removed from one another by a section of on-street parking.

About 5 miles of these new "parking protected" bikes lanes are in operation so far, much of them on 9th Avenue on Manhattan's west side. And just last week the city got the final green light to build more along 20 blocks of Columbus Avenue farther north. This summer should also see many more miles of new bike lanes added to the grid.

DOT aims to double bicycle commuting again over 2007 levels by 2012, and triple it by 2017.

There are other, less-obvious signs of the city's eagerness to limit the number of cars entering Manhattan at rush hours.

An estimated 3,100 new bike racks have been put up since 2007, some of them within 20 new "sheltered bike parking structures." Building owners and managers are coming under pressure to allow commuters to bring their bikes into their offices with them, or to add bike racks to lobbies to guard against theft.

Commuters also seem to want more pedestrian malls.

A recent survey of residents by the Times Square Alliance showed 74 percent of respondents agree that Times Square has "improved dramatically" within the past year. The city estimates that foot traffic in Times and Herald squares is up by around 11 percent and 6 percent, respectively.

Aside from the obvious "green" benefits, the city is touting improved safety as a major reason to continue the drive. Pedestrian fatalities from collisions with cars are down 19 percent from 2001. Bicycle fatalities are down 54 percent, despite a tripling of the number of bikes on the road since that year.

'It's like a park'

Despite the dramatic enhancements in just a few years' time, New York's bike messenger fleet still wants to see congestion pricing become a reality. But ironically the

messengers also are eager to see the new influx of no-car zones come to an end, lest they allow freewheeling pedestrians to take over the open space entirely.

"It's like a park," bike messenger Coober complains. "They're just wandering around freely in the street. Nobody looks when they cross Broadway anymore."

Meanwhile, DOT's Dean said the bicyclist-pedestrian conflicts are likely just growing pains as both sides take time to adjust to the new changes. He said the agency is working to address concerns and raise awareness, but overall they are confident that things are on the right track.

Bethea, for his part, is happy with the new pro-bike atmosphere but does not think it has gone far enough. "There's still a lot more improvement that needs to be done," he said.

## ASBESTOS

### Marco Island signs EPA settlement agreement over handling of asbestos (*Naples Daily News*)

By KELLY FARRELL
Originally published 07:04 p.m., June 8, 2010
Updated 08:18 p.m., June 8, 2010

MARCO ISLAND — A four-year investigation of improperly disposed asbestos-laden pipe on Marco Island is near a close as City Council and its contractor agreed to a settlement proposal with the U.S. Environmental Protection Agency on Tuesday.

The settlement is to be in lieu of formal enforcement actions against Marco and Quality Enterprises for six alleged violations of the Clean Air Act relating to improper asbestos handling when widening and adding sewer lines to Collier Boulevard beginning in 2005.

Marco Island City Council signed the agreement in a meeting on Tuesday, called for the purpose of reviewing the proposal. The agreement requires neither party to take liability for the alleged violations and has Quality Enterprises agreeing to pay the fine of $81,772 within 30 days of it being signed by Kenneth Lapierre of the EPA.

Under the agreement, no fines will be paid by the city and no admission of guilt is required by either party per the agreement.

It may be several days or weeks for the agreement to be official.

“The parties involved in this case have an agreement in principle,” said EPA spokesman Carl Terry in a phone interview on Tuesday night.

Once the EPA receives and signs the document, which was signed Tuesday by Quality Enterprises Vice President Louis Gaudio, it will be approved by a federal judge, Terry said.

Gaudio and Quality Enterprises’ owner Howard Murrell, both of Naples, could not be immediately reached for comment on Tuesday night.

Chairman Frank Recker said the fine to be paid by Quality Enterprises was a significant success.

“It was Dr. (interim City Manager Jim) Riviere’s and my mission to get the world to understand we didn’t think the city was financially responsible for anything,” Recker said.

Marco Island resident Mario Sanchez, who was among several residents seeking investigation of the asbestos handling, said in a statement he was most pleased that the taxpayers did not have to pay anything.

The agreement comes after several weeks of negotiations since learning of the violations alleged by the EPA in late March.

EPA’s Chief of Chemical Products and Asbestos Curt Fehn sent a letter to then-Marco Island City Manager Steve Thompson on March 25 informing the city of the EPA’s findings that the city and its contractor violated six sections and regulations of the Clean Air Act, all of which were in relation to asbestos:

■ Improper inspection of the area containing asbestos

■ Failure to provide notification

■ Failure to remove asbestos before disturbing or breaking up the material

■ Failure to wet the material as required

■ Failure to have a person on staff trained in asbestos regulations

■ Failure to dispose of the asbestos “as soon as practical.”

Enforcement action for the violations were subject to a civil penalty as high as $37,500 per day of violation, which could have added up considerably given that the potential violations began as early as March 2005 and the three construction sites, including at 524 W. Elkcam Cir., which is now part of Veterans’ Community Park, were not cleaned up until May 2007, April 2008 and November 2008 respectively, the EPA stated.

City officials said they were pleased with many aspects of the agreement and confident it would finally bring the long issue to a close.

“We have achieved more than we anticipated being able to achieve,” said attorney Alan Gabriel of the Weiss-Serota law firm, which represents the city.

In the agreement, the EPA is to affirm that the park site was properly cleaned.

“I’m happy,” said Riviere. “Our playgrounds are clear as certified by the EPA. It doesn’t get any better than that.”

## AWARDS

### CEMEX’s U.S. Cement Manufacturing Plants Win 2010 ENERGY STAR Awards (*AZoBuild*)

CEMEX USA announced today that the U.S. Environmental Protection Agency (EPA) and the U.S. Department of Energy (DOE) have awarded three of its U.S. cement manufacturing plants the 2010 ENERGY STAR® for their superior energy performance. CEMEX’s plants in Clinchfield, Ga.; Louisville, Ky.; and Demopolis, Ala. received the 2010 ENERGY STAR®.

“CEMEX is leading the industry for energy efficiency and our work to protect the environment,” said Gilberto Perez, President of CEMEX USA. “We’re honored to again have three plants receive this award by the U.S. government. CEMEX’s commitment to sustainable manufacturing is clear, our local men and women at the plants are focused and we’re achieving results while producing the highest quality products to build the nation’s communities and infrastructure.”

It is not the buildings that are recognized, but the actual efficient cement manufacturing processes and performance at each of these CEMEX cement plants that is labeled with the ENERGY STAR®. So far, the EPA and DOE have only awarded five ENERGY STAR® awards for individual cement plants in the U.S. for 2010, and CEMEX’s plants have received three of them. CEMEX USA was also recently awarded the EPA’s ENERGY STAR® 2010 Partner of the Year Award for its work in managing its energy and cutting greenhouse gases company-wide. This is the second consecutive year it has achieved this Partner of the Year honor and received the award at a ceremony in March in Washington, D.C.

CEMEX's Clinchfield, Louisville, Demopolis, and Wampum, Pa. plants received the 2009 ENERGY STAR®. In 2008, its Clinchfield, Louisville, Wampum, Davenport, Calif., and Knoxville, Tenn. cement facilities received the award – this was the most cement plants selected for any one company in the U.S. In addition, CEMEX's Clinchfield, Davenport and Louisville plants were awarded the ENERGY STAR® in 2007.

Over the last year, the plants conducted compressed air system surveys to identify leaks, installed more efficient motors, completed staff energy training programs, upgraded lighting systems with motion sensors, increased the use of permitted and authorized alternative fuels, reduced equipment idle times, performed process inspections, and conducted audits to reduce unnecessary power usage. All three plants implemented measures to improve their energy use performance.

CEMEX's successful energy management program can be attributed to senior management support, best practice sharing, adoption of new technologies, and utilizing external resources and tools from ENERGY STAR®. CEMEX USA is a corporate partner of the ENERGY STAR® program, has been one of ENERGY STAR's biggest advocates and has worked relentlessly in promoting energy efficiency within CEMEX and throughout the industry. CEMEX has also worked with customers, suppliers and local communities to raise awareness of energy efficiency and the ENERGY STAR® message.

The ENERGY STAR® program is a joint initiative by the EPA and DOE that focuses on strategic energy management and emphasizes the importance of demonstrating environmental leadership for future generations.

## BP SPILL

June 8, 2010

### Raising Remnants of Oil Rig Is Still on the Agenda (*New York Times*)

By MATTHEW L. WALD
WASHINGTON — Even as they focus on the struggle to plug the leaking oil well in the Gulf of Mexico, engineers are longing for the twisted and scorched metal at the bottom of the sea and other evidence that might tell them what went wrong seven weeks ago.

In recent days, experts from BP have spoken cautiously of raising components of their shattered drilling operation from the ocean floor once the leak is sealed. That could be a distant prospect: officials have warned that the leak might not be plugged until August or later, after BP drills two relief wells. And some potential evidence has been destroyed by the failed efforts to shut down the well.

Still, experts say that some of the equipment, intact or in pieces, will probably be recovered.

Officials seem most intent on retrieving the rig's blowout preventer, a 325-ton stack of pipes and valves that failed to seal off the well when the explosion occurred on April 20. It is designed to be raised and lowered multiple times, for use on many wells.

"Clearly, you'd want to get the blowout prevention equipment back," a technical expert from BP, which owns the well, said at a briefing on May 25. "There's probably going to be a chance to do that." Under rules laid out by the company, the expert could not be named.

The blowout preventer is supposed to seal off the flow of gas and oil in routine operations and emergencies and has numerous backup systems in case one fails. Investigators have yet to figure out why they did not work.

The Coast Guard issued a subpoena on April 30 to Transocean, the rig's owner, instructing it "to maintain the blowout preventer and to not allow anyone or anything to tamper with it" without the Guard's permission.

Less certain is the prospect of salvaging all or parts of the Deepwater Horizon rig, which sank two days after the explosion. Some offshore drilling experts suggest that it might be retrieved by attaching new buoyancy tanks with remote-controlled submarines.

Yet the rig is bigger and deeper than anything raised before, making the prospects for recovery a long shot, some experts say.

"Five thousand feet is awfully deep," said Malcolm M. MacKinnon III, a retired admiral and salvage consultant. "To salvage any part of the rig itself I would think would be very close to impossible."

"Look at the problem we're having trying to shut off that oil at 5,000 feet," said Admiral MacKinnon, who served as chairman of a federal committee that studied ways of improving the nation's salvage capabilities in case of a terrorist attack.

Information gleaned from the blowout preventer could be used in a joint inquiry, begun on May 11, by the Coast Guard and the Minerals Management Service, an Interior Department agency that is under fire for its role in overseeing offshore oil drilling.

It might also prove vital to the Justice Department in its investigation of any criminal wrongdoing that led to the disaster, and to the independent commission of inquiry created by President Obama and led by Bob Graham, a former senator and governor of Florida, and William K. Reilly, who headed the Environmental Protection Agency under the first President George Bush.

Custody of the blowout preventer could potentially go to the joint investigation of the Coast Guard and the minerals service, said Capt. Ron LaBrec, a Guard spokesman.

“The ultimate disposition of the B.O.P. will be worked out among the various interagency investigating officials,” Captain LaBrec wrote in an e-mail message, referring to the equipment. “Once the B.O.P. is in port, it will be taken to a secure location and maintained as evidence.”

There is another incentive to retrieve the apparatus: its status could affect negotiations between BP and the blowout preventer’s manufacturer, Cameron International, over who will pay what share of the damages.

One reason the investigators need forensic evidence like this is that workers who might have been the best sources of information about what was known or misunderstood about the well were among the 11 who died in the explosion.

BP has said that it has been denied access to some witnesses — presumably by the witnesses’ lawyers or their employers’ lawyers — a problem the Justice Department presumably will not have. The panel created by Mr. Obama may decide to provide anonymity to some witnesses, as did the special commission that investigated the 2003 crash of the space shuttle Columbia.

David Nagel, executive vice president of BP, said last month that his company’s investigators had sketched out a sequence of events that might have led the workers to mistakenly conclude that the well was secure before it was sealed with a cement plug before the explosion and fire. But he said the company’s investigators could reach firmer conclusions “as they get more access.”

Enormous objects tend to stay where they land on the seafloor. In 1998, for example, Texaco lost a 3,600-ton part of a platform in the Gulf of Mexico when a cable snapped as it was being transferred from a barge. The company simply gave up on the lost part and had replacement segments built, even though it was in less than 2,000 feet of water.

By contrast, the Deepwater Horizon weighed roughly 10 times as much and is 5,000 feet under the surface. (Its actual weight in the water is hard to calculate.)

The record for deepwater recovery may be the partial retrieval of a sunken Soviet submarine by the Central Intelligence Agency in the summer of 1974. The details of that operation remain secret, but reports at the time said it was more than 16,000 feet underwater.

The rig built to haul it up had an 800-ton derrick and three less powerful ones, suggesting a lifting capacity in the low thousands of tons, far too small for the Deepwater Horizon. And the C.I.A. effort was only partly successful: the submarine, which sank after an explosion onboard and was without doubt structurally damaged, broke apart as it was being raised.

BP engineers said some components that might have played a role in the Deepwater Horizon disaster were unrecoverable. They said they had no hope of retrieving anything from within the oil well, like a cement liner that might have failed.

Some evidence is already onshore, like data streamed from the rig to the Houston headquarters of Halliburton, the oil field services company. It shows pressures and flows in charts that, at first glance, look a bit like the ones that emerge from an airplane's black box after a crash.

Yet the data are fragmentary — one of several reasons the investigators say they may never produce a complete reconstruction of the actions that led to the catastrophe.

Tuesday, Jun. 08, 2010

**Texas Governor Perry Declares War on the EPA (*TIME Magazine*)**

By Hilary Hylton / Austin
Texas Governor Rick Perry has not had much to say about the Deepwater Horizon oil-spill debacle in the Gulf of Mexico, except to note that Texas is prepared should the oil head toward its shores, that he hopes no hasty decisions are made about shutting down offshore drilling and that he is not inclined to get into the blame game. But while the federal government, neighboring states and BP grapple with the spill, Perry has opened up his own front in the Gulf Coast environmental wars as part of his ongoing anti-Washington campaign. (See the world's top 10 environmental disasters.)

Perry is accusing the Obama Administration and an "increasingly activist" Environmental Protection Agency (EPA) of a federal putsch. Earlier this month, he said, the EPA pushed aside the state's prerogatives and said it would determine whether a Corpus Christi refinery, the fifth largest in the state, was meeting air-quality standards. Under the federal Clean Air Act, states monitor pollution levels and issue operating permits to industrial facilities, under the oversight of the EPA. (See pictures of the Gulf oil spill.)

Texas has emphasized the state's role in the law, tending to ignore the federal oversight part, and has taken a more independent approach to the issuing of permits. In the 1990s, over the objections of environmentalists, Democratic Governor Ann Richards and later Governor George W. Bush supported a so-called flexible approach: granting operating permits based on total emissions at a facility. Environmentalists argued that the Clean Air Act calls for pollution levels to be measured at each emissions point or operation within a facility — potentially thousands in a large refinery. For over a decade, environmentalists accused the Texas Commission on Environmental Quality (TCEQ) of lax regulation and urged the EPA to step in. Now the EPA appears to be agreeing with them and has given Texas until June 30 to change its approach or lose its oversight authority at potentially dozens of large industrial sites. (See "Texas Governor Race: Can Bill White Beat Rick Perry?")

The EPA's move, Perry says, will kill thousands of Texas jobs and derail a bipartisan program that he says has helped clean up the air in Texas. The controversy has offered the governor another opportunity to broadcast his states' rights message, a message that proved fruitful for him in the spring Republican primary, handing him a comfortable victory over his Washington-based rival, Senator Kay Bailey Hutchison. "On behalf of those Texans whose jobs are threatened by this latest overreach, and in defense of not only our clean-air program but also our rights under the 10th Amendment, I am calling upon President Obama to rein in the EPA and instruct them to study our successful approach for recommended use elsewhere," Perry said following his attack on the agency.

Given the Texas stage for this showdown and Perry's penchant for playing his cowboy persona to the hilt, it was inevitable that the fight would be portrayed with Western clichés. "A new sheriff has come to town, and it's going to put a halt to the illegal permitting by TCEQ," Tom "Smitty" Smith, director of the Texas Office of Public Citizen, told the Austin Chronicle. (See pictures of critters caught in the Gulf oil spill.)

As soon as the Obama Administration came into power, the EPA began warning Texas that its "flexible" approach was not in compliance with federal law. The first shot in the battle was fired on May 25, when the EPA stepped in and said it would determine if an operating permit should be granted for the Flint Hills Resources refinery in Corpus Christi. The refinery is owned by Koch Industries, the Kansas-based consortium whose political action committee has funded several conservative causes. The Koch family gave Perry $50,000 for his campaign fight with Hutchison.

The EPA has given Koch until Sept. 15 to seek an EPA-approved operating permit or face fines. The agency is also eyeing up to 40 additional industrial sites in Texas for takeover. "The state still has the ability to do those permits, if it has a change of heart," EPA Region 6 Administrator Al Armenariz told the Austin Chronicle from his temporary base on the Gulf Coast, where he is working on EPA oil-spill efforts.

But Perry does not sound like a man ready to change direction. As the oil industry grappled with a public relations nightmare in the Gulf, Perry traveled last week to the city of Deer Park, a major center of the state's petrochemical industry. Standing with industry leaders and petrochemical workers, Perry blasted the Obama Administration for pushing a "command and control approach" that would "destroy Texas' successful clean-air program and threaten tens of thousands of good Texas jobs in the process." (See how Rick Perry turned around the political battle for Texas.)

Perry's Democratic opponent, former Houston mayor Bill White, says the EPA takeover is evidence of Perry's mismanagement of the state agency — the governor appoints the TCEQ members. Perry's response has been to accuse White of being in cahoots with the Obama Administration in an attempt to take control of what is rightfully a Texas prerogative. So far, Perry's anti-Washington stance appears to be working politically —

he holds a 44% to 35% lead over White in a late-May University of Texas-Texas Tribune poll.

One of Perry's favorite sartorial flourishes is a pair of Texas boots decorated with the image of a famed cannon used in a battle for Texas independence from Mexico. "Come and take it" was the cry of the cannon's defenders. That sums up Perry's approach in this battle. It is a replay of his successful anti-Washington campaign against Hutchison earlier this year and is probably fodder for his book Fed Up. Due out this fall, it promises to take on Washington policies as a "legitimate threat to America's continued leadership in the free world," according to publisher Little Brown.

**NC EPA emergency responder assisting along the Gulf (*WNCT*)**

By WNCT Staff
RALEIGH, N.C. - There are people from all over the world helping with cleanup efforts at the gulf coast, including our state.

RALEIGH, N.C. - There are people from all over the world helping with cleanup efforts at the gulf coast, including our state.

An emergency responder with the Environmental Protection Agency in Raleigh is in Mobile, Alabama.

Ken Rhame and his team has been assisting the Coast Guard with air and water sampling.

This is his second trip to the site since the oil spill.

Rhame says now you can see the oil washing up on beaches and also smell it in the air.

At this point, he says their testing shows no threats to people.

Rhame says if the spill makes its way to our coast, the Coast Guard is our first line of defense, "Coast guard is the lead agency if, uh, the sector North Carolina requests or feels that there is a need that epa can support and they may put in that request and i maybe assisting them."

Rhame will be working in the Gulf on two week rotations through July.

**James Cameron of 'Avatar,' 'Titanic' tells Larry King BP spill 'not as bad as it could get' (*Examiner.com*)**

June 8, 11:13 AM · Connie Ann Kirk - Young Adult Pop Culture Examiner

James Cameron of 'Avatar,' 'Titanic' tells Larry King BP spill 'not as bad as it could get' (VIDEO) - Hollywood film director, James Cameron who made two of the most successful films ever, Avatar and Titanic, appeared on CNN's Larry King Live Monday night to talk about his conversations with BP and the Environmental Protection Agency about the recent BP oil spill in the Gulf of Mexico.

He offered help to BP in terms of the submersible vehicles that he has access to and worked with since his work on Titanic. He explained to Mr. King that he remained interested in deep sea exploration after the film and has gone on several expeditions out of his own interest.

He mentioned that BP responded to his offer that they currently had enough vehicles, and he said in retrospect that the response was probably appropriate. Still feeling like he wanted to help, he got together with the deep sea scientists he has come to know over the years since Titanic and offered help to the government. He and a group of scientists met with the Environmental Protection Agency in Washington, D.C.

Mr. Cameron said that it's important for Americans to know that the current spill in the Gulf is "not as bad as it could get." He talked about a well that gushed off the coast of Mexico for 9 months and another off Australia that spewed into the water for 4 months.

One facet of the problem that he explained particularly clearly was that shutting off the gusher is more complicated than most lay observers realize. He explained that shutting it off at the top is not enough because of the pressure that is coming up from the bottom of the well. "You can't just shut it off like a faucet," he said, "or it will blow out somewhere else."

The BP oil spill has entered its 50th day after an oil rig explosion occurred in the Gulf of Mexico on April 20, 2010. Oil is washing up in the wetlands of Louisiana, some beaches, and has stopped the fishing industry in a major portion of the Gulf.

Tuesday, June 8, 2010, 5:13pm EDT

**Report raises questions about BP attitude on safety (*South Florida Business Journal*)**

A ProPublica investigation is raising questions about the depth of BP PLC's attitude toward safety and environmental rules.

The report, which was also published by The Washington Post, says a series of internal investigations over 10 years warned senior BP managers that the company repeatedly disregarded safety and environmental rules, and risked a serious accident if it did not change its ways.

ProPublica says its investigation involved interviews with former employees, e-mails and examinations of lawsuits and state inquiries.

"Because of its string of accidents before the recent blowout in the Gulf, BP already faced a possible ban on its federal contracting and on new U.S. drilling leases, several senior former Environmental Protection Agency debarment officials told ProPublica," the article states.

**EPA Finally Discloses What's in the Oil Spill Dispersants (*OMB Watch*)**

By bturnbaugh
Created 06/08/10

The Environmental Protection Agency (EPA) has finally disclosed [1] the chemical identities of the ingredients of the dispersants being used on the oil spill in the Gulf of Mexico. Until now, the public was only provided the limited information available in the dispersants' material safety data sheets (MSDS). The MSDSs for the dispersant, known as Corexit, were produced by the dispersant's manufacturer, Nalco Company [2]. The MSDSs provide very little information, hiding chemical identities by labeling them "proprietary" or omitting them entirely.

The EPA's oil spill response website [3] now lists eight specific chemical identities comprising the two versions of Corexit now known to be in use in the Gulf. By contrast, the Corexit EC9600A MSDS [4] provides only two specific chemical ingredients and one reference to a generic "Organic sulfonic acid salt," whose identity is "proprietary." Without knowing exactly what is in the dispersants, tracking them and studying their impacts is near impossible.

Nalco has claimed [5] that Corexit "is a simple blend of six well-established, safe ingredients that biodegrade, do not bioaccumulate and are commonly found in popular household products…The COREXIT products do not contain carcinogens or reproductive toxins."

The EPA website lists eight ingredients – not the six referred to by Nalco. Among the ingredients is 2-butoxy ethanol, which possesses the following characteristics [6]:

* 2-Butoxy Ethanol can affect you by ingestion and may be absorbed through the skin.
* 2-Butoxy Ethanol should be handled as a CARCINOGEN--WITH EXTREME CAUTION.
* Contact can irritate the skin and eyes with possible eye damage.
* Inhaling 2-Butoxy Ethanol can irritate the nose and throat.
* 2-Butoxy Ethanol can cause nausea, vomiting, diarrhea and abdominal pain.
* Exposure can cause headache, dizziness, lightheadedness, and passing out.

* 2-Butoxy Ethanol may damage the liver and kidneys.

More than 1,121,000 gallons [7] of dispersant have been dumped into the Gulf of Mexico. Such quantities are unprecedented and never before have dispersants been used at such extreme ocean depths. Scientists do not know [8] what the environmental and public health impacts will be. There have been reports [9] of workers who might have been exposed to the dispersant getting sick.

The rules governing disclosure of alleged trade secrets clearly provide for the disclosure of chemical identities in the case of an emergency. As OMB Watch mentioned previously [10], the rules "contain emergency provisions that allow the EPA to disclose CBI under conditions where public health and the environment face 'imminent and substantial danger' or 'an unreasonable risk of injury.'"

After weeks of gallon after gallon pouring into the Gulf, finally the public is given the most basic information crucial to monitoring the fate and impacts of these chemicals. EPA had the authority to act all along; its decision to now disclose the ingredients demonstrates this. Yet it took a public outcry and weeks of complaints for the agency to act and place the public's interest ahead of corporate interests.

**Previous BP probes found recurring safety concerns, retaliation (*Greenwire*)**

(06/08/2010)
In three internal reviews of accidents at BP PLC's oil-drilling operations in Alaska, investigators concluded that management had skirted environmental and safety rules, warning executives that a serious accident could occur if the company did not clean up its act.

The reports concluded that the company retaliated against employees and contractors who raised concerns about safety. Written by outside attorneys and a BP committee in 2001, 2004 and 2007, the reports were leaked by a person close to the company dissatisfied with its handling of safety practices.

"They are a recurring environmental criminal, and they do not follow U.S. health safety and environmental policy," said Jeanne Pascal, a former U.S. EPA debarment attorney who led the investigation of BP. "At what point are we going to say, 'We are not going to do business with you anymore, bye?' None of the other supermajors have an environmental criminal record like they do."

Among the employees whose concerns went unaddressed was pipeline safety technician Stuart Sneed, who had questioned the integrity of a high-pressure gas line at the company's Greater Prudhoe Bay drilling field. He also suggested that inspectors were falsifying reports.

Sneed "was likely to be the most careful technician on the Slope with respect to safety and quality of his inspections. If there was corrosion in existence ... he would find it," said one of the internal reports, delivered to BP executives in late 2006. Yet he was fired two weeks after raising his concerns.

"They say it's your duty to come forward," Sneed said, "but then when you do come forward, they screw you. They'll destroy your life."

Two years after Sneed came forward, the pipeline blew apart, sending a 28-foot-long segment of steel flying about 1,000 feet in the air. Had a spark ignited the gas in the pipeline, it would have caused a catastrophic explosion, said Robert Bea, an engineering professor at the University of California, Berkeley, who has worked for BP on the North Slope.

The company declined to comment on the internal investigations. Spokesman Tony Odone said an independent expert reported in March that BP has made "significant progress" toward safety goals set in 2007 after a deadly explosion at the company's Texas City refinery. Claims that the company has an ongoing problem addressing worker concerns are "essentially groundless," Odone said (Knutson/Lustgarten, ProPublica, June 7). -- GN

## CLIMATE CHANGE

### GOP bid to stop EPA ruling faces White House veto (*Associated Press*)

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

By JIM ABRAMS
The Associated Press
Tuesday, June 8, 2010; 7:54 PM
WASHINGTON -- The White House on Tuesday raised the stakes on the Senate's first major climate change vote of the year, threatening to veto a Republican-led effort to stop the Environmental Protection Agency from carrying out regulations controlling greenhouse gases.

The White House, citing the environmental damage caused by the Gulf oil spill, said the measure to overturn new EPA regulations would increase the nation's dependence on oil and other fossil fuels and "block efforts to cut pollution that threatens our health and well-being."

With the veto threat, the "resolution of disapproval" offered by Alaska Republican Lisa Murkowski has little chance of becoming law. But the outcome of the vote on Thursday

is being seen by some as a key test as the Senate prepares to take up major climate change legislation later this summer.

A dozen Republicans, including Murkowski, argued at a news conference Tuesday that the EPA regulations, when implemented next year, would both kill jobs and usurp the authority of Congress.

Senators will make "a statement as to whether or not Congress or unelected bureaucrats at the EPA should set climate policy for this country," she said.

"This is an attempt to turn the attention of the American people away from what's happening with respect to the oil spill and saying what we really should be doing to protect the environment is give all of this new power to the EPA," said Rep. Bob Bennett, R-Utah.

Democratic Sen. Jay Rockefeller, who represents coal-rich West Virginia, sided with Murkowski, saying in a statement Tuesday that Congress, not the unelected EPA, should decide major economic and energy policy.

"I believe we must send a strong message that the fate of West Virginias economy, our manufacturing industries and our workers should not be solely in the hands of EPA," Rockefeller said. "It is not clear whether this resolution will pass, and the White House issued a statement on Tuesday threatening a veto if it does pass. But my vote is squarely in favor of securing West Virginias future."

EPA Administrator Lisa Jackson, in remarks Tuesday to the Small Business Environmental Conference, dismissed warnings that the rules would hurt small businesses and said the resolution "would ignore and override scientific findings, allowing big oil companies, big refineries and others to continue to pollute without any oversight or consequence."

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

Determining that global warming did pose a long-term danger to health, the EPA has issued standards requiring large polluters to reduce the amounts of greenhouse gases they release into the air. It exempted small sources of such gases from the regulations for the next six years.

The regulations were also the basis of tough new fuel economy standards the administration announced this year that force the auto industry to reduce pollution from tailpipe emissions.

The Murkowski measure, Jackson said, "would gut EPA's authority in the clean cars program. Our dependence on oil would grow by 455 million barrels."

The Obama administration says it would prefer that Congress enact climate change legislation, but has used the threat of EPA regulations to goad lawmakers into action.

Murkowski's resolution has 41 co-sponsors in the Senate, including three moderate Democrats. A companion House resolution has 140 co-sponsors.

**Bid to curb EPA's regulatory clout on climate nears Senate showdown (*Washington Times*)**

By Sean Lengell
The Obama administration's key backup weapon in the climate-change debate faces a critical test as the Senate votes Thursday on whether the Environmental Protection Agency should have the power to impose new regulations to attack global warming even if Congress fails to act.

The resolution, proposed by Sen. Lisa Murkowski, Alaska Republican, would overturn EPA rules scheduled to begin kicking in next year to reduce greenhouse-gas emissions, which many scientists say are a major contributor to global warming.

Mrs. Murkowski said the EPA regulation would adversely affect her state's economy by threatening projects such as the construction of a natural-gas pipeline.

"There has been a great deal of misinformation spread about my effort by groups — almost all of which are based outside of Alaska — who want to cut the emissions blamed for climate change no matter what the cost," the senator said in a statement.

Conservative lawmakers and energy industry officials applaud the move to scale back the decades-old Clean Air Act, which they complain is too restrictive, bureaucratic and expensive.

But environmentalists and other critics say Mrs. Murkowski's measure is based more on partisan politics than solid scientific evidence. Efforts by congressional Democrats and the Obama White House to pass a major new energy bill have stalled on Capitol Hill, and many global-warming activists have looked to the EPA as an alternative way to curb U.S. carbon emissions.

Opponents of the Murkowski resolution got a late boost as a new poll Tuesday from Yale University and George Mason University reported that 77 percent of Americans now favor government regulation of carbon dioxide as a pollutant, up six percentage points from January. A March Gallup Poll, conducted before the BP oil spill in the Gulf, had found growing public skepticism of global warming concerns.

The EPA last year announced that six gases, including carbon dioxide, pose a danger to the environment and the health of Americans and that it would draft new regulations to reduce those emissions.

The EPA's "endangerment finding" came as a response to a 2007 Supreme Court ruling that carbon dioxide and other gases should be considered pollutants under the Clean Air Act. The George W. Bush administration did not act on the court's ruling, but the EPA moved quickly after Mr. Obama took power in 2009.

Mrs. Murkowski said the Clean Air Act, the bulk of it written in 1977, was never intended to regulate issues such as climate change.

"The economy-wide implications of regulating greenhouse gases are not compatible with the blunt tools afforded the EPA under the act," a Murkowski policy statement says.

However, former EPA Administrator Russell E. Train said Mrs. Murkowski's argument is inconsistent with the law's history and "misconstrues the original intentions of Congress."

In a May 24 letter to Senate party leaders, Mr. Train said the measure is nothing more than a stalling tactic by lawmakers to avoid difficult decisions on an "emerging [environmental] threat."

"Such proposals are driven not by science but by political considerations," said Mr. Train, who ran the EPA from 1973 to 1977. "The Clean Air Act was not written to protect politicians; it was written to protect the American people."

The resolution, which needs 51 votes to pass, faces an uphill battle although the proposal cannot be filibustered under Senate rules.

Of the measure's 40 co-sponsors, only three are Democrats: Sens. Mary L. Landrieu of Louisiana, Blanche Lincoln of Arkansas and Ben Nelson of Nebraska. Two Republicans — Maine Sens. Susan Collins and Olympia Snowe — so far haven't signed on as co-sponsors.

Even if the Senate approves the Murkowski resolution, it faces even tougher scrutiny in the House. Even if it clears both chambers, a White House veto is likely.

Mrs. Murkowski on Tuesday pushed back at what she said were false links between her efforts to limit EPA climate regulations and the Gulf of Mexico oil spill.

"The EPA's endangerment finding does nothing to help clean up the Gulf of Mexico, ensure that impacted victims receive timely compensation for damages or prevent future spills," the senator said.

About the AuthorSean Lengell

Sean Lengell joined The Washington Times in August 2006 as a business reporter to cover transportation and labor issues. He moved to the national desk in early 2007 to cover Congress and national politics.

Mr. Lengell worked at the Tampa (Fla.) Tribune from 1995 to 1997 and from 1998 to 2006, covering local government, police and general-assignment duties.

In 1994 ...

Lincoln wins in Arkansas squeaker
Bid to curb EPA's regulatory clout on climate nears Senate showdown
Border patrol has bear of time stopping terrorists from north
Alabama voters stun favorites
Davis, Griffith struggling in Alabama races

## ENERGY

### To LEED or not to LEED (R*&D Magazine*)

Leadership in Energy & Environmental Design (LEED) is a green building certification system, developed by the U.S. Green Building Council (USGBC). It provides third-party verification that a building was designed and built using strategies aimed at improving performance in energy savings, water efficiency, CO2 emissions reduction, improved indoor environmental quality, and stewardship of resources and sensitivity to their impacts. LEED has rating systems for new construction and existing buildings (operations and maintenance) and serves as the basis for other sustainability rating systems such as the U.S. Environmental Protection Agency's Labs21.

In the current LEED system, buildings can earn 100 possible base points plus an additional six points for Innovation in Design and four points for Regional Priority. Buildings can qualify for four levels of certification:

* Certified: 40 - 49 points
* Silver: 50 - 59 points
* Gold: 60 - 79 points
* Platinum: 80 points and above

While proponents of LEED are many, some critics argue that environmentally responsible projects can be developed without incurring the higher costs for materials and construction, consultant and administration fees, and other expenses required for LEED or other sustainability certification.

"We should abandon the LEED system of point counting for Silver and Gold buildings and move to actually counting energy use in laboratories," says Richard Reitz, a

consultant in laboratory design and management. “Labs21 is moving in that direction.” Points are awarded for attending conferences, recycling garbage and installing low flow urinals, but these points are not measurable as far as actual energy savings, explains Reitz.

About half of the lab designers and architects surveyed by Laboratory Design Newsletter identified LEED certification as a positive trend; 15% believe it has been a negative.

For R&D Magazine readers/lab users planning major facility changes, only 15% plan to use LEED or another sustainability guideline as shown in the chart at the left. Almost one-third will not use sustainability guidelines; more than half do not know if, or what, they will use.

Published in R & D magazine: Vol. 52, No. 3, June, 2010, p. 21
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## HAZARDOUS WASTE

### EPA criticised over handling of hazardous waste (*ABC News*)

By Ryan Sheales
The report found the EPA is failing to regulate the management of dangerous waste.

The report found the EPA is failing to regulate the management of dangerous waste. (www.sxc.hu: Johnny Berg)

The auditor-general has criticised the management and disposal of hazardous waste in Victoria.

In a report tabled in State Parliament today, the auditor-general says the Environment Protection Authority (EPA) is failing to regulate the management of dangerous waste; including explosive, corrosive, toxic and radioactive materials.

It says the EPA's monitoring and inspection activities "lack coherence, purpose and coordination."

The report finds the EPA is poor at record keeping and can not guarantee that vehicles used to transport hazardous waste are safe.

The auditor-general found the EPA's performance is "inadequate" given the risk to the community.

He found "serious deficiencies pervade most of the monitoring and compliance activities" providing "little assurance that the EPA is effectively regulating hazardous waste."

The EPA's chief executive, John Merritt, says he has "got the message" and acknowledged improvements are necessary

Hazardous waste disposal days added

BY JESSICA CUFFMAN • The Marion Star • June 9, 2010

MARION - As long as the budget allows, there will be more opportunities for residents in the DKMM Solid Waste District to dispose of hazardous household wastes with three annual drop-offs.

In recent years, there have been two drop-off programs held in the fall each year, alternating among counties, said Director Larry Cooper, of the Delaware, Knox, Marion and Morrow County Solid Waste District.

"When I came into this position, I looked at past records and in the early history of the district, the budget allowed them to have a household hazardous waste day in each county, each year," he said.

He believes returning to something closer to that model as the budget allows will be a valuable opportunity for area residents.

Now, on Saturday, Marion County will host the first drop-off of the year, and though opportunities for planning pushed this year's date back to June, Cooper said he hopes to host it in late April or early May in the future.

Other collections in Morrow and Delaware counties are scheduled for the fall.

"Most people don't know what solid waste district their county falls in. Anybody in the four counties of DKMM can take their hazardous waste to any of the four district drop-offs," Angela Carbetta said, director of Marion County Recycling and Litter Prevention.

Moving a collection date to the spring, she hopes, will benefit residents trying to clear out homes or barns or other areas who otherwise would have had to hold onto the hazardous waste until the fall.

"It makes total sense. It's more friendly for the district residents," she said. "I get inundated with calls and I hate it when someone calls me in the spring and I have to tell them they have to wait for fall."

"It should make it more user friendly to have one in the spring and one in the fall," she said.

Household hazardous waste includes many categories and items, including mercury, batteries, propane cylinders and household cleaners - but not items such as appliances, explosives, televisions or light bulbs.

If you have a question, call, she said."I encourage people to call the office or the solid waste district office. We can give them ideas," she said.

What items are accepted can change from event to event, such as paint cans, which used to be classified as household hazardous waste by the Environmental Protection Agency but are not anymore.

They still should be disposed of with care. Leftover paint can be mixed with scrap paper or cat litter and dried in a shallow cardboard box, and the can dried out before being thrown away.

The collection is an opportunity to keep hazardous waste properly processed and out of the landfills, she said.

"The more opportunities we can provide for folks to correctly dispose of these things and handle in `proper ways, the more benefit there is to them in the immediate sense and in long terms, to community health as well," Cooper said.

Many of the items accepted at the collection can be taken other places during the year.

Menard's accepts light bulbs and Radio Shack takes batteries, Carbetta said.

Sims Brothers processes computers and most car places take car batteries and motor oil, she said.

"Some of this is going to become obsolete as people have more and more venues to dispose of things properly," she said.

But until then, the drop-off days are available to residents.

Tires are accepted for a mandatory fee.

"Nobody wants to pay the bill," Carbetta said.
But whether residents dispose of them at tire places for a small fee, take them somewhere else or dump them someplace where the government becomes responsible for cleaning them up, it all costs at sometime - even if it's indirectly through taxes.

Items that are not accepted at drop-off days include trash, recyclables and yard waste, which should be disposed of at the proper places, she said. Appliances are accepted at Sims Brothers and televisions at Mid-Ohio Recycling in Mount Gilead.

Radioactive materials and explosives are not accepted, but ammunition up to .50 caliber is.
Residents who have similar materials and aren't sure whether they're acceptable should call and ask, Carbetta said.

Other items accepted include kerosene, gasoline, lighter fluid, fertilizers, toxic poisons, bleach and brake fluid.

Chemical experts are on hand to help identify and handle such materials safely, which is part of the costs of the event.

Suggested donations of $5 per car and $10 per truck are accepted, but not being able to contribute shouldn't keep residents from taking the opportunity to drop-off waste, Carbetta said.

Acceptable items include: Automotive fluids, propane cylinders up to 20 pounds, computers and
components, household cleaners, pesticides, fertilizers, batteries, pool chemicals, ammunition up to 50 caliber and mercury Where:Whirlpool on Ohio 95 East When: 9 a.m. to 1 p.m. Saturday
Who: Open to residents in Delaware, Knox, Marion and Morrow counties
Cost: $1 per tire, except truck tires, which are $5 each, and tractor tires, which are $25 each. Suggested donations of $5 per car load and $10 per truck load. Questions :Call DKMM Solid Waste District at 740-223-4150 or Marion County Recycling and Litter Prevention at 740-223-4120. Two other collection events are scheduled for Sept. 25 in Morrow County at the fairgrounds and Oct. 23 in  Delaware County at the fairgrounds. Both are open to
all DKMM Solid Waste District residents.

## PESTICIDES

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**How to keep the bugs away (*Pittsburgh Post-Gazette*)**

It's almost summertime, and the living might be easy -- but it still could be difficult to keep the bugs away, whether battling them with conventional or natural ingredients.

Repellents can help people prevent diseases caused by insects, especially mosquitoes and ticks, according to the Environmental Protection Agency, which regulates repellents and pesticides.

The EPA says there is no recognized environmental impact from insect repellents, as opposed to pesticides, but some common active ingredients in repellents -- DEET and picaridin -- are slightly toxic to humans.

Patricia DeMarco, executive director of The Rachel Carson Homestead in Springdale, an institute that researches the effect of man-made chemicals on the environment, said that although those chemicals are only toxic to humans in high amounts, people can minimize how much repellent they need by covering themselves with long sleeves, pants and hats.

People can also use products with more natural ingredients, such as peppermint, citronella and other oils, to repel bugs. These repellents might not be regulated by the EPA because they lack certain active ingredients. Registered repellents should be marked as such on their labels.

Dr. DeMarco said keeping DEET and picaridin exposure low is especially important to do for kids, because there isn't a lot of research on how chemicals applied to skin affects children's health. She said parents can spray their children's clothing before they get dressed to keep bugs away.

Fiona Fisher, a spokeswoman for The Rachel Carson Homestead, said that parents who want to use chemical-free repellents should make sure to do research before purchasing them.

"Parents should also recognize that 'natural' does not necessarily mean 'chemical-free,' " Ms. Fisher said, adding they should make sure the product is safe for children under 5.

People can also plant mint or citronella to further repel bugs, Dr. DeMarco said. She said they can rub the plant on their skin as a natural repellent.

Most unregistered repellents contain active ingredients that pose a minimal risk to health, according to the EPA. However, because they are not registered, the agency cannot test them for effectiveness.

The EPA suggests considering a variety of factors in choosing a repellent, including the activity planned, how long the person will be doing it, what the active ingredient is and the percentage of the ingredient contained in the product. Because insects like

mosquitoes can be attracted to certain people's body chemistry more than others, individuals need to consider how much insects have bothered them in the past.

When ticks get past a repellent, it's important to remove them. Though there are lots of methods, the EPA says the only advisable way is to use a pair of tweezers to remove the tick carefully, making sure not to crush its body. The agency says not to use other methods, like petroleum jelly or a hot match, to remove the tick.

Other ways to keep the bugs away:

• Wear long-sleeved shirts, long pants and socks. Tuck in clothing when possible so that mosquitoes and ticks can't get to your skin.

• Stay inside when mosquitoes are most active -- at sunrise, sunset and early in the evening.

• Try to avoid the insects' habitats. Ticks tend to live in tall grasses or shrubs, while mosquitoes tend to infest areas with standing water.

Above all, Dr. DeMarco said people should not let their worries about insects keep them from enjoying the outdoors.

You can find more information about repellents on the EPA website at www.epa.gov/repellentfinder.

**Big hits for mosquito programs (*USA TODAY*)**

June 9, 2010 Wednesday
CHASE EDITION
NEWS; Pg. 3A
Big hits for mosquito programs;
Cuts in control efforts could raise disease risk
BY: Jeff DeLong
Curtis Batson can easily sum up the status of the mosquito control program in San Luis Obispo County, Calif.

"We don't have one. It's completely gone," Batson, the county's director of environmental health, said of changes that he feels could increase the risk of diseases spread by mosquitoes.

Recession-weary voters rejected a ballot measure last year by a 2-1 ratio that would have funded the program, Batson said. Beginning in January, all efforts to control a population of insects that can carry potentially serious diseases such as West Nile virus -- as well as ruin many a barbecue -- came to a standstill, he said.

According to the federal Centers for Disease Control and Prevention, cases of West Nile virus in humans declined significantly, from 1,356 cases and 124 fatalities in 2008 to 720 cases and 32 fatalities in 2009. About 80% of people who are infected will not show any symptoms, the CDC says.

The cuts in San Luis Obispo are part of a national trend brought on by budget cuts and the fact that the threat posed by West Nile virus has largely "fallen off the radar screen," said Joseph Conlon of the American Mosquito Control Association.

Mosquito control programs include spraying with insecticides to reduce the adult population and controlling breeding sites through the use of larvicides -- insecticides that target larvae before they mature into adult mosquitoes, according to the U.S. Environmental Protection Agency.

"You're going to have a measure of protection from mosquito-borne diseases taken away," Conlon said of the cutbacks. "We're putting ourselves at significant risk."

South Carolina had as many as 105 mosquito control districts five years ago, Conlon said, but now has 80.

In Palm Beach County, Fla., mosquito control director Ed Bradford said last year's budget was cut by about $150,000, and cuts of $200,000 or more are possible this year.

Elsewhere:

* In Reno, health officials say funding cuts will reduce the number of helicopter flights to kill mosquito larvae by 40%. That comes with "potential consequences," said Anette Rink of the state Department of Agriculture.

*In Teton County, Wyo., the mosquito control budget was cut 10% in 2009 with an additional cut of at least 15% likely this year, said John Holick, mosquito abatement supervisor.

*In Baker County, Ore., James Lunders, manager of the Baker Valley Vector Control District, said reductions in the amount of land treated for mosquitoes could also impact livestock and tourism, as well as human health.

"It's pretty scary," Lunders said. "We could get to the point we can't do enough good to matter."

Mitchel Cohen, coordinator of the New York-based No Spray Coalition, is glad to see less spraying. While it's important for local governments to continue efforts to remove standing water and kill juvenile mosquitoes through careful use of chemical larvicide, he said spraying of insecticides to kill adult mosquitoes comes with risk to human health.

Insecticides also can kill predators such as dragonflies and bats that eat mosquitoes, he said.

DeLong reports for the Reno Gazette-Journal

## TOXICS

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### Illinois recycler faces criminal charges for illegal dumping (*Plastic News*)

By Amanda Smith-Teutsch | WASTE & RECYCLING NEWS
Posted June 8, 2010
SOUTH ELGIN, ILL. (June 8, 11:10 a.m. ET) -- An Illinois plastics recycling firm and its chief executive faces criminal charges in connection to what the state attorney general is calling illegal chemical dumping into public storm drains.

A Kane County grand jury returned an indictment of D & Y Trade, Inc., of South Elgin, Ill.; Yu Tan Zheng, company CEO; and An Hong, an employee at the business, on one felony count each of water pollution and additional charges of misdemeanor water pollution.

State officials began an investigation after police found foam and dead fish in a creek near the company's facility. Police investigating the fish kill said they observed someone at the business pouring a toxic industrial cleaner into a storm drain, which emptied into the creek and then into the Fox River.

Those named in the indictment are due to answer the charges in court July 9. Maximum penalties include up to three years in the Illinois Department of Corrections and a $25,000 fine for each day of violation.

Investigating the incident are the Attorney General's Office, the South Elgin Police Department, the Illinois Department of Natural Resources, the U.S. Environmental Protection Agency, the South Elgin Fire Department, the Illinois Environmental Protection Agency and the U.S. Coast Guard.

### Recall of cadmium-tainted glasses by McDonald's sparks debate over toxic metal (*Greenwire*)

(06/08/2010)
Elana Schor, E&E reporter

As McDonald's today took the next step in recalling 12 million Shrek drinking glasses found to contain elevated levels of cadmium, both the company and the Consumer Product Safety Commission sought to tamp down concerns about the risk of the hazardous metal increasingly replacing lead in popular products.

Customers can return their glasses to McDonald's restaurants starting tomorrow and receive a $3 refund -- $1 more than the items' purchase price -- according to a notice posted on the company's website. But the returns are just the beginning of the next chapter in the cadmium debate, with the CPSC poised to set new limits on the metal even as it downplays the McDonald's recall and environmental advocates aim to use the episode to build momentum for reform of federal toxics law.

After Congress passed strict new lead-testing rules for children's products in 2008, "a number of companies in China started shifting to cadmium instead, because it wasn't subject to the regulations, and as a result, they have gone to a metal that's arguably even worse in terms of potential health effects," Environmental Defense Fund Senior Scientist Richard Denison said.

"That concern is kind of symptomatic of the need for a more systematic approach here that doesn't go chemical by chemical," he added, "and gives the EPA the ultimate authority to identify chemicals and particular uses of chemicals that should be restricted or eliminated."

That shift is embodied in pending House and Senate bills updating the 34-year-old Toxic Substances Control Act (TSCA) by empowering EPA to rein in a range of chemicals by requiring manufacturers to prove the substances are safe before using them.

CPSC, however, currently limits cadmium in children's toys to 75 parts per million and is working on new rules to limit the metal's presence in all children's products. McDonald's and the agency agreed on a voluntary recall of the glasses after their exterior enamel was found to contain cadmium in excess of the agency's soon-to-be-released standard.

CPSC spokesman Scott Wolfson drew a line between the lower levels of cadmium found in the Shrek glasses and the much higher cadmium concentrations, as high as 91 percent, that sparked a series of children's jewelry recalls earlier this year.

"What's so important is for parents to understand the difference. ... Children are not at an acute risk; the glasses are not toxic," Wolfson said, adding that "there are no signs we're looking at a wave here of cadmium becoming the next lead."

Cadmium occurs naturally in small amounts in soil and some foods but is carcinogenic to humans and can result in negative health effects such as bone softening if ingested. The metal is considered particularly harmful to children, who often touch hands to mouths after touching items such as jewelry or drinking glasses.

After an Associated Press investigation first uncovered the high cadmium levels in some children's jewelry, CPSC Chairwoman Inez Tenenbaum publicly warned manufacturers in Hong Kong not to replace lead with cadmium or other toxic metals.

Tenenbaum told senators in April that "we really don't think" companies are deliberately swapping out lead for other hazardous chemicals, "but we think they're being careless and not realizing that you cannot use these metals in children's products."

What's a 'children's product'?
It remains to be seen whether the new CPSC cadmium rules would apply to items such as the Shrek glasses, which were painted with the likenesses of characters from the new movie "Shrek Forever After."

"I'd certainly consider a Shrek glass to be a children's product," said Don Mays, the senior director of product safety planning at Consumers Union. "Right now, it's sort of in the gap of regulation."

CPSC formally proposed a definition of the term "children's product" in an April Federal Register notice, which Wolfson said would guide its use of regulatory authority under the Federal Hazardous Substances Act. "Just because there may be a certain design on a product, there's more to it than that in terms of what we look at to characterize who the intended audience is," he said.

McDonald's also underscored the non-toxicity of the Shrek glasses in its message to customers, adding in an e-mail to Greenwire that it is "gathering facts to ensure the necessary steps are taken to dispose of the glasses properly."

In contrast to the Chinese-made children's jewelry recalled earlier in the year, the drinking glasses were manufactured in the United States, by the Millville, N.J.-based company ARC International. Ron Biagi, vice president for North American sales at ARC, said he was surprised by the recall and vouched for the safety of the glasses.

While environmental and consumer groups pointed to the importance of identifying the producer of the cadmium-tainted enamel used on the McDonald's glasses, Biagi declined to name ARC's supplier.

"It's not fair for me to pull them in," he said.

## WATER

June 8, 2010

**Amish Farming Draws Rare Government Scrutiny (*New York Times)***

By SINDYA N. BHANOO
LANCASTER, Pa. — With simplicity as their credo, Amish farmers consume so little that some might consider them model environmental citizens.

“We are supposed to be stewards of the land,” said Matthew Stoltzfus, a 34-year-old dairy farmer and father of seven whose family, like many other Amish, shuns cars in favor of horse and buggy and lives without electricity. “It is our Christian duty.”

But farmers like Mr. Stoltzfus are facing growing scrutiny for agricultural practices that the federal government sees as environmentally destructive. Their cows generate heaps of manure that easily washes into streams and flows onward into the Chesapeake Bay.

And the Environmental Protection Agency, charged by President Obama with restoring the bay to health, is determined to crack down. The farmers have a choice: change the way they farm or face stiff penalties.

“There’s much, much work that needs to be done, and I don’t think the full community understands,” said David McGuigan, the E.P.A. official leading an effort by the agency to change farming practices here in Lancaster County.

Runoff from manure and synthetic fertilizers has polluted the Chesapeake Bay for years, reducing oxygen rates, killing fish and creating a dead zone that has persisted since the 1970s despite off-and-on cleanup efforts. But of the dozens of counties that contribute to the deadly runoff of nitrogen and phosphorus, Lancaster ranks at the top. According to E.P.A. data from 2007, the most recent available, the county generates more than 61 million pounds of manure a year. That is 20 million pounds more than the next highest county on the list of bay polluters, and more than six times that of most other counties.

The challenge for the environmental agency is to steer the farmers toward new practices without stirring resentment that might cause a backlash. The so-called plain-sect families — Amish and Old Order Mennonites, descended from persecuted Anabaptists who fled Germany and Switzerland in the 1700s — are notoriously wary of outsiders and of the government in particular.

“They are very resistant to government interference, and they object to government subsidies,” said Donald Kraybill, a professor at Elizabethtown College who studies the Amish. “They feel they should take care of their own.”

But the focus on the plain-sect dairy farmers is unavoidable: they own more than 50 percent of Lancaster County’s 5,000-plus farms.

“It’s been an issue over the last 30 years,” Dr. Kraybill said. “We have too many animals here per square acre — too many cows for too few acres.”

For now, the environmental agency’s strategy is to approach each farmer individually in collaboration with state and local conservation officials and suggest improvements like fences to prevent livestock from drifting toward streams, buffers that reduce runoff and pits to keep manure stored safely.

“These are real people with their own histories and their own needs and their own culture,” said John Hanger, the secretary of environmental protection in Pennsylvania. “It’s about treating people right, and in order to treat people right, you’ve got to be able to start where they are at.”

But if that does not work, the government will have to resort to fines and penalties.

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

Persuading plain-sect farmers to install fences and buffers underwritten by federal grants has been challenging because of their tendency to shy from government programs, including subsidies. Members neither pay Social Security nor receive its benefits, for example.

Word of the E.P.A.’s farm visits last September traveled rapidly through Amish country, Mr. Stoltzfus said, even though most plain-sect farmers do not have their own phones.

The farmers whom the agency visited declined to be interviewed. But Mr. Stoltzfus, whose brother-in-law was among them, said that as the news circulated, some farmers decided on their own to make changes in anticipation of intervention by the agency.

“I had never heard of the E.P.A. coming out to do inspections,” he said. “I think these practices are going to be required more.”

With help from the Lancaster County Conservation District, Mr. Stoltzfus applied for a government grant to help finance construction of a heifer barn with a manure pit. He expects the grant to cover about 70 percent of the cost.

But some Amish farmers were angered by the agency’s intrusion and its requirements.

“It’s certainly generated controversy,” said Sam Riehl, a farmer in the area. “We wonder whether we are being told what to do, and whether the E.P.A. will make it so that we can’t even maintain our farms.”

Mr. Riehl said he had vowed never to accept a government grant. He does have a manure management plan and a manure pit, he said, although several of his neighbors do not.

Last year the federal Fish and Wildlife Service awarded $500,000 to the Chesapeake Bay Foundation to work with the farmers on switching to barnyard runoff controls, streamside forest buffers, no-till farming and cover crops. The money has been lucrative for local agricultural companies like Red Barn Consulting, which has used some of it to hold milk-and-doughnut sessions in barns for Amish farmers and drop off fliers door to door.

The firm's owner, Peter Hughes, and his employees instruct the farmers on manure management and do free walkthroughs to offer suggestions. In the last six months, Mr. Hughes said, his plain-sect clientele has soared from several dozen farmers to about 200.

Working with the plain sect presents challenges, Mr. Hughes said. For one thing, the group is deeply averse to salesmanship. Then there is the technological communication problem: most of the farmers share a phone booth along a road with several neighbors.

"I had one client who would call me at 5:15 every morning," he said. "That was his allotted time to use the phone, and that was the only way for us to talk."

Most days Mr. Hughes is on the road in his pickup visiting farmers. As he drives, he said, he is often struck by the dichotomy between a would-be pastoral ideal and the environmental reality.

"You see those cows and the fields, and it's beautiful," he said. "But then there's that big pile of manure sitting back there."

Mr. Stoltzfus hopes he is ahead of the game. By adopting new practices and building the manure pit, he thinks he can both help the environment and steer clear of E.P.A. interference.

At midday, Mr. Stoltzfus was placing a bowl of cut fruit into a propane-powered cooler in his backyard, one of the family's few concessions to technology. Hand-washed black pants and plain cotton dresses fluttered on a clothesline behind him. He offered a taciturn reflection on how quickly things had changed — his willingness to accept the grant, for example.

"A while back, Old Order Amish would not participate in programs like this," he said, "but farming is getting expensive."

And then he ended the conversation.

“Is that all?” he said politely but coolly. “I have work to do.”

It was milking time.

**Greensboro's Drinking Water Continues to Meet All Regulations (*WaterWorld)***

The city of Greensboro issued the following news release:
By the end of this week, Greensboro residents should receive the annual water quality report, the Consumer Confidence Report (CCR), that shows the City's drinking water continues to meet all state and federal regulations. The report was prepared in accordance with the Environmental Protection Agency's 1996 Safe Drinking Water Act amendments, which mandates that all municipal water supplies provide a CCR to their customers for each calendar year by July 1, 2010.

The CCR provides information about where water comes from, possible substances in the water, and compliance with state and federal limits. It also provides residents with specific public health information, enabling consumers to make informed decisions regarding any potential health risks related to the use of their public drinking water.

"Our highly skilled water treatment professionals work continuously to provide top quality water to our customers, with over 200,000 tests performed annually. We are pleased to announce that Greensboro's drinking water meets and in some cases surpasses established water quality standards," says Steve Drew, water supply manager.

To receive a copy of the report, call the City Contact Center at 373-2489 or visit www.greensboro-nc.gov/water.

Contact: Steve Drew, 336/430-6244

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