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AIR

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EPA fines firm for clean-air violations (*Kenosha News.com*)

BY TERRY FLORES
tflores@kenoshanews.com

Published May 6, 2009 | 12:42 a.m.

Wisconsin

A Kenosha laminating business was assessed a $5,000 fine after it was found to have violated federal clean-air standards,

Laminated Products Inc., 5718 52nd St., and the Environmental Protection Agency reached the agreement last month after the company violated clean-air regulations by using excessive amounts of toluene and denatured alcohol as cleaning solvents in its cabinet furniture assemble process, according to a statement from the EPA.

The consent agreement and final order resulting in the civil penalty were recorded April 28 and were agreed to without the filing of a complaint or lawsuit.

Laminated Products officials could not be reached for comment. The business manufactures tops for laminated kitchen counter, cultured marble vanitues, cabinets and vanity sinks.

Nearly two years ago, the Wisconsin Department of Natural Resources conducted a full compliance evaluation at the business. Environmental officials said that among the violations, the company had been using the solvents to wipe off residual glue from fabricated cabinets over a period of 2½ years and had exceeded the applicability thresholds of 25 tons per year for Kenosha County at the time.

The violation is not the first that has come before the federal agency. In 2001, Laminated Prodcuts reached a settlement with the agency for another clean-air violation.

In that agreement, the company was fined $9,625, but included its own voluntary participation in a supplemental environmental project worth $298,607 to modify its manufacturing processes with the use of water-based adhesives.

The project was designed to cut down on volatile organic compound emissions by 17.5 tons a year. At the time, EPA officials praised the company for its part in improving air quality in the Kenosha area.

According to federal environmental officials, volatile organic compounds contribute to the creation of smog, which causes respiratory problems, from chest pain to shortness of breath.

Seattle to host Environmental Protection Agency clean air hearing (*Examiner.com*)

May 5, 5:35 PM

District of Columbia

On May 21st, 2009, Seattle will be one of only two cities to host public hearings on greenhouse gases, the Clean Air Act, and the connection to human health. The first will be held in Arlington, Virginia, on May 18, 2009.

On April 17, almost two years after the Supreme Court asked the EPA to investigate the dangers of global warming and if it should be regulated under the Clean Air Act, the agency announced that green house pollutants are unsafe for people. Especially, the young, the elderly, and the ailing.

Carbon emission regulation will begin a historic shift on CO2 in the United States. President George W. Bush declined to join the Kyoto treaty for ratification. During the eight years of his administration, efforts to curb pollution and regulate carbon dioxide, were met with resistance, but the EPA announcement has changed the landscape. Many Republicans and special interest groups have changed positions and realize they can no longer avoid the inevitable.

Some lawmakers still want free emission credits, but President Obama has made it clear that all emissions would be regulated under the Cap and Trade, which would require polluting companies to buy permits to be traded on the open market. The president has asked congress for a detailed bill that would include all C02 emissions. Heavy polluters, like coal-fired plants would pay more, but they would be allowed to purchase extra credits from companies that pollute less or adapt more readily.

The EPA report included this segment: ***the finding that greenhouse gases in the atmosphere endanger public health and welfare is compelling and, indeed overwhelming. This is not a close case in which the magnitude of the harm is small and the probability great, or the***

magnitude large and the probability small. In both magnitude and probability, climate change is an enormous problem.

The EPA public hearing will be held at the Bell Harbor International Conference Center, in Seattle, from 9:00am to 8:00pm, on Thursday, May 21, 2009. Pre-registration is required, especially for people who want the opportunity to comment.

Meeting information

EPA Supreme court announcement

Author: Jean Williams

Jean Williams is an Examiner from Seattle. You can see Jean's articles on Jean's Home Page.
My Bio

Calif. mulls mandatory smog checks for motorcycles *(Greenwire)*

05/05/2009

The California Legislature is considering a bill that would require motorcycles manufactured in the 2000 model year and later to undergo biennial smog checks.

The bill, introduced in the Senate in February, targets bikes with illegally modified exhaust systems and would go into effect in 2012 if passed and signed by Gov. Arnold Schwarzenegger (R), an avid motorcyclist.

Health and environmental groups applauded the measure as one critical to reducing the state's smog pollution, but motorcycle-rights groups, dealers and manufacturers say it is bad for business and infringes on riders' freedoms.

Motorcycles account for 3.6 percent of registered vehicles in the state and just 0.8 percent of vehicle miles traveled, yet make up 10 percent of vehicles' smog-forming emissions, according to the California Air Resources Board, which supports the bill. While fuel-efficient bikes emit significantly less C02 per mile, they are on average 14 times more polluting per mile when it comes to other smog-forming pollutants that have been linked to asthma and respiratory and cardiac illnesses, according to ARB.

The group estimates the law would prevent 5.2 tons of pollutants from entering the atmosphere daily.

The motorcycle industry is already suffering from the freezing of consumer credit and the economic recession, which have depressed new sales by 30.5 percent in the first quarter of 2009 from the same period last year, according to the Motorcycle Industry Council. But the ARB says every emission source is fair game in its quest to curb pollutants linked to climate change and health problems (Susan Carpenter, Los Angeles Times, May 5). **-- TL**

CLIMATE CHANGE/GLOBAL WARMING

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US Backs Reduction Of Climate Warming Gases (*RedOrbit*)

Posted on: Tuesday, 5 May 2009, 09:02 CDT

The White House labeled hydrofluorocarbons a very significant hazard to climate change on Monday, and wants HFCs that are endorsed under the U.N.'s ozone treaty dramatically condensed instead of eliminating them entirely.

However, a senior State Department official did not endorse an official plan, created last week by the nations of Micronesia and Mauritius, to change the Montreal Protocol ozone treaty that would reduce HFCs by 90% by 2030.

The treaty endorses the use of HFCs, a potent kind of greenhouse gas, to substitute harmful chlorofluorocarbons, or CFCs. While HFCs are not hurtful to the ozone layer, they are 10,000 times stronger than carbon dioxide.

Micronesia and Mauritius wish to include a HFCs gradual elimination in the ozone treaty talks in November, stating that it is a vital matter of continued existence for their island as sea levels rise.

0fficials at the State Department, the Environmental Protection Agency and the Defense Department are all for a decrease of HFCs, but ran into a few road blocks in a year when the administration is reviewing plans for a successor to the Kyoto climate treaty due to expire in 2012.

The United States hasn't the time "to complete the analysis needed to understand the potential impacts of such an approach or to consider how amending the Montreal Protocol to address HFCs would affect negotiations ... with respect to the post-2012 period," wrote Daniel Reifsnyder, a deputy assistant secretary for environment and sustainable development, in a letter to U.N. Ozone Secretariat Marco Gonzalez.

"We plan to continue actively studying and analyzing this issue," he added.

Advocates of the plan were dissatisfied.

"We cannot hesitate as a third of our future global warming emissions hang in the balance. We need action — and U.S. leadership — this year," stated Alexander von Bismarck, executive director of the Environmental Investigation Agency, a Washington group that headed the plan two years ago.

2% of the world's global warming gases are HFCs, but are anticipated to increase by a third in two to four decades due to the endorsement of them in various household goods that once utilized CFCs.

Several manufacturers have started to substitute HFCs with natural refrigerants like hydrocarbons, ammonia or carbon dioxide. The U.S. market for HFCs is $1 billion, a third to one-half of the world wide amount.

Senate Foreign Relations Chairman John Kerry announced Monday that "HFCs are significantly more powerful greenhouse gases than carbon dioxide, and the damage is only going to grow if we don't act in the short term."

He noted that President Barack Obama at present "clearly recognizes the impact of HFCs, and I'm confident he'll work with Congress to find a way to address this growing challenge in the best and quickest way possible."

'We're working out the issues,' House Dems say after Obama meeting *(Greenwire)*

Darren Samuelsohn, E&E senior reporter

05/05/2009

President Obama urged House Democrats today to reach consensus on global warming and energy legislation during a closed-door White House meeting.

Obama, Vice President Joe Biden, White House energy advisers and three dozen or so Democratic members of the Energy and Commerce Committee met for about an hour to discuss a range of issues before the panel, including the climate bill that has been stuck for weeks in subcommittee.

After the meeting, Democrats stressed that Obama stayed away from details and urged lawmakers guarding regional interests to work together.

"We're talking to each other. We're working out the issues. We want to be together," said Rep. Henry Waxman of California, the committee chairman. He said lawmakers had reached agreement on "Cash for Clunkers" language and would provide details later.

Waxman declined to comment when asked if the markup would start this week, saying only that he remains committed to moving the bill by Memorial Day.

The Democrats also confirmed a published report that the White House was interested in linking support for a climate change bill with a separate plan to expand domestic energy production. But Waxman declined to elaborate, saying energy production is not in his committee's jurisdiction; the matter would rest with the Natural Resources Committee.

As with the recent stimulus package and budget resolution, Obama has largely left lawmakers to haggle over the details on the climate legislation, promising to enter talks only at critical moments. But with the climate bill in dire straits at the subcommittee level, Obama decided it was time to weigh in.

"We're already at a key moment," said Paul Bledsoe, a spokesman for the National Commission on Energy Policy.

This year's climate push has little of the bipartisan spirit that sponsors tried to inject in last June's Senate debate, when Virginia Republican John Warner teamed with Connecticut independent Joe Lieberman and California Democrat Barbara Boxer on a broad cap-and-trade plan for greenhouse gas emissions.

By contrast, Republicans today opened their own summit on issues aimed at portraying the Democratic climate plan as a new energy tax.

"Now, some in Washington say the only way to clean up the environment is through government regulation, and they are pursuing a new national energy tax to do it," House Minority Leader John Boehner (R-Ohio) said at the start of the GOP session on Capitol Hill.

"With all due respect, that's the wrong approach," Boehner said. "We know raising taxes hurts the economy. We can clean up our environment and create jobs at the same time. We don't need a national energy tax that would send millions of American jobs overseas."

EDITORIAL/COMMENTARY/OP ED/LETTERS

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EPA to the rescue (*Baltimore Sun*)

Only a holistic approach can save the bay, and only Washington can provide it

By William C. Baker
May 6, 2009

Maryland

Despite a coordinated, 25-year effort, the Chesapeake Bay is dying - plagued by massive dead zones, declining fisheries and water choked by bacteria and algae. Fortunately, there is still time to save it, if some basic tenets are followed: Good science must drive a "systems approach" to management that incorporates rigorous law enforcement and consequences for inaction.

First, the science. Forty years of intense scientific investigation by leading estuarine scientists have documented precisely why the Chesapeake is degraded and how to fix it. From the molecular to the macro, we know how this marvel of nature works - or doesn't. Most important, science has taught us that the 200-mile-long Chesapeake Bay, with its 8,000 miles of shoreline, is only one part of a much larger ecological system.

A systems approach is essential because from Cooperstown, N.Y., the headwaters of its largest tributary, to the Virginia Capes where estuarine waters collide with the Atlantic Ocean 650 miles away, the Chesapeake is a single biological and hydrological system. Its boundary is defined by its drainage basin of 64,000 square miles - natural boundaries that declare the political lines of states as insignificant and meaningless.

And yet, its governance has rejected this basic scientific principle, giving only lip service to a management approach that would address the entire system as single ecological entity. Rather, with rare exception, the six states in the bay's watershed have made their own plans and programs independent of one another.

Who can blame the states? After all, their laws and regulations end at their borders. But the federal government does have cross-border authority - and it has failed to enforce the law. The Clean Water Act, passed by Congress 37 years ago, provides the EPA with the tools and the responsibility to protect water quality. It has not done so. From sewage and industrial pipes to chemical-laden stormwater runoff from cities, suburbs and farmlands, the onslaught is immense.

That the Chesapeake continues to produce *any* harvest of crabs, fish, and oysters is remarkable and a testament to the resilience of nature fighting to hold on. But the jobs that rely on these fisheries are quickly disappearing. In Maryland and Virginia, $640 million has been lost to the economy over the last decade from declines in just the blue crab fishery.

Add to this the economic impact on the region if swimming bans become more prevalent and drinking water supplies more contaminated.

How tragic that America has allowed the "Nation's Bay" to decline so precipitously. *Frontline* recently aired *Poisoned Waters*, documenting the water quality disaster of the Chesapeake Bay and Puget Sound. While it was a sad commentary on government's failure to save the Chesapeake Bay, there is some good news. Much can be learned from the Chesapeake experience to help the nascent environmental rescue effort on Puget Sound. And these lessons, if followed on the Chesapeake, will turn failure into success.

The Obama administration has pledged to do things differently. Lisa Jackson, the new EPA administrator, has repeatedly stated her interest in making the Chesapeake's restoration a national model. She and our president can start by seizing control of its management.

It will be up to the region's governors and members of Congress to agree that a strong federal presence is required. Shari Wilson, secretary of the Maryland Department of Environment, said just that when testifying before the Maryland congressional delegation April 23. The EPA has tools that it is not using to impose consequences. It could stop issuing permits for new development, sewage treatment plants and industry that increase pollution in local waterways. It could require reductions in polluted runoff from urban and suburban lands, and it could deny air pollution permits for all new coal-fired power plants that pollute the region's waterways.

The states' elected officials must demand that the EPA follow sound science, assert its authority under the Clean Water Act, require a systems approach to pollution reduction, enforce the law and sanction the states if they fail to take sufficient action to reduce pollution.

The power to save the bay is still within our grasp - if we have the will to act.

William C. Baker is president of the Chesapeake Bay Foundation. His e-mail is wbaker@cbf.org.

Power politics (*Lawrence Journal World*)

Some people are sure to be upset by Gov. Mark Parkinson's compromise to allow construction of a coal-fired power plant, but the plan also will allow the state to ramp up its alternative energy efforts

May 6, 2009

The very nature of a compromise is that neither side is entirely happy with the results.

That is the case with the surprising compromise Gov. Mark Parkinson announced Monday with Sunflower Electric Power Corp. to allow the construction of one coal-fired electric power plant near Holcomb.

The timing of the announcement, only a week after Kathleen Sebelius left the governor's office to join President Obama's Cabinet, was particularly surprising. An agreement coming so soon after Sebelius' departure is an indication of how much of a political standoff this issue had become. Sebelius had attempted to negotiate an agreement about a year ago to allow the construction of one coal-fired plant, but to no avail. Whether it was a matter of substance or personalities, Parkinson obviously had a different experience.

The agreement will allow the construction of one 895-megawatt coal-burning plant instead of two 700-megawatt plants and will require Sunflower to step up its development of wind energy and construction of transmission lines that can help move wind energy produced by Sunflower and other developers.

Parkinson has made the agreement contingent on passage of comprehensive energy legislation that includes renewable portfolio standards, net metering and other provisions that are essential to the state becoming a player in the alternative energy industry. It also includes a new restriction on the Kansas Department of Health and Environment's use of CO2 levels as justification to deny a permit to build power plants. The legislation will require KDHE to rely on federal clean air standards in its decision-making process. That is a significant issue now, but it may not be for long if, as expected, federal CO2 standards are set by the Environmental Protection Agency.

It's a tradeoff. Sunflower officials are elated because they will be allowed to build what they say will be one of the cleanest coal-fired plants anywhere. Assuming they can meet the financial and regulatory requirements to start construction, they have an obligation to the people of Kansas to do just that.

Alternative energy proponents also have reason to be pleased that the state now can move forward on additional wind power and transmission lines, as well as finally having regulations in place to help the state attract additional power developers and manufacturers of alternative energy equipment.

No one got everything they wanted, but the state now will be able move this troublesome issue off the legislative agenda and push ahead on efforts to take advantage of alternative energy opportunities.

Grading ethanol (*Salt Lake Tribune*)

Take deforestation into account

Salt Lake Tribune

Updated:05/05/2009 07:22:11 AM MDT

Don't ignore the science because you're having difficulty with the math. And don't let politics enter into the equation.

That's advice that the federal Environmental Protection Agency should follow as it gauges the impact of corn ethanol production and consumption on the environment, and attempts to determine if grain-based biofuels are effective in fighting climate change.

In 2007, when Congress ordered refineries to blend more ethanol into the nation's gasoline and diesel fuel supply -- 20 billion gallons must be in the mix by 2015, and 36 billion gallons by 2022 -- it also instructed the EPA to make sure that ethanol is actually reducing greenhouse gas emissions. Congress mandated that corn ethanol produced in plants built after 2007 must emit 20 percent less in greenhouse gases than the fuel it replaces.

Now, the day of decision is approaching as the EPA prepares to issue its findings and set new ethanol standards. But a dispute has arisen that pits the powerful farm lobby and politicians from agricultural states against a consortium of environmental groups.

While the amount of climate-changing greenhouse gases emitted in the production and consumption of ethanol and gasoline are known quantities, the EPA must determine if it will include indirect impacts of ethanol production -- specifically worldwide land-use changes -- when it does the math.

Deforestation on lands converted to agricultural production to replace the food diverted for fuel in the U.S. inhibits the planet's ability to absorb carbon dioxide. It's a direct result of ethanol production. But the impact, while undeniable, is difficult to calculate, prompting farm-state senators and agribusiness lobbyists to insist that the EPA ignore the issue.

While it's hard to attach a number to the cropland-creep phenomenon, it certainly isn't zero. The EPA should err on the side of caution, and use the best available estimates.

All things equal, converting food to fuel is still a bad idea. Study after study has shown that grain-based ethanol production, which consumes nearly as much energy as it yields, is an environmental and economic boondoggle.

Fertilizers used to grow the crops that make the fuel pollute our water supplies. Biofuel production is increasingly water intensive as production expands into areas using irrigated water. And it poses ethical and moral issues by converting food to fuel and driving up grain prices in a hungry world. Deforestation is simply the final strike against an industry that, science says, should be on its way out.

ENFORCEMENT

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EPA Expanding Use Of Green Infrastructure In POTW Enforcement (*Inside EPA*)

Tuesday, May 05, 2009

A recently proposed consent agreement between a Missouri publicly owned treatment works (POTW) and EPA highlights a slowly building effort to include “green” infrastructure stormwater retention projects in enforcement actions against sewage treatment operators even as the agency is pushing to include the techniques in new Clean Water Act (CWA) permits.

EPA April 1 announced an agreement with the city of Independence, MO, to make major improvements to its sanitary sewer system and complete $450,000 of supplemental environmental projects (SEPs) to “enhance [the] Missouri River watershed by improving stormwater detention basins and stabilizing stream banks.”

The consent decree follows an Aug. 16, 2007, assurance memo from EPA saying that green infrastructure techniques generally fit into the regulatory framework of the water act for the purposes of controlling stormwater, in hopes of alleviating some common concerns of permitting authorities. The memo says the agency will take green infrastructure into account as an option when taking enforcement steps and establishing consent decrees, and encourages states with delegated authority to do the same. Permitting authorities, the memo says, may also use green infrastructure in developing permit requirements, as well as in creating guidance for stormwater.

Green infrastructure is the use of techniques that mimic or employ natural systems, such as green roofs, wetlands or permeable pavement, to direct stormwater to be filtered, recycled, or evapotranspirated. The methods, also called low impact development techniques, are generally thought to be cost effective and environmentally friendly. EPA has been encouraging their use in place of or in addition to more traditional “grey” infrastructure, such as gutters and stormdrains.

A POTW source involved in the pending Independence, MO, consent decree says the city brought up the possibility of using green infrastructure during conversations with EPA and Justice Department.

The source says the enforcement actions stemmed from a few watersheds in the city were impacted by wet weather events that resulted in sewer overflows and bypasses of some sewage treatment. The SEP falls in line, the source says, with “EPA national priorities” in doing “green infrastructure and bank stabilization work” to reduce wet weather influx into the system.

The Independence, MO, consent decree is currently out for a 30-day comment period, and a source involved with the project expects a signed version around the middle to end of May.

One key EPA consultant, however, is questioning whether SEPs are the appropriate place for EPA to focus its green infrastructure push. Former EPA water chief Tracy Meehan at an American Law Institute-American Bar Association conference April 23 suggested that green infrastructure techniques are better suited for inclusion in new discharge permits rather than enforcement of existing permits.

“It seems to me that this shouldn’t be an enforcement issue anymore,” Meehan said.

The agency should be moving towards watershed-based permitting that would address point sources, stormwater issues and so-called blending of fully and partially treated wastewater.

“Why don’t we have those all under one umbrella or bubble permit, if you will?” Meehan asked, “to allow for the deployment of [low impact development] . . . and environmental benefits.” Municipalities are “struggling to make this mainstream in their system,” Meehan said, noting that only the city of Portland, OR, has incorporated green infrastructure into its long-term control plan to prevent sewer overflows.

He further notes that green infrastructure will better serve waterbodies in urban areas “to the extent that we can better integrate [it] . . . under a robust . . . [National Pollutant Discharge Elimination System (NPDES)] permit,” particularly given increased populations and massive growth in impervious surfaces, particularly due to sprawl.

EPA water permits Director Linda Boornazian at the same conference noted that the agency is “very focused on the stormwater program and . . . [is] looking at watershed approaches.”

EPA press officials did not respond to requests for comment or information about broad use of green infrastructure in consent agreements, but a November green infrastructure newsletter from the agency notes that communities are increasingly incorporating the techniques in sewer overflow planning.

“Louisville, KY and Kansas City, MO are both preparing to soon submit long-term control plans to regulatory agencies; both are planning to make commitments to significant green elements in their plans,” the letter says. “Other cities, counties and utilities are also working on plans to enhance their

wet weather management plans with more green infrastructure approaches because of cost savings and other benefits that more green space brings to their communities."

FUEL

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EPA Proposes Changes To Biofuel Regulations (*Washington Post*)

By Steven Mufson and Juliet Eilperin
Washington Post Staff Writers
Wednesday, May 6, 2009

The Obama administration waded deeper into climate regulation yesterday, proposing new standards for alternative motor fuels and setting off a debate among ethanol producers and environmentalists about scientific assumptions that could be worth billions of dollars to industry.

The Environmental Protection Agency's proposed regulations are designed to curtail greenhouse gas emissions blamed for climate change and to make sure that alternative fuels, such as ethanol or biodiesel, do not have indirect effects, such as deforestation in other countries, that could inadvertently increase levels of greenhouse gases in the atmosphere.

But the administration did not take a position on key regulatory issues, instead inviting comment from scientific experts and businesses on how to measure carbon emissions from the full lifecycle of biofuels, from land use to fertilizer to manufacturing process to delivery. EPA Administrator Lisa P. Jackson also said that existing corn ethanol distilleries or ones under construction would probably be "grandfathered," or exempt from the new regulations.

Jackson's statement blunted criticism, especially from corn-based ethanol producers that have been targeted for competing with food crops and for using substantial amounts of fertilizer in fields and fossil fuels in distilleries.

In a telephone call with reporters yesterday, Jackson said the administration wanted to make sure that its final rule on renewable fuels is "informed by the best science."

Bob Dinneen, president of the Renewable Fuels Association, said his group would "participate aggressively" to shape the final regulations. "There's a great deal of uncertainty about this," he said.

Dinneen said the EPA had failed to count the indirect costs of petroleum production, had underestimated improvements in productivity of corn growers, and had overstated the impact of corn ethanol on U.S. food production and thus exaggerated the expansion of new crop planting in forests and savannahs of places such as Brazil.

"We don't think the theory of indirect land use change will hold up," said Wesley Clark, co-chairman of Growth Energy, an ethanol industry group. "It's unfairly applied only to ethanol."

Some environmentalists were also concerned about the EPA proposals. The EPA raised the possibility of computing greenhouse gas costs over a 100-year period instead of a 30-year period. The longer time frame would make the benefits of corn-based ethanol seem greater while discounting the initial costs, such as the loss of untilled land, over time. For example, the EPA said corn-based ethanol is 16 percent better than regular gasoline if its costs are calculated over 100 years, but 5 percent worse over 30 years.

"EPA has left open the option that an exception to good science could be made in the case of a favored special interest," said Frank O'Donnell, who heads Clean Air Watch.

But even as politicians and lobbyists sought to protect traditional biofuels, business experts said the recent corn ethanol boom and subsequent crash had soured many investors on such ventures.

"Since then, the focus has basically been on second-generation biofuels. It's given people time to think about alternatives," said Kevin Parker, global head of asset management for Deutsche Bank Group. "It's become clear to us, in the work that we've done, that converting photosynthesis into transport fuel is very inefficient. There's no sense of rolling back the clock on that one. The world has moved on."

Rules to Limit Emissions in the Making of Ethanol (*New York Times*)

By MATTHEW L. WALD
May 6, 2009

WASHINGTON — The Obama administration on Tuesday proposed rules to limit emissions of climate-changing gases from the manufacture of ethanol, a step that would probably curtail the expansion of corn ethanol production.

In its first major policy steps on ethanol, the administration said it would help producers of biofuels who could not get credit to refinance their operations, and assist them in selling their

products through a growing network of retail fuel distributors and by encouraging the manufacture of vehicles to burn it.

It said it was forming a biofuels working group made up of the agriculture and energy departments and the Environmental Protection Agency to coordinate federal actions. A goal of the group is to quickly dispense money allocated in the federal stimulus package and two previous energy bills.

"It sends a really positive signal to investors," said Brent Erickson, executive vice president of the Biotechnology Industry Organization, a trade group.

But the Environmental Protection Agency also issued a draft rule Tuesday on a "renewable fuels standard," including provisions on how much carbon dioxide can be released in the production of ethanol and other biofuels.

The rule is intended to force the industry to help meet targets set by Congress in 2007 for reducing greenhouse-gas emissions from ethanol, even as legislators encourage its production as an alternative to gasoline.

The agency said it would factor in changes in land use, so that if more American-grown corn were used for ethanol, and as a result a farmer anywhere cut down trees to raise crops, the loss of that forestland, and the resulting increase in carbon dioxide, would count in ethanol's "carbon footprint."

Even though running cars on corn ethanol rather than gasoline reduces carbon dioxide emissions, the agency said, diverting grasslands and forests to grow corn increases the biofuel industry's carbon footprint.

The proposed rules for calculating the emissions of biofuel producers do not apply to plants that were under construction by December 2007. The administration added that it would invest in finding ways to help farmers use crop wastes or other biological materials as fuel.

The proposed renewable fuel standard maintains a quota for 2010 of 100 million gallons of ethanol from cellulosic sources, the woody parts of plants. The ethanol industry was looking for a signal of support from the Obama administration, especially after the collapse of gas prices and a public backlash against corn ethanol based on an argument that its production was helping to push food prices higher.

The efforts announced Tuesday will be led by the Agriculture Department. Tom Vilsack, the agriculture secretary, referring to the stimulus package and other financing, said, "There is over $1.1 billion of opportunity here, created by the Congress, to assist in building biorefineries in helping existing refineries convert from fossil-fuel power to renewable power."

New standards could cut tax breaks for corn-based ethanol (*Los Angeles Times*)

Rules proposed by Obama administration set the stage for a battle between Midwest grain producers and environmentalists who say the gasoline additive actually worsens global warming.

By Jim Tankersley

May 6, 2009

Reporting from Washington — The Obama administration on Tuesday proposed renewable-fuel standards that could reduce the $3 billion a year in federal tax breaks given to producers of corn-based ethanol. The move sets the stage for a major battle between Midwest grain producers and environmentalists who say the gasoline additive actually worsens global warming.

For much of the last decade, federal officials have touted the potential of corn ethanol as a substitute for gasoline and a tool for reducing global warming and foreign oil dependence.

However, environmentalists and others have questioned the wisdom of that support.

A recent Congressional Budget Office study found that increased ethanol production was responsible for 10% to 15% of last year's increased U.S. food costs. And the rush to produce more corn for fuel has had a global environmental impact as forests and other vegetation have been cleared to make way for cropland.

The Environmental Protection Agency's climate-change rules are subject to public comment and revision before they become final. And exactly how big their impact will be on corn producers' tax breaks depends how corn ethanol is determined to affect the environment.

The wide range of possibilities was evident in the EPA's analysis of various fuels' contributions to global warming. Corn ethanol could be substantially worse for the climate than traditional gasoline, or it could be substantially better -- depending on how it is produced and on the accounting methods the EPA settles on for tallying its greenhouse gas emissions.

"The rules are kind of in the category of wait-to-see-what-happens," said Rodney Weinzierl, executive director of the Illinois Corn Growers Assn.

However, industry officials were cheered Tuesday by the announcement that nearly $1 billion in stimulus funds would go toward advanced biofuel research and that the government would take new steps to promote ethanol-powered cars and fueling stations.

Although biofuels as a whole -- including those made from grasses and even algae -- are considered promising alternatives to petroleum, some researchers have begun challenging the use of corn for this purpose.

In particular, they point to the "indirect land-use" effects of pulling corn out of the world food supply, which could force farmers in developing nations to clear rain forests -- and release massive amounts of carbon dioxide in the process -- in order to plant corn.

Congress in 2007 mandated an increase in biofuel production, peaking at 36 billion gallons a year by 2022. It also called for corn ethanol to emit 20% fewer greenhouse gases than gasoline, and ethanol made from crops such as switchgrass or wood chips to release 60% less.

The EPA rules proposed Tuesday include indirect land-use calculations in tallying emission. Many crops grown specifically for biofuels, such as switchgrass, pass the test easily. In many cases, corn and soy-based biodiesel do not.

The move comes on the heels of a California Air Resources Board decision last month to factor indirect land use into the state's renewable fuels standard.

Nathanael Greene, director of renewable energy policy for the Natural Resources Defense Council, said that the administration "looked at the science and decided they were going to do the best analysis they could on land-use impacts. . . . They stuck by it through a lot of political pressure."

Industry groups seized on the EPA's pledge to conduct "peer reviews" of the science underlying indirect land-use analysis, which ethanol interests and many independent scientists say has too high an error margin to be used when calculating a fuel's emissions.

jtankersley@latimes.com

Obama administration touts more advanced bio-fuels (*Monsters and Critics.com*)

By DPA
May 6, 2009, 4:55 GMT

Washington - US President Barack Obama's hopes to speed up the production of advanced bio-fuels that are less harmful to the environment to help run the country's cars, according to a draft rule issued Tuesday by the Environmental Protection Agency (EPA).

The EPA's decision, which must be open to public discussion for 60 days, aims to more than triple by 2022 the amount of renewable fuel produced to power vehicles in the United States.

But the rule also makes clear that the administration is not placing its hopes on maize-based ethanol, a renewable fuel pushed by US farmers but which many environmentalists consider nearly as harmful to the environment as petrol.

EPA Administrator Lisa Jackson said maize-based ethanol, which is already produced in many mid-western US states, would act as a 'bridge' to cleaner bio-fuels, such as cellulosic ethanol, that are not yet readily available.

Obama also announced some 800 million dollars in new funding for bio-fuels research and the creation of the Biofuels Interagency Working Group, which will coordinate efforts across government departments.

The EPA's ruling calls for 36 billion gallons (136 billion liters) per year of bio-fuels to be blended into petrol by 2022, up from 11 billion gallons expected to be produced this year. The decision mirrors a similar target set by the US Congress in 2007.

U.S. raises the bar for ethanol producers (*Globe and Mail*)

EPA says some production methods for the agricultural fuel are producing higher greenhouse gas emissions than gasoline

SHAWN MCCARTHY AND PAUL WALDIE

Globe and Mail Update

May 6, 2009 at 7:25 AM EDT

OTTAWA and TORONTO — The corn-based ethanol industry will have to substantially reduce its emissions of greenhouse gases in order to play a leading role in the U.S. drive to boost the use of renewable transportation fuels.

In releasing new regulations yesterday, the U.S. Environmental Protection Agency said much corn-based ethanol is worse than gasoline - at least in the short term - in producing greenhouse gas emissions when agricultural practices are factored in.

As it looks to increase its use of ethanol and other biofuels, the U.S. is counting on new production methods and the use of agricultural waste and other non-food feedstocks to drive down emissions.

For an industry that is battered by oversupply and mounting losses, the proposed U.S. regulations will require costly investments: in plants that can themselves run on biofuels rather than coal or natural gas; in more efficient production processes; and in commercializing the new sources of non-food feedstocks..

In a press conference at the White House, President Barack Obama committed his government to increase the use of biofuels and allocated an additional $787-million (U.S.) to support the development of low-emission sources of biofuels.

Governments in both the United States and Canada are moving forward with regulations to increase the use of ethanol and other biofuels, despite a growing debate over the cost of subsidies and the higher emissions that occur when more land is put into cultivation for growing the fuel's feedstock grains.

In documents released yesterday, the EPA said the corn ethanol producers that use natural gas in the production process produce 5 per cent more emissions per gallon of fuel than gasoline producers over a 30-year period, while ethanol producers that use coal produce 34 per cent more emissions.

Over a period longer than 30 years, as the one-time impacts of greater land cultivation fade, corn ethanol that is made using natural gas produces 16 per cent fewer emissions than gasoline, while coal-fired ethanol is still 13 per cent higher than gasoline.

In contrast, corn ethanol producers that use biomass to fire their boilers show an 18 per cent improvement in emissions over gasoline in the short term, and 39 per cent in the longer term, the agency said.

The U.S. government is putting in place a new renewable-fuel standard that will require refiners to include 15 billion gallons of ethanol in their product mix by 2012, and 30 billion gallons by 2020. (The U.S. currently consumes about 140 billion gallons of motor fuel per year.) To qualify as a renewable fuel, new ethanol producers must show at least a 20-per-cent reduction in emissions compared to gasoline over the long term.

The Canadian government has also set a renewable-fuel standard that will require refiners to hit a target of 5 per cent ethanol, and Environment Minister Jim Prentice is expected to release regulations to implement that standard.

Neither Ottawa nor several provinces that have renewable-fuel standards have set standards for emissions reductions that must be achieved.

Despite government mandates and subsidies, ethanol producers have been struggling and seven companies have filed for bankruptcy protection in the past year.

Archer-Daniels-Midland Co., ADM-N the world's largest grain processor, said yesterday that it lost $97-million (U.S.) on its ethanol operations in the fiscal third quarter. That compared to a profit of $70-million a year earlier. John Rice, ADM's executive vice-president for commercial

and production, said the industry is grappling with an oversupply of ethanol totalling as much as 1.5 billion gallons. He added that several plants have been idled or closed and that the oversupply situation is expected to last for another year. ADM has also slowed down construction of a new ethanol facility.

Mr. Obama's commitment to the industry gave ethanol stocks a badly needed jolt. Shares of several ethanol producers, including Verenium Corp. VRNM-Q and Pacific Ethanol Inc., PEIX-Q surged as much as 57 per cent.

EPA proposed renewable fuel rule raises concern (*Radio Iowa*)

Wednesday, May 6, 2009, 4:00 AM
By **Darwin Danielson**

Federal officials, including former Iowa Governor and current Ag Secretary Tom Vilsack, released plans Tuesday for developing renewable fuels. That included the U.S. Environmental Protection Agency's proposal to revise the standards used to determine the impact of renewable fuels on the environment.

Iowa Renewable Fuels Association (IRFA) executive director, Monte Shaw, says they're concerned about the methods used by the E.P.A. to calculate the "indirect impact" of renewable fuels on the amount of greenhouse gases.

Shaw says,"Based on the this theory, and I use that loosely of indirect land use change. In other words the more commodities we use to produce fuels here, it means someone has to go burn down the Brazilian or Indonesian rain forest to produce food crops." Shaw says association doesn't back the idea of "indirect land use change."

He says they don't believe the science supports the idea as the last five years there's been a dramatic increase in biofuel production, but there has been a reduction in the destruction of the rainforests. Shaw says the good news is that the E.P.A. is open to discuss the issue. Shaw says the current ethanol plants are exempt from the greenhouse gas rules.

Shaw says those who are currently involved in ethanol production, don't have to worry, but he says it's going to be very important as we move forward with new ethanol production. The E.P.A. will be taking public comment on the proposed rule changes, and Shaw says that's important for getting Iowa's side of the story.

He says it's important for Iowans to comment, even though it may not be a very technical comment. Federal officials also announce the creation of the "Biofuels Interagency Working

Group" that'll be led by Ag Secretary Vilsack. That group will use federal funds to help improve biofuel production and marketing.

Shaw says they are excited about that as there needs to be a more coordinated approach on how to produce the feedstocks and convert them into biofuels. He says there also needs to be a combined effort in creating use for the biofuels. Part of the plan includes using Ag bill money to help shore up the ethanol plants that have had economic troubles.

Shaw says that's something the I.R.F.A. likes because much of the focus has been on the next generation of biofuels, but he says they first need to shore up the current producers.

"It's kind of like you're standing out in front of your house with an architect trying to build a nice new addition onto your existing house, but it's on fire. And maybe you ought stop and call the fire department and keep what you've got to begin with so it serves as the base for that addition," Shaw says, "and that's what we need to do right now with today's biodiesel and ethanol producers."

Shaw says it will be good to have Vilsack leading the biofuels working group, but he would feel better if Vilsack was the head of the E.P.A. and overseeing the rules there.

ETHANOL WORSE (*Associated Press*) This story also appeared: *Standard Freeholder*

Posted By THE ASSOCIATED PRESS

WASHINGTON (AP) --The U. S. Environmental Protection Agency says that corn ethanol, as made today, has a worse impact on the climate than gasoline when land use changes are considered.

But EPA Administrator Lisa Jackson says future improvements in production technologies are expected to make ethanol and other biofuels more climate friendly than gasoline.

The EPA, in a preliminary assessment of ethanol, says worldwide changes in land use must be considered when assessing ethanol's impact on climate change.

EPA says some ethanol may boost indirect greenhouse gases (*International Business Times*)

Posted 05 May 2009 @ 11:27 pm EST

Some production methods for corn ethanol may increase indirect greenhouse gas (GHG) emissions, according to an analysis unveiled Tuesday by the U.S. Environmental Protection Agency.

The agency analyzed different pathways for generating ethanol, calculating the greenhouse gas emissions through the fuel's entire lifecycle and compared the results to the baseline lifecycle of gasoline or diesel.

Analysis by the EPA found that corn ethanol produced in a coal dry mill plant increased GHG emissions by 13 percent over a period of 100 years.

However, using a natural gas dry mill plant to produce ethanol reduces emissions by 16 percent over a period of 100 years, and processing it in a "best case" natural gas dry mill reduces emissions by 39 percent.

Also if a biomass dry mill plant is used to make corn ethanol the process cuts emissions by 39 percent over 100 years. If generated using a biomass dry mill with combined heat and power, GHG emissions are cut by 47 percent.

"[T]here are things that can be done to make corn ethanol more sustainable," Lisa Jackson, an EPA administrator said today in a conference call with reporters today.

In some pathways, the EPA analysis found that ethanol does not meet the required standards for biofuels established by the Energy Independence and Security Act of 2007.

The ethanol industry has questioned the validity of the findings, claiming that the indirect effect of ethanol's production has been miscalculated.

"The science of market-mediated, secondary impacts is very young and needs more reliance on verifiable data, and less reliance on unproven assumptions. Done correctly, such an analysis will demonstrate a significant carbon benefit is achieved through the use of ethanol from all sources," said Bob Dineen, President and CEO of the Renewable Fuels Association.

The EPA says the analysis it presented is a proposal which is open for public comments.

The ethanol industry plans to participate in a discussion of the indirect impacts of all fuels, according to Dinneen. The EPA's period for public discussion will last for 60 days.

Administration addressing ethanol, climate change (*Associated Press*) This story also appeared: *Washington Post*

By H. JOSEF HEBERT
The Associated Press
Tuesday, May 5, 2009 5:37 PM

WASHINGTON -- The Obama administration renewed its commitment Tuesday to speed up investments in ethanol and other biofuels while seeking to deflect some environmentalists' claims that huge increases in corn ethanol use will hinder the fight against global warming.

President Barack Obama directed more loan guarantees and economic stimulus money for biofuels research and told the Agriculture Department to find ways to preserve biofuel industry jobs. The recession, as well as lower gasoline prices, has caused some ethanol producers to suffer, including some who have filed for bankruptcy.

Obama said an interagency group also would explore ways to get automakers to produce more cars that run on ethanol and to find ways to make available more ethanol fueling stations. "We must invest in a clean energy economy," Obama said in a statement.

The reassurances to the ethanol industry came as the Environmental Protection Agency made public its initial analysis on what impact the massive expansion of future ethanol use could have on climate change. Rejecting industry and agricultural interests' arguments, it said its rules _ which will take months to develop _ will take into account increased greenhouse gas emissions as more people plant ethanol crops at the expense of forests and other vegetation and land use is influenced worldwide by the demand for biofuels.

When Congress in 2007 required a huge increase in ethanol use _ to as much as 36 billion gallons a year by 2022 _ it also required that ethanol _ whether from corn or cellulosic crops like switchgrass or wood chips _ have less of a "lifecycle" impact on global warming than does gasoline. It set the threshold at 20 percent climate-pollution improvement for corn ethanol and 60 percent for cellulosic ethanol, although ethanol made from facilities already operating would be exempt.

EPA Administrator Lisa Jackson said the analysis shows corn ethanol emitting 16 percent less greenhouse gases than gasoline, even taking into account global future land-use changes.

But that's true in only one of the scenarios the EPA examined; another showed corn ethanol would account for 5 percent more greenhouse gases than gasoline. The scenario Jackson cited assumes future environmental benefits over a period of 100 years will more than pay back the

initial increase in greenhouse gases from land-use changes; the second assumes a shorter payback period of 30 years.

Frank O'Donnell, president of the advocacy group Clean Air Watch, said the Obama administration was "walking a tightrope" to try to reconcile the expansion of corn ethanol with its determination to aggressively address climate change. He called the assumption of a 100-year ethanol payback to make up for early greenhouse emission increases "nothing but an accounting trick to make corn ethanol look better."

But environmentalists also praised the EPA for making clear it will take into account worldwide land-use changes in assessing ethanol's climate impacts. "The devil is always in the details, but we're pleased that the EPA proposed rules that would require all global warming pollution from biofuels to be taken into account," said Kate McMahon of Friends of the Earth.

The ethanol industry and farm-state members of Congress had wanted only a comparison of direct emissions, which show ethanol as the clear winner, but welcomed the EPA's promise to examine the issue further.

"There is currently no scientific agreement or certainty to quantify domestically produced ethanol impacts on land-use change," argued Roger Johnson, president of the National Farmers Union, responding to the EPA assessment.

Sen. Tom Harkin, D-Iowa, said he was "skeptical about the science" about the indirect land-use impacts of ethanol on climate change, but that he is pleased the EPA "recognizes the need for a thorough analysis and review of this issue prior to any final decision." Jackson said that as the EPA develops its regulation it will seek out peer-reviewed scientific views on the issue and make its final determination "based on the best science available."

White House Steps Up Support for Biofuels (*New York Times*)

By Matthew L. Wald

May 5, 2009, 11:35 am

The Associated Press The Obama administration is pledging to support more of this.
The White House made its first major statement on ethanol on Tuesday, mustering three Cabinet members to outline a plan to shield corn ethanol producers from the credit crisis, work with them

to cut their use of natural gas and coal in ethanol production, and nudge the auto industry toward production of vehicles that can use ethanol at concentrations up to 85 percent.

In pursuing these goals, the Secretaries of Agriculture and Energy, Tom Vilsack and Stephen Chu, along with the administrator of the Environmental Protection Agency, Lisa Jackson, announced during a press conference the formation of a "Biofuels Interagency Working Group,'' comprised of the three agencies.

Through the working group, the federal government announced several goals, including helping to refinance existing ethanol and biodiesel factories whose owners were having trouble obtaining credit, guaranteeing loans for the construction of new biorefineries, and expediting funding to help producers of cellulosic crops.

(Cellulosic crops refer to non-food crops, or the non-food portion of plants grown for food, like corn stalks, that in theory can be converted to fuel on a commercial scale. Many companies are trying to do just that, but none has yet succeeded on a marketable scale.)

Scientists differ on the degree to which use of ethanol from corn cuts carbon emissions, if at all. The administrator of the E.P.A., Lisa Jackson, said the reduction amounted to about 16 percent, but she said that for both ethanol and biodiesel, the "carbon footprint" could be reduced further if the energy needed to create the fuels were derived from burning plants instead of fossil fuels.

President Obama put the Agriculture Department in charge of the multi-agency effort — a strong signal that the ethanol program remains a program for rural economic development.

The industry was looking for a signal of support, especially after the collapse of gasoline prices and the widespread backlash against corn ethanol because of a belief that it was helping to push food prices higher.

Tom Vilsack, the Secretary of Agriculture, referring to stimulus money and other funding, said, "There is over $1.1 billion of opportunity here, created by the Congress, to assist in building bio-refineries, in helping existing refineries convert from fossil fuel power to renewable power."

The money can also be used to "create opportunities for producers, to receive assistance to produce new cellulosic crops and products," Mr. Vilsack said.

White House Announces Interagency Biofuels Group (*Domestic Fuel*)

Posted by Cindy Zimmerman – May 5th, 2009

The White House will form a working group to be chaired by the heads of three government agencies to speed the sustainable development of biofuels.

The action was announced during a press conference this morning with Agriculture Secretary Tom Vilsack, EPA Administrator Lisa Jackson and Energy Secretary Steven Chu, who will head the new Biofuels Interagency Working Group. They pledged to work together to accelerate funding to encourage production of next-generation biofuels from biomass and other non-corn feedstocks.

Ag Secretary Vilsack talks about plan for renewable fuels (*Radio Iowa*)

Tuesday, May 5, 2009, 11:38 AM
By **Darwin Danielson**

U.S. Agriculture Secretary Tom Vilsack joined the Energy Secretary and administrator of the E.P.A. today to announce plans for moving ahead with the production of renewable fuels. Vilsack, the former governor of Iowa, says the plan will move the bio-fuels industry to the next level beyond corn and soybean-based fuels.

Vilsack says the president has directed them to create a comprehensive biofuel marketing and development program, and to do it in a sustainable way. Vilsack says the idea is to increase the use of renewable fuels and decrease the dependency on foreign oil.

Vilsack says the memorandum in his view reflects the president's commitment to rural America as he says "it merges and marries together rural economic development with agriculture to create clean jobs and clean opportunity."

E.P.A. administrator Lisa Jackson says the proposed new renewable energy standard will increase the volume of renewable fuel required to be blended into gasoline from nine billion gallons in 2008 to 36 billion gallons by 2022. Jackson says corn-based ethanol will be the bridge to new types of renewables, such as cellulosic ethanol, that are produce in more environmentally friendly ways.

Energy Secretary Stephen Chu says the federal government will help develop the new fuels and cleaner methods for making them. Chu says there will be $786-million from the economic

recovery fund for the development of advance biofuels and the expansion of commercial biofuel refineries. He says the money will help develop integrated production plants that produce biofuels and heat and power in a commercially viable way.

Vilsack says the president is also directing the Ag Department to implement the programs in the farm bill. Vilsack says the president has instructed the U-S-D-A to get the programs for renewable fuels in the farm bill into action in 30 days. Vilsack says there is over $1.1-billion to help build new biofuel refineries and to help existing refineries convert from fossil fuel power. Vilsack says they also want to help restructure the finances of current biofuel facilities.

Vilsack says the president has asked the Ag Department to use its credit programs to see if they can help those existing plants in economic stress restructure to get through the difficult economic times. Vilsack says they not only want to increase the output of biofuels, but also open up more use of the biofuels.

Vilsack says the president suggests they need to work in concert with the industry to figure out how to better create markets for biofuels, to increase the use of flexible fuel vehicles, to assist those who market and create more consumer interest in renewable fuels and create the needed infrastructure.

Vilsack says all this needs to be done in a sustainable way. Vilsack says the "Biofuels Interagency Working Group" will develop the nation's first comprehensive biofuels market development program.

New EPA rules mean bad news for biodiesel (*DesMoinesRegister.com*)

By PHILIP BRASHER
pbrasher@dmreg.com

May 5, 2009

Washington, D.C. – Soy-based biodiesel won’t meet requirements for reducing greenhouse gas emissions, under rules released today by the Environmental Protection Agency.

Industry officials say the rules could make it impossible for them to produce enough fuel to fill mandates for biofuel usage that reach 1 billion gallons a year by 2012.

To qualify toward the annual targets, the 2007 energy law says biodiesel must reduce greenhouse gas emissions by 50 percent in comparison to conventional diesel. EPA is crediting biodiesel made from soybean oil with only a 22 percent reduction.

Congress required EPA to assess the carbon footprint of biofuels and to take into account the land-use impacts of using food crops such as soybeans and corn for biofuels. The theory is that using food commodities for fuel can increase greenhouse gas emissions, because forests and grasslands will be put into cultivation to maintain adequate global food supplies.

There also are emission targets for ethanol, but existing corn ethanol plants were exempted from them, whereas existing biodiesel plants were not given a similar break.

"They're going to have to change (the rules) unless they want to take a step backwards in producing domestically produced low-carbon diesel replacement fuel," said Michael Frohlich, a spokesman for the National Biodiesel Board.

However, Iowa State University economist Bruce Babcock said it may be possible to meet the law's requirements by combining soy-based biodiesel with biodiesel made from animal fats or waste grease. Under the EPA analysis, biodiesel from fats or grease has a much smaller footprint soy biodiesel because those feedstocks aren't food crops.

According to EPA, grease-based biodiesel would reduce carbon emissions by 80 percent.

A maximum of about 410 million gallons of biodiesel can be made annually from grease or from animal fats, another feedstock, said Frohlich.

EPA Administrator Lisa Jackson said today that her agency would be asking scientists to review its analysis before the assessments are made final. She said there were "pathways" for biodiesel to qualify for filling the usage mandates.

The 2007 law requires refiners to use larger amounts of biofuels each year until consumption reaches 36 billion gallons by 2022. A separate mandate for biodiesel starts at 500 million gallons this year and rises to the 1 billion gallon target in 2012.

The EPA rules could not come at a worse time for the biodiesel industry, which has already been hammered by the European Union's imposition of stiff duties on the subsidized U.S. product. Analysts say it's unprofitable to make the biodiesel from soybean oil based on today's prices for conventional diesel.

EPA is relying in part on Iowa State economists to assess the land-use impacts. One of the major issues facing analysts is the extent to which increased production of soybeans is causing deforestation in Brazil and increasing greenhouse gas emissions.

Babcock, who is scheduled to testify before a congressional committee Wednesday, said there isn't enough known yet as to whether the deforestation is due more to increased livestock production or to crop expansion.

EPA: ethanol crops displaces climate-friendly ones (*Associated Press*)

By H. JOSEF HEBERT

WASHINGTON (AP) — The Environmental Protection Agency says that corn ethanol — as made today — wouldn't meet a congressional requirement that ethanol produce 20 percent less greenhouse gas than gasoline. But the agency said it is still more climate friendly than gasoline.

The EPA in its analysis said that even if worldwide land-use changes are taken into account, ethanol would still produce 16 percent less greenhouse gases than the gasoline it is replacing.

EPA Administrator Lisa Jackson said Tuesday that future improvements in production technologies are expected to make ethanol and other biofuels more climate friendly so they can meet the legal requirement. The requirement for a 20 percent improvement in climate impact applies only to ethanol from future production plants and exempts fuel made at existing facilities.

(This version CORRECTS APNewsNow. corrects that ethanol fails to meet congressional mandate, but is still greener than gasoline.)

Obama offers industry a hand as EPA floats emissions rule *(Greenwire)*

Ben Geman, E&E senior reporter

05/05/2009

The Obama administration announced steps today aimed at improving the coordination of U.S. biofuels policy, increasing investment in next-generation fuels and shrinking the industry's environmental footprint.

At the same time, U.S. EPA is releasing draft rules today showing that corn-based ethanol has lower "lifecycle" greenhouse gas emissions than gasoline but still fails to meet emission targets set by Congress in 2007, EPA Administrator Lisa Jackson said.

The administration is forming a new Biofuels Interagency Working Group that will be led by the secretaries of Energy and Agriculture and the EPA administrator. President Obama is also calling on the Agriculture Department to quicken the pace of programs to support the biofuels industry.

"President Obama's announcement today demonstrates his deep commitment to establishing a permanent biofuels industry in America," said USDA Secretary Tom Vilsack, a former governor of Iowa, a major ethanol-producing state.

The inter-agency group is tasked with developing a "comprehensive" market development program, which would include policies to aid retail marketing and increase production of flex-fuel vehicles.

Another task would be coordinating infrastructure policies that affect supply, transport and distribution of fuels. A recent **report** by the bipartisan National Commission on Energy Policy warned that infrastructure to deliver increasing amounts of fuels is at risk of lagging behind increased production.

The group will also come up with policy ideas for reducing the environmental footprint of growing biofuels crops -- considering land use, natural-resource conservation, water efficiency and "lifecycle" greenhouse gas emissions.

The United States produced 9 billion gallons of ethanol last year and is expected to surpass 10 billion gallons in 2009, according to the Renewable Fuels Association, an industry trade group.

A major 2007 energy law expanded the national renewable fuels standard to reach 36 billion gallons annually by 2022. Traditional corn ethanol is limited to 15 billion gallons, and the rest would ultimately come from next-generation sources such as cellulosic ethanol made from crop wastes, grasses and other materials.

USDA to help troubled producers

Obama also issued a directive to USDA to speed up federal investments in the biofuels sector that were authorized in the 2008 farm bill.

Federal aid includes loan guarantees for building and retrofitting biofuels refineries, grants for demonstration-scale projects, funding to help current ethanol plants replace use of fossil fuels by using biomass energy for their processes, and funding for biofuels producers to make next-generation biofuels from nonfood feedstocks.

More than $1.1 billion will be available, Vilsack told reporters in a conference call. He said USDA will also attempt to use its existing credit programs to aid restructuring of ethanol companies facing hard times. The sour economy and lower demand for gasoline have hit the industry hard, forcing some producers into bankruptcy.

Separately, Energy Secretary Steven Chu said the Energy Department will make available more than $786 million from the economic stimulus package for next-wave biofuels initiatives.

From DOE will come funding to demonstrate "integrated" plants that produce biofuels, byproducts, and heat and power in an "integrated" system; additional money for programs to

support development of commercial-scale biorefineries for advanced biofuels; additional money for biofuels research centers established under the last administration; and other steps, Chu said.

EPA rule

EPA is posed to release proposed rules today to implement the 2007 expansion of the national biofuels mandate. The law requires biofuels, to varying degrees, to have less "lifecycle emissions" than gasoline.

Lifecycle emissions take into account feedstock production, refining and use in motor vehicles. The agency will include a measurement of emissions from land-use changes that stem from increasing biofuels production, such as clearing land for farming in other countries to make up for increasing diversion of U.S. crops to biofuels.

Biofuels' environmental footprint has come under increasing scrutiny over the past few years, with studies suggesting that "indirect" land-use changes will release stored carbon, a view that is highly controversial.

Under the 2007 law, corn ethanol must have 20 percent less lifecycle emissions than conventional gasoline, while advanced biofuels that eventually account for the rest of the mandate must be 50-60 percent better.

Jackson told reporters that corn ethanol would be 16 percent better. But she emphasized "pathways" for bettering the performance. "There are things that could be done to make corn-based ethanol more sustainable," said Jackson, who also called corn ethanol a "bridge" to new forms of biofuels and lauded its use as a way to displace oil imports.

The emissions requirement for corn ethanol would be largely symbolic, because it only applies to plants that began construction after the 2007 law was enacted, and existing or under-construction plants already account for most of the 15 billion gallon level.

The agency's plans for modeling indirect land-use changes are the most closely watched part of the rule and have been the subject of fierce lobbying of White House officials reviewing EPA's plans.

The biofuels industry says methods for measuring these changes are too crude to be applied at this point, while environmentalists say they must be considered, or else the mandate will spur ventures that worsen climate change. Jackson said that EPA will seek formal peer review of its methods for assessing the emissions from land-use changes.

Reactions

Industry groups -- including the Biotechnology Industry Organization, the National Farmers Union, and Growth Energy, an ethanol producers organization -- cheered the new inter-agency working group, saying it underscores the administration's support for biofuels.

"With the establishment of this working group by the president, America has taken an important step toward sustainability, energy security and economic vitality," said Tom Buis, CEO of Growth Energy.

Buis also cheered EPA for seeking peer review of agency methods for assessing indirect land-use changes, although he attacked use of the metric at all.

"Indirect land-use change theory uses speculative models and incorrect assumptions in an attempt to blame American farmers for deforestation in Brazil," he said.

Meanwhile, the Natural Resources Defense Council praised EPA for releasing a proposed rule that considers the land-use change emissions.

"EPA has taken an important step toward getting biofuels right," said Nathanael Greene, the group's director of renewable energy policy. "Our economy and our planet can't afford to burn fuels that will only create more pollution, but through innovation we can develop renewable fuels that are better than oil and will never run out."

HAZARDOUS WASTES

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EPA Likely To Reverse Two Hazardous Waste Rules Pushed Through In Waning Days Of Bush Administration (*AHN*)

May 5, 2009 2:19 p.m. EST

Linda Young - AHN Editor

Washington, D.C. (AHN) - The U.S. Environmental Protection Agency is headed into the next phase on two hazardous waste rules to possibly revise the Definition of Solid Waste (DSW) rule, which became effective Dec. 28, 2008 and potentially withdraw the Emission Comparable Fuels (ECF) rule that just went into effect on Jan. 20.

Both the DSW and ECF rules, which were both pushed through during the waning days of the Bush administration, have been criticized as being bad for the environment.

A public meeting is planned for the end of June to discuss possible revisions to the DSW rule. That meeting is being held in response to an administrative petition asking the agency to reconsider and repeal the rule.

The DSW rule modified the regulations for recycling hazardous secondary materials to encourage the recycling of certain materials to help conserve resources.

Although the rule includes conditions that were designed to make sure the recycling of such materials was protective of human health and the environment the Sierra Club has questioned the protectiveness and effectiveness of the rules and petitioned the EPA to stay the rule.

The ECF rule has been criticized because it removed regulatory costs by removing some manufacturing byproducts as non hazardous. However, critics have said that the products should not have been removed from the hazardous waste designation.

PESTICIDES

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Topical flea and tick products come under EPA scrutiny (*American Veterinary Medical Association*)

May 15, 2009

Illinois

A recent spike in the number of adverse reactions to spot-on flea and tick products reported in 2008 prompted the Environmental Protection Agency's April 16 announcement that it is stepping up its evaluation of these products.

Adverse reactions reported from the spot-on products range from mild effects, such as skin irritation, to more serious effects, such as seizures, and, in some cases, death. More than 44,000 potential incidents associated with registered spot-on products were reported to the EPA in 2008.

A cause-and-effect relationship between these products and any individual adverse reaction or incident has not been confirmed, however. The EPA is evaluating available data, including incident data, to help identify and, if necessary, take regulatory action to address risks.

The list of products identified by the EPA is posted at www.epa.gov/pesticides/health/flea-tick-control.html.

Health Canada has identified similar concerns about the use of spot-on flea and tick products. At press time in April, Health Canada and the EPA were expected to meet with product manufacturers to address the issue, including whether further restrictions are necessary.

The AVMA has advice and links about reporting adverse events for veterinarians and animals owners on its Web site (www.avma.org) in the Animal Health section.

SUPERFUND

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Justices allow companies leeway on liability risk *(Greenwire)*

Sara Goodman, E&E reporter

05/05/2009

The Supreme Court's decision yesterday finding Shell Oil Co. not responsible for cleaning up a contaminated site because it had manufactured the chemicals that spilled there is being broadly hailed as a victory for industry, but some experts caution that the justices' interpretation is fact-specific.

In an 8-1 decision, the court found Shell was not liable for the manufacture of a material that later became hazardous waste under the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), commonly known as the Superfund law.

"[L]iability may not extend beyond the limits of the statute itself," Justice John Paul Stevens wrote for the majority.

Shell intended for its product to end up in commerce, not as waste, Stevens wrote. Furthermore, the company took steps to prevent spills during transfers, such as creating safety manuals, requiring adequate safety storage facilities once the chemicals were delivered and offering discounts for safety precautions, he noted.

The fact that just one justice, Ruth Bader Ginsburg, dissented, shows the court found CERCLA clearly does not intend for manufacturers to be held liable for the disposal of their products, said Gail Suchman, a New York environmental lawyer.

"The 8-1 decision says a lot about what the judges think in terms of how far they are not going to go under CERCLA," Suchman said in an interview. "There are limits. Liability under the law is already extremely broad, but this is one of those bright-line limits the court is not going to cross."

At issue in this case is U.S. EPA's lawsuit against Shell, which made the two chemicals that contaminated a plant near Bakersfield, Calif.; the now-defunct chemical distributor, Brown & Bryant Inc.; and railroads that leased the land to Brown & Bryant. A district court found the companies liable, but only for a small portion of the costs -- Shell at 6 percent and the railroads at 9 percent.

The government appealed, and the 9th U.S. Circuit Court of Appeals reversed the decision, ruling that Shell and the railroads could be held liable for the entire cleanup bill.

But the Supreme Court found Shell is not responsible for any part of the cleanup because it did not intend for its product to become a hazardous waste.

The court also ruled that the district court's decision to apportion liability and hold the railroads responsible for 9 percent is a valid way of determining liability. The government wanted the companies to be jointly responsible for the entire cleanup.

The justices focused heavily on the specifics of the case for this part, which is likely to make it easier for future cases to argue a separate line of reasoning, Suchman said.

"I don't think this decision would necessarily change so much of the law, although it has made it a little easier to apportion harm," Suchman said. "Still, it's very fact-based, so I'm sure that lower courts will be able to distinguish from other cases before them."

But Phil Karmel, another environmental lawyer, said this ruling could have major implications for EPA's ability to get companies to pay for cleanup and is likely to result in more litigation because it reduces the burden of proof on companies to prove they are only partially liable.

"The case may reduce the willingness of industry to volunteer to clean up sites because it increases the scope of their defenses," Karmel said. "To that extent, it shifts the cost to taxpayers that fund cleanup that is not going to be paid for by industry."

But the justices' decision seems to be more of a validation of the district court judge's approach than of the idea of apportioning responsibility, Suchman said. Under this interpretation, the success of industry in getting out of full responsibility could depend on the decision by the district court, and not on the actual cleanup details.

"It will lead to more potentially responsible parties arguing for apportionment, so there will probably be more litigation, but I'm not sure it will be easier to win," Suchman said. "It'll be easy

if you have the district court on your side; otherwise, I'm not sure the ultimate decision would be different."

Dissent

Ginsburg disagreed with exempting Shell from all responsibility, arguing that the purpose of CERCLA was to hold the private sector responsible for contamination and avoid burdening taxpayers.

Under this interpretation of the law, Ginsburg said Shell should be held responsible because it knew its chemicals would spill and could have taken steps to prevent it because of its authority over the railroads and Brown & Bryant.

"Relieving Shell of any obligation to pay for the cleanup undertaken by the United States and California is hardly commanded by CERCLA's text, and is surely at odds with CERCLA's objective -- to place the cost of remediation on persons whose activities contributed to the contamination rather than on the taxpaying public," Ginsburg wrote.

The justices' focus -- and the overwhelming majority -- shows the justices were not swayed by outside influences, Suchman said, which means the ruling is a solid analysis of the law.

"This is not one of those cases where you could see any kind of political overtones," Suchman said. "When you see split decisions, it always seems to have political undertones. This was based on law and a good, solid legal analysis."

TOXICS

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EPA Fines Contractor for Failing to Disclose Lead Risks (*Living the Science*)

Tuesday, 05 May 2009 19:02
California

In a move that advocates of tougher environmental law policy say is much too rare, the US Environmental Protection Agency (EPA) has fined a San Francisco based painting contractor $10,000 for failing to disclose information about lead-based paint hazards before beginning work on a residence that was likely to contain lead paint due to the age of the structure.

Federal law requires that anyone charging for renovation on multi-family housing built before 1978 provide the owner and occupants with information about lead-based paint hazards before starting work. EPA investigators say that before informing residents about potential lead-paint risks, the contractor, Fine Custom Painting, Inc., began scraping, sanding and stripping paint from a residence.

Lead is a heavy metal and a known neurotoxin. Exposure to lead has been shown to have serious health consequences. Even at low levels of exposure lead has been shown to cause decreased cognitive development (including decreased intelligence) and problems during pregnancy including intrauterine growth retardation (IUGR) and preterm birth. At very high levels of exposure lead can cause death.

Although exposures to lead have declined significantly since lead was removed from most paint and gasoline, exposures have not been eliminated. People living in old homes with peeling paint and/or in properties near freeways (due to lead being deposited in soil) continue to be at increased risk of lead exposure.

The EPA has a lead-based paint program that provides information about lead-based paint hazards. In 2008, the EPA issued additional regulations to require further protections during renovations.

Midas Muffler shop settles alleged federal PCB violations (*Waste News*)

May 5 -- A Midas Muffler shop in Bellevue, Wash., has reached a $9,300 settlement with the U.S. EPA resolving alleged federal Toxic Substances Control Act violations related to the mishandling of polychlorinated biphenyl.

Midas sent an oil recycler used oil without informing them it contained PCBs, according to the EPA. When the recycler tested the oil and found that it was contaminated with PCBs, they notified EPA.

The company was forced to dispose all of the used oil as PCB-contaminated fluid.

Companies should use either a field screening test kit or send a sample of their used oil to a laboratory for analysis to determine if it contains PCBs, according to the EPA. Companies must make this determination before sending the used oil for energy recovery/disposal.

Rules governing PCBs and additional information on the toxic effects of PCBs can be found at EPA's PCB homepage at www.epa.gov/pcb.

E-mail Waste News senior reporter Bruce Geiselman at ***bgeiselman@crain.com***

EPA Pact With California Marks Early Step To Speed IRIS Risk Studies (*Inside EPA*)

Tuesday, May 05, 2009

EPA's key risk assessment center has signed an agreement with its California counterpart to standardize their risk assessments as a first step toward speeding completion of scores of risk assessments for the agency's Integrated Risk Information System (IRIS) database, including cumulative risk studies and other measures recently recommended by the National Academy of Sciences (NAS).

Peter Preuss, director of EPA's National Center for Environmental Assessment (NCEA) which manages the database, told members of the agency's Science Advisory Board (SAB) at an April 23-24 meeting in Arlington, VA, that NCEA has signed a memorandum of understanding (MOU) with California's Office of Environmental Health Hazard Assessment (OEHHA), which performs hazard

assessments for the state, “to try to work together to standardize our risk assessments so we can in effect double in size.”

The short-term goal of the MOU is for the two centers to share information about the chemicals they are assessing, Preuss told *Inside EPA* after his presentation to the SAB. In the long term, the goal is to “see if we can harmonize the way we do assessments,” Preuss said. He added that EPA and the state’s methods are “very close” and that the two are working on an implementation plan for the MOU.

The agreement with OEHHA is the first of a number of steps NCEA is considering to speed its assessments, according to Preuss.

The program, which contains highly regarded hazard assessments of nearly 600 chemicals, has been the subject of several congressional hearings after the Bush administration’s implementation of a new process for finalizing the assessments was blamed for lengthy delays. A Government Accountability Office investigation last year found that the program was at risk of becoming obsolete because the assessments were taking so long to complete.

Preuss, in an interview with *Inside EPA* April 22, says the center is considering changes to the way IRIS assessments are performed, because it “has become clear that doing assessments one at a time, while that is very important and very useful, is not something we can do for the ever-increasing number of chemicals we’re interested in.”

To that end, Preuss described additional ways NCEA can increase the IRIS program’s efficiency. He described several different paths under consideration for increasing NCEA’s output, including performing assessments on groups of chemicals; adopting the use of high-throughput screening technologies; taking advantage of the data the European Union is collecting on thousands of chemicals through its new chemicals management law and implementing changes recommended in several NAS reports published in the past two years.

Preuss cautioned that there are “a number of directions we are thinking about,” and that a course of action has not been decided upon, but that discussions about these options are taking place within the Office of Research & Development, and will later be discussed within the agency more broadly.

“In the near future, we’ll continue chemical-by-chemical assessments,” Preuss said. “But we’re also thinking about some other ways to look at chemicals that are different than what we’re doing.”

Preuss said he and other NCEA managers have discussed whether IRIS staff should instead assess “families of chemicals that are related structurally.” Another approach under consideration -- and one recommended in the NAS’ December 2008 report, *Phthalates and Cumulative Risk Assessment: The Tasks Ahead* -- is assessing as a group the chemicals that act upon the same health endpoint, Preuss said. Though the report focused on performing a cumulative risk assessment of phthalates and other chemicals that impact the developing male reproductive system, Preuss said the approach could be applied generally, as the NAS also suggested.

Preuss said that NCEA managers are considering a small number of pilots of assessing groups of chemicals that could be conducted “over the next few years to get experience and put together a path to follow in the future.” One pilot, a risk assessment of a half-dozen phthalates, is already underway, Preuss said. IRIS chemical managers are working on individual assessments for the phthalates, and are at various stages in the process, he said. The plan is to complete each individual assessment “and then ask how they contribute to cumulative risk,” Preuss said. “We want to do each one in a standard, consistent way, so the conclusions of one can relate to each other.” The

phthalates pilot will be NCEA's first example of a group assessment of a family of chemicals and a group of chemicals that act upon a similar health endpoint, he said.

In the longer term, Preuss says NCEA is looking to the promise of high-throughput screening, which could reduce the time, cost, number of animals used and many of the uncertainties inherent in existing toxicological work, which underlies hazard assessment. "The end result, we would hope, five, 10 or 20 years down the road these high-throughput tests would be well-enough developed and well-enough understood without a five-year animal test cycle and have developed so we can do risk assessment with this kind of data."

Preuss noted that EPA's National Center for Computational Toxicology (NCCT) has completed a first-round review of some 300 pesticides, and created a database to compare existing animal toxicology data about the chemicals to compare to the results of the high-throughput tests. He added that it is "really important" for NCEA and NCCT to work closely together as the technology progresses, noting that EPA's pesticides office is interested in using the technology for screening, not assessment. "It's a question of false positives and false negatives," Preuss said. "That's why I think it needs a lot more development."

But one of the "big hurdles" to further development and validation of the high-throughput screening is a lack of data about industrial chemicals, Preuss said, a problem that he anticipates will be surmounted in coming years as the E.U. publishes data about industrial chemicals submitted under its new Registration, Evaluation Authorisation, and Restriction of Chemicals (REACH). "With the huge amount of data we'll get through REACH, we'll have a large database to test some of these ideas," Preuss said. "We can look at high throughput versus animal tests, and say, 'Do these give us the signals to allow us to use short-term tests as they get further developed?'"

NCEA is also discussing how to implement some of the recommendations from another recent NAS report, *Science and Decisions: Advancing Risk Assessments*, published in December. It recommended that EPA harmonize its approaches for assessing cancer and non-cancer hazards and move away from the safe daily dose levels the agency has calculated to avoid non-cancerous health effects. It also urged the agency to consider risk management options when initially scoping a risk assessment.

Preuss noted that NAS' recommendation that EPA's default for assessing the non-cancer hazards presented by chemicals and pollutants should assume that there is no safety threshold for these hazards as well as for cancer hazards, is controversial. But he said that if the agency "couples" that assumption with a probabilistic non-cancer hazard assessment -- instead of the current practice of providing safe chronic exposure levels -- it would "deal with a lot of the long-term issue." He cautioned that he is not sure how NCEA will implement the recommendations, and that a lot more discussion is needed at EPA before changes are made. -- *Maria Hegstad*

WATER

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Crestwood's contaminated wells: Dick Durbin calls for health study related to use of well water (*Chicago Tribune*)

Analysis to examine whether the contaminated water may have sickened any residents

By Michael Hawthorne | Tribune reporter
May 6, 2009

Illnois

As federal authorities conduct a criminal investigation of Crestwood's secret use of a polluted well, U.S. Sen. Dick Durbin is urging government health experts to study whether anyone got sick from drinking the water.

Since the Tribune first revealed that village residents unknowingly drank contaminated water for more than two decades, scores of people have asked if their chronic, low-level exposure to toxic chemicals contributed to any diseases or illnesses.

Durbin, the Senate's assistant majority leader, sent a letter this week to the Agency for Toxic Substances and Disease Registry that nudges federal and state health officials to at least attempt to answer those difficult questions.

The Illinois Democrat cited "the uncertainty surrounding the level and duration of exposure" to Crestwood's contaminated water and noted the U.S. Environmental Protection Agency "cannot say with certainty that these levels would not cause adverse health effects."

The disease registry, an arm of the Centers for Disease Control and Prevention, often works with the EPA and state agencies to assess health threats related to polluted sites. Among other things, registry officials could use a computer model to estimate how much pollution was in Crestwood's well at various points in time. There appears to be little information to guide such a review, though the water was tested for chemical contaminants on at least three occasions in 1986, 1998 and 2007, according to state records obtained by the Tribune.

Mark Johnson, the registry's senior regional representative, said federal and state officials also are considering a review of the state's cancer database to determine if there have been any unusual cancers or rates of cancer within the village.

Crestwood officials kept drawing water from the well even though the Illinois EPA notified them in 1986 that it was contaminated with a chemical related to perchloroethylene, a dry-cleaning solvent linked to cancer and other health problems. The well wasn't shut down until late 2007, when the EPA tested the well again and found it was still polluted.

One chemical found in the water, vinyl chloride, is so toxic that the U.S. EPA says there is no safe level of exposure. For years village officials told regulators and residents that all of Crestwood's water came from Lake Michigan. They repeated that message in annual "consumer confidence reports" required under the federal Safe Drinking Water Act.

Acting on a search warrant obtained by U.S. Atty. Patrick Fitzgerald's office, federal agents raided Crestwood Village Hall last week and carted away documents for a criminal investigation.

Durbin's call for a federal health investigation comes as other members of Congress are accusing the disease registry of consistently underestimating health risks at other polluted sites.

The agency last week withdrew a controversial assessment of contaminated water at Camp Lejeune in North Carolina; for years Marines and their families drank from wells contaminated with high levels of perchloroethylene and related chemicals. Members of Congress also have slammed the agency for downplaying health risks from formaldehyde-soaked particle board in trailers used by victims of Hurricanes Katrina and Rita.

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