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ADMINISTRATOR JACKSON

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Climate Change Critics Demand Truth in Government Analysis (*Hoosier Ag Today*)

12/20/2009
by Gary Truitt
Senator Saxby Chambliss and Rep. Frank Lucas, ranking members of the Senate and House Agriculture Committees respectively, sent a letter to Environmental Protection Agency (EPA) Administrator Lisa Jackson on December 18 requesting the agency correct the Forest and Agriculture Sector Optimization Model (FASOM) used as the basis for USDA's analysis of climate change legislation. Chambliss and Lucas noted that Agriculture Secretary Tom Vilsack had stated that the FASOM, which is often cited in the climate change debate, is not "current" and "complete." They sent a similar letter to Sec. Vilsack on December 17 requesting the flawed analysis be corrected and that the Secretary report to Congress upon its completion.

Kansas Congressman Jerry Moran says he is convinced that Vilsack does not understand the consequences Cap and Trade would have on American agriculture, "The USDA has reached the conclusion that Cap and Trade would be a good thing for agriculture, but from what I see that is not the case." USDA Chief Economist Joe Glauber testified before Congress this month that the climate change legislation would result in trees being planted on 59 million acres, thus reducing grain production and increasing food prices. During a telephone briefing from Copenhagen, Vilsack seemed to dismiss the findings of his own department, "I don't believe the results related to afforestation are necessarily an accurate depiction of the impacts of climate legislation." Nebraska Senator Mike Johannes, in a letter to Vilsack, said Glauber had discovered an "inconvenient truth" that was embarrassing to the Obama administration.

Terry Francl, an economist for the American Farm Bureau Federation, said a cap-and-trade program would harm rural businesses by reducing the number of U.S. farms and pushing crop and livestock production overseas. "Less seed is sold, less fuel is sold, less fertilizer is sold, less money is lent," Francl said. "The bottom line is that those who bear the brunt on that are going to be the rural communities."

The forecast reduction in cropland would cut the U.S. corn harvest in 2050 by 22 percent from projected levels. Hog slaughter, in turn, would fall by 23 percent in 2050 and beef slaughter would drop 10 percent, according to the study.

The National Grain and Feed Association, which represents grain and feed processors, issued a statement warning that climate legislation "could decimate the U.S. livestock and poultry sector" while shifting crop production overseas.

December 19, 2009

A year after Tenn. disaster, fight over coal-ash rules just beginning (*Associated Press*)

Story also appeared: *Charleston Gazette*

When a coal-ash dam collapsed at a Tennessee Valley Authority power plant on Dec. 22, 2008, a billion gallons of coal ash was released into nearby streams, fields and homes.
A year ago Tuesday, at about 1 a.m., a coal-ash dike ruptured at the Tennessee Valley Authority's Kingston Plant west of Knoxville, Tenn.
By Ken Ward Jr.
Staff writer
CHARLESTON, W.Va. -- A year ago Tuesday, at about 1 a.m., a coal-ash dike ruptured at the Tennessee Valley Authority's Kingston Plant west of Knoxville, Tenn.

More than a billion gallons of coal ash -- containing an estimated 2.9 million pounds of toxic pollutants -- poured into nearby streams, fields and homes. The spill covered more than 300 acres and made three homes uninhabitable. It damaged 23 other homes, along with roads, rail lines and utilities. TVA estimates the cleanup will cost between $933 million and $1.2 billion and take two to three years to complete.

The disaster heated up a long-simmering controversy over major loopholes in the way the nation regulates the handling and disposal of millions of tons of ash generated by coal-fired power plants.

But today, as the anniversary of the Kingston mess approaches, the battle over potential new rules to protect coalfield communities and the environment from the dangers of toxic coal ash is just getting started.

"This will be a very, very hard political fight," said Eric Schaeffer, director of the Environmental Integrity Project, which advocates tougher rules. "We've got a long way to go before the finish line."

Last week, the Obama administration backed off Environmental Protection Agency Administrator Lisa Jackson's promise to publish proposed new coal-ash rules before the end of 2009.

The EPA offered no new timeline, saying only that the delay was for a "short period" and the proposed rules would be published "in the near future." Agency officials blamed the "complexity of the analysis" involved and said staffers were "actively clarifying and refining parts of the proposal."

But, the EPA delay was announced just a week after a power industry official warned a congressional committee that tougher regulation could force nearly 200 power plants nationwide to close.

And lobbyists for coal-fired utilities, coal companies and other related industries met privately at least 10 times with White House officials in October and November to try to scuttle or weaken the EPA rules before they were even proposed.

"As the cost and benefits of the coal ash rule have become better known, the rule has become more controversial," said Scott Segal, director of the Electric Reliability Coordinating Council, an industry group. "Almost every state has raised concern about the proposal. Dozens and dozens of members of Congress have also made inquiry."

Coal-fired power plants generate more than 130 million tons of various ash wastes every year. The numbers have been on the rise as more plants install scrubbers and other equipment that controls air pollution, but shifts the toxic leftovers from burning coal into ash and other wastes. By 2015, the annual amount of coal ash generated at U.S. plants is expected to increase to 175 million tons, a jump of more than a third.

But no single national program sets up a concrete regulatory plan for the handling and disposal of these "coal combustion wastes," or CCW. Instead, the nation relies on a

patchwork of state programs that vary in terms of their standards and their level of enforcement.

Environmental groups want to see the EPA issue a rule that would regulate coal ash as a "hazardous waste" under the federal Resource Conservation and Recovery Act. Industry groups oppose this.

"We support regulations that promote sound management practices, protect ground and surface waters, assure structural integrity, and include other performance-based measures," said Pat Hemlepp, a spokesman for American Electric Power. "We have urged EPA to incorporate these techniques into regulations that can be adopted and administered by the states."

But that's just what environmental groups don't want. If the EPA proposes to regulate coal ash as a "non-hazardous waste," then the agency can't force specific handling and disposal standards onto the states. Environmentalists worry that this approach would be little better than the state-by-state regulation that exists now.

Environmental groups are especially concerned about data that has come out since the Kingston disaster to confirm that coal-ash impoundments are leaking toxic pollution -- including arsenic, chromium, cadmium and other metals -- into streams and groundwater.

One EPA report, made public in May, concluded that residents near coal-ash dumps could have as much as a 1 in 50 chance of getting cancer from drinking water contaminated with arsenic.

Another agency study, issued in October, reported that coal-ash pollution of water is "of particular concern" because of the large quantities and high concentrations involved.

Still, the U.S. Governmental Accountability Project reported in late October that EPA was considering a "hybrid" approach to regulating coal-ash dumps. So-called "wet disposal" in impoundments would be considered a hazardous waste. Other "dry" landfill facilities would be counted as non-hazardous waste.

"We don't believe this is a workable scheme, because of the substantial documentation that dry disposal has caused contamination at numerous, numerous sites," said Lisa Evans, an Earthjustice attorney and one of the environmental community's top experts on coal ash.

Along with EPA's rulemaking on coal ash handling and disposal, that agency is also developing new water pollution limits to govern discharges from coal-fired power plants and their ash dumps.

And the U.S. Office of Surface Mining Reclamation and Enforcement is expected to re-issue a rule to promote the dumping of coal ash into coal mines as part of reclamation projects.

Industry officials love this OSM idea, which they call making a "beneficial use" of power plant wastes. Environmental groups don't think coal ash really works in mine reclamation, and they're concerned that the practice is a pet project of Joe Pizarchik, a former Pennsylvania regulator appointed by President Obama to be director of OSM.

Jeff Stant, director of the Environmental Integrity Project's Coal Combustion Waste Project, said last week that the Bush administration OSM actually sent a rule promoting "beneficial use" of coal ash to the White House for approval near the end of 2008. That rule was pulled after the Kingston spill, Stant said.

At the same time, there are growing concerns about the integrity of coal-ash dams across the country, and whether another Kingston-sized disaster is possible.

Six of 43 sites examined by EPA were given "poor" ratings for their structural integrity. And EPA officials conceded last week that they have yet to assign separate hazard rankings -- which simply explain the likely consequences should a dam fail, but not necessarily the chances of such a failure -- to nearly 400 coal-ash impoundments across the country.

In West Virginia, state regulators who launched an inspection sweep of coal-ash dams actually found two that they didn't previously know about. Both of them were in bad shape, prompting state Environmental Protection Secretary Randy Huffman to say his agency probably needs to schedule periodic inspections, something that isn't required by state or federal law.

Efforts to improve coal-ash regulation date back before 1980, when Congress initially told EPA to make a decision about whether the material qualified to be "hazardous waste." The Clinton administration tried to move forward with such a designation, but the Bush administration reversed course.

Environmental groups say they're hoping to see something out of EPA sometime in January, and Senate Environment and Public Works Chairwoman Barbara Boxer said she's convinced the agency will propose tough reforms.

"I have spoken with the EPA administrator and I believe that she is committed to moving forward with a good rule," said Boxer, D-Calif. "The sooner this happens, the better."

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State challenges EPA finding (*Times-Picayune*)

New Orleans
December 19, 2009 Saturday
NATIONAL; Pg. A 01
State challenges EPA finding;
Feds target greenhouse gases
The state Department of Environmental Quality has demanded that the federal Environmental Protection Agency rescind its recent finding that greenhouse gases endanger present and future generations, and take no action to require industries and small businesses to reduce greenhouse gas emissions.

Instead, Congress should be allowed to address any need for new regulations, DEQ Secretary Harold Leggett said in a Tuesday letter to **EPA** Administrator **Lisa Jackson.**

"The issue of global **climate change** resulting from the emissions of GHGs should be addressed through comprehensive federal legislation, full public debate and American political consensus rather than through unilateral agency policy under the auspices of **EPA,**" Leggett said in the letter.

The state is concerned that the **EPA** already is acting unilaterally to order drastic reductions in emissions without going through its traditional rule-making process, which could damage both the state's huge petrochemical industry and hundreds of smaller mom-and-pop businesses, said DEQ Assistant Administrator Beau Brock.

That could result in the state being tied up for years in legal challenges to the rules, he said, and a lack of certainty in what rules industry and business will be required to follow.

South Carolina's environmental agency and the governor of Texas have sent similar letters to **EPA.**

The Louisiana letter was announced even as President Obama was in Copenhagen, Denmark, closing the deal on an international treaty that would take the first steps to limit greenhouse gas emissions worldwide.

The U.S. Senate already is considering legislation that would create a limit or cap on the amount of greenhouse gases emitted nationally. Companies would then buy or sell permits to emit a share of the allowed emissions, mostly carbon dioxide, with the cap reduced over time.

A similar bill already has won approval in the House. Both are aimed at reducing average temperatures worldwide, which scientists say have been rising because of the man-made gases, which trap heat in the atmosphere.

Both versions have been opposed by most Republicans and most of the state's congressional delegation.

The **EPA** issued its endangerment finding on Dec. 7 in response to a 2007 U.S. Supreme Court ruling that threw out a Bush administration finding that greenhouse gases did not pose a threat to public health, and thus did not have to be regulated.

In September, the **EPA** also proposed new thresholds for greenhouse gas emissions from large industrial facilities that would kick in when existing permits expire or when new equipment is installed. In announcing the proposed rules, the agency said they would cover nearly 70 percent of the nation's largest stationary source greenhouse gas emitters, including power plants, refineries and cement-production facilities, while shielding small businesses and farms from permitting requirements.

The Supreme Court ruling resulted from a challenge of the Bush administration's health finding by Massachusetts and other states and local governments and environmental groups. In a 5-4 decision, the Supreme Court found that greenhouse gases are air pollutants covered by the **Clean Air Act.**

The court found that "The government's own objective assessment of the relevant science and a strong consensus among qualified experts indicate that global warming threatens, inter alia, a precipitate rise in sea levels, severe and irreversible changes to natural ecosystems, a significant reduction in winter snowpack with direct and important economic consequences, and increases in the spread of disease and the ferocity of weather events."

Louisiana's own coastal restoration master plan cites 2007 Intergovernmental Panel on **Climate Change** findings, including its prediction that future sea level rise might be 2 to 6 millimeters a year higher than present rise rates as a result of greenhouse gases -- the equivalent of a 1 1/2-foot to 3-foot rise in sea level over 100 years -- in explaining the need for a comprehensive state restoration program.

"Coastal Louisiana will be among the first places in North America to feel the effects of global warming," according to the master plan. "Its low-lying coast will be directly impacted by rising sea level and more frequent hurricanes."

Brock said the DEQ sees no conflict between that language and the state's request that the **EPA** go slow on issuing rules to reduce the emissions causing global warming, though.

"What we're doing is asking **EPA** to proceed through the proper legislative channels of government," he said. "Regardless of the cause, the departments of this state are trying to combat (coastal erosion) and preserve Louisiana in multifaceted ways."

In his letter to Jackson, a New Orleans native, Leggett said there's a national security interest in assuring the financial health of the state's oil and gas industry.

"The fuel crises which nearly paralyzed the country with the Louisiana landfalls of Hurricanes Katrina, Rita, Gustav and Ike in the recent years clearly illustrated the

significance of this base in Louisiana and its impact on the energy lifeline upon which America depends," Leggett wrote.

"Any environmental policy initiated without regard for its economic consequences will most certainly impact every American,"

He said the **EPA** should explain how much any new rule will cost federal, state and local governments, the regulated community and the public before it is implemented.

"Costs associated with some of **EPA's** recent actions on greenhouse gases, potentially place Louisiana and American jobs at grave risk and pose a detrimental effect to our state's economy during a time of recession and historic unemployment nationwide," he said.

Leggett's letter can be found at DEQ's Web site, http://www.deq.louisiana.gov . **EPA's** greenhouse gases endangerment finding can be found at http://www.**epa.**gov/climatechange/endangerment.html .

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EDITORIAL/COMMENTARY/OP ED/LETTERS

Off To The Races (*New York Times*)

December 20, 2009 Sunday
Late Edition - Final
Section WK; Column 0; Editorial Desk; OP-ED COLUMNIST; Pg. 7
Off To The Races
By THOMAS L. FRIEDMAN.
The public editor is off today.
I've long believed there are two basic strategies for dealing with climate change -- the "Earth Day" strategy and the "Earth Race" strategy. This Copenhagen climate summit was based on the Earth Day strategy. It was not very impressive. This conference produced a series of limited, conditional, messy compromises, which it is not at all clear will get us any closer to mitigating climate change at the speed and scale we need.

Indeed, anyone who watched the chaotic way this conference was "organized," and the bickering by delegates with which it finished, has to ask whether this 17-year U.N. process to build a global framework to roll back global warming is broken: too many countries -- 193 -- and too many moving parts. I leave here feeling more strongly than ever that America needs to focus on its own Earth Race strategy instead. Let me explain.

The Earth Day strategy said that the biggest threat to mankind is climate change, and we as a global community have to hold hands and attack this problem with a collective global mechanism for codifying and verifying everyone's carbon-dioxide emissions and reductions and to transfer billions of dollars in clean technologies to developing countries to help them take part.

But as President Luiz Inacio Lula da Silva of Brazil told this conference, this Earth Day framework only works "if countries take responsibility to meet their targets" and if the rich nations really help the poor ones buy clean power sources.

That was never going to happen at scale in the present global economic climate. The only way it might happen is if we had "a perfect storm" -- a storm big enough to finally end the global warming debate but not so big that it ended the world.

Absent such a storm that literally parts the Red Sea again and drives home to all the doubters that catastrophic climate change is a clear and present danger, the domestic pressures in every country to avoid legally binding and verifiable carbon reductions will remain very powerful.

Does that mean this whole Earth Day strategy is a waste? No. The scientific understanding about the climate that this U.N. process has generated and the general spur to action it provides is valuable. And the mechanism this conference put in place to enable developed countries and companies to offset their emissions by funding protection of tropical rain forests, if it works, would be hugely valuable.

Still, I am an Earth Race guy. I believe that averting catastrophic climate change is a huge scale issue. The only engine big enough to impact Mother Nature is Father Greed: the Market. Only a market, shaped by regulations and incentives to stimulate massive innovation in clean, emission-free power sources can make a dent in global warming. And no market can do that better than America's.

Therefore, the goal of Earth Racers is to focus on getting the U.S. Senate to pass an energy bill, with a long-term price on carbon that will really stimulate America to become the world leader in clean-tech. If we lead by example, more people will follow us by emulation than by compulsion of some U.N. treaty.

In the cold war, we had the space race: who could be the first to put a man on the moon. Only two countries competed, and there could be only one winner. Today, we need the Earth Race: who can be the first to invent the most clean technologies so men and women can live safely here on Earth.

Maybe the best thing President Obama could have done here in Copenhagen was to make clear that America intends to win that race. All he needed to do in his speech was to look China's prime minister in the eye and say: "I am going to get our Senate to pass an energy bill with a price on carbon so we can clean your clock in clean-tech. This is

my moon shot. Game on."

Because once we get America racing China, China racing Europe, Europe racing Japan, Japan racing Brazil, we can quickly move down the innovation-manufacturing curve and shrink the cost of electric cars, batteries, solar and wind so these are no longer luxury products for the wealthy nations but commodity items the third world can use and even produce.

If you start the conversation with "climate" you might get half of America to sign up for action. If you start the conversation with giving birth to a "whole new industry" -- one that will make us more energy independent, prosperous, secure, innovative, respected and able to out-green China in the next great global industry -- you get the country.

For good reason: Even if the world never warms another degree, population is projected to rise from 6.7 billion to 9 billion between now and 2050, and more and more of those people will want to live like Americans. In this world, demand for clean power and energy efficient cars and buildings will go through the roof.

An Earth Race led by America -- built on markets, economic competition, national self-interest and strategic advantage -- is a much more self-sustaining way to reduce carbon emissions than a festival of voluntary, nonbinding commitments at a U.N. conference. Let the Earth Race begin.

Copenhagen Accord Divides Blogsphere (*Wall Street Journal*)

- DECEMBER 20, 2009, 4:24 P.M. ET

The Commentariat is a roundup of blog excerpts that gives a regular glimpse into the hot topics that are generating comment in the blogosphere.

THE STORY: The United Nations climate talks in Copenhagen ended after a 31-hour negotiating marathon, narrowly avoiding collapse by accepting a compromise that gives billions to poor nations to deal with global warming but does not require the world's major polluters to make deeper cuts in their greenhouse-gas emissions.

Thomas Legge: GMF Blog

The Copenhagen Accord represents the best that the assembled leaders of the world were able to do. … It is the first time major emitters, including those in the developing world, have agreed to cooperate to limit global warming to two degrees. But its main short-term virtue seems to be that it keeps the U.N. negotiations on climate change alive. … The next 12 months leading up to the next meeting in Mexico will show whether the process is able to regain some of the hopes that were invested in it before Copenhagen.

David Roberts: Grist

The accord ended up in an attenuated form that even [U.S. President Barack Obama] conceded is "not enough" to do what needs to be done. Gone was the firm commitment to reduce global emissions 50% by 2050. Gone were any short-term emissions targets for 2020. Missing were the concrete commitments to "measurement, reporting, and verification" Obama wanted from China … Perhaps most fatefully, gone was any explicit pledge to formalize the agreement as a binding treaty next year. That's worrisome, because Copenhagen is only the first challenge in a political obstacle course Obama will need to navigate to reach success on climate change.

Camille Ricketts: GreenBeat

Obama has drawn a lot of fire for his role in the talks, which is somewhat unexpected. When he first said he would be attending the final negotiations at the conference, people started to get excited … These suspicions were backed up with the subsequent endangerment ruling from the Environmental Protection Agency, declaring greenhouse gases a threat to human health. … But once there, the president made it immediately clear that he would not be departing from the country's previous offer to reduce greenhouse gas emissions by 17% below 2005 levels by 2020. Other countries, particularly in the EU and even China and India, were expecting more than this. A lot of the debate in the final days in Denmark centered on getting the U.S. to change its tune, until finally it ran out of gas.

Simon Zadek: Simon Zadek

Studied history will point to Copenhagen as the last serious attempt to use 20th century techniques to arrange our 21st century affairs. Seeking consensus between 193 sovereign states through a zero-sum negotiation process was always going to be a fool's errand. It failed because it handed exclusive rights to national governments, leaving 99% of the energy of business, civil society, cities, and the youth (just to name a few) as frustrated bystanders. It failed because it sought to secure a "one for all, and all for one" consensus, unworkable even in the relatively simple world of trade.

—Compiled by David Marcelis.

Copenhagen No Respite for U.S. (*Wheeling News Register*)

News-Register
POSTED: December 20, 2009 We confess we are surprised that so many radical environmentalists consider the just-ended international conference on climate change to have been a failure. After all, it appears they will get precisely what they want - a U.S. economy slammed hard by new limits on greenhouse gas emissions.

Thoughtful Americans, who may have been cheered by press reports from the conference in Copenhagen, should take a closer look at what happened there.

Indeed, as the radical environmentalists are complaining, there was no agreement on an international treaty to limit greenhouse gases.

Unfortunately, none appears to be needed here in the United States. President Barack Obama's Environmental Protection Agency already has made it clear that if Congress does not approve cap-and-trade rules, the EPA will move to do so itself.

We assume that during face-to-face meetings with delegates from other countries, Obama made that clear. The very fact that draconian, job-killing new rules are on the horizon here may have prompted other nations to back away from agreements binding them.

It is bad enough that the Obama administration strategy amounts to crippling the U.S. coal industry - throwing tens of thousands of people in our region out of work and increasing the cost of living for tens of millions of other Americans.

But in Copenhagen, Obama and leaders of other nations agreed to a plan whereby industrialized countries will, by 2020, pay $100 billion a year to developing states. That allegedly is to help poorer nations cope with climate change that has not yet affected them adversely.

Much of that money will be paid by American taxpayers. They will be hit by a major blow - higher taxes to pay our share of the $100 billion a year, jobs lost because of EPA action, and higher costs of living for many of us.

Again, the Copenhagen agreement did not go far enough for some radicals. That is good news for leaders of nations such as China and India - but no comfort to Americans. As matters stand, Obama already has made a unilateral commitment that could lead to an economic ice age in this country.

To save Chesapeake Bay, group must dive into political advocacy (*Wilmington News Journal*)

December 18, 2009

Something uncharacteristic is happening over at the venerable and, some would say, staid, Chesapeake Bay Foundation: It's being publicly criticized for foot-dragging and a milquetoast attitude toward using politics to reach its primary goal of getting the bay cleaned up. It's about time.

Those who have been watching as one of the world's most magnificent estuaries slowly pollutes itself to death under the burden of farm runoff, fertilizers, sewage releases and algae blooms have lost patience with the annual reports the Bay Foundation issues that repeatedly say the sky is falling but find no solutions other than to call your local elected officials.

But there's one prominent critic -- who the Foundation, to its credit, recently invited to speak at its annual retreat -- with a point that has traditionally been anathema to the nonprofit group: Get in bed with the politicians.

Naval Academy political science professor Howard R. Ernst said the years of decline in the quality of the bay demand that the group change its tax status so it can start using its weight to sway political opinion. Ernst told the group that not having its huge membership able to contribute to political campaigns has resulted in a "political dead zone." Business and corporate groups that oppose pollution cleanup get the ear of politicians easier than the foundation.

"Get in bed [with the politicians]," Ernst told the group in response to a question. "Playing politics is not dirty."

Otherwise, he said, the foundation is going to lose the fight. We agree.

In addition, more aggressive and confrontational groups are gearing up to take on and sue polluters, including The Waterkeeper Alliance, instead of simply pleading with governments for help in cleaning up the bay.

A more forceful approach can't hurt the cleanup effort.

Newt Gingrich: Cow gas and double standards (*Washington Examiner*)

By: Newt Gingrich
Examiner Columnist
December 18, 2009

The Obama administration has been explicit about how its decision to have the Environmental Protection Agency regulate carbon dioxide as a dangerous pollutant was meant as a threat to Congress.

Its message was clear: Pass job-killing cap-and-trade legislation or accept more onerous (and more job-killing!) "command and control" regulation of the economy by bureaucrats at the EPA.

Remarkably, congressional Democratic supporters of cap and trade have played along with the administration's attempt to greenmail Congress and the American people.

They've claimed that Congress is powerless to prevent EPA regulation of carbon dioxide under the Clean Air Act.

On "Fox News Sunday" this past weekend, Rep. Ed Markey, D-Mass., co-author of the cap-and-trade bill in the House of Representatives, said, "It's no longer a question ... of legislation or no legislation. It is now a question of legislation or regulation" by the EPA.

And last August, Rep. Alan Mollohan, D-W.Va., wrote in a West Virginia newspaper, "It takes more than a simple majority vote of Congress to amend the Clean Air Act."

But it turns out that Congress isn't as powerless to change how the EPA regulates under the Clean Air Act as Markey and Mollohan claim. Change the question from human emissions to cow emissions and -- presto! -- Congress suddenly isn't so impotent.

That's what happened when Rep. Todd Tiahrt, R-Kan., attached an amendment to an EPA appropriations bill last summer. The Tiahrt amendment stated:

"... None of the funds made available in this Act or any other Act may be used to promulgate or implement any regulation requiring the issuance of permits under Title V of the Clean Air Act ... for carbon dioxide, nitrous oxide, water vapor, or methane emissions resulting from biological processes associated with livestock production."

In other words, it prohibited the EPA from using the Clean Air Act to regulate the "dangerous" gases routinely emitted from cows.

The amendment was so uncontroversial it was added to the appropriations bill by a voice vote. And when the appropriations bill was voted on, Markey and Mollohan voted "Aye."

Rep. Henry Waxman, D-Calif., the other co-author of the House cap-and-trade bill, also voted for wresting cow emissions from the EPA's bureaucratic grasp. As did the bill's co-authors in the Senate, John Kerry, D-Mass., and Barbara Boxer, D-Calif.

Clearly, the American people's choice -- job-killing cap-and-trade legislation or more job-killing EPA regulation -- is not as binary as Markey would have us believe.

And clearly, when Mollohan said that it takes "more than a simple majority vote" to restrict the EPA's regulation under the Clean Air Act, he either had not read the appropriations bill for which he voted, or he voted for something he did not find legally permissible.

As Mollohan and Markey have shown with their own recorded support, it is possible to restrict the EPA's power with respect to the Clean Air Act.

Congress can and should pass something similar to Rep. Marsha Blackburn's, R-Tenn., bill, which would prohibit the EPA from regulating greenhouse gases under the Clean Air Act. So far, Waxman has held Blackburn's bill hostage in the House Energy and Commerce Committee. But 121 members of the House have signed a petition demanding that it be allowed a vote.

This attempt by the Obama administration and cap-and-trade supporters to achieve through blackmail what they can't achieve through the democratic process must not be allowed to stand.

When members of Congress say that they either have to pass a cap-and-trade bill or accept a bureaucratic nightmare from the EPA as they try to stop global warming, remember that their argument rests on nothing but hot air.

If they can do it for cows, they can do it for their fellow Americans.

Former Speaker of the House Newt Gingrich has published 19 books, including 10 fiction and nonfiction best-sellers. He is the founder of the Center for Health Transformation and chairman of American Solutions for Winning the Future. For more information, see newt.org. His exclusive column for The Examiner appears Fridays.

Editorials (*Washington Post*)

December 20, 2009 Sunday
Regional Edition
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Maryland
Topic A
The Post asked experts whether the Copenhagen climate conference was a success. Below are contributions from Elliot Diringer, Kenneth Green, Fred Krupp, Christine Todd Whitman, Robert Shrum, John Kerry, Jim Inhofe and Douglas E. Schoen.

ELLIOT DIRINGER

Vice president for international strategies at the Pew Center on Global **Climate Change;** deputy assistant to the president and deputy White House press secretary in 2000

Copenhagen delivered both more and less than one could reasonably have hoped for.

On the one hand, the deal includes explicit emission pledges by all the major economies and a start on an international system to verify that developing countries are honoring theirs, two things we've never had before. Details need to be fleshed out. But

this goes a long way toward assuring Congress that China and other big developing countries are prepared to act and be held accountable.

On the other hand, in setting a new negotiating deadline, governments were unable to agree that the objective would be a legally binding agreement. That's unfortunate, because what we ultimately need is a comprehensive treaty with fair and effective legal commitments by all the major economies. Hopefully that can be fixed in the next round.

The Copenhagen negotiation really started only 10 months ago, when President Obama took office. The president put forward all he reasonably could at this stage, including $3.6 billion in near-term assistance to developing countries to reduce emissions, preserve forests and adapt to **climate change.** He achieved some real progress.

But with climate legislation still pending in Congress, the United States wasn't in a position to put its best offers on the table, so other parties couldn't be expected to either. It's no surprise that some of the toughest issues still lie ahead.

KENNETH GREEN

Resident scholar at the American Enterprise Institute

The outcome of the Copenhagen climate conference is unsurprising, as these events follow a familiar narrative that culminates with a superstar (in this case President Obama) leading a Herculean negotiating session that agrees on a mostly toothless paean to the principles of the Kyoto Protocol. In this case, the Copenhagen accord is particularly toothless, lacking either defined emission reduction targets or a defined timeline.

Those concerned about catastrophic **climate change** are angry at what they perceive to be insufficient greenhouse gas reduction targets for developed countries (particularly the United States) and insufficient commitments of wealth transfer from the developed to developing countries. Those who are not concerned about catastrophic **climate change** are angry at the reaffirmation of the Kyoto principles, which basically demand that developed countries commit economic suicide and pay guilt gelt to dictators, kleptocrats and tyrants of the worst sort.

Fortunately, what is outlined in the Copenhagen accord is unlikely to be enacted in liberal democracies, because governments that trash their own economies and tax their citizens for the benefit of corrupt regimes that hate everything liberal democracy stands for don't stay in office very long.

People concerned about catastrophic **climate change** need to get rid of the Kyoto albatross and start fresh to develop policies that protect against climate variability, whether man-made or natural, while preserving the benefits of democratic capitalist institutions.

FRED KRUPP

President, Environmental Defense Fund

The climate summit in Copenhagen represented an extraordinary investment by the world's leaders in the challenge of a generation. For some, expectations were stratospheric, and for them the incremental progress made in Denmark has tasted of defeat. But it's essential to pull back and consider the desperately needed progress we made.

The fundamentals of the game have changed. Copenhagen showed that we are tantalizingly close to realizing our goals for future generations; we have never been so close to having so many agree on so much. If anything was clear at the talks, it was that the world is waiting for the United States to act. When it does, President Obama will finally have what he needs to knit together the historic breakthroughs obscured by the end of the Copenhagen meeting. The coalition of the willing that supported the deal the United States and China worked out represents roughly 60 percent of the world's carbon emissions. It will undoubtedly be joined by others as "low-carbon" becomes the new term of engagement in the global economy.

A lot of hard work remains. But the positive steps taken -- many of them by developing countries that agreed to accountability measures, among other things -- present the U.S. Senate and Obama with a historic opportunity. When most pieces of a puzzle are in place, it's much easier to add the missing ones later.

CHRISTINE TODD WHITMAN

Chair of the Republican Leadership Council; **Environmental Protection Agency** administrator from 2001 to 2003

The Copenhagen conference did not result in a legally binding global treaty, but that was a tall order that few realistically expected to achieve. It has always been hard to see how, without a hard carbon cap imposed in the United States, developing countries would sign such an agreement. Those nations have long suspected that the Kyoto Protocol was a feint by developed countries to keep those still developing from reaching economic parity.

Even so, the Copenhagen negotiators did leave with reasonable next steps to get closer to a treaty in the future. And, at the very least, President Obama's presence at the conference sent the message that the United States is engaged in the **climate-change** issue, a significant change from past years.

Still, sending those helpful signals abroad does not mean there will be any more appetite in the United States to deal with **climate change.** Obama is expending much of his political capital on health care, making it difficult for him to gain commitments on this equally controversial topic. There is reticence in Congress to impose a carbon tax,

especially as we head into an election year, and few truly understand cap-and-trade, Copenhagen agreement or no.

ROBERT SHRUM

Democratic strategist and senior fellow at New York University's Wagner School of Public Service

The outcome in Copenhagen is the latest proof that on the big ones, it's a mistake to bet against Barack Obama. The primaries were Hillary Clinton's; the stimulus was mired down; the **climate-change** talks were deadlocked and all but dead. As before, the president claimed a last-minute win, marking a defining moment for both the climate issue and American diplomacy.

Failure at Copenhagen would have delayed progress on **global warming** for years or decades. Success, as measured as it was, gives Obama the momentum to push the energy bill in a recalcitrant Senate -- or to bypass that body if he has to. The Supreme Court has affirmed the **Environmental Protection Agency's** jurisdiction over greenhouse gases. If Congress won't legislate, as Sen. John Kerry (D-Mass.) said last week, the **EPA** will regulate. One way or another, a generation-long impasse on energy policy will end.

On the path to this landmark achievement, Obama in a few dramatic hours in Copenhagen also renewed the authority and appeal of American leadership on great global issues. This was not an exercise in speech-giving but in mastering and moving a seemingly intractable negotiation. Instead of stonewalling progress, the president made the decisive breakthrough -- risking his own credibility, persuading the Chinese face-to-face at the last minute, and defying the conventional wisdom that the diplomat in chief should leave the White House for the bargaining table only to sign a deal that's already struck.

The outcome was a victory for Obama, the country and the world. Not bad for an overnight flight and a long winter's twilight day in Scandinavia.

JOHN F. KERRY (D-Mass.)

Chairman of the Senate Foreign Relations Committee

History will record Copenhagen as the moment when America went from laggard to leader. After eight years of reluctantly relying on low-level emissaries, this year six Cabinet secretaries affirmed our commitment. On the critical issues of emission reductions, transparency and finance, our progress was groundbreaking. That it was the hands-on engagement of an American president that broke the deadlock marks a promising break with the past.

JIM INHOFE Ranking Republican on the Senate Environment and Public Works

Committee

The failure of the U.N. climate conference in Copenhagen is no surprise. We have known for weeks that the outcome would fall well short of any form of legally binding international treaty that supporters say is necessary. The product out of Copenhagen provides no binding agreement, no new targets or timelines, and no way to verify or enforce emission cuts. Most of the major issues that have plagued any U.N. **global warming** treaty for over a decade remain today.

This "agreement" will do nothing to change the overwhelming bipartisan opposition to **global-warming** legislation in the Senate. While in Copenhagen, Sen. John Kerry (D-Mass.), the author of two different **global-warming** approaches, acknowledged that without a solid deal, it would be "exceedingly difficult" to persuade lawmakers to get on board with any form of **global-warming** legislation. In fact, the Obama administration's new pledge to hand over billions of American tax dollars to developing nations will only further undercut the president's push to enact costly cap-and-trade legislation.

As The Post reported the morning of the president's speech in Copenhagen, public support for his **global-warming** policies continues to crumble, now dropping below 50 percent. With unemployment at 10 percent, we should be seeking an energy policy that utilizes our domestic resources, creates American jobs and ensures affordable energy. That is the responsible path forward.

DOUGLAS E. SCHOEN

Democratic pollster and author

With the ink not yet dry on the **climate-change** agreement the United States brokered in Copenhagen, the Obama administration is taking justifiable pride in having achieved at least one clear accomplishment. Political benefits will accrue in the short term because of Americans' general desire to reduce carbon emissions and to protect our environment. There could, however, be significant political costs to President Obama and the Democrats in the midterm elections and beyond.

There is still no consensus in the United States that we should pass a cap-and-trade bill. In fact, the most recent political calculus suggests that cap-and-trade will not pass the Senate, and American voters, particularly swing voters, are deeply skeptical of any undertaking that could potentially raise energy costs or taxes. Copenhagen might make this even more difficult for Obama because he runs the risk of appearing to follow the lead of the international community rather than providing leadership, particularly in light of the $100 billion figure that Secretary of State Hillary Clinton floated on behalf of the developed world for developing nations.

The idea of committing what could well be tens of billions of dollars from hard-pressed taxpayers to foreign governments will be a potent political issue for Republicans in

2010. There is at least as much risk as reward for Obama in the negotiations that just concluded.

Toxic Environment Chemical Come From Everywhere, Everyone (*The Oregonian*)

Portland Oregon
December 20, 2009 Sunday
SUNRISE EDITION
EDITORIAL
TOXIC ENVIRONMENT Chemicals come from everywhere, everyone
BY: DICK PEDERSEN IN MY OPINION

I n The Sunday Oregonian, reporter Les Zaitz delved into the complexities of regulating one toxic chemical --mercury ("Oregon dropped the ball on mercury," Dec. 13). The article correctly stated that, until a few years ago, neither the federal nor the state government were aware of the scale of mercury emissions at the Ash Grove Cement Co. plant in Durkee. Although the effects of mercury are well known, no one has assessed the health of residents or the local environment near the plant.

While Zaitz's article aims a spotlight on mercury, it raises concerns that apply to other toxics and their effects. He outlines how ineffective the regulatory construct is and can be. And he highlights how the actions of dedicated public servants, such as Patty Jacobs and Bruce Hope of Oregon's Department of Environmental Quality, can change how a state does business.

The current weak federal regulations to keep the mercury emissions of cement factories in check do not require any reductions from the Ash Grove plant. While the **Environmental Protection Agency** moved quickly under the current administration to propose more stringent requirements, this issue has languished for the past two decades. But in proposing new rules, the **EPA** has created new questions because its proposed mercury limits can't be met at the Durkee plant by any known pollution-control technology. Oregon DEQ asked the **EPA** to carefully consider the net environmental benefit of the decision if it results in closing the Durkee plant. Will closing that facility be the best overall outcome for the environment?

The mercury emissions from the Ash Grove plant highlights a much bigger problem for all Oregonians: toxics in the environment. Recently DEQ conducted a preliminary assessment of toxics in the Willamette Basin. Our scientists found a mix of chemicals --mostly in trace amounts, yet present nonetheless --including chemicals from pharmaceuticals, from perfumes in personal care products like shampoo, from insecticides and **pesticides,** and, yes, long-term environmental villains like DDT, PCBs and mercury. Not one fish tested was mercury-free. Indications are that toxics in the environment come from virtually everywhere and everyone.

Across the state, neighbors close to emission sources are asking questions, and rightly so: Is the mix of chemicals from these sources toxic for them and their children? What is safe? Are land-use decisions that promote dense residential neighborhoods near industrial facilities and highways consistent with maintaining healthy air and water quality? Do Oregon's air quality regulations protect neighborhoods from manganese, lead and other emissions, even if these emissions are well below DEQ permit requirements?

Toxic pollutants in the environment are just now getting the attention and focus they deserve --a problem that local, state and federal environmental and health officials, and the public, must work together to address. DEQ recently held a toxics reduction workshop in which nearly 200 government officials, environmentalists, industry representative and private Oregonians met to begin discussing ways to mitigate toxics in our environment. Last month I joined 12 other states in signing a statement of principles calling for reform and strengthening of the federal **Toxic Substances** Control Act. The Environmental Quality Commission, DEQ's rule-making board, is reconsidering the amount of toxic pollution allowed in Oregon's waters, knowing that the current limits are woefully inadequate to protect consumers of fish caught in Oregon's rivers and streams.

The Oregonian's article on mercury showed how painfully slow progress can be. It can take 10 or more years from identifying a problem to addressing it adequately --a frustration for DEQ and the public. I want to speed that process, but I need Oregonians' help. Industry, environmental advocates, state and local governments, neighbors and citizens must work together to address our environmental problems. DEQ welcomes this involvement. It is powerful. And it is these combined forces that will protect Oregonian's public health and environment.

Dick Pedersen is director of the Oregon Department of Environmental Quality.

AIR

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Known quantities in air quality (*Denton Record Chronicle*)

Some firms report drop in toxic releases, though haze remains
12:55 AM CST on Sunday, December 20, 2009
By Peggy Heinkel-Wolfe / Staff Writer
When these and other toxic substances ooze out from factories, blow from stockpiles or roil from smokestacks, Denton County’s mix of ozone and greenhouse gases can become a witch’s brew to breathe.

Certain industries — but not all — must report their toxic releases into the air, soil and water to the Environmental Protection Agency each year. Overall, those reported releases have been decreasing in recent years, locally as well as nationally.

DRC/Barron Ludlum
Haze settles over Denton on a November afternoon. Environmental officials continue to seek ways to clean the air in Denton County and several other North Texas counties.
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Some of those toxic releases reported by companies are trucked away for reclamation or recycling, buried in landfills or sent through wastewater treatment plants. Others are released into the air.

Known as the Toxics Release Inventory, the program began as part of the Emergency Planning and Community Right-to-Know Act. That law was inspired by Union Carbide's catastrophic chemical gas releases in Bhopal, India. More than 3,000 people died Dec. 3, 1984, and 10,000 more succumbed within a year. Twenty-five years later, water supplies for 15 communities remain contaminated, according to newspapers in India.

Even as those chemicals reported to the EPA's Toxics Release Inventory have been decreasing over the years, North Texas' ambient air quality — a measurement that doesn't assess those toxins per se, but focuses on ozone made primarily by cars and trucks — cannot meet the minimum federal requirements, which have become increasingly more stringent.

The Environmental Protection Agency signed off two years ago on the state's now-failed plans to clean the air. This year, however, the EPA challenged additional changes to the air permitting program run by the Texas Commission on Environmental Quality.

Whatever regulators decide is dirtying the air, the news is troubling for pregnant women. A study by researchers released in July at the Columbia Center for Children's Environmental Health showed that breathing polluted air may affect fetal brain development.

Who reports and who doesn't

Fifteen of Denton County's largest businesses have reported to the Toxics Release Inventory since 2002, although not all companies have something to report each year. Small businesses usually don't have to report their releases to this national inventory.

While the Barnett Shale gas industry is large — well sites, processing units and compression engines move millions of cubic feet of gas per day — no gas drilling or production facility in Denton County has reported toxic releases to the EPA inventory in seven years, since the drilling boom began.

Yet, according to Texas Commission on Environmental Quality documents obtained in an open records request, a single natural gas compression facility can emit 390 tons per year of volatile organic compounds, six times greater than the volatile organic compounds emitted by a cement plant. Recent readings gathered at production facilities by both state and private inspectors show those volatile organic compounds include carcinogens and neurotoxins that are reportable to the inventory.

Recent releases

Ten companies in Denton County — five in Denton, four in Lewisville and Flower Mound, and one in Roanoke — reported about 70 tons of toxic compounds, total, in 2008.

About 67 percent of those releases went into the air. Approximately 48 tons of toxic elements, including lead and lead compounds, went out through either point source emissions (from a smokestack) or fugitive air emissions (leaks).

The EPA released the raw data from the 2008 Toxics Release Inventory earlier this year, in advance of the agency's own analysis and online research tools, which were released this month. The EPA tracked 650 toxic chemicals reported by 21,000 facilities — more than 3.86 billion pounds of compounds known to cause cancer and reproductive, neurological, respiratory and other problems.

Many facilities are reporting fewer releases in recent years, according to the EPA's analysis. Overall, the EPA found a 65 percent decrease in toxic releases, based on chemicals consistently reported to the inventory for the past 20 years.

Denton-area companies also are reporting fewer releases, with a 14.6 percent drop in toxic substances released from 2007 to 2008.

Acme's progress

For example, the latest reports by Acme Brick show a fraction of the hydrogen fluoride and hydrochloric acid released into the air than in previous years.

In 2005, the company released more than 140 tons of those compounds, which can cause skin, lung and other disorders, according to the EPA.

"The Smokestack Effect," a 2009 analysis of air quality at schools nationwide conducted by *USA Today*, used some of the older inventory data to look for toxic hot spots. That older data put the air quality around McMath Middle School, which is just southeast of the plant, among the poorest in the nation, ranking it in the fourth percentile.

Acme installed heavy-duty scrubbers on its smokestacks three years ago to help with emissions, spokesman Jeremy Hargrave said.

In 2008, Acme reported less than 5 tons of those compounds — a 96 percent reduction — and projected about 5 tons for 2009 and 2010.

Local environmentalist Ed Soph had complained about Acme Brick's toxic releases to the Denton City Council several years ago.

In an interview, Soph noted that the company sped up plans to reduce those emissions, but said people still complain to him about the air quality downwind in South Lakes Park. He questioned whether the company can do more about the sulfur dioxide.

"People have told me that they couldn't walk in the park some days because the air was so acrid it burned their eyes," Soph said.

Company spokesman Ed Watson said that the scrubbers Acme bought in 2005, and had installed by 2006, were the best clean-air technology available to them at the time.

"It's been five years and it's still the maximum you could put on those stacks," Watson said.

Local lead releases

Soph turned his attention to United Copper after the 2007 Toxics Release Inventory report.

Beginning in 2005, the company reported air emissions that have inched upward each year — a fraction of a pound in 2005, 3.87 pounds in 2006, 5.67 pounds in 2007 and 4.27 pounds in 2008.

The releases appear to go against a settlement Soph's environmental group, Citizens for Healthy Growth, reached in November 2000 when United Copper agreed not to install a furnace that smelted old copper, Soph said.

The settlement meant the company was not required to install a special filter that would keep lead from being released into the air.

"They said this wouldn't happen," Soph said.

Charlie Banham, a spokesman for United Copper, said that when the company could no longer buy new copper, it had to fire up the furnaces four years ago to melt copper cathodes. Those cathodes are from recycled copper that is 99 percent pure, he said.

The lead releases that the company reported are based on a calculation from the natural gas it burns in the furnaces.

"That is a byproduct of the natural gas burning," Banham said. "We're not refining or smelting."

The company's current level of lead releases should stay in the single digits "for the foreseeable future," Banham said.

EPA records show the company projects releasing 4 pounds of lead each year for the next two years.

Bill Peck, United Copper's operations manager, said there would always be a trace of lead going out the stack because of the burning natural gas.

"We're not aware of any technology that could get at that," Peck said.

Two other companies reported similar single-digit lead releases in recent years. Premiere Manufacturing in Flower Mound has reported releasing 5 pounds each year since 2005.

In addition, Peterbilt Motors Co. reported releasing 4 pounds of lead compounds in 2002 and 3 pounds of lead in 2003.

The EPA classifies lead as a persistent, bio-accumulative toxic. In other words, lead has a long half-life after being released in the air. Once inhaled, lead lingers in the body. Lead suppresses the immune system, causes high blood pressure, lowers IQ and can cause nerve, brain and other organ damage, according to the EPA.

A new study at the Cincinnati Children's Hospital Medical Center showed how children's brains are damaged through lead exposure. The study used functional MRI technology and provided the first physical evidence showing damage in the parts of the brain that affect decision-making and emotional control.

"The only safe amount of lead is none at all," Soph said.

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GOP Seeking To 'Veto' EPA Ruling (*Men's News Daily*)

Saturday, December 19, 2009
Sen. Lisa Murkowski, R-Alaska, told reporters Thursday that Republicans would try to pass a resolution blocking the Environmental Protection Agency from regulating greenhouse gas emissions. The senator said she believed they had enough support to get the resolution out of the Senate Environment and Public Works Committee. It would be unlikely to get far in the full Senate though.

"For all intents and purposes, this is a veto of the (EPA) decision," Murkowski said. She made her comments in a briefing hosted by the publication Energy Daily.

EPA Studying Outdoor Air Near Schools (*Occupational Health & Safety*)

Dec 20, 2009
An updated round of results from air toxics monitoring at two New Jersey schools and one New York school are now available on the U.S. Environmental Protection Agency's Web site at www.epa.gov/schoolair. A total of four schools in EPA's Region 2 were selected as part of the agency's national Schools Air Toxics Initiative. The initiative, which is monitoring 63 schools in 22 states, is designed to help EPA and state governments learn if long-term exposure to toxics in the outdoor air poses health concerns for school children and staff. Early sampling at all four schools in EPA Region 2 show that levels of air toxics are below levels of short-term concern.
The study design calls for outdoor air monitoring at the schools for 60 days and for air quality monitors to collect at least 10 daily samples during the sampling period. EPA will use this information to help determine the next steps, which could include more monitoring, if needed.

The four schools being monitored in EPA Region 2 are IS 143 in Manhattan, N.Y.; Olean Middle School in Olean, N.Y.; Mabel Homes Middle School in Elizabeth, N.J.; and Paulsboro High School in Paulsboro, N.J. EPA is monitoring the air around these schools for several contaminants associated with industrial and mobile sources such as cars, trucks, and airplanes.

The agency said it is extending monitoring at a number of schools across the country for a group of pollutants known as volatile organic compounds (VOCs). A malfunction in monitoring equipment at those schools caused some VOC samples to become contaminated. EPA and its state and local partners will take additional samples to ensure that the monitors provide an accurate picture of VOC levels in the outdoor air. In EPA's Region 2, it may only be necessary to extend sampling at the New York City and the two New Jersey schools to make up for the invalid samples, the agency said.

EPA scientists warn against drawing conclusions at this point since the project is designed to show if long-term, not short-term, exposure poses health risks to school children and staff. Once monitoring is complete, the full set of results from all of the schools will be evaluated for potential health concerns from long-term exposure to these pollutants. The agency said it will post this analysis to the Web once it is complete. For more information about EPA's efforts to study outdoor air near schools, visit www.epa.gov/schoolair.

Montana Farm Bureau dismayed at EPA finding on greenhouse gases (*Prairie Star*)

The decision by the Environmental Protection Agency to announce an endangerment finding on carbon dioxide and other greenhouse gases could carry severe consequences for America's farmers and ranchers, according to Montana Farm

Bureau Federation (MFBF).

“More and more questions are being raised about the validity of global warming models, the people who produce food, fuel and fiber are voicing strong concerns, and yet the EPA is continuing on without listening to the concerns of the public,” notes John Youngberg, vice president of governmental affairs, MFBF. “Agriculture is going to be severely affected as the result of an endangerment finding and regulation under the Clean Air Act.

“For example, the title five permit program which will require any entities that emit more than 100 tons of greenhouse gases per year to have an air quality permit in order to continue operating will affect more than 90 percent of the livestock industry in the United States. That's a very disturbing figure, especially in a state like Montana where the livestock industry which is such an economic driver.”

Youngberg noted it's obvious that the EPA's announcement, the day the Copenhagen climate change talks began is a political ploy.

“The science is being called into question, yet EPA is doggedly forging ahead. This shows that this whole issue has more to do with political science than climate science. The decision which has the potential to severely impact our food and fiber industry is obviously not a concern to the EPA and those in charge.”

The Montana Farm Bureau is the state's largest agriculture organization representing over 14,500 member families. Farm Bureau is the voice of agricultural producers at all levels.

EPA targets coal industry (*Bismarck Tribune*)

By CHRISTOPHER BJORKE Bismarck Tribune | Posted: Sunday, December 20, 2009 2:00 am
North Dakota energy interests felt pressured by pending federal climate laws. Now a recent move by the Environmental Protection Agency toward the regulation of carbon emissions has put them in a vise.
"It's an all-out frontal assault," said John W. Dwyer, president of the Lignite Energy Council, of a recent ruling by the EPA that carbon emissions are a health threat, a step toward the agency assuming the power to regulate greenhouse gases. In addition to federal climate bills - currently stuck in the Senate - the EPA ruling is seen as a way to prod lawmakers to pass a bill to regulate carbon gases or face the threat of a federal agency doing it instead.
"Certainly, the EPA is a preemptive strike," Dwyer said.

Coal accounts for 95 percent of electrical generation in North Dakota, and oil production is one of its most lucrative economic activities. Politicians and energy representatives

are afraid of what increased control of emissions would mean for the utilities and consumers.

"This hits coal harder than any other source, and it hits North Dakota harder than anywhere else," said state Public Service Commissioner Brian P. Kalk. Because the state is so dependent on coal for electricity, regulation could put it in the position of bearing the cost for emissions reductions, he and other officials said. "We have benefited immensely from cheap power."

North Dakota's coal legacy is based in the fuel's abundance here and federal utilities law that required utilities to favor the cheapest available energy source. Public Service Commissioner Tony Clark said that carbon regulation is popular in regions where coal is a smaller part of the energy mix and where utility users would pay a lower cost.

"It becomes a transfer of wealth from the heartland of the country, which is primarily coal-based," Clark said.

The ruling has implications for the oil industry as well, according to Ron Ness, president of the North Dakota Petroleum Council. While individual wells do not generate much emissions, if the EPA aggregates producers' wells, it could put them over emissions thresholds for agency regulation. It also would have an impact on refineries, which would have to account for its carbon production.

"We're looking at a tax that's going to go directly to consumers," Ness said.

Ron Day, the environmental, health and safety manager for the Tesoro refinery in Mandan, said 2010 would be the first year that they would have to monitor and report emissions, but he was not certain what EPA regulation could cost Tesoro. The breadth of the ruling would mean that agency would have jurisdiction over not just major emitters like coal-fired power plants, but also smaller commercial plants.

"The EPA would have literally hundreds of thousands of things they would have to monitor," Day said.

The EPA ruling could slow down the review process for new facilities or major modifications of older plants that produce above a certain amount of carbon gas and require utilities to adopt emissions controls using the best technology available, according to Claire Olson, senior vice president and general council for Basin Electric Cooperative.

The problem is that the existing technology has not been proven, said Dwyer. Requiring companies to make investments when the benefits are uncertain creates a risk that could discourage businesses from making new investments.

"You're trying to make a billion-dollar decision based on uncertainty," he said. "None of the vendors will guarantee the technology."

Investments made by utilities to capture and reduce emissions, as well as what it would cost to exceed emissions caps, would likely be passed on to ratepayers. Industry estimates put the rate increases created by climate regulation between 25 percent and 40 percent.

Supporters of emissions regulation say that it is needed to reduce greenhouse gases, which are widely believed to contribute to global warming.

"I think people can see farther than their own utility bill," said Marie Hoff, chairwoman of the Dakota Resources Council. Aside from the issue of climate change, reducing air pollution should encourage people to reduce fossil fuel use, she said. "The usual argument is that we can't afford it. But can we afford all the bad that comes with it?"

According to Dwyer, the coal industry in the state supports reducing carbon emissions and has spent $7 million on carbon capture and sequestration technology. The problem with regulation as it is being proposed now is that it forces the industry to reduce emissions without providing enough time to develop the means to do so.

"The challenge is having the time to develop the technology," Dwyer said. "They can't do it overnight."

Public Service Commissioner Kevin Cramer sees the EPA ruling as a tactic to get Congress to pass an unpalatable climate change bill by presenting a less attractive alternative. The chances of a bill passing before the 2010 election is doubtful, according to observers of Washington.

"Which is all the more reason to be concerned about the EPA," Cramer said.

(Reach reporter Christopher Bjorke at 250-8261 or chris.bjorke@bismarcktribune.com.)

Posted on Sat, Dec. 19, 2009

EPA looking into Paulsboro pollution (*Philadelphia Inquirer*)

By Jan Hefler
Inquirer Staff Writer
Protruding from the flat roof of Paulsboro High School and overlooking several refineries are chimneylike devices that measure toxins in the air.
"I was expecting something bigger," said Schools Superintendent Frank Scambia, referring to equipment installed this year by the U.S. Environmental Protection Agency. "I envisioned it would be a towery thing, a tripod with gadgets all over it."
The unobtrusive machines are gathering data for a report on the possible short- and long-term effects of toxins on area residents. Interim findings in Paulsboro have offered little reason for concern in the short term, according to the EPA.

The measurements on two toxins - acetaldehyde and nickel - were well below the measurements that could lead to health problems in the short term, according to data released this week by the EPA.
Acetaldehyde, found in exhaust, can cause cancer of the respiratory tract; nickel, found in oil and coal combustion, is linked to bronchitis and lung cancer.
In October, the EPA reported that air outside the Paulsboro school contained low levels of heavy metals.
Still being monitored is benzene, a volatile organic compound (VOC) used to make plastics, lubricants, resins, and other things. Long-term exposure has been linked to leukemia and bone-marrow ailments.
The EPA announced that it would begin monitoring air quality at 62 schools nationwide in April, after identifying schools near heavy industry or in polluted urban areas.
In sharp contrast to Paulsboro, elevated levels of potentially carcinogenic toxins have been found at some schools in West Virginia and Ohio, according to the EPA interim results.
The school in Gloucester County, a few hundred feet from the Valero refinery, is the only one in the Philadelphia region being monitored. Six in Pennsylvania and one other in New Jersey are on the study list.
The EPA expected to release its final report this month, but that has been delayed by malfunctioning equipment used to test and analyze VOCs at some schools, including Paulsboro. Testing at those places is continuing.
Long-term effects of all the toxins are still being analyzed, and a final report is pending.
Elias Rodriguez, EPA Region 2 spokesman, said the final reports were expected within a few months. The agency, he said, is looking for contaminants associated with industries and cars, trucks, and airplanes after monitoring the air outside the schools during 60-day periods.
Besides Valero, the 475-student Paulsboro High School is also close to NuStar Energy, Exxon Mobil Research Laboratory, Air Products & Chemicals Inc., and the soon-to-be-shuttered Sunoco refinery.
Scambia said parents have not been alarmed by the testing because many of the families "have lived here long periods of time and are used to being neighbors to industry." He said he welcomes the testing because he believes no significant health risks will be identified.
"The unknown is always frightening, but if you do research," Scambia said, "it gives you a better picture of what you're dealing with."
Contact staff writer Jan Hefler at 856-779-3224 or jhefler@phillynews.com.

FutureGen project awaits its fate (*Chicago Tribune*)

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Final Edition
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FutureGen project awaits its fate
By Julie Wernau, TRIBUNE REPORTER
The coal industry thought it had found the answer that would allow coal-fired power

plants to continue generating electricity while also lowering greenhouse gas emissions -- a process that captures carbon emissions and stores them underground.

Illinois is to be the testing ground for the promising but untested technology.

In 2007, Mattoon, Ill. was chosen over dozens of sites across the country as the future site for FutureGen, a $1.5 billion public-private partnership to build a first-of-its-kind coal-fueled, near-zero-emissions power plant. The U.S. Energy Department is to pay for most of the development costs of the plant.

Now state energy industry leaders say the plant may be too far behind in development to save coal.

The idea behind Mattoon is that the carbon dioxide emissions from coal could be stored permanently beneath the ground.

Although supportive of the technology, Midwest Generation, with six coal-fired power plants in Illinois, said it doesn't think carbon sequestration will be economically or technically feasible for more than a decade.

"The technology has been used for years in the oil and gas industry," said James Monk, president of the Illinois Energy Association, which represents the state's investor-owned electric and natural gas utilities in the public policy arena. "But it's never been used in the electric generation industry, and it's never been used at the kind of scale you'd have to use it at the electric generation facilities."

The U.S. **Environmental Protection Agency** believes carbon sequestration and capture will be in use by 2020 -- with the introduction of "bonus" subsidies for companies that use the technology. Without subsidies, the **EPA** estimates that the technology would not deploy until 2040. The agency acknowledges that the availability and cost of the technology remain uncertain.

The Energy Department halted construction at Mattoon, citing cost increases. Congressional auditors later found that the cost analysis that stopped the project had been faulty, inflating the cost estimate by $500 million. At the urging of state leaders, Energy Secretary Steven Chu restarted the project in March.

The Energy Department and the FutureGen alliance are working on a more detailed cost estimate and a preliminary site-specific design; they will decide to move forward or discontinue the project early in 2010, according to the Energy Department.

Coal gasification technology can cut carbon dioxide by 40 percent and, with the help of oxygen, can emit carbon dioxide as a concentrated gas stream, which, in the future, could be stored underground, according to the Energy Department. But the process does not eliminate greenhouse gases.

"Either by congressional action or U.S. **EPA** rule, in the next few years, there's going to be a decision made that will require the industry to do something about carbon dioxide or greenhouse gases," Monk said. "If you no longer are allowed to emit carbon into the air, and you don't have any alternative, the future is pretty grim (for coal)."

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CLIMATE CHANGE / GLOBAL WARMING

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Obama Presses China on Rules for Monitoring Emissions Cuts (*New York Times*)

By HELENE COOPER and JOHN M. BRODER
December 19, 2009
COPENHAGEN — President Obama called on world leaders to come to an agreement on climate change, no matter how imperfect, and pressed for an accord that would monitor whether countries — primarily China — are complying with promised emissions cuts.

Speaking just hours after arriving here for what is supposed to be the last day of difficult talks to address global warming, and clearly frustrated by the absence of any agreement, Mr. Obama was both emphatic and at times impatient.

“The time for talk is over,” he said.

Mr. Obama arrived here prepared to lend his political muscle to secure an agreement on climate change that has eluded world leaders for two weeks. But the tone of his remarks to the plenary session at the Bella Center on Friday indicated that the accord was still plagued by distrust over how nations would hold each other accountable.

“I don’t know how you have an international agreement where you don’t share information and ensure we are meeting our commitments,” he said. “That doesn’t make sense. That would be a hollow victory.”

The talks, continuing for the past two weeks, appeared locked over the verification measures as the final hours of the meeting approached without a deal and with plenty of tension.

Within an hour of Air Force One’s touchdown in Copenhagen on Friday morning, Mr. Obama went into an unscheduled meeting with a high-level group of leaders representing some 20 countries and organizations. Wen Jiabao, the prime minister of China, elected not to attend that meeting, instead sending the vice foreign minister, He Yafei, a snub that left both American and European officials seething.

Mr. Wen did, however, meet privately with Mr. Obama for 55 minutes shortly after the American president's eight-minute speech to the plenary session. Since China is the world's leading emitter of greenhouse gas pollutants, and the United States is second, the viability of a deal hinges on their cooperation. The two leaders "made progress," a White House official said, after the meeting that broke up a little after 1:35 p.m. Copenhagen time.

The official, who spoke on condition of anonymity because of the continuing negotiations, called the discussion "constructive" and said that the two men touched on all of the three issues Mr. Obama raised during his speech: emissions goals from all key countries, verification mechanism, and financing.

Mr. Obama and Mr. Wen asked their negotiators to get together one on one after the meeting, as well as with other countries, "to see if an agreement can be reached," the White House official said.

Asked if the two had achieved a breakthrough, the official said, "They took a step forward and made progress."

How long Mr. Obama was to stay in Copenhagen was unclear. Later in the day, Mr. Obama was to meet with President Dmitri A. Medvedev of Russia, as the two were to negotiate to replace the expired nuclear arms control treaty.

In his speech to the plenary session, Mr. Obama expressed his urgency to secure a climate deal, no matter how "imperfect" it might have to be.

"We are running short on time," Mr. Obama warned. "And at this point, the question is whether we will move forward together, or split apart. Whether we prefer posturing to action."

"We can again choose delay, falling back into the same divisions that have stood in the way of action for years." But, he warned that such a course would leave leaders "back having the same stale arguments month after month, year after year, perhaps decade after decade—all while the danger of climate change grows until it is irreversible."

And in a challenge to the assembled national leaders, though not mentioning China directly, he said that America is "ready to get this done today."

Before Mr. Obama's speech, President Nicolas Sarkozy of France said that China is holding back progress in the climate talks and said that Chinese resistance to monitoring of emissions was a key sticking point.

The countries represented in the meeting Mr. Obama attended shortly after his arrival include Australia, Britain, France, Denmark, Germany, Japan, Ethiopia, Bangladesh, Brazil, Russia, India, Mexico, Spain, South Africa, South Korea, Norway and Colombia. China was represented by a Foreign Ministry official.

Mr. Wen, who addressed a plenary session of conference delegates as Mr. Obama's first meeting was ending, outlined China's actions to reduce emissions and repeated his promise to reduce carbon dioxide intensity — the measure of emissions per unit of economic activity — by between 40 and 45 percent by 2020. He said China would report its emissions as part of an international plan but gave no sign that he was willing to agree to any outside verification measures.

"We will further enhance domestic surveillance and monitoring methods, increase transparency and actively engage in international dialogue and cooperation," he said.

He stressed that China was trying to reduce the rate of growth of its emissions voluntarily "in light of its national circumstances." He added, "We have not attached any condition to the target or linked it to the target of any other country. We are fully committed to meeting or even exceeding the target."

Negotiators here had worked through the night, charged with delivering a draft of the political agreement by 8 a.m. ahead of the arrival of dozens of heads of state and high-level ministers for the final stretch of deliberations.

An American negotiator, weary from a night of discussions, expressed confidence early Friday that the talks would produce some form of an agreed declaration, even if it falls short of the ambitions of many delegates and lacks specifics on some of the toughest issues.

Despite the optimism on the outcome, there was less certainty on when the negotiations might conclude, even though the session is scheduled to end Friday night. The United Nations secretariat overseeing the summit meeting has reportedly advised negotiators to extend their stays through Sunday night.

Mr. Obama was injecting himself into a multilayered negotiation that has been far more chaotic and contentious than anticipated — frozen by longstanding divisions between rich and poor nations and a legacy of mistrust of the United States, which has long refused to accept any binding limits on its greenhouse gas emissions.

The administration provided the talks with a palpable boost on Thursday when Secretary of State Hillary Rodham Clinton declared that the United States would contribute its share of $100 billion a year in long-term financing to help poor nations adapt to climate change.But top negotiators here said that the talks could also prove a humiliating failure, because China and the United States, the world's two largest emitters, remain deeply divided over a number of difficult problems.

Mr. Obama is putting a measure of his and the nation's prestige on the line by entering a debate with so much still unresolved. It was only 11 weeks ago that he left this same

city empty-handed after pleading for Chicago to be selected as the site of the 2016 Olympics.

But the maneuvering and brinkmanship that have characterized the final week of the talks are also a sign of their seriousness; never before have global leaders come so close to a meaningful agreement to reduce the greenhouse gases linked to warming the planet.

Mrs. Clinton's offer came with two significant conditions. First, the 192 nations involved in the talks here must reach a comprehensive political agreement that takes effect immediately. Second, and more critically, all nations must agree to some form of verification — she repeatedly used the term "transparency" — to ensure they are meeting their environmental promises.

China, the world's largest producer of greenhouse gases, has brought the talks to a virtual standstill all week over this issue, which its leaders claim to be an affront to national sovereignty.

But the Chinese resistance on the issue is matched in large measure by Mr. Obama's own constraints. The Senate has not yet acted on a climate bill that the president needs to make good on his promises of emissions reductions and on the financial support that he has now promised the rest of the world.

"The president and his team have been doing everything possible to create a deal that is fair to the U.S. and facilitates international agreement," said Paul Bledsoe of the National Commission on Energy Policy, a bipartisan advisory group. "But if the Chinese will not accept monitoring of emissions, then a deal is not worth doing."

China appeared to crack the door a bit toward a system of reporting its emissions and its actions to reduce them on Thursday. Mr. He, the vice foreign minister, repeated China's opposition to any intrusive international monitoring regime in a news conference on Thursday. But he said his country would consider voluntary "international exchanges" of information on its climate programs.

Administration officials here were not ready to publicly declare any breakthroughs in their talks with China and other nations on verification measures.

"We're making progress on all the outstanding issues with the Chinese," a senior administration official said in a conference call with reporters. "But it's still a very challenging task. It's impossible to anticipate where this will end."

Reporting was contributed by Elisabeth Rosenthal, Tom Zeller Jr. and Andrew C. Revkin from Copenhagen, and Liz Robbins from New York.

Mixed Bag for Obama on Climate Change Deal Amid the Recession (*New York Times*)

December 21, 2009 Monday
Late Edition - Final
Section A; Column 0; National Desk; THE CAUCUS; Pg. 24
Mixed Bag for Obama on Climate Change Deal Amid the Recession
On any list of tough sales jobs in American politics, tax increases, higher energy prices and foreign aid would rise to the top.

The worldwide negotiations on curbing **climate change** involve all three -- while Americans suffer 10 percent unemployment. Yet talks here in Copenhagen drew America's leading Democrats, including President Obama, Speaker Nancy Pelosi and Senator John Kerry of Massachusetts, like moths to a flame.

It provided a fitting coda to Mr. Obama's first year in office. He made policy ambition his hallmark; Congressional Democratic leaders have followed, with historically remarkable early results. But the process has been acrimonious, and all now have sagging poll ratings to prove it.

Perhaps most ambitious is the effort to reshape America's economy in the name of averting environmental disaster, and to persuade foreign rivals to work together toward that goal.

"This is going to be hard," a weary Mr. Obama concluded before leaving Copenhagen. "It's going to be hard within countries. It's going to be even harder between countries.

"One of the things that I've felt very strongly about during the course of this year," he said, "is that hard stuff requires not paralysis, but it requires going ahead and trying to make the best of the situation that you're in."

The chaotic, contentious situation here yielded less than Mr. Obama and his allies had hoped. But Copenhagen treated Mr. Obama more kindly than it did earlier this year in his failed attempt to win the 2016 Olympics for Chicago. His energy and **climate change** policy goals, at minimum, survived.

When voters assess Mr. Obama's overall agenda in the 2010 midterm elections, survival is an outcome Congressional Democrats would gladly accept.

Disappointment

Thousands of environmental policy makers and advocates left Copenhagen with ample grounds for disappointment. The agreement the United States reached with Brazil, China, India and South Africa lacked commitments to achieve its stated goals, was

nonbinding and was not formally affirmed by participants, in any case.

Yet the result fares better when, as in Olympic gymnastics, its scores are adjusted for degree of difficulty.

"**Climate change** is the hardest political problem the world has ever had to deal with," The Economist recently declared. If global catastrophe is indeed looming, all countries benefit from avoiding it -- but are also powerfully tempted to let others pay for preventing it.

By questioning dire environmental predictions, Mr. Obama's political adversaries in the United States cast doubt on whether paying for prevention makes sense. That is why the Senate has not followed the House in approving emissions cuts that could raise domestic energy prices, and in sending money overseas to help avert environmental damage.

Senate advocates of **climate-change** legislation claimed that the momentum from Copenhagen would help prospects for action next year. But obtaining the 60 votes needed to surmount a filibuster remains an uphill fight.

"Do we have the votes today? No," Mr. Kerry acknowledged. But Mr. Kerry, the 2004 Democratic presidential nominee, insisted that 60 votes remain "in play."

"The principal naysayers are those who don't believe in the science," he said. "I don't think they have a lot of credibility."

Reshaping Economy

The White House and Congressional Democrats have settled on their **climate-change** message: strong action can produce energy independence and new economic vitality.

"What would I say to my constituents?" asked Representative Edward J. Markey, a Massachusetts Democrat who is an author of the House-passed bill to reduce carbon emissions. "The largest tax on the American people is the one that's imposed by the Saudi Arabians and Exxon Mobil. For a very small investment, we can make our own energy here in the United States."

Ms. Pelosi, the House speaker, makes the argument for action on **climate change** even simpler.

"The American people should be pleased with this for four reasons: jobs, jobs, jobs and jobs," Ms. Pelosi said during a break from her advocacy in Copenhagen on **climate change,** the issue she calls her signature one. "We are about investing in science to create the new technology and have a new green revolution, so that we can create a new economy."

It is relatively easy for Ms. Pelosi and Mr. Markey, coastal-state liberals with safe districts, to make those arguments. It is not so easy for vulnerable heartland Democrats who fear that economic disruption for the coal, oil and utility sectors will produce career-threatening political fallout among not-so-liberal voters.

And energy policy is only the beginning. The $787 billion economic stimulus package, a health care overhaul and new Wall Street regulations -- all major Obama initiatives passed by the House -- also provide fat targets for Republican attacks in next year's campaigns.

"We've had a very challenging work year," Ms. Pelosi said. "It's hard to bake the pie and sell the pie at same time. Now we'll sell it."

Like everything about Mr. Obama's debut, that will not be easy.

URL: http://www.nytimes.com

Showdown at Climate Talks (*Wall Street Journal*)

Obama Jets to Denmark, U.S. Backs $100 Billion Annual Aid to Clinch Carbon Deal
DECEMBER 18, 2009
By STEPHEN POWER, GUY CHAZAN, ELIZABETH WILLIAMSON and JEFFREY BALL
COPENHAGEN -- The Obama administration launched an eleventh-hour attempt to pull off a deal from the stalled United Nations climate talks here, offering to get behind efforts to raise $100 billion a year by 2020 to help poor nations as President Barack Obama headed for the Danish capital.

Secretary of State Hillary Clinton and leaders of major players at the summit -- from Europe to Asia to Africa to Latin America to the Maldives -- emerged from a meeting at about 3 a.m. local time Friday, saying they would discuss a new draft agreement later in the morning, on the two-week conference's final day. "We're not there yet," said Denmark's prime minister, Lars Løkke Rasmussen. He said the late-night discussion had been "very fruitful."

But Indian Environment Minister Jairam Ramesh described the meeting differently, saying it had been "stage-managed" by European officials "to show they consulted everybody."

The White House tried to lower expectations Thursday. White House officials said they don't anticipate any new offers by the president, since the targets and financing figure have already been announced. But depending on the status of negotiations Friday, that could change. On Friday afternoon Mr. Obama has one-on-one meetings with Chinese Premier Wen Jiabao and Brazilian President Luiz Inácio Lula da Silva.

The White House left open the possibility Mr. Obama would choose to come back to Washington with no deal.

"Coming back with an empty agreement would be far worse than coming back empty-handed," said Robert Gibbs, Mr. Obama's press secretary.

President Obama played a big card Thursday, authorizing Mrs. Clinton to tentatively endorse European proposals that rich nations come up with $100 billion a year over the next decade to help poor nations fight climate change. The decision -- which surprised European officials who said they hadn't been flagged -- was made after the conference hit an impasse Wednesday.

All day Wednesday, U.S., European Union and Australian negotiators talked with representatives from the Group of 77 developing nations, floating aid figures that might satisfy those countries' demand for greater, longer-term financing for efforts to curb or cope with climate change.

Previously, the U.S. had stuck to a $10 billion annual figure by 2012, and declined to specify what it thought would be a longer-term financial target. The U.K. had long advocated for $100 billion by 2020, while other European nations wanted more.

Mrs. Clinton said in her speech Thursday that the money would be aimed at the "poorest and most vulnerable among us" -- a phrase that excludes fast-rising China, which many in the West think shouldn't receive aid. She said the money would come from "a wide variety of sources, public and private, bilateral and multilateral, including alternative sources of finance."

"The private sector is going to be the engine that drives all of this," an administration official said. "A lot of this is not aid in the traditional sense of aid."

Any source of U.S. public funding remains in the hands of Congress, where lawmakers have stalled action on a climate bill and are focused on cutting the swelling budget deficit and funding jobs in the U.S.

House Democrats, some of whom traveled to Copenhagen Thursday, hailed the administration's announcement.

"The United States must take responsibility for our historical emissions, while also seizing the opportunity that will come with re-engaging with the developing world on emissions-cutting clean-energy technologies and other programs," said Rep. Edward J. Markey (D., Mass.).

In a sign of the difficulties the administration may face, however, congressional Republican leaders Thursday said they would introduce a "disapproval resolution" blocking efforts to fund the U.S. financing offer, and scuttling the administration's efforts to regulate greenhouse gases as pollutants.

"The administration wants to give billions in U.S. taxpayer dollars we don't have to other countries," said House Republican leader John Boehner. "This does nothing to get the American people back to work, nothing to get our fiscal house back in order, and nothing but add to our debt."

Ed Miliband, the British climate minister, cautioned that reaching a substantive deal was still a "race against the clock." Mr. Obama and others were expected to face contentious issues Friday -- such as how aggressively their nations will cut greenhouse-gas emissions -- while negotiators continue to finesse the text, he said.

Mrs. Clinton's announcement is the latest move by U.S. officials to counter accusations from developing nations that the U.S. hasn't done enough to break the climate-talk deadlock. President Obama was scheduled to arrive in Copenhagen Friday morning to meet with other world leaders and join a climate agreement -- if there is one.

Mrs. Clinton said the U.S. wouldn't commit to the plan if all major economies don't commit to key provisions, including carbon-emission controls that are transparent.

"If there isn't a commitment for transparency of some sort, that would be a deal breaker," she said.

He Yafei, China's vice minister of foreign affairs, said Thursday that China is ready for international cooperation that is "not intrusive, that does not infringe on China's sovereignty."

He also said China's target for reducing the amount of carbon it emits per unit of economic output shouldn't be subject to international monitoring.

There were some signs of movement on the issue of how rich countries can check the compliance of nations such as China. "We have 75% agreement on the verification issue," India's Environment Minister Mr. Ramesh told reporters. He said India had come up with a four-point formula on the issue.

Tension between the U.S. and China has dominated the Copenhagen summit, as the two largest greenhouse-gas emitters jockeyed to win support from developing nations.

The U.S. anticipated the Chinese could organize allies and countries economically dependent on China into a bloc to resist U.S. efforts to leverage a deal, particularly on monitoring promises to cut emissions.

Mrs. Clinton's statement Thursday appeared to sway some African delegates. But other G77 delegates gave it a cool reception.

Lumumba di-Aping, a Sudanese diplomat who is the group's chief negotiator, said the offer would need to be studied. "This is a good signal, but it's still insufficient," he said. "We need more money."

—Selina Williams and Jing Yang contributed to this article.

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U.S. pledges aid, urges developing nations to cut emissions (*Washington Post*)

By Juliet Eilperin and Anthony Faiola
Washington Post Staff Writers
Friday, December 18, 2009
COPENHAGEN -- With an offer of significant new aid to help poor nations cope with the effects of global warming, the Obama administration began a major diplomatic effort Thursday aimed at saving the troubled climate talks before the president's expected arrival Friday morning.

The United States is pressuring developing countries to agree to emissions cuts along with the industrialized world for the first time, and insisting on transparent monitoring of those reductions. High-ranking U.S. officials were assuring nations behind the scenes that after years of resistance, Washington is also serious about reducing emissions at home and doing more to prevent global warming.

Concerned that the process had broken down so badly that world leaders would not have a document to consider Friday, Secretary of State Hillary Rodham Clinton pushed to establish a small, representative group of nations that could work through the night to produce a text that President Obama and others could use as a basis for final negotiations.

In a private meeting, Clinton told Brazilian officials that a climate change bill that was passed by the House would set aside billions to help preserve tropical rain forests in developing countries. U.S. negotiators also labored to distinguish themselves from George W. Bush's administration, which did not ratify the Kyoto Protocol. In fact, U.S. officials added, the new administration is taking steps with or without Congress to reduce carbon emissions through new fuel standards and other measures. "They are saying, 'Trust us that we can do better,' " said Brazil's climate change ambassador, Sergio Serra, who attended the meeting with Clinton on Thursday.

Though the talks remain fragile, the U.S. moves appeared to rebuild momentum after comments by major participants, most notably China, that chances of even a modest deal were fading. The shift happens as the United States backed what amounts to the single biggest transfer of wealth from rich to poor nations for any one cause -- in a sense offering compensation for decades of warming the Earth.

Clinton pledged that the country would help mobilize $100 billion a year in public and private financing by 2020 -- an amount that is almost equal to the total value of all developmental aid and concessional loans granted to poor nations by the United States, Europe and other donors this year. She did not specify how much the U.S. government would commit to giving, but a senior administration official said it would be 20 to 30 percent. Administration officials said they envisioned most of the money coming from private sources, or from revenue generated by a cap-and-trade scheme, but other sources could include redirecting existing subsidies or a tax on bunker fuel.

'Running out of time'

Any new assistance -- as well as Obama's signature on an agreement here, Clinton said -- would depend on "transparency" and "monitoring" of emissions cuts. Clinton said the historic talks must result in an international accord that includes reduction commitments from developed and major developing countries; financial and technological assistance for poor nations; and a way to independently verify the cuts all countries make. Such language is essential to U.S. senators, who have yet to pass climate legislation and would vote on ratification of any climate treaty.

Clinton specifically warned that China -- which has resisted attempts for international verification of emissions cuts and told officials here before Clinton spoke that a global pact seems unlikely -- must agree to monitoring if a deal is to be reached.

"We're running out of time," Clinton said at a news conference. "Without the accord, the opportunity to mobilize significant resources to assist developing countries with mitigation and adaptation will be lost."

The ultimatum appeared to sway many of the small island states, which are vulnerable to sea-level rise and have been demanding a legal treaty that would aim to prevent the average global temperature from rising higher than 2.7 degrees Fahrenheit above preindustrial levels. In a meeting between Clinton and representatives from 30 island nations, according to a participant, delegates said they would accept a higher temperature threshold of 3.6 degrees but expected the United States to offer more money for adaptation in the short term. Clinton said that would happen.

Yet most analysts have diminished expectations for the document that leaders may ultimately sign Friday. Rather than a formal new treaty, most are expecting a political agreement that would form the basis for a broader, more detailed accord perhaps by mid-2010.

The current emissions cuts that would be incorporated as part of any future pact have come under fire as too weak to curb dangerous global warming. An internal U.N. analysis that surfaced Thursday afternoon predicted that even under the most ambitious targets countries have pledged, future global temperature rise is likely to exceed 5.4 degrees Fahrenheit.

Reaching a less far-reaching agreement has proved tough, with poor nations staging a temporary walkout earlier this week. Though a failure of talks here could embarrass the leaders of the 193 countries attending the summit, many heads of state have suggested it would be worse to sign on to a bad agreement.

"Coming back with an empty agreement, I think, would be far worse than coming back empty-handed," White House press secretary Robert Gibbs said.

Unlike many international summits, where most of the major details are typically worked out by lower-level diplomats before the leaders arrive, Obama will land here with big issues still in contention.

Though their differences are narrowing, nations remain at odds over how deep emissions cuts will be, which countries will need to make them and by when. The U.S. offer to contribute to a $100 billion fund -- a figure close to what the Europeans have previously suggested -- appeared to boost the chances of settling how much poor nations would get to help roll out green energy grids of their own, as well as cover the cost of dealing with rising sea levels and increasing temperatures.

Though some developing nations are holding out for as much as $200 billion a year, Clinton's proposal appeared similar to what some leading nations of emerging economies have called for this week. Indian environment minister Jairam Ramesh, who met with U.S. representatives Wednesday morning, said the financing offer "demonstrates a seriousness on the part of the Americans" as world leaders continue to arrive in the Danish capital and attempt to work out their differences.

'A big risk'

To a large extent, the administration's gestures ahead of Obama's arrival amounted to an elaborate trust-building exercise, in which officials assured their overseas counterparts that they will deliver on promises in a way the United States has not done in the past. In private meetings, Clinton bluntly told foreign leaders that her husband had negotiated and signed Kyoto, but could not persuade senators to approve it. That inaction, she said, was followed by eight years in which the Bush administration did little to push for movement on climate change.

Even so, Michael A. Levi, senior fellow for energy and the environment at the Council on Foreign Relations, said administration officials are "taking a big risk."

"They appear to be betting a good deal that Copenhagen will do more to help legislation on the Hill than this finance offer will hurt," he said.

Other delegates said that while they appreciate the White House's willingness to embrace a long-term financial package for the developing world, they wonder why the administration waited so long to announce it.

"It could have been a lot better if it was done earlier," said Rae Kwon Chung, South Korea's climate change ambassador.

Senate Republicans were quick to question the move. Sen. James M. Inhofe (Okla.), who was on the ground in Copenhagen for three hours Thursday, said in a statement, "Given the current state of our economy, it is shocking that the Obama administration is pledging to hand over billions of dollars to developing nations for a global warming fund."

Sen. Lisa Murkowski (Alaska) said that no matter how the money is generated, it will "come out of the pockets of American taxpayers."

In Copenhagen, Obama urges action (*Los Angeles Times)*

In a speech to more than 100 heads of state, the president outlines the elements of accord: commitments to limit emissions, a way of monitoring those pledges and aid to help poor nations adapt.

By Jim Tankersley
Los Angeles Times Staff Writer
4:22 AM PST, December 18, 2009

Reporting from Copenhagen — President Obama exhorted world leaders at international climate talks to "recognize it is better to act than talk" and seal a framework agreement on controlling greenhouse gases.

In a relatively brief speech to a session of more than 100 heads of state from around the world, Obama sketched the pillars of a possible deal: commitments by industrialized and fast-growing countries to limit emissions, a way of monitoring whether countries keep their emissions commitments and a grand aid package to help poor nations adapt to climate change and transition to low-emission energy.

The president promised that the United States would keep its pledge to reduce emissions -- in the range of 17 percent below 2005 levels by 2020 -- "no matter what happens in Copenhagen." But he also warned that the world risked, by failing to come to agreement here, prolonging an already protracted debate while the effects of climate change worsen.

"We are ready to get this done today," Obama said. "But there has to be movement on all sides."

The biggest movement still must come between the United States and China, who are fencing over the transparency issue, and will continue in one-on-one talks later today.

In a nod to Chinese concerns, Obama said any verification mechanism for emissions

pledges "need not be intrusive, or infringe upon sovereignty." But he also said that any agreement without a transparency provision would be "a hollow victory."

Shortly before Obama spoke, Chinese Premier Wen Jiabao danced around the transparency question in a short speech to the conference, though he said China "will honor our word with real action. Whatever this conference may produce, we will remain committed to achieving and even exceeding the target" it has set for reducing emissions as a share of its growing economy.

Other heads of state expressed varying levels of hope today that the talks will end in agreement, and some tossed new chips on the table in a bid for progress.

Brazilian President Luiz Lula da Silva said his nation would join industrialized countries in providing climate-related financial assistance to the world's poorest and must climate-vulnerable countries. He said he was frustrated by the pace of the talks -- citing a meeting he and other leaders slogged through until 2 a.m. today -- but was still hoping for a sort of divine intervention to rescue negotiations.

"I don't know if some angel or some wise men will come down to this (meeting) and put the intelligence into our minds that we've lacked until now," he said. "Since I believe in God, I believe in miracles. And a miracle can happen, and I want to be part of that miracle."

Many attendees this morning were pinning their salvation hopes on Obama, who arrived on Air Force One and immediately swung into the talks, meeting with leaders from Europe, China and several other wealthy and poor nations.

Underscoring the importance that delegates here have attached to the president's visit, large-screen televisions in the host Bella Center broadcast live BBC news footage of Obama's limousine arriving from the Copenhagen airport. Delegates and observers of the talks paused in the hallways to watch.

Obama met with the heads of Britain, Australia, France, Denmark, Norway, Germany, the European Commission, Japan, South Korea, Ethiopia, Bangladesh, Brazil, Russia, India, Mexico, Spain and Columbia, along with a Chinese vice foreign minister, the White House said.

The large-group discussion came as summit organizers were working through a new draft of an agreement, though officials close to the talks cautioned that several key points were still in flux on the scheduled last day of the conference. Colombian President Alvaro Uribe said in a speech this afternoon that the draft included an "auto-verification" form of transparency, a phrase that suggested compromise.

Nations gathered here have long abandoned hopes of hammering out a new global warming treaty to replace the 1997 Kyoto Protocol, which the United States never ratified. Instead, they're seeking a declaration on warming that would be a framework for

a new treaty, with a goal of finalizing that treaty next year.

In his address, Obama warned his fellow leaders that "we are running short on time" for even a framework agreement. Invoking language reminiscent of his major campaign speeches, he told the audience, "We can embrace this accord, take a substantial step forward, and continue to refine it and build upon its foundation. We can do that, and everyone who is in this room will be a part of an historic endeavor -- one that makes life better for our children and grandchildren.

"Or we can choose delay, falling back into the same divisions that have stood in the way of action for years. And we will be back having the same stale arguments month after month, year after year, perhaps decade after decade -- all while the danger of climate change grows until it is irreversible."

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Obama Urges World to Unite Behind Climate Pact as Talks Falter (*Voice of America*)

U.S. President Barack Obama joined world leaders from over 100 countries for the final sessions of the U.N. Climate Change conference in Copenhagen. As negotiations drew to a close, no new compromise proposals were evident and talk turned to forging a political commitment with details of measures to be taken left for future negotiations.

Sonja Pace | Copenhagen 18 December 2009

U.S. President Barack Obama speaks at the morning plenary session of the United Nations Climate Change Conference at the Bella Center in Copenhagen, Denmark, 18 Dec 2009

Addressing the gathering of world leaders President Obama urged them to put aside differences and agree on a plan of action.

"After months of talk, after two weeks of negotiations, after innumerable side meetings, bilateral meetings, endless hours of discussion among negotiators, I believe that the pieces of that accord should now be clear," he said.

The United States has spelled out its proposals for a plan to include decisive national action to reduce greenhouse gas emissions, transparent standards to verify compliance and funding to help the most affected and poor countries adapt.

Mr. Obama offered no new proposals beyond those already on the table, including a U.S. commitment to reduce emissions by 17 percent by 2020 and by more than 80 percent by 2050 and a commitment to work with others to mobilize a global fund of $100

billion a year by 2020 to help developing countries.

President Obama acknowledged the plan will not please everyone, but would be a move in the right direction.

"We can embrace this accord, take a substantial step forward, continue to refine it and build upon its foundation," he said.

There was no immediate indication of further compromises, including from China on allowing outside monitoring of its emission curbs. The issue has put it at odds with the United States at this conference.

As they stepped to the podium, many other world leaders focused on steps their governments had already taken to combat climate change and stressed their commitment to continuing those efforts.

Some expressed disappointment that not more had been achieved. Among them Lesotho's Prime Minister Pakalitha Mosisilli, who spoke on behalf of the least developed nations.

"To say that we are disappointed is indeed an understatement, in particular that after 24 months of hard negotiations and the intensive deliberations of this conference, an agreement could not be reached on a legally binding regime," he said.

After the initial session, opportunities for further discussions remained through the afternoon.

There was widespread doubt all along that this conference would be able to fulfill the hopes of those who wanted a global, binding agreement to succeed the 1997 Kyoto Protocol. There's been increasing talk of a political framework agreement here and tacit acknowledgment that further negotiations will be necessary to get beyond that.

Executive Omnipotence in Copenhagen (*National Review Online*)

A tale of how far modern “constitutional law” has taken us toward the executive state.
By Roger Pilon
December 18, 2009, 4:00 a.m.

As climate talks conclude in Copenhagen today, all eyes will be on President Obama — the “miracle worker” many hope will “save the planet.” Regrettably, the underlying assumption here — that the president is all-powerful — is not that far-fetched.

Back in Washington last week, the executive branch’s Environmental Protection Agency unveiled its long-awaited “final findings” — that greenhouse gases like carbon dioxide endanger public health and welfare” — laying a foundation for massive EPA emissions

regulations across the entire economy. Less noticed a day later was the release of a report by the Climate Law Institute's Center for Biological Diversity claiming that the president needn't worry about congressional inaction when he goes to Copenhagen. Despite Washington's cap-and-trade impasse, the report said, he has all the power he needs under current law to make a legally binding international commitment. The CLI report is right, and therein is a tale of how far modern "constitutional law" has taken us toward the executive state.

Titled "*Yes He Can*: President Obama's Power to Make an International Climate Commitment Without Waiting for Congress," the report makes two main claims. First, the president doesn't need a treaty (which would require a two-thirds vote in the Senate) or a statute (which would require majorities in both houses of Congress) to commit the nation to reduced emissions; he can instead use various types of "executive agreement," some 15,000 of which are already in force in areas like trade and foreign relations. Drawing on authority already granted under the Global Climate Protection Act, for example, the president can negotiate a "congressional-executive" agreement consistent with domestic environmental laws. And he can even negotiate a "sole executive" agreement, which would bind us under international, if not domestic, law.

The core of the matter, however, is the report's second claim, that the president "has clear authority under existing domestic law to regulate greenhouse gas emissions" and so doesn't need to create additional domestic law through an international agreement. He needs simply to "take care" that domestic laws be faithfully executed. The Clean Air Act is the foundation for this claim, but the Clean Water Act, Endangered Species Act, and National Environmental Policy Act all supplement it.

Enacted in 1963 and amended several times since, the Clean Air Act today authorizes the executive branch to implement a variety of measures to reduce pollution from all sectors of the U.S. economy, but the scope of its authority hasn't always been clear. Thus, in 1999 some 19 groups, including CLI's Center for Biological Diversity, petitioned the EPA to regulate greenhouse-gas emissions from new motor vehicles. After reviewing extensive public comment, the EPA concluded in 2003 that it lacked the authority to do so. The groups then sued, joined by twelve state and local governments. In 2007, in *Massachusetts* v. *EPA*, a sharply divided Supreme Court, with Justice Kennedy joining the Court's four liberals, ruled that greenhouse gases like CO_2 are air pollutants covered by the Act, and that the EPA must determine whether they endanger human health. Last week's findings were the result.

The EPA must now establish air-quality "criteria" for pollutants emitted by everything from cars, airplanes, and ships to factories, buildings, lawnmowers — the list is endless — plus set a national pollution cap. Since the Clean Water Act authorizes the EPA to "restore and maintain the chemical, physical, and biological integrity of the Nation's waters," and CO_2 is said to produce ocean acidity, look for new water regulations as well. The CLI report tells us the administration has thus far "disavowed" any intent to use the Endangered Species Act to address the causes of climate change, but look for petitions to get that process going too. And finally, the National Environmental Policy

Act requires detailed Environmental Impact Statements for proposed legislation and major federal actions significantly affecting the environment. Think of it as meta-regulation, meant to ensure that the regulation of other public and private entities serves the environmentalists' agenda.

"President Obama is not arriving in Copenhagen with his hands tied by a recalcitrant Congress," the report concludes. He has all the power he needs "to bind the United States to a formal, meaningful agreement to reduce emissions."

The single-minded arrogance we've come to expect from environmental zealots runs through the CLI report. Nowhere, for example, do we find any concern for the world's poor, who will suffer most from the proposed policies. Indeed, one imagines that, deep down, they and their appetites are seen as the ultimate environmental problem. Nor do we see any concern for the niceties of democratic legitimacy. The people be damned: If Congress balks, Obama can veto anything they might do, and let the chips fall where they may.

What we have here is the modern executive state. And the tale of how so powerful an executive arose is not really complicated: Congress and the Supreme Court conspired to create it. A century ago, progressives began viewing the Constitution's checks and balances not as protections against overweening power but as impediments to enlightened government — the kind of government that would one day be used to "save the planet." Since the New Deal, Congress has delegated ever more powers to the executive branch without much guidance as to how they are to be used. And a supine Court, cowed originally by Franklin Roosevelt's threat to add six new members, has gone along, in the name of "democracy" and judicial modesty, even as the expanding government has looked less and less democratic.

Still, some democratic controls are still in place. Were the president to be so foolish in Copenhagen as to promise what is politically unacceptable back home, Congress could certainly take back some of the powers it earlier delegated to him. Ultimately, of course, Congress has the power of the purse: It can simply refuse to fund the EPA's more extravagant regulatory schemes. And if Congress fails to do so, the American people can elect a Congress that will.

The courts also have powers they can use to keep the other branches in line — power to hold Congress to its enumerated and thus limited ends, and power to prohibit Congress from delegating its legislative powers to the executive branch. In the immediate case, however, the Court was the *source* of expanded executive power. In the 2007 EPA decision, it granted standing to plaintiffs who had none. And it read the Clean Air Act as giving the EPA power that neither text nor history would warrant. Earlier judicial "restraint" allowed the executive state to emerge. Later judicial "activism" allowed it to expand.

If the president does exercise his full powers in Copenhagen, however, there will be suits — by restricted industries and others on one side, and by environmental zealots

urging even more regulation on the other. In deciding those cases, one hopes that the Court will start discerning the errors of modern “constitutional law” that have given us the executive state and begin restoring constitutional government.

— Roger Pilon is vice president for legal affairs at the Cato Institute and director of Cato’s Center for Constitutional Studies.

Vilsack questions USDA's climate change modeling (*Farm Futures*)

Posted on December 21, 2009 at 9:02 AM

Already there is skepticism about climate change modeling when it comes to the truth behind the validity of whether or not the world is warming at alarming rates. Now Secretary of Agriculture Tom Vilsack has called into question the models his agency has used to determine the impacts on farmers.

Originally his chief economist Joe Glauber testified to Congress that up to 59 million acres of pasture and cropland could be converted by 2050 under a cap-and-trade system to control greenhouse gases.

The report, Effects of Climate Change on Ecosystems, outlines the impacts on agriculture including land and water resources. USDA reported that livestock mortality will decrease with warmer winters but this will be more than offset by greater mortality in hotter summers. Weeds, disease and pest prevalence are also expected to be more prevalent.

Glauber released his full economic analysis Friday. Vilsack contends that the costs of climate change legislation introduced in the House will be "modest while returns from offsets will increase over time and result in positive net income for agriculture."

Vilsack recognized that the results of the output of the FASOM model - a model developed by researchers at Texas A& M University that the Environmental Protection Agency also used - is causing concern among the farm and ranch community as a result of the models projections on afforestation over the next several decades.

"Based on conversations with Dr. Glauber and my staff, I don't believe the results related to afforestation forecast by the FASOM model are necessarily an accurate depiction of the impacts of climate legislation. The model could be updated to better reflect current legislative proposals. The FASOM model as it is currently configured makes assumptions that reduce farmer income from offsets generated by conservation tillage, methane reductions and other offset activities. The model also makes other assumptions that could lead to an overestimate of afforestation. This is especially true

given that the model attempts to forecast land use impact over long-time horizons," Vilsack said.

But this isn't flying well with leading Republicans in the House and Senate. Rep. Frank Lucas (R-Okla.) and Sen. Saxby Chambliss (R-Ga.) , ranking members of the House and Senate Agriculture Committees, respectively, sent a letter to U.S. Department of Agriculture (USDA) Secretary Tom Vilsack regarding his recent remarks on the Department's climate change legislation analysis.

Lucas and Chambliss said the statement made by Sec. Vilsack implies a lack of confidence in the modeling used by both USDA and the Environmental Protection Agency (EPA). The two also sent a similar letter to EPA Administrator Lisa Jackson.

The letter noted, "The Department's testimony delivered earlier this month to the House Agriculture Committee is clear and unequivocal; agriculture will undergo significant structural impacts that will change how food, feed, fiber and fuel are produced in the United States. The disappearance of 59 million acres of cropland, higher food prices and lower exports will undoubtedly shape how farmers and ranchers make a living in the years ahead. While we can disagree on policy, we cannot ignore the facts when they are inconvenient to our preferred narrative."

Additionally, they ask that both the USDA and EPA report to the House and Senate Agriculture Committees on the problems with the economic model in order to reflect realistic scenarios while examining the impact of cap and trade on the agriculture and forestry sectors.

Vilsack said that he directed Glauber to work together with EPA to undertake a review of the assumptions in the FASOM model, to update the model and to develop options on how to best avoid unintended consequences for agriculture that might result from climate change legislation.

The big question is whether modeling can accurately project the total impact on farmers. And is Congress ready to make decisions that could cause major economic harm to many sectors of the agricultural community?

Hope and funding for saving forests around the world (*Washington Post*)

December 20, 2009 Sunday
Suburban Edition
A-SECTION; Pg. A14
Maryland
Hope and funding for saving forests around the world;
Projects create financial incentive to leave trees alone

By Juliet Eilperin
COPENHAGEN
In the months leading up to the U.N.-sponsored climate talks, there was one thing observers said with confidence: Any final outcome would establish global guidelines for paying poor countries to preserve their tropical forests.

That almost happened. The fact that it didn't may pose a slight glitch, but is unlikely to halt the proliferation of such projects around the world.

The burning and clearing of forests, primarily in Latin America, Africa and Southeast Asia, accounts for roughly 15 percent of global greenhouse gas emissions each year.

A coalition of conservationists, business interests and officials from developing countries back the idea of creating financial incentives for leaving standing trees that are in danger of being cleared for ranching or farming. According to the arrangement, known as Reducing Emissions from Deforestation and Forest Degradation, or REDD, industries that create carbon emissions essentially pay impoverished nations to maintain their rainforests by buying pollution allowances from them.

Mark Tercek, chief executive of the Nature Conservancy, sees the mechanism as a win-win situation.

"It's a good deal for the developed world," Tercek said. "There are no losers."

Over two weeks in Copenhagen, negotiators worked out most of the details about how such a global system would work, and what type of projects would qualify for offsets.

But two key provisions -- what sort of emissions cuts countries would aim to achieve by avoiding deforestation and how much money rich nations would give to help finance it -- were tied to broader political questions that did not get resolved. So while references to REDD made it into the Copenhagen accord, the actual U.N. document that would insert it into a future treaty was tabled until next year.

The U.N.'s top climate official, Yvo de Boer, said Friday that the forestry provisions of a future climate pact, along with helping developing countries adapt to climate change and acquire clean technology, are "oven ready" and could be completed without a problem in 2010, assuming there's a final agreement then.

"Nothing will be achieved until everything will be achieved," said Fred Boltz, senior vice president for global strategies at Conservation International, who added that despite the delay, "We've come a long way in two years and we have an opportunity on a scale that was previously inconceivable to act immediately to avert emissions from deforestation."

The talks did produce concrete short-term financial commitments to fund the effort, with $3.5 billion pledged by Norway, Japan, the United States, Britain, France and Australia.

This could be the start of a broader effort to put a dollar value on the carbon benefits received from natural ecosystems, whether from sea grass or mangroves.

"The fact is the global economy is at a point where it's beginning to internalize the services of a rainforest, and bring it into the transactions of a global economy," said Achim Steiner, executive director of the U.N. Environment Programme.

HAZARDOUS WASTES

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EPA delays decision on coal ash waste disposal, reuse (*Waste & Recycling News*)

Dec. 18 -- A decision on coal ash waste disposal and reuse, expected this month from the U.S. EPA, has been delayed, the federal agency said Dec. 17.
EPA said its decision on regulating coal ash waste from power plants will be delayed "for a short period due to the complexity of the analysis the agency is currently finishing."

A timeline was not given for when the decision would be completed.

The Environmental Integrity Project, Earthjustice, Natural Resources Defense Council and the Sierra Club issued a joint statement saying they were disappointed with the announcement, and hoped to see a decision in January.

Coal ash, a coal combustion byproduct from coal fired power plants, received national attention after the December 2008 coal ash spill in Kingston, Tenn. The Tennesee Valley Authority´s containment pond failed, sending 5 million cubic yards of water and coal fly ash of coal sludge into the surrounding area, destroying three homes and damaging nine others. So far, the TVA has spent $231 million to clean up the spill from the coal ash pond.

Cleanup costs for the spill are currently estimated to cost between $933 million and $1.2 billion. In its annual report, the TVA noted 14 lawsuits connected to the spill have been filed in federal court.

Contact Waste & Recycling News reporter Amanda Smith-Teutsch at 330-865-6166 or asmith-teutsch@crain.com

MOUNTAINTOP MINING

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Mountaintop Mining (*Courier-Journal*)

Louisville, Kentucky
December 20, 2009 Sunday
METRO Edition
NEWS; Pg. A11
MOUNTAINTOP MINING; CHURCHES STRADDLE THE DIVIDE; Opponents urged to wait for 'end result'
By, Peter Smith psmith@courier-journal.com
THE DEBATE OVER SURFACE MINING
Environment is a concern, official says
By Peter Smith
psmith@courier-journal.com
The Courier-Journal
CHAVIES, Ky. - Viewed from the air, vast stretches of Perry County seem like the desert southwest, with sharply angled mesas punctuating cratered brown expanses, contrasting with the gentle, leafy mountain slopes nearby.

And from the ground, the radical landscape alterations of surface mining are equally striking.

On a recent morning at the Spencer Fork Mine in Chavies, large drills bored into the sandstone to prepare the way for blasting explosives. Massive yellow Caterpillar excavators poured tons of rock that had already been blasted into supersized dump trucks to haul to other areas of the site.

Miners have been blasting scores of feet from the mountaintop to get at seams of coal located in layers between strata of shale and sandstone.

"There's no way you can make any kind of mining attractive to look at," acknowledged Robert Ray, technical manager for Pine Branch Coal Sales, which has been mining the site for 15 years.

The company extracts 1.8million tons of coal from three sites each year at the mine, which employs 200 people.

"The reclamation process itself can take a number of years," Ray said. "... We certainly want to try to protect the environment as much as we can while we're mining, but as far as how it looks, I would prefer you didn't really judge us until you see the end result."

Ray's remarks came during a tour he gave The Courier-Journal at the newspaper's request.

Elsewhere at the Spencer Fork Mine, he said, results include a cattle farm, bee colonies, new houses and newly planted trees.

The morning of the tour, trucks were dumping newly blasted rock into formerly mined areas of the site. But some debris had previously been placed in a hollow, or a depression in a slope.

The practice of filling hollows and valleys is highly controversial because it alters, and critics say harms, pristine mountain water supplies. But mining advocates say water can be safely rechanneled around the fills.

In 2003, the U.S. **Environmental Protection Agency** estimated that 1,200 miles of headwaters streams in Appalachia have been "directly impacted," while the federal Office of Surface Mining in 2007 counted hundreds more miles.

Ray said mining companies have advanced their skills in reclaiming mined land, following the principle of "original contour grading," rebuilding ridge lines and drainage paths similar to their former state. He pointed out places at the mine where channels had been dug to allow water to flow, close to the site of an original creek in a hollow that had been filled.

He also showed examples of how mined land can be successfully reclaimed.

On one older part of the mine, two new homes stand. On another, the company has planted a range of hardwood trees, still in sapling stages.

Elsewhere on the site, about 300 beef cattle - some owned by the company, others boarded by local owners - milled about on land that had once been mined. Horses and honeybees also are raised on the land.

Ray said reclaimed mountain land is well-suited for livestock pasture but acknowledged that Eastern Kentucky needs to develop more agricultural infrastructure, from grain silos to marketing programs, to make ventures profitable on a wider scale.

Carl Shoupe, a former miner from Harlan County and a member of Kentuckians for the Commonwealth, which opposes surface mining, said he gives credit to companies that reclaim sites well. But he added, "For every showplace they've got, I can take you to 10 that's totally the reverse of that."

Ray agrees on one point with opponents of surface mining: that coal supplies will run out in the coming decades, at least in Perry County, and the region needs economic diversification.

"Whenever I get a chance to talk to public groups in this area, the first thing I tell them is, 'You guys need to be putting more effort into replacing this, because the next generation, I don't think, are going to be coal miners.'"

Reporter Peter Smith can be reached at (502) 582-4469.

TOXICS

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EPA, USDA push farmers to use coal waste on fields (*Associated Press*)

December 21, 2009

By RICK CALLAHAN (AP) – 1 hour ago

INDIANAPOLIS — The federal government is encouraging farmers to spread a chalky waste from coal-fired power plants on their fields to loosen and fertilize soil even as it considers regulating coal wastes for the first time.

The material is produced by power plant "scrubbers" that remove acid rain causing sulfur dioxide from plant emissions. A synthetic form of the mineral gypsum, it also contains mercury, arsenic, lead and other heavy metals.

The U.S. Environmental Protection Agency says those toxic metals occur in only tiny amounts that pose no threat to crops, surface water or humans. But some environmentalists say too little is known about how the material affects crops, and ultimately human health, for the government to suggest that farmers use it on their land.

"Basically this is a leap into the unknown," said Jeff Ruch, executive director of Public Employees for Environmental Responsibility. "This stuff has materials in it that we're trying to prevent entering the environment from coal-fired power plants and then to turn around and smear it across ag lands raises some real questions."

With coal wastes piling up around the coal-fired plants that produce half the nation's power, the EPA and U.S. Department of Agriculture began promoting what they call the wastes' "beneficial uses" during the Bush administration.

Part of that push is to expand use of synthetic gypsum — a whitish, calcium-rich material known as flue gas desulfurization gypsum, or FGD gypsum.

The Obama administration has continued promoting FGD gypsum's use in farming even as it drafts a coal waste rule in response to a spill from a coal ash pond near Knoxville, Tenn., one year ago Tuesday. Ash and water flooded 300 acres, damaging homes and killing fish in nearby rivers. The cleanup is expected to cost about $1 billion.

The EPA is expected to announce its proposals for regulation early next year, setting the first federal standards for storage and disposal of coal wastes.

EPA officials declined to talk about the agency's promotion of FGD gypsum before then and wouldn't say whether the draft rule would cover it.

Instead, the agency released a statement saying the heavy metals in the material are far less than the amount considered a threat to human health. Field studies have shown that mercury, the main heavy metal of concern because it can damage development of the human nervous system, doesn't accumulate in crops or run off fields in surface water at "significant" levels, it said.

"EPA believes that the use of FGD gypsum in agriculture is safe in appropriate soil and hydrogeologic conditions," the statement said.

Eric Schaeffer, executive director of the Environmental Integrity Project, which advocates for more effective enforcement of environmental laws, said he's not overly worried about FGD gypsum's use on fields because research shows it contains only tiny amounts of heavy metals. But he said federal limits on the amounts of heavy metals in FGD gypsum sold to farmers would help allay concerns.

"That would give them assurance that they've got clean FGD gypsum," he said. "The farmers don't want to get a bad batch."

Since the EPA/USDA partnership began in 2001, farmers' use of the material has more than tripled, from about 78,000 tons spread on fields in 2002 to nearly 279,000 tons last year, according to the American Coal Ash Association, a utility industry group.

About half of the 17.7 million tons of FGD gypsum produced in the U.S. last year was used to make drywall, said Thomas Adams, the association's executive director. But he said it's important to find new uses for it and other coal wastes because the nation is likely to remain reliant on coal-fired power plants for decades to come.

"If we can find safe ways to recycle those materials, we're a lot better off doing that then we are creating a whole bunch of new landfills," Adams said.

Darrell Norton, a USDA soil scientist, said a predecessor of FGD gypsum produced about 25 years ago often had high levels of heavy metals because it had been mixed with coal fly ash. But FGD gypsum has no fly ash and is "environmentally clean," he said.

FGD gypsum is widely used in the South as a less expensive alternative to mined gypsum, said Glen Harris, a soil scientist at the University of Georgia in Tifton, Ga. Farmers in states such as Georgia, Alabama and the Carolinas have long spread mined gypsum on their fields, where its calcium spurs the growth of peanuts.

Clay McDaniel, 47, who farms about 4,000 acres of peanuts and corn near the southern Georgia town of Newton, has used synthetic gypsum on his peanut fields for more than 20 years. He and other farmers call both FGD and mined gypsum "land plaster." He said he's never worried about the safety of the synthetic version.

"If we buy a chemical that's toxic, it's got a skull and crossbones on it," he said. "But this does not come with any such warning. It's just a calcium source."

Manufacturers to phase out toxic flame retardant (*Los Angeles Times*)

December 20, 2009 Sunday
Home Edition
MAIN NEWS; Metro Desk; Part A; Pg. 57
Manufacturers to phase out toxic flame retardant;
In a deal with federal regulators, use of deca will end by 2013.

By Bettina Boxall
The U.S. manufacturers of a toxic flame retardant commonly used in television sets have agreed to phase out production under a deal with federal regulators.

The retardant, known as deca, is one of a class of chemical compounds that have been found in California residents at the highest levels in the country, a consequence of widespread exposure linked to the state's strict flammability standards for furniture.

Deca is a polybrominated diphenyl ether (PBDE), a group of flame-retardant chemicals used in the manufacture of electronic equipment, furniture cushions, upholstery textiles, carpet backings, mattresses, cars, buses, aircraft and construction materials.

A California ban on products containing two other PBDEs, penta and octa, took effect in 2008. Even though the deca phaseout does not ban the importation of products with the compound, activists said the move is nonetheless significant

"This is the beginning of the end for brominated flame retardants," said Richard Wiles, senior vice president for policy for the Environmental Working Group. "It sends a signal."

Steve Owens, an assistant administrator at the U.S. **Environmental Protection Agency,** said in a statement accompanying last week's announcement that "studies have shown that DecaBDE persists in the environment, potentially causes cancer and may impact brain function.

"DecaBDE also can degrade to more **toxic** chemicals that are frequently found in the environment and are hazardous to wildlife."

Deca is used worldwide, primarily in plastic for the backs of television sets.

First detected in the environment in 1979, PBDE levels have been climbing. The compounds have been found in human tissue, breast milk, fish, birds, marine mammals, polar bears, house dust, indoor air, supermarket foods and San Francisco Bay Area sewage.

In a study released last year, researchers found that Californians had twice as much of the flame-retardant chemical in their blood and as much as 10 times more of it in their homes than elsewhere in the country.

Levels in California children were higher than those measured in their mothers.

The state's flammability standards for furniture are the toughest in the nation.

Exactly how the retardants get into the environment is uncertain, but pathways probably include releases from product manufacturing, along with wear and tear on furniture and electronics.

John Gustavsen, a spokesman for Chemtura Corp., said his company agreed to the phaseout because it provided a three-year window to develop alternative products.

"There have been increasing regulatory restrictions on deca globally and many would result in a ban," he said.

Under the **EPA** agreement, Chemtura and Albemarle Corp., deca's two U.S. producers, and ICL Industrial Products Inc., the largest U.S. importer, will end all use of the chemical by late 2013.

In a statement, Albemarle described deca as safe and "one of the most efficacious flame retardants in the world," but said the company had developed a "recyclable and an eco-friendly alternative."

PBDEs are just one group of flame-retardant chemicals used in the United States. Other types also have been found in the environment.

And Wiles, of the Environmental Working Group, said new PBDE substitutes are potentially worrisome too.

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3 Companies To Stop Using A Chemical (*New York Times*)

December 19, 2009 Saturday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 13:
By LESLIE KAUFMAN
Three manufacturers of a commonly used fire retardant have voluntarily agreed to phase out its production within three years in a pact with the Environmental Protection Agency.

Environmentalists have long advocated a ban on the retardant decabromodiphenyl ether, or DecaBDE, which is used widely in consumer electronics, furniture and textiles, among other items. It has been found to be a potential carcinogen and to be **toxic** to the nervous system.

The agreement, with the manufacturers Chemtura, Albemarle and ICL Industrial Products, would end the production, importation and use of the chemical in all consumer products by December 2012. A full ban would take effect one year later.

No accord has been reached with a Japanese manufacturer that exports products with the substance to the United States.

The chemical "persists in the environment, potentially causes cancer and may impact brain function," Steve Owens, the **E.P.A.**'s top **toxics** official, said in announcing the deal late Thursday. Mr. Owens said it could also degrade into more **toxic** chemicals hazardous to wildlife.

Some states have already passed legislation prohibiting the product's manufacture or use in certain products, and others are weighing similar laws.

Alex Formuzis, a spokesman for the Environmental Working Group, a nonprofit environmental research and advocacy organization, welcomed the accord but said more federal action was needed. "We still want a legislative ban," Mr. Formuzis said, "or else it might be reintroduced in the future."

2 risky chemicals in most of us (*Columbus Dispatch*)

Ohio
December 21, 2009 Monday
Home Final Edition
NEWS; Pg. 01A
BY: Doug Caruso, THE COLUMBUS DISPATCH
Chemicals used to make plastic bottles and Teflon are so widespread that government health officials found them in most Americans it tested.

For the first time, the Centers for Disease Control and Prevention included tests for the chemicals -- called bisphenol A and C8 -- in its fourth National Report on Human Exposure to Environmental Chemicals.

The CDC report does not say that the levels of the chemicals found in the tests are dangerous, but a growing body of research says the chemicals are linked to health problems.

In all, 212 chemicals were studied in the CDC report.

"We have widespread exposure among the U.S. population," said Dr. Anila Jacob, senior scientist for the Environmental Working Group, which has conducted its own studies on people's exposure to chemicals.

"We should really be sure they're tested for health and safety," Jacob said.

Bisphenol A, or BPA, has been in the news recently because of reports that it seeps out of baby bottles, water bottles and other plastic containers.

The chemical is the subject of about $8.6 million in research projects at the University of Cincinnati, said Scott Belcher, an associate professor in pharmacology and cell biophysics there.

The CDC said it found the chemical in "more than 90 percent" of the people it tested.

The report also said most participants had measurable levels of C8 in their blood.

Researchers have been studying C8 since high levels were found in water supplies in southern Ohio across the Ohio River from a DuPont plant that makes Teflon in West Virginia.

The U.S. **Environmental Protection Agency** has labeled C8 a "likely carcinogen." DuPont has pledged to phase out its use by 2015 while saying the chemical is safe.

The American Chemistry Council, an industry group, said the CDC report shows that the levels of chemicals found in most Americans are not dangerous.

"Like the previous three studies, the CDC report ... reaffirms that levels of man-made and natural compounds detected in Americans remain low," a council news release said.

But Belcher said studies in animals show that concentrations of BPA near the levels that the CDC finds in humans cause heart problems in females and delay brain development in the young. Other studies have linked contamination to sexual dysfunction in men.

Belcher and other researchers are seeing effects in animals at concentrations far below

the 50 parts per billion the U.S. Food and Drug Administration deems safe in food.

The CDC found that 95 percent of people had 16 parts per billion or less in their urine. The average amount found was 2.6 parts per billion.

"What people think is a very, very low level has the possibility of not being safe," Belcher said.

That's because the chemical affects the body's hormonal system. "Hormones naturally occurring in the body work at amazingly low levels," he said.

Although the CDC treats each chemical it studies individually, both Belcher and Jacob said, it's important to remember that most people are exposed to numerous chemicals, and that these interactions are largely unknown.

Belcher said he is trying to determine the effects of a combination of BPA with another ubiquitous chemical called BDE-47, which is widely used in flame retardants. The CDC found that chemical in the blood of "nearly all" the participants in its study.

"It's easy to forget that multiple chemicals can be found in one individual," Jacob said. "Consider the individual who's being exposed to multiple chemicals at a time."

The report had good news, too: Far fewer children have been found with dangerous levels of lead in their blood. In the first such report, which looked at levels for 1976 to 1980, 88.2 percent of children ages 1 to 5 had elevated lead levels. In this report, 1.4 percent of children had elevated lead levels.

Columbus Public Health tests in 2006 found that of 10,407 children screened, 88, or fewer than 1 percent, had a high lead level in their blood.

The CDC noted that children living in older houses with lead paint are still in significant danger of ingesting too much lead.

Lead was removed from paint and gasoline years ago.

Jacob, with the Environmental Working Group, said the improvement in lead levels shows that efforts to reduce contaminants in the environment can work.

"That's a really good lesson for all of us to learn," she said. "It shows that if we take the effort, we can decrease the levels in people."

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Box Story: Widespread exposure

The Centers for Disease Control and Prevention found that most Americans had been

exposed to some common industrial chemicals. Two of the chemicals that have potentially harmful health effects are bisphenol A and C8. \ \

\ BISPHENOL A: ALSO CALLED BPA

* Found in: Polycarbonate plastics, including water bottles, baby bottles and the linings of some food containers.

* Potential health effects: Animal studies have linked BPA to heart problems in females and to slow brain development in the young. A study in China linked the chemical to sexual problems in men exposed to high levels.

* Exposure: More than 90 percent of people tested \ \

\ C8: ALSO CALLED PFOA, PERFLUOROOCTANOIC ACID

* Used in: Production of Teflon nonstick surfaces, although the manufacturer says it is not present in the finished product. Aquifers near a Teflon plant on the Ohio River have shown high concentrations.

* Potential health effects: The U.S. **Environmental Protection Agency** has classified C8 as a "likely carcinogen."

* Exposure: Most participants in the CDC's study had measurable levels

\ Sources: CDC's Fourth National Report on Human Exposure to Environmental Chemicals; Scott Belcher, University of Cincinnati; Dispatch archives.

WATER
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Hilliard to vote on new fee for storm lines (*Columbus Dispatch*)

Ohio
December 21, 2009 Monday
Home Final Edition
SECTION: NEWS; Pg. 01B
CITY COUNCIL;
Hilliard to vote on new fee for storm lines
By Dean Narciso, THE COLUMBUS DISPATCH

With mounting pressure to maintain and repair its storm-water system, the Hilliard City

Council plans to vote tonight on a new fee to pay for it.

Hilliard officials have discussed a storm-water fee for more than a year with little, if any, feedback from the public, said Lynne Fasone, City Council clerk.

Many Columbus suburbs have fees to maintain their storm sewers, basins and runoff ditches, as required by state and federal environmental protection agencies.

Every Hilliard property owner would be subject to a fee, which could vary depending on the size or use of a property, according to city documents. A typical residential fee would be $2.50 a month.

"The growing amount of drainage, deteriorating existing storm sewers and increasing levels of development within the city have had a direct effect (on the drainage system)," according to a November City Council staff memo.

The EPA mandate, announced several years ago, is intended to keep runoff from homes and surface lots from fouling rivers and other waterways and to separate combined sewer and storm-water conduits.

Among the cities without separate storm-water fees are Bexley, Dublin and Worthington.

Bexley charges a sewer fee to residents, which includes costs for storm water and other controls, said Bill Harvey, service director.

The fee has increased in recent years to reflect the EPA mandates, Harvey said.

"We have certainly been aware that other communities have been charging a storm-water fee," said Worthington city engineer Bill Watterson.

"I think something like that certainly has to be considered," he said.

Dublin, having the county's healthiest income-tax base, has not had to do so.

Hilliard has spent about $1.7 million since 2005 to maintain its storm-water and sanitary systems, money drawn from the city's general operating fund.

"On down the road, it's just going to get more expensive," said Michelle Kelly-Underwood, Hilliard finance director. "We don't want to be in a position to jeopardize other projects."

Roger Rarey, a resident whose Conklin neighborhood on Hilliard's south end has occasionally flooded, said he would support a fee "with the caveat that there should be a limit on how long it would run," he said.

Kelly-Underwood said the fee would be evaluated each year and could change based on estimated storm-water costs.

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EPA documents: Uranium mine permit would allow aquifer contamination (*The Coloradoan*)

BY BOBBY MAGILL
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December 18, 2009
U.S. Environmental Protection Agency documents show the EPA has been working closely with uranium mine developer Powertech USA for nearly two years on a permit application that would allow the company to contaminate an aquifer beneath its proposed Centennial Project in Weld County.
All of the consultation was closed to the public, said Matthew Garrington of Environment Colorado, the group that obtained the documents from the EPA.

According to the documents, the EPA, with the help of Powertech, has been developing internal guidance documents that will govern how the agency reviews Powertech's application for a mine permit. The permit will allow Powertech to contaminate a portion of an aquifer with the company's in situ leach uranium mining process.

The in situ leaching process involves pumping a sodium bicarbonate, or baking soda, solution into the ground, dissolving the uranium and pumping the radioactive liquid to the surface, where the uranium is recovered from the solution.

The permit the company must receive from the EPA is called a "Class III" permit, which is required by the federal Safe Drinking Water Act. Powertech has not yet applied for the permit.

"One reason the Centennial Project is receiving this level of technical scrutiny is because many residences located near the proposed Centennial Project rely on private wells for their drinking water, and many of those drinking water wells are completed in the same Fox Hills Formation aquifer as the mining zone aquifer," according to one October 2008 internal EPA document.

EPA spokesman Richard Mylott said Thursday that document does not reflect the agency's current approach to Class III permitting.

Environment Colorado, Coloradoans Against Resource Destruction and other groups on Thursday sent a letter to EPA Administrator Lisa Jack-son urging her to open to the public any internal proceedings regarding the regulation of Powertech and its mine to the public.

In November, U.S. Sen. Michael Bennet and U.S. Rep. Betsy Markey, both Democrats, urged the EPA's regional director to do the same.

Garrington said the documents show the government working too closely with industry.

"The documents show EPA consulted directly with industry asking how the industry would like to be regulated," he said. "Of course, the industry should have a role in that process, but it shouldn't happen behind closed doors."

Most of the e-mails Environment Colorado obtained regard an "aquifer exemption," and "aquifer exemption boundary," which is the extent to which the EPA may allow Powertech to contaminate the aquifer as part of the uranium mining process.

The e-mails between the EPA and Powertech partners, Knight Piesold Consulting and R2 Incorporated, discuss where the aquifer exemption boundary should be placed.

In an April 2008 e-mail between EPA Underground Injection Control staffer Valois Shea and an R2 Incorporated employee, Shea asks if draft figures in a Class III permit application checklist comport with R2's expectations.

"You will get to be the pioneering guinea pig that will make life easier for others following in your path," Shea writes.

Powertech Vice President Richard Blubaugh said Thursday such consultation with the EPA was both informal and standard practice.

Class III permit applicants are "encouraged to go in and meet with the agency to understand what the requirements are," he said. "Their regulations are complex. It really is something everybody does. It's just routine to go in and talk to find out how they interpret the rule and what they expect to see in the application."

Mylott agreed, saying it's both normal and in the public's best interest for the EPA to discuss the technical aspects of in situ leaching with Powertech. The EPA's underground injection control program, he said, is designed to protect drinking water.

"Achieving that goal depends on a solid understanding of what the permit applicant intends to do and the steps that will be taken to protect drinking water sources," Mylott said.

Regardless of EPA regulations, the state will require Powertech to completely clean up the aquifer after mining is complete.

The EPA is currently considering another permit for the Centennial Project called a "Class V" permit, which governs an injection well pump test the company plans to conduct.

County set to meet state regs, EPA directives (*So Md News*)

Subwatershed plans aim for better water
Friday, Dec. 18, 2009
By JEFF NEWMAN
Staff writer

While it's been known for years that the Patuxent River is too polluted, Calvert County's topography does present opportunities to improve water quality, Director of Planning and Zoning Greg Bowen told the county commissioners on Tuesday.

Nutrient loads are too high and eroded sediments are clouding up streams, but limited impervious surface, good forest cover and upcoming subwatershed plans put the county in good position to curb future pollution, Bowen said.

Last spring, the University of Maryland Center for Environmental Science released its annual Chesapeake Bay Health Report Card. For the second consecutive year, the bay was graded at a C-minus. However, a portion of the bay stretching from Anne Arundel County, along Calvert, to just north of the Rappahannock River in Virginia graded as a D-plus and the Patuxent River was given a score of D-minus.

"When I was in elementary school — that's been a few years — [the] Patuxent River, we always were told, was one of the cleanest rivers on the whole eastern coast of the United States," Bowen said. "But that's when the watershed constituted about 25,000 population, the whole watershed. Now there's 600,000 population."

After decades of ineffective or poorly executed policies at the state and local levels, President Barack Obama issued an executive order in May directing the Environmental Protection Agency to take charge of the cleanup effort.

Concern over the report card and EPA involvement prompted a presentation from Bowen to the Calvert County Board of County Commissioners at its weekly meeting.

"The fact is that bay quality either has not improved or [has] deteriorated over the last 25 years when the first nutrient-plan reductions were adopted as part of the bay-wide agreement," Bowen said. "The poorer water quality and declining fish and shellfish harvests have not gone unnoticed and the EPA is now under a court order to complete total nutrient- and sediment-load plans by May 2011."

Jurisdictions that did not comply with EPA directives could face "stinging consequences" and risk having project permits revoked.

"That's a pretty heavy hand, if they ever choose to use it, and I'd prefer to be ahead of the game to say we've solved our problems," Bowen said.

States within the bay's watershed are required to deliver preliminary plans to the EPA, which is currently hosting public meetings, by June 2010. Revised plans will be

submitted in August 2010 and made open to public comment before final plans are issued in November 2010.

Maryland, Bowen said, is ahead of the game because it has been working on similar plans for some time. As for Calvert County, its biggest challenge is stormwater runoff — highly-erodible soils and steep slopes contribute to high sediment loads in local streams, Bowen said.

Much of phosphorous pollution comes from fertilizers, and while data shows varying levels of phosphorous amongst the county's 22 subwatersheds, the largest loads are in areas known for high agriculture.

Nitrogen loads also varied but were highest in areas with the most impervious surface. Impervious surfaces, like paved parking lots, produce significant runoff because they do not absorb water like soil. In order to be considered "urban," a subwatershed must have more than 10 percent impervious surface, Bowen said. Only two of Calvert's subwatersheds classify as such — those near the Twin Beaches and the Lusby-Solomons area.

In addition to low impervious surface, high forest cover also reduces runoff and helps water quality. About 56 to 58 percent of Calvert is forest canopy, Bowen said, adding that 60 percent is considered good. While the Parkers Creek subwatershed has the most forest cover in the county at more than 70 percent, the two lowest have just over 30 percent due to agricultural lands, Bowen said.

Certain "best management practices" like cover crops, which can reduce farm runoff by 70 percent if used for seven consecutive years, and "residential raingardens," shallow ditches that collect rainwater, can also help.

"I found out I have raingardens at home. I thought they were large puddles," Commissioner Linda Kelley (R) said.

Another option is replacing parking lot curbs with trenches where plants can feed on stormwater and washed-up nutrients, Bowen said.

The department plans to perform studies on all 22 subwatersheds, with Hall, Fishing, Parker's, Gray's and Mill creeks set to be the first five. Bowen hopes these initial studies can serve as templates for later surveys.

New stormwater management regulations passed by the state have raised concerns over new and existing development, board President Wilson Parran (D) said, but Bowen assured the commissioners that improved water quality would also be good economically.

"This is not just about the environment, it's about business," he said. "A lot of our economy is based on tourism. We want to have good water quality — we live in the county, water quality is important for our residents and for our businesses."

Commissioner Barbara Stinnett (D) expressed disappointment over the UMCES report card and, referencing a "sea of pavement" in the Prince Frederick town center, suggested it might be time to begin building parking lots up rather than across.

Commissioners Susan Shaw (R), Jerry Clark (R) and Kelley questioned whether northern counties, like Prince George's and Montgomery, that also border the river have a greater impact on its pollution.

"This whole issue of subwatershed planning is really going to impact the way that we all lead our lives," Shaw said.

In other business, the commissioners:

• Congratulated the Northern High School Varsity Girls Volleyball team for its recent 3A State Championship. The commissioners were excited to learn that the team will return all but two seniors to next year's squad.

"It looks like with only two seniors leaving you may be back here next year," Parran said.

• Recognized Ronald Nahas of Huntingtown as the grand prize winner of the 2009 Pump for the Bay contest. The contest is held annually to encourage residents to either pump out their septic systems or retrofit them with nitrogen-removing technology. Nahas received a certificate for a free overnight stay at the Holiday Inn Select hotel in Solomons and a $200 check, donated by Constellation Energy, as reimbursement for his pump out.

• Voted unanimously to appoint Tim Cleary, owner of Friday's Creek Winery in Owings, to the Agriculture Commission.

"I think he'd be a good representative of one of our newest, or latest, very, very special agricultural-economic factors and that's the wine-growing in this Calvert County," Stinnett said.

• Voted unanimously to reappoint Anthony Benn, Patricia Carpenter and Jeannie Stone and appoint Nancy Wieck and Lynda Striegel to the Calvert Marine Museum Board of Governors.

• Voted unanimously to award Schlenger/Pitz & Associates Inc. of Timonium a $20,520 engineering contract for the design and replacement of an air handling unit serving medium security at the Calvert County Detention Center. Members of the detention center, Department of Public Works and Department of General Services reviewed five proposals to replace the 30-year-old unit and scored each based on comprehensive criteria. Schlenger/Pitz & Associates, Inc., submitted by far the lowest bid and received the highest score of the five proposals. Gipe Associates Inc. of Suitland submitted the second-lowest bid of $35,970.

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Officials: Valley water clean enough for humans – but not fish (*San Gabriel Valley Tribune*)

SAN GABRIEL VALLEY - A $100 million plan to clean up groundwater contaminated by the aerospace industry faces setbacks as officials struggle to contain remnants of toxic waste.
The plan was to clean water contaminated with perchlorates and other chemicals and discharge it unto the San Gabriel River. But, while federal and state laws say the water is good enough for drinking, it's not safe for fish.
"Although they meet drinking water standards, they don't meet water quality standards," said Ray Chavira, a spokesman for the Environmental Protection Agency. "It affects fresh water fish and microorganisms and their ability to reproduce. It doesn't affect humans."
So now, officials are scrambling to come up with a place to send the clean water.
"We need to contain this plume before it reaches drinking water wells," Chavira said. "So we have to worry about time."
The problem is that there's already $5 million worth of pipes and wells in place, ready to pump contaminated water into a treatment facility that would send it to the river, officials said.
A possible solution is taking the newly cleaned water and using it to recharge the aquifer beneath the San Gabriel Valley. Another solution is simply recycling it.
Representatives of San Gabriel Valley cities, water districts and officials from the EPA plan to meet Jan. 7 to discuss a variety of proposals.

Though the project will clean up some 4 million gallons of water a day, finding a use for it is complicated. To be used as drinking water, health officials require it to be blended with water that was never contaminated. Other solutions could require different pipes to be laid, additional treatments, and large fees from various water agencies.

Whatever the option, it will add millions of dollars to the cleanup's price tag, already estimated to cost $100 million over the 30 years it is expected it will take to clean up the contamination.
The companies responsible for the contamination - today part of Northrop Grumman and United Technologies Corporation - will be responsible for the added cost, according to the EPA.
"Are they going to challenge it? They would always like to minimize their cost. They could challenge it, and we would hear them out," Chavira said. "But ...they are the ones responsible for this contamination."
Northrop Grumman spokesman Gus Gulmert said the company is working with the EPA to find a "reasonable solution to this new problem."
"The company remains committed to solving this problem as quickly as possible and getting the remedy back on track," he said.
Finding a solution quickly is key, Chavira said.

The contamination plume is growing by about 300 feet a year. Already some drinking water wells have been shut down.
For La Puente resident Patricia De Anda, who proudly trusts the water from her faucet, they can't move fast enough.
"It's about time. How long has it been contaminated? Decades," she said.
The EPA and the responsible parties thought they had their fix - about a quarter of the treated water would be blended with other water and used for drinking, the rest of it would be flushed down the river into the ocean.
"Until this summer, everyone thought it was all good. Then, all of a sudden, it was `no, you can't do this,'" said Dan Colby, project resource manager for the San Gabriel Basin Water Quality Authority.
But county officials discovered that the treated water would exceed the EPA's own allowed levels for selenium - a naturally occurring chemical element in the aquifer - for discharge into the river.
"The quality requirements for storm water and for drinking water don't match up," said Mark Pestrella, deputy director of Los Angeles County Department of Public Works.
"Once we discovered there was a conflict, we pushed very hard to get EPA together, to resolve this conflict," Pestrella said.
Other projects throughout the county could face similar fates.
The county's heightened concern is in part due to a lawsuit by the Natural Resources Defense Council and Baykeeper over pollutants of concern it discharges into the ocean. They have been in litigation for the past year and a half.
Even if it is an upstream user that is putting the questionable water into the county's water system, the county can still be held liable, Pestrella explained.
"Even though it is a combination of everyone's discharges, the claim by NRDC says that the county alone is responsible for those exceedences," Pestrella said. "So if we are going to be held liable, we get very sensitive about what is being put into the system."
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Great Lakes under siege (*Pittsburgh Post Gazette*)

MILWAUKEE -- The once-radical idea of somehow plugging the Chicago Sanitary and Ship Canal to stop the flow of unwanted species, especially the Asian carp, from spilling between the Great Lakes and Mississippi River basin is quickly picking up political support.

Yesterday, a bipartisan group of 50 members of Congress representing the Great Lakes states sent a letter to the bosses of the U.S. Army Corps of Engineers and **Environmental Protection Agency,** urging them to "immediately consider" re-establishing the natural hydrologic separation between the Great Lakes and the Mississippi River basin. The letter was also sent to the heads of the U.S. Coast Guard and U.S. Fish and Wildlife Service.

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