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June 26, 2010 & June 27, 2010

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ADMINISTRATOR JACKSON
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New point man on BP's troubled shores (*Washington Post*)

June 27, 2010 Sunday
Every Edition
FINANCIAL; Pg. G05
Every Zone
New point man on BP's troubled shores;
Dudley's list: plug well, clean up spill, contain harm to blotted image
By Steven Mufson
Meet BP's Bob Dudley, the human relief well.

The Mississippi-bred, wispy-haired Dudley has been paraded through the Gulf Coast, the White House and press corps as the new face of BP's fight to contain the damage the oil spill has unleashed on U.S. shores -- and the company's reputation.

One week after BP chief executive Tony Hayward endured a tongue-lashing at a House committee hearing, returned to England and made headlines by going sailing on his yacht, Dudley stepped in to speed up plans for a free-standing BP unit that will be devoted entirely to repairing the Gulf environment.

But it will take more than Dudley's calm demeanor and American accent to clean up BP's image, which has been blackened by the relentless video of oil gushing into the Gulf of Mexico, the widening damage to the environment and reams of damning documents about the rig accident that triggered the spill.

Even Dudley realizes that. "We can understand why the nation is angry with BP," he told a group of reporters Thursday. He added, "until we close the well off, I think there's a period here where its going to be very difficult to restore BP's reputation."

For now, Dudley's task is more concrete. Since the April 20 blowout, hundreds of BP employees have been rushed to the Gulf coast to do everything from consulting on ways to plug the leak to coordinating cleanup. Now BP wants some of them to go back to their regular jobs, while hiring outsiders who might be better suited to running a cleanup operation.

Fixing up disasters, Dudley said, "is not a core competency with us." He said that he hoped to bring in James Lee Witt, who was director of the Federal Emergency Management Agency under President Bill Clinton.

"Our intention is to restore the Gulf to the way it was before this happened," he said. It is a task that many environmentalists say might not be possible.

Dudley will report to Hayward, who will return to running the rest of the company after devoting the past two months to the spill. "BP is a big organization around the world, and it needs guidance," Dudley said. Hayward is supposed to travel soon to Russia, where BP has a large, lucrative joint venture. "I'm sure he'll be back to the U.S.," Dudley said. "I just can't tell you when."

Dudley said that by setting up a dedicated division for the oil spill, BP was making a long-term commitment, not limiting its liabilities. He said all 33 claims offices would remain open and be used by Kenneth Feinberg, administrator of the new $20 billion escrow fund set up at the White House's behest last week.

He said he would support changes such as adding blimps to help guide skimming boats to oil sheens in the Gulf and paying business claims a month in advance rather than retrospectively so businesses in the region could function better. He also said that BP had "reached out" to the family of a fishing boat captain who committed suicide. Calling it "shocking" and "terribly tragic," he said the company would provide financial support.

Although BP announced three weeks ago that it intended to set up an oil spill unit, administration officials at the White House meeting last Wednesday asked that the plan be put into effect immediately, Dudley said. He will be a key link between BP and the administration. In a meeting Thursday, **Environmental Protection Agency** administrator Lisa Jackson told Dudley that she wanted additional tests near the spill site. Interior Secretary Ken Salazar talked about what progress was required before the deepwater drilling moratorium is lifted.

Born in Queens, N.Y., to a Navy officer, Dudley moved to Hattiesburg, Miss., at age 5 when his father became a professor at the University of Southern Mississippi. Dudley says "all my childhood memories are from there." He spent summers on the coast.

A chemical engineer, he worked for 19 years at Amoco, which in 1998 was taken over by BP. At BP, Dudley worked on strategy and became one of then chief executive John Browne's "turtles," executive assistants who were groomed for higher posts. In 2003, Dudley moved to Russia to take over TNK-BP, a lucrative joint venture with Russian partners.

"Straightforward, honest and reliable," said a U.S. businessman who knew Dudley in Moscow. "Very level-headed," said a former BP employee in Washington.

In Moscow, Dudley improved TNK-BP's performance, oil experts say. He boosted production at old fields that had been mismanaged during the Soviet era. He tightened procurement rules and tried to impose international standards of corporate governance.

"It's recognized by many people in the industry that by many measures of technical and

financial performance TNK-BP did very well during Bob's tenure," said Ed Verona, president of the U.S.-Russia Business Council and a former Exxon executive.

But the stint ended on a sour note as the Russian partners sought more authority and a reduction in the number of expatiates, mostly former BP employees, who had generous pay packages. An American lawyer who has had extensive dealings in Russia, said it was a question of which of the two equals in the venture was more equal than the other. A fight over visas ensued, and Dudley hurriedly left the country in July 2008 before his own visa ran out.

One of the Russian partners at the time blamed Dudley. "Bob Dudley took the position that it's all or nothing. My way or highway," said Stan Polovets, chief executive of AAR.

To many American companies, however, Dudley had been a victim of Russian tycoons who had the support of portions of the state apparatus. At the end of 2008, Dudley gave a speech to the U.S.-Russia Business Council and received a standing ovation. An executive from a rival oil company stood and paid tribute to his performance.

Most recently, Dudley has worked out of BP headquarters in London. On May 1, during a visit to India, he received a call to help with the spill response; now, he said, he will live out of a suitcase.

Like Hayward, Dudley said he didn't have an opinion about the cause of the oil spill. "I haven't read even our internal investigation on this," he said. He noted, however, that many people weren't waiting for the investigations to be complete. "There is sort of a rush to justice," he said.

"The oil industry has been an unpopular industry in the United States for a long time, yet it employs hundreds of thousands of people and pays billions of dollars in taxes," Dudley said. The spill has magnified that antagonism, he said.

"Until we cap the well," he said, "there's an infinite amount of uncertainty."

Subsea dispersants the right call, EPA administrator believes (*Times-Picayune*)

Six weeks after she OK'd the unprecedented subsea application of dispersants into the oil gushing from a hole in the bottom of the Gulf of Mexico. EPA Administrator Lisa Jackson thinks she made the right call.

Patrick Semansky / The Associated PressA dispersant plane passes an oil skimmer working to clean the Gulf of Mexico oil leak.

"So far the data show we haven't done any damage and actually we've helped with

dispersion and used a lot less of the chemical in the process," Jackson said in her office last week. "But that was probably one of the toughest decisions I've ever made because I don't usually say, introduce any substance, even one that's less toxic, to try to fight a problem, and yet, we had to make it."

As of this week, BP has applied nearly 1.5 million gallons of dispersant into the largest oil spill in U.S. history -- almost one million gallons on the surface, and another half-million in the subsea, the first time it has ever been used there.

From the start, the use of dispersants has been controversial, and Jackson's "so-far-so-good," is unlikely to calm critics who believe the chemical treatment is only adding to what Rep. Edward J, Markey, D-Mass., who chairs the House Energy and Environment Subcommittee, described in a letter to Jackson Thursday as the Gulf's "toxic stew."

"It may turn out to have been the right thing," said Alan Levine, Louisiana secretary of Health and Hospitals, who has been the point man for the Jindal administration on the use of dispersants. The Jindal administration supported their use on the surface, but not its novel application a mile down.

'This was a test'

But, right or wrong, Levine said Jackson's decision was a gamble that belies President Barack Obama's claim that his administration would be guided by science.

"This was not based on science," Levine said. "This was a test."

"We did not want to use our fishing areas, our estuaries, the richest in North America, as a test," Levine said. "We didn't want to turn the Gulf into a chemistry experiment."

BP's use of the dispersant Corexit, along with skimming, booming and in-situ burning of oil, has been one of the company's strategies to contain the spill, sometimes in tension with EPA's efforts to rein them in.

"They reached for Corexit early on and were very resistant in the very beginning on any restrictions on use," Jackson said.

A warning from BP

Levine said that at a May 12 meeting with state officials on BP's dispersant plans, BP Vice President David Rainey warned, "if you're going to tie our hands, then we don't own this spill."

"We will follow whatever their (EPA's) directives are on this," Bob Dudley, who this past week succeeded BP CEO Tony Hayward as the face of BP's response to the disaster in the Gulf, said Thursday. "The dispersant is intended to break the oil into small droplets and then the bacteria begin eating it, and there's lots of evidence to show that's exactly

what's happening."

Corexit, originally developed by Exxon in 1994, is produced by Nalco, of Sugarland, Texas. It is the industry favorite, and basically the only one stockpiled in the United States. According to Nalco, Corexit "works like dishwashing soap that breaks apart oil and water in a kitchen sink."

'Big tradeoffs'

But Corexit and other dispersants can also prove toxic to ocean organisms, and, according to Richard Denison, a senior scientist with the Environmental Defense Fund, "big tradeoffs are being made between trying to spare the coastlines and organisms and animals that live there, versus the much-harder-to-study effects of taking the same amount of oil and turning it into large underwater plumes that are going to be migrating around for years, perhaps, making it more bio-available to the water column."

"We have not taken the view that use of dispersants is wrong," Denison said. "We don't know enough to know that."

"It's yet another manifestation of the broader issue of this spill: complacency and a 'we'll-deal-with-if-and-when-there's-a-crisis' kind of attitude, and that's on the part of government as well as the private sector," he said.

In an interview at EPA headquarters, Jackson, who grew up in New Orleans, acknowledged deficiencies in EPA's National Contingency Plan Product Schedule. It is supposed to list the effectiveness and toxicity of alternative dispersants authorized for use combating a spill.

But it is really just a compilation of industry-supplied data, and, in the view of Carys Mitchelmore, a leading toxicologist who teaches at the University of Maryland and has testified five times before Congress on dispersants in the past two months, a useless jumble with test results that simply don't parse.

"When I looked at that contingency table I just couldn't believe it. I thought I must be seeing things because surely they can't be posting this data," she said.

Jackson acknowledges that, "none of the testing that was done prior to this incident was what I'd call extensive and geared toward the long-term effects or effects in the sub-sea."

Testing of dispersants ordered

On May 20, EPA directed BP to find a less toxic alternative to Corexit. But BP balked, and because EPA didn't have better data, BP had it over a barrel. In response, EPA ordered new testing of Coreexit 9500 and seven other products: Dispersit, SPC 1000, Nokomis 3-F4, Nokoims 3-AA, ZI-400, Saf-Ron Gold, Sea Brat #4, and JD 2000.

EPA plans to issue some preliminary results this week, but by the time the final results are in, it may well be too late to switch off Corexit.

"The timelines don't add up," Jackson said. "So I wouldn't say it's likely but I wouldn't say it's impossible either. If at any time we get data that shows that there is a better alternative, we won't hesitate to order its use."

After a huge spike in dispersant use on May 23, while Jackson was in Louisiana, EPA issued a directive ordering BP to scale back on dispersant use, and to stop spraying on the surface except on rare occasions. BP has scaled back its use, but not quite to the levels ordered by EPA, and it remains a rare day when BP doesn't spray on the surface.

Still many questions

Ultimately, said Mitchelmore, who co-authored the 2005 National Research Council report, "Oil Spill Dispersants: Efficacy and Effects," decision-making about dispersants is undermined by "fundamental, basic questions that have not been addressed."

"Like, is it really true that oil is more degradable by bacteria when it's in the small oil droplet form; and is dispersed oil less damaging to birds and marine mammals?" she said.

Here are the core rationales for using dispersants and yet, she said, "there's all kind of conflicting science on both of those questions."

Both Jackson and Mitchelmore want to see more rigorous dispersant testing and research, which Jackson believes "would drive toward better products."

That was the intent of Richard Fredricks, president of Maritime Solutions in New York, in 2003 when he suggested that the Coast Guard revise its proposed regulation for vehicle and facility response plans for oil spills, "to encourage the use of the dispersants that have the least environmentally detrimental effects." At the time Fredricks was encouraging the creation of Dispersit, which his company now represents, as a green alternative to Corexit.

But the Coast Guard rejected his recommendation noting, "the focus of this rule is on responding to oil spills with the technologies currently available," and when those new regulations -- 12 years in the making -- go into effect next year, there will be no such requirement.

Fredricks said, "The hue and cry for almost two months has focused on the toxicity of the dispersants and that issue could have been, not eliminated, but it would have been moderated, if the Coast Guard had put its oar in the water."

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EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Bottled unfairness (*Pittsburgh Post-Gazette*)

In the June 13 Forum, there is much incorrect information about safe, healthy, convenient bottled water in the inappropriately titled piece "The Great Bottled Water Scam." The facts show that bottled water is a fully regulated food product with much public benefit.

The article states the author's belief that current Food and Drug Administration inspections for bottled water are inadequate. FDA inspections apply to all packaged foods and beverages. The FDA prioritizes its inspections based on risk, and bottled water has been determined to be a low-risk product from a food safety standpoint.

In fact, according to a 2009 Government Accounting Office report (p. 45, state Health Department survey), there has not been a single reported illness from bottled water in the past five years. In contrast, the Centers for Disease Control and Prevention has estimated there are between 4.2 million and 16.4 million acute gastrointestinal illnesses each year caused by tap water consumption.

In keeping with federal law, FDA testing requirements for bottled water must be as protective of the public health as the **Environmental Protection Agency's** regulations for municipal water.

The article also overlooks the valuable role bottled water plays during such emergencies as floods, hurricanes, forest fires and even municipal system boil-alerts. Bottled water is indispensable at such times. Without a viable, full-functioning bottled water industry, bottled water for emergencies might be difficult to muster.

TOM LAURIA
Vice President, Communications
International Bottled Water Association
Alexandria, Va.

Climate for Change? (*Pittsburgh Post-Gazette*)

Pennsylvania
June 27, 2010 Sunday
TWO STAR EDITION

SECTION: EDITORIAL; Pg. B-2
CLIMATE FOR CHANGE? SOME IN CONGRESS ARE SERIOUS ABOUT CAP AND TRADE
Just a few months ago, the chance of Congress sending comprehensive climate change legislation to the president seemed almost hopeless. The idea of global warming itself was ridiculed by those who mistakenly believe the issue is essentially about politics and not science. The fight for health care legislation with a national reach had exhausted supporters and roused its opponents.

Just a little over two weeks ago, Sen. Lisa Murkowski gave further heart to conservatives by mustering 47 votes in the Senate in an attempt to stop the **Environmental Protection Agency** from regulating greenhouse gases. While the effort was unsuccessful, the size of the opposition and the irresponsibility of the attempt spelled trouble for the future battle on **climate change** legislation in the Senate, as we noted in an editorial.

The goods news is that the prospects of a tough fight are not being ducked. Democrats in the Senate have started to meet to prepare a strategy for a bill of their own. The House narrowly passed a climate bill last June that would require U.S. emissions to decline 17 percent by 2020, setting up a system whereby polluters could buy credits to cover their emissions and directing more resources to promote clean energy.

With the issue now before the Senate, Democrats met in caucus Thursday to weigh their options. President Barack Obama had expected to sit down that day with key senators -- some of them Republicans -- but the session had to be postponed because of the unscheduled meeting with Gen. Stanley McChrystal, the Afghanistan commander whose resignation the president accepted last week. In his Oval Office speech earlier this month, Mr. Obama showed that he was up for the fight, too, linking the oil disaster to the need for legislation that would both wean America away from carbon-based fuels and address **climate change.**

As it turns out, the Senate has much to discuss. Four bills -- some with Republican sponsors -- are vying for attention. The most prominent is the American Power Act, sponsored by Sen. John Kerry, D-Mass., and Sen. Joe Lieberman, I-Conn. It is similar but not identical to the House bill passed last year; it differs by taking a cap-and-trade approach to limit emissions for utilities but not transportation. At the other end of the spectrum is the Practical Energy and Climate Plan offered by Sen. Richard Lugar, R-Ind., the practical being a hint that it rejects cap-and-trade.

There's an irony in Republicans becoming ideologically fixated against cap-and-trade. It started off as a Republican idea, supported by President George H.W. Bush as part of the **Clean Air Act** Amendments of 1990. Far from being just a simple carbon tax, it is an attempt to harness market forces to limit emissions.

The U.S. Climate Action Partnership, a coalition which includes corporate members (including Alcoa, DuPont and General Electric) and environmental groups (the

Environmental Defense Fund, the Natural Resources Defense Council and The Nature Conservancy, among others) supports the cap-and-trade approach. Instead of being the jobs killer its opponents allege, **climate change** legislation promises to create jobs in new green industries and end investment-cramping uncertainty for utilities and manufacturers which have been waiting to see how the United States will respond to the challenge of a generation.

Despite all the critics, the time is ripe to take comprehensive action on climate and energy. **Climate change** is real, as the National Academy of Sciences emphatically confirmed earlier this year. Every day the Gulf of Mexico oil spill reminds Americans of the perils of their addiction to carbon-based energy sources. Passing a meaningful bill will be tough -- but doing nothing will be tougher on the nation.

AIR

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EPA fell far behind on air standards (*Boston Globe*)

June 27, 2010 Sunday
NEWS; National; Pg. 5
By The Nation Today,
WASHINGTON, D.C.
The Environmental Protection Agency is 10 years behind in setting guidelines for air pollutants, according to the agency's inspector general. A report said the agency had failed to develop emissions standards, due in 2000, for sources of pollutants including dry cleaners, gas stations, and chemical makers. (New York Times)

E.P.A. Lags on Setting Some Air Standards, Report Finds (*New York Times*)

June 27, 2010 Sunday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 14

By YEGANEH JUNE TORBATI
WASHINGTON -- The Environmental Protection Agency is 10 years behind schedule in setting guidelines for a host of toxic air pollutants, according to a report from the agency's inspector general.

The report, which was released last week, found that the agency had failed to develop emissions standards, due in 2000, for some sources of hazardous air pollutants. These

included smaller sites often located in urban areas, like dry cleaners and gas stations, but also some chemical manufacturers.

The inspector general also found that the agency had not met targets outlined in a 1999 planning document, the Integrated Urban Air Toxics Strategy, including tracking urban dwellers' risk of developing health problems from exposure to pollutants.

Some experts said the failures were persisting largely because the E.P.A.'s Office of Air and Radiation, which is responsible for regulating air pollutants, lacked the money needed to meet its deadlines.

In a written response to the report, E.P.A. officials also said budget cuts had made it difficult to meet their deadlines, noting that "air toxics support has been cut over 70 percent" since 2001.

In the past, the Government Accountability Office has found that the low priority for the air toxics program and limited financing were in part to blame for the agency's failure to stay on schedule.

Frank O'Donnell, the president of Clean Air Watch, an environmental watchdog group based in Washington, said the inspector general's report made clear that "the issue of breathing cancer-causing chemicals in city air is something of an orphan issue."

For example, the agency's last assessment of the risk of toxic air pollutants is based on emissions data from 2002. That analysis found that 1 in 28,000 people, or 36 in 1 million, could develop cancer from lifetime exposure to air toxics from outdoor sources. That number is an average, however, and people living in densely populated cities may face a higher risk.

The people most exposed, Mr. O'Donnell said, "are probably not out in the wheat farms -- they're going to be people living near where the bus depots are."

Jeffrey Holmstead, who was assistant administrator for air and radiation at the E.P.A. from 2001 to 2005, said that even though Congress increased the agency's budget when it passed significant amendments to the Clean Air Act in 1990, the E.P.A. still did not have enough money to fulfill all its requirements.

"It's fair to point out that the E.P.A. has not met its statutory deadlines," Mr. Holmstead said. "But there are hundreds and hundreds of statutory deadlines that the E.P.A. hasn't met. Even though E.P.A. has a fairly large budget, it's not big enough to do everything the E.P.A folks are supposed to do."

In the past, Mr. Holmstead has represented semiconductor, aerospace and chemical companies as an environmental lawyer. He is now a partner at the law firm Bracewell & Giuliani, where his clients include oil companies and others in the energy sector.

James S. Pew, a lawyer with the environmental law group Earthjustice, said that the E.P.A. had the financing it needed, and that it undercut itself by moving money away from the division that specifically deals with air toxics. "This is a situation where the lack of resources is just not a valid excuse," Mr. Pew said.

Some evidence suggests that there is now more attention being paid to this category of air pollutants within the E.P.A. The agency noted in its response to the report that for the first time in a decade, funds are shifting to the air toxics program this year to meet regulatory deadlines.

URL: http://www.nytimes.com

Let's get Texas back to clean air (*Fort Worth Star-Telegram*)

Texas
June 27, 2010 Sunday
SECTION: A
By LARRY R. SOWARD and MATTHEW TEJADA; Special to the Star-Telegram
It's not just the hot, humid winds of a Texas summer blowing across the Fort Worth region these days. There are also some wafting breezes of environmental change with frequent gusts of political and bureaucratic rhetoric.

Fanning all that is recent notice from the **Environmental Protection Agency** that it will no longer look the other way regarding Texas' industry-friendly air-permitting program.

The **EPA** has instead begun to require certain facilities to apply for permits directly from the federal government, as it is fully authorized by law to do, until the Texas Commission on Environmental Quality makes some significant changes to comply with federal requirements.

Since 1995, the TCEQ has issued air permits under a program that does not have full **EPA** approval. Though the TCEQ has long been roundly criticized for being lenient in permitting and lax on enforcement, the **EPA** for many years only meekly raised questions about Texas' programs without taking firm action.

A reinvigorated **EPA** has clearly signaled a change of tactics.

None of the major players in this drama can escape blame. The **EPA** allowed decisions on questionable programs to languish for far too long. Texas continued to march to the beat of its own drum, thinking that the federal government would never step in. And industry has taken full advantage of an opaque regulatory structure in hopes that it would be shielded by the state from any corrective action.

After years of extended, extensive and unproductive communications between state

and federal regulators, the **EPA** has been forced to act.

The **EPA** could require a broad overhaul of the Texas air-permitting program and even issue sanctions against the state. Or the agency could simply nullify state-issued permits. Instead, the **EPA** has taken the rather measured and limited steps of notifying three large Texas industrial plants that it, instead of the TCEQ, will handle the renewal of their air pollution permits.

We are still only at the beginning of this slow-motion showdown. The **EPA** is expected to strike down other deficient components of Texas' air permitting program this summer and to continue assuming permitting responsibilities. We can expect the state, industry or both to file every available lawsuit to stall the **EPA's** actions.

Rather than arguing in the media or fighting in court, both agencies should sit down to dispassionately address and resolve their differences. There is plenty of room to negotiate and compromise if all involved will genuinely work together toward the simple goal of getting Texas compliant with federal laws.

Unfortunate rhetoric like "undue meddling," "pervasive federal intrusion" and "Draconian policies" has done, and will do, little except misstate facts and mislead opinions. The current conflict is not a "form over substance" dispute or "federalism encroaching upon states' rights." It is instead a federal agency telling a state that it must comply with federal laws.

Yes, of all 50 states, only Texas has been singled out in this fashion. That's because only Texas has been found noncompliant with federal air requirements.

Instituting a federally approved permitting program in our state will not cause Texas to lose competiveness in the marketplace, discourage new industry and jobs or foist higher costs on Texas consumers.

Environmental quality and economic strength are not opposing forces. They are, in fact, intertwined. Together, they provide a clean, healthy place to live and work, with the regulatory clarity needed to maintain economic prosperity and growth.

While bureaucrats fuss, politicians joust, lawyers tangle and PR folks spin, little is accomplished in pursuit of clean air and good health.

Texans continue to be subjected to high ozone levels and harmful air pollutants from Barnett Shale production, power plants, cement kilns and the millions of cars driven every day.

This dispute demands the enthusiastic effort and support of state and federal leaders, government agencies, industry, environmental groups and all Texans alike. The TCEQ should step up and be the leader it can be, working as a true partner with the **EPA** to correct the permitting deficiencies so we can all get back to the business of cleaning up

Texas' air.

Larry R. Soward is a former commissioner of the Texas Commission on Environmental Quality.

Matthew Tejada is executive director of Air Alliance Houston.

Washington EPA LA (*Pittsburgh Post-Gazette*)

Pennsylvania
June 27, 2010 Sunday
TWO STAR EDITION
SECTION: NATIONAL; Pg. A-7
WASHINGTON EPA LAGS ON SETTING SOME AIR STANDARDS, REPORT FINDS
WASHINGTON REPORT: EPA LAGS ON SETTING SOME AIR RULES
The Environmental Protection Agency is 10 years behind schedule in setting guidelines for a host of toxic air pollutants, according to a report from the agency's inspector general.

The report, which was released last week, found that the agency had failed to develop emissions standards, due in 2000, for some sources of hazardous air pollutants. These included smaller sites often located in urban areas, like dry cleaners and gas stations, but also some chemical manufacturers.

The inspector general also found that the agency had not met targets outlined in a 1999 planning document, the Integrated Urban Air Toxics Strategy, including tracking urban dwellers' risk of developing health problems from exposure to pollutants.

Some experts said the failures were persisting largely because the EPA's Office of Air and Radiation, which is responsible for regulating air pollutants, lacked the money needed to meet its deadlines.

In a written response to the report, EPA officials also said budget cuts had made it difficult to meet their deadlines, noting that "air toxics support has been cut over 70 percent" since 2001.

In the past, the Government Accountability Office has found that the low priority for the air toxics program and limited financing were in part to blame for the agency's failure to stay on schedule.

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MIT Researchers See Natural Gas as the Choice for Lower Carbon Emissions (New York Times - Online
News OCR Text: Researchers at the Massachusetts Institute of Technology are encouraging U.S. policymakers to consider the nation's growing supply of natural gas as a short-term substitute for aging coal-fired power plants.

In the results of a two-year study, released today, the researchers said electric utilities and other sectors of the American economy will use more gas through 2050. Under a scenario that envisions a federal policy aimed at cutting greenhouse gas emissions to 50 percent below 2005 levels by 2050, researchers found a substantial role for natural gas.

"Because national energy use is substantially reduced, the share represented by gas is projected to rise from about 20 percent of the current national total to around 40 percent in 2040," said the MIT researchers. When used to fire a power plant, gas emits about half of the carbon dioxide emissions as conventional coal plants.

The report asserts the impact of national policies that place an economic cost on greenhouse gas emissions would, first and foremost, be a reduction in energy use across the United States. It would flatten demand in the electricity sector.

The MIT team of researchers was led by Ernest Moniz, a physics professor and director of the MIT Energy Initiative. Moniz's name often floats around Washington when it comes time to choose another energy secretary. A major sponsor of the report is the American Clean Skies Foundation, a Washington think tank created and funded by the natural gas industry.

The report, titled "The Future of Natural Gas," acknowledges that U.S. energy and climate policy is in flux. For the most part, the MIT researchers accept the idea that the advancement of onshore gas drilling technology has set the stage for a gas boom in the United States. As such, the MIT researchers analyze increasing gas consumption under a number of different scenarios.

A cushion, but not a complete answer

Gas is an option for cutting power plant emissions and addressing global warming in the short term. But the researchers warned that the gas cushion shouldn't distract policymakers from addressing the need for nuclear power and carbon capture and

sequestration (CCS) technology for coal-fired generation.

"Though gas frequently is touted as a 'bridge' to the future, continuing effort is needed to prepare for that future, lest the gift of greater domestic gas resources turn out to be a bridge with no landing point on the far bank," the report says. "Barriers to the expansion of nuclear power or coal and/or gas generation with CCS must be resolved over the next few decades so they are capable of expanding to replace natural gas in generation."

This emissions policy does relatively little to alter natural gas markets, the report finds. Gas production and demand grows slightly more slowly, cutting gas use and supply by a few trillion cubic feet in 2040 compared with a scenario that doesn't include a climate policy. Gas use and production begins to fall after 2040, driven by higher gas prices due in part to a rising price on carbon dioxide emissions.

"While gas is less carbon intensive than coal or oil, at the reduction level required by 2050, its [carbon] emissions are beginning to represent an emissions problem," the report explains. "However, even under the pressure of the assumed emissions policy, total gas use is projected to increase from 2005 to 2050 even for the low estimate of domestic gas resources."

The scenario goes like this, according to MIT: Nuclear power, renewable energy and carbon capture and sequestration are relatively expensive next to gas. Conventional coal is no longer a major source of power generation in the United States. "Natural gas is the substantial winner in the electric sector: The substitution effect, mainly gas generation for coal generation, outweighs the demand reduction effect."

MIT projects that under a carbon policy regime, oil and today's biofuels are replaced by advanced biofuels.

A 30% hike in electricity prices by 2030

Both the economy and energy demand take a big hit under a carbon price regime. Electricity prices are increasing regardless of whether the U.S. government puts a price on carbon, said the MIT researchers, projecting a 30 percent increase in power prices by 2030 and 45 percent by 2050.

Low-priced gas sets a competitive price benchmark for other energy sources to compete against. But if the technology for wind and solar power advances and drives down prices, that will also cut into gas use. The largest impact on the use of gas for electricity generation could come from nuclear power. "Focusing on 2050, when the effects of alternative assumptions are the largest, a low-cost nuclear assumption reduces annual gas use in the electric sector by nearly 7 [trillion cubic feet]," the report says.

But if the energy industry can develop and deploy carbon capture technology at a

reasonable cost, utilities and heavy industries will use more natural gas because they can cut their carbon emissions more cheaply.

"A major insight to be drawn from these few model experiments," says the report, "is that, under a policy based on emissions pricing to mitigate greenhouse gas emissions, natural gas is in a strong competitive position unless competing technologies are much less expensive than we now anticipate."

Economics favor vehicles run on natural gas

Automakers that take the plunge into compressed natural gas vehicles would see a significant jump in demand under a national climate policy that makes carbon dioxide emissions costly. Biofuels are expected to advance, but it's unclear how quickly and at what cost to important food crops. But even with biofuels in the picture, MIT projects natural gas vehicles will be 15 percent of the private vehicle fleet by 2050.

New shale gas fields could reconfigure the national map of gas producers and consumers. Gas production in the Marcellus Shale and other burgeoning gas fields in the Northeast, stretching from New England through the Great Lake states, is set to rise 78 percent by 2030. Under a carbon price regime, the researchers said gas production matches increasing gas consumption.

MIT researchers also consider a scenario under which Congress, the U.S. EPA or other regulators begin requiring steep industrial emissions cuts without using a market mechanism such as a price on carbon emissions. They focused on two potential scenarios; first, a requirement that utilities generate 25 percent of their electricity from renewable resources by 2030; and second, regulatory policies that force retirement of existing coal-fired power plants starting in 2020.

The MIT researchers tried to steer clear of heated political battles. They didn't weigh in on whether stripping carbon emissions from the power sector should be left to regulators instead of a policy passed by Congress. Still, the report weighs in to say the cost of using the regulatory approach would be higher, but fewer emissions reductions would result than under a carbon price-based approach.

"In the price-based policy, reductions in the electricity sector are about 70 percent even though the national target is a 50 percent reduction, because it is less costly to abate there than in the rest of the economy," the report says.

Under regulations, a rapid expansion of wind and solar power could squeeze out some gas-based electric generation at the start, while reduced coal use opens the door for more gas generation.

"The net impact on gas use in the electric sector depends on the relative pace of implementation of the two regulatory measures," according to the report, "compared to

the assumed price-based approach, they have the potential to reduce the use of gas in the sector."

BP SPILL

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Posted on Sun, Jun. 27, 2010

BP still using high levels of dispersants despite EPA edict (*Miami Herald*)

BY CRAIG PITTMAN
St. Petersburg Times
This US Coast Guard photo obtained May 25 shows the crew of a Basler BT-67 fixed wing aircraft as they release oil dispersant over an oil discharge from the Deepwater Horizon off the shore of Louisiana.
A month ago the Environmental Protection Agency ordered BP to stop spraying so much dispersant on oil gushing from the Deepwater Horizon well and to find a less toxic alternative to the chemical it was using.

BP is still spraying the same stuff - under the brand name Corexit - that led to EPA concerns in May. Although it has decreased the total amount used, BP has exceeded the recommended daily level of 15,000 gallons sprayed beneath the surface of the Gulf of Mexico. And so far, neither BP nor the EPA has found an effective but less toxic alternative to Corexit.

Meanwhile, federal scientists confirmed this week what University of South Florida researchers and others had found: plumes of tiny oil droplets that stretch for miles underwater, which ``is consistent with chemically dispersed oil.'' Some of it, they found, had oozed into more shallow waters close to shore.

``That's particularly troublesome,'' said Ernst Peebles, a biological oceanographer at USF. Contaminants in more shallow water - about 30 feet deep - can be blown around more easily by wind, spreading it along the gulf's biologically rich continental shelf, he explained.

TOXIC PROPERTIES

The bottom line, Peebles said, is that thanks to the dispersants ``the oil is more broadly distributed than it would have been, and the oil droplets do have toxic properties. It appears to be creating layers of microscopic oil droplets that are spread throughout the gulf.''

But EPA Administrator Lisa Jackson said this week that her agency will continue allowing dispersant use because ``dispersants are one tool in a situation that could not be more urgent'' -- even though, she acknowledged, ``We know that they come with environmental trade-offs.''

About 1.47 million gallons of dispersant have been applied to the gushing oil so far, an unprecedented amount. Of that, 972,000 gallons were sprayed on the surface, while 493,000 gallons were sprayed deep underwater -- the first time anyone has sprayed dispersant below the surface.

BP has sprayed 272,000 gallons of it on the surface since the EPA edict was issued a month ago, and 342,000 gallons below the surface. ``We're using the product that's been approved by the government,'' BP spokesman Bryan Ferguson said. As for the subsea plumes of dissolved oil droplets, Ferguson said, ``We're still evaluating and investigating that and we have no comment.''

In May, the EPA ordered BP to cut total dispersant use by 75 percent from the peak of 70,000 gallons a day. So far, Jackson said, the company has cut its total use by 68 percent.

UNKNOWN IMPACTS

In letters sent Thursday to the EPA and the Coast Guard, House Energy and Environment Subcommittee chairman Ed Markey, D-Mass., complained that the dispersants were ``contributing to a toxic stew of chemicals, oil and gas with impacts that are not well understood.''

Scientists do know that some marine life is more sensitive to dispersants than others. Crustaceans, algae and fish larvae find low concentrations of Corexit toxic, according to Carys Mitchelmore, a University of Maryland expert on oil dispersants. Dispersants mixed with oil can be as toxic, if not more toxic, than the oil itself.

In fact, Mitchelmore testified to a congressional panel last week, dispersants may actually make it easier for fish, oysters, mussels and other marine life to absorb the oil.

Ideally, the dispersed droplets would be consumed by oil-eating bacteria that live throughout the gulf. But when there's a large concentration of oil in the water, the bacteria can flock to it in such numbers that they use up all the dissolved oxygen in the water nearby, suffocating marine life.

Though the ship sent by the National Oceanic and Atmospheric Administration found no signs of a lowered oxygen level around the plume, scientists who studied test results warned the dissolved oxygen ``could decrease approximately 10 percent in the deep water if a significant fraction of oil remains subsurface and the rate of dispersion of the oil is low.''

Some Louisiana cleanup workers have complained of being sprayed with dispersant from planes hired by BP, and reported skin irritation, headaches and nausea. But federal officials said they had been monitoring the dispersant use and so far had found no human exposure problems.

Information from the New York Times was used in this report. Craig Pittman can be reached at craig@sptimes.com.

Read more: http://www.miamiherald.com/2010/06/27/v-print/1704063/bp-still-using-high-levels-of.html#ixzz0s8ShTn7u

When It Comes to Spills, Size Counts, but Is Often Elusive (*Wall Street Journal*)

By Carl Bialik
Even after BP PLC's broken well under the Gulf of Mexico stops spewing, we might never know how much oil spilled.

The extent of earlier spills of comparable magnitude remains disputed, even though they were easier to analyze. Oil companies don't have much incentive to measure spills accurately, and government officials haven't always needed to get a reliable count.

The BP spill is often contrasted with the 1989 Valdez disaster, above.
Exxon knew how much oil its Valdez tanker held when it ran aground 21 years ago. And yet some Alaskan scientists and environmental advocates who have studied the spill say the true amount spreading through Prince William Sound was two or three times the commonly accepted total.

Determining the size of the BP spill will be crucial because under a federal law passed in the wake of the Valdez disaster, oil companies pay penalties that are directly proportional to the amount of oil released into the water.

Yet the size of the current disaster is far more difficult to calculate than previous spills, because no one knows for sure how much crude was contained in the reservoir thousands of feet below the water's surface, nor whether the oil has been spewing at a constant rate.

"Based on the history of past large spills, I am sure there will be differences of opinion on the exact amount that was spilled," says William J. Lehr, senior scientist in the National Oceanic and Atmospheric Administration's Office of Response and Restoration, and a member of the federal group estimating the amount of oil spilled in

the Gulf. "We give the best scientific estimate we can, under tight time constraints and with the data available at the time."

To put the Gulf oil spill in perspective, it often is compared with the Exxon Valdez disaster. But the scope of the 1989 event is still up in the air.

Soon after the spill, Exxon put the total volume of oil released into the water at 10.8 million gallons, or 250,000 barrels.

The company came up with that figure by subtracting the volume of remaining liquid offloaded from the tanker after the accident from the total size of the initial cargo. The problem with this approach, say some scientists and Alaska environmental advocates, is that the removed liquid contained a lot of seawater that had entered the tanker through the punctured hull, potentially inflating the leftover liquid in the ship and diminishing the estimated spill size.

Craig Tillery, deputy attorney general for the civil division of Alaska's Department of Law, confirms that the 10.8 million figure didn't take into account water. How much, he says the state never bothered to confirm.

"The state was in the process of getting that information when we settled the case," Mr. Tillery says. "We didn't ever get it—we had no need for it, at least in terms of litigation."

An Exxon Mobil spokeswoman says only that 10.8 million gallons "is the number that was agreed upon at the time." She declined to comment on claims that it is an underestimate.

Other massive spill totals also come with big question marks attached. A half century of small spills in the Niger Delta added as much as to 1.5 million tons of oil (nine million to 13 million barrels), according to a 2006 report by scientists from Nigeria, the U.K. and the U.S. But that widely reported total was based on extrapolations from incomplete Nigerian government records covering only a third of the relevant years.

"It is very difficult to get accurate figures," says Clive Wicks, a consultant for the environmental group WWF UK and a study co-author. Indeed, a follow-up study conducted two years later found that the total amount over 50 years could have been as little half the size previously thought.

A major spill, in Brooklyn, N.Y., in the late 1970s is frequently put at 17 million gallons, or about 420,000 barrels, but an Environmental Protection Agency report in 2007 cautioned that the estimate, produced by the Coast Guard in 1979, appears to be too low. The true amount might be as much as 30 million gallons, the EPA said, based on amounts of oil recovered since then.

Despite scientists' efforts, the true size of the BP spill likely will remain elusive. Early estimates were based on low-quality video and rough approximations from plume sizes. And in the early days of the spill, there were no reliable numbers at all.

One problem with coming up with a definitive number is that assessments of how much oil is flowing from the runaway well are in flux. The scientists assigned by the federal government to measure the rate of flow put that number at 35,000 to 60,000 barrels per day in their latest estimate last week. That is a big increase from a projection of 12,000 to 19,000 barrels a day a few weeks earlier.

The Numbers Guy Blog
The Oil-Spill Counting Problem NOAA's Dr. Lehr said these estimates are intended solely to aid recovery efforts. A separate federal team will assess the damage for purposes of fines and litigation.

The spillage total is critical because BP can be charged $1,100 to $4,300 a barrel spilled, under the Clean Water Act.

The amount spilled also informs the Natural Resource Damage Assessment, which will be used to determine how much BP will have to pay for environmental damage. A BP spokesman referred questions about potential fines to the government, saying the company is focused on recovery efforts.

Several government agencies didn't respond to requests for comment.

"We're focused really hard on cleaning up, and making things right," says BP spokesman John Curry.

Correction & Amplification:

The Clean Water Act provides for fines of $1,100 to $4,300 per barrel of oil spilled. An earlier version of this column said that BP could be fined under the act at a rate of $1,100 to $4,300 per gallon of oil spilled.

Write to Carl Bialik at numbersguy@wsj.com

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Seeking Answers on Oil Spill as Questions Mount (*New York Times*)

June 26, 2010 Saturday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 11
By THE NEW YORK TIMES.
Reported by Felicity Barringer, John M. Broder, Robbie Brown, Damien Cave, Henry Fountain, Justin Gillis, Leslie Kaufman, Clifford Krauss, John Leland, Campbell Robertson, Elisabeth Rosenthal, John Schwartz and Tom Zeller Jr.
Since the Deepwater Horizon oil rig exploded in the Gulf of Mexico in April, killing 11 and setting off the biggest maritime oil spill in the nation's history, questions about the potential dimensions of the disaster have only multiplied from week to week. Readers have been asking whether the oil can be contained, how serious the damage will be and what they can do to help. Following is a primer on the spill.

Q. How far has the oil advanced along the Gulf Coast? How far could it travel, and what variables are at play? Have any communities been bypassed and spared?

A. So far, oil has made landfall along hundreds of miles of the Gulf Coast, from Freshwater Bayou in the middle of Louisiana's coastline, all the way to the Florida panhandle to just outside Panama City. The impact has not been uniform; some areas have been greatly affected, while others have been spared. For example, Mississippi's mainland coast, excepting its barrier islands, has been largely untouched by heavy oil, though that appears likely to change in the next few days.

The oil, either in the form of tar balls, sheen or heavier "mousse," is brought near the coast by currents, but the wind is usually responsible for the final push, bringing streams of oil onshore. Coast Guard officials frequently describe the oil as a series of spills rather than one big slick, and that is reflected in the impact: oil is heading in all directions at the same time.

Shoreline trajectories, based on currents and wind patterns, are only dependable for roughly 72 hours. But scientists using computer models at the National Center for Atmospheric Research have suggested that the oil reaching the loop current in the Gulf of Mexico could come around Florida's southern tip within weeks.

After that, the modeling indicates, it would travel up the Atlantic Seaboard to North Carolina's Outer Banks, before joining the Gulf Stream and heading east across the Atlantic toward Europe. They caution, however, that this is not a forecast but merely a possibility, and that it is unclear how much the oil would dissipate as it traveled in these currents

Q. How much oil has spilled so far?

A. The exact rate at which oil is leaking from the well is not known. Although estimates of the flow rate have changed drastically -- to 35,000 to 60,000 barrels a day now, from 1,000 barrels a day originally -- it is also not known if the actual rate has changed in the two months since the gusher began.

Calculating the spill to date using the current estimate, and factoring in the approximately 365,000 barrels collected so far from the wellhead, results in a total of about 1.9 million to 3.5 million barrels, or about 80 million to 150 million gallons since the rig exploded on April 20.

By contrast, the Exxon Valdez spill off Alaska in 1989 released an estimated 10.8 million gallons of oil.

Q. How might BP plug the leak?

A. BP has tried a lot of methods to seal the well or contain the leak and until recently did not have much success. On June 3, however, technicians succeeded in cutting the riser -- the large pipe that connected the well at the seafloor to the drilling rig and that collapsed when the rig sank -- and two days later lowered a containment cap on it.

Although the cap did not make a perfect seal, it collected about 15,000 barrels of oil a day.

In normal operation, the oil collected by the cap travels up a pipe to a drill ship, the Discoverer Enterprise, where it is stored and later loaded onto a tanker before heading to a refinery. Natural gas is separated from the oil and burned on a long boom extending from ships.

On June 16, a second system began operating, in which oil is collected through a pipe at the base of the blowout preventer, the stack of safety valves at the top of the well on the seafloor. The oil flows up to a drill rig, the Q4000, where both the oil and the gas it contains are burned using special equipment that produces far less soot than open-air burning of oil.

Q. Is there a sure long-term fix for the spill? When could that happen, best case and worst case?

A. Drilling experts say that two relief wells being drilled near the site of the blowout are the ultimate solution to stopping the gusher. Relief wells have been used to "kill" runaway wells in the past, and the basic procedure is straightforward.

The relief well is drilled at an angle to intersect the damaged well just above the oil reservoir -- in this case, about 18,000 feet below sea level. Then heavy drilling mud is pumped down the relief well into the runaway well. As more and more mud is pumped in, it builds up a column of mud that produces enough downward force to counteract the upward pressure of the gas and oil, stopping the leak. Cement is then pumped into the

well to entomb it permanently.

Only one relief well should be needed, but BP is drilling a second in case anything goes wrong with the first. Both wells should be completed by late July or August, although they could be delayed. The wells have to find a seven-inch steel pipe that forms part of the runaway well, and although they have plenty of high-tech tools and data-gathering equipment to do that, there is no guarantee they will succeed on the first try.

Mechanical problems or bad weather could also delay the work. A hurricane or other severe storm could also push back completion dates by a week or more, as the drilling rigs would have to shut down and move to a safe location. Bad weather would also affect the containment operation, as all the other vessels at the site of the blowout would have to depart and the well would be left uncapped until the storm had passed.

Q. Doomsday scenarios described online suggest that the pipe that lines the well is deteriorating, or that there may be other problems with the well that may cause it to fail completely, leaving an utterly uncontrolled gusher that could prove difficult or impossible to control. Is this true?

A. There is a lot of speculation about the condition of the well, but it is not really possible to know what kind of shape it is in. BP suggested that one reason that a procedure called the "top kill" failed was because there may have been damage to the well lining about 1,000 feet down. But no one knows for sure.

What does seem clear is that there is enough concern about not making the situation worse that BP is now pursuing only the containment option at the top of the well. They have abandoned efforts to permanently plug the well from the top because that would build up pressure that might cause damage. The well will be permanently sealed starting from the bottom, using one or both relief wells.

Q. Who is in charge of stopping the oil that is already spilled from spreading and reaching the gulf shoreline?

A. The Coast Guard, led by Adm. Thad W. Allen, has been designated the lead agency. In practice, day-to-day decisions are made jointly by Coast Guard personnel and their BP counterparts. At the spill response center in Venice, La., BP officials or contractors in charge of a certain task -- setting cleanup priorities, for instance, or allocating resources like containment boom -- are matched with Coast Guard officials with the same responsibility. One Coast Guard petty officer described the division of authority in percentage terms: "It's 51-49, and we're the 51."

A unified command center has opened in New Orleans and incident command posts operate in Houma, La., Mobile, Ala., and Miami. Satellite posts exist elsewhere along the coast in places like Port Fourchon, La. and Venice, La.

Q. How many people are working on the response, and what are they doing?

A. Some 36,000 people are involved, according to the Deepwater Horizon Response Web site overseen by BP. A BP official said that included 1,185 Coast Guard personnel, 1,282 National Guardsmen and 667 BP officials. But the bulk of the personnel -- a total of nearly 31,000 -- work for contractors hired by BP, ranging from United States Environmental Services, based in New Orleans, to O'Brien's Response Management in Houston.

Out on the waters around the broken well, some 27 vessels with 230 crew members and support personnel are burning oil. Some 14,500 people are serving as mariners, crew members or captains on 2,680 "vessels of opportunity" recruited for the cleanup. Some are skimming oil -- either at sea, from specialized skimming vessels, or closer to shore with so-called "drum" skimmers, cylinders with surfaces that attract oil, which is then squeegeed off as the drum spins.

Others are laying "hard" vinyl boom and soft absorbent boom -- more than 475 miles of it -- to protect the marshes and beaches.

The State of Louisiana has enlisted National Guardsmen to install 1.6 miles of welded-mesh steel barriers on one coastline; the goal is to cover eight miles. The guardsmen are also deploying cylindrical "tiger dams" on Grand Isle.

The state-sponsored construction of sand berms was started in two places off Louisiana's fragile barrier islands and wetlands to keep the oil at bay, state officials say. But a dispute between state and federal authorities over where it is safe to dredge halted one project this week after 690,000 cubic yards of dredged material had been made available for berms.

In addition to the engineers and cleanup workers, more than 500 federal and state wildlife specialists are working on rescuing oiled animals and oiled habitat, said a BP spokesman, John Curry. That does not include an undetermined number of staff members and wildlife experts from nonprofit organizations and advocacy groups.

Q. How are vessels assigned to work in various areas of the spill?

A. The captains of these so-called vessels of opportunity register with the joint command and are assigned to work in a lottery, with the number picked on any given day based on regional need, said Michael R. Abendhoff, BP's director of government and public affairs. "We're focusing on getting fishermen to work in an area they know," he said.

Q. Is BP using anything to break up the oil?

A. BP has used large amounts of chemical dispersant in an attempt to reduce the damage caused by oil coming from the broken well. To date, it has sprayed 977,000 gallons of dispersant on the gulf's surface as well as applied 501,000 gallons to the

leak, the company says. It is the largest volume of dispersants ever applied to a spill in United States waters.

Dispersants are detergent-like compounds that cause the oil to break up into tiny droplets, which sink below the surface and can be "dispersed" by sea currents. Until now, dispersants were always applied to oil on the surface; the deepwater application is a first.

Q. Could the chemicals themselves pose any environmental risks?

A. Although concentrated dispersant is mildly to moderately toxic, the notion is that the diluted dispersant is less toxic than the concentrated oil it treats. And it is far less toxic when diluted in the vast volume of the seas.

But the use of such large volumes of dispersant, and its application in a novel setting like the wellhead, constitute an experiment of epic proportions. So far, officials from the Environmental Protection Agency say they have seen no ill effect from the chemicals.

BP has used dispersants from the Corexit line of products, a source of some controversy; their use has been banned in Britain because of risks they pose to marine life along rocky coasts. Weeks ago, the E.P.A.instructed BP to identify and start using a newer, less toxic dispersant. BP did not do so, arguing that Corexit products were the best available and that there was no gold standard for evaluating the toxicity of dispersants.

Dispersant use peaked in late May. On May 26, the E.P.A. and Coast Guard instructed BP to significantly reduce the amount of dispersant it was applying to the Gulf, and it has since done so.

Q. Has wildlife taken a hard hit? How many animals have been killed?

A. Oil is toxic to many forms of wildlife, and the spill is surely killing or harming untold numbers of creatures at sea and on land. That said, calculating the number of fatalities specifically attributed to the oil may be nigh impossible. Every day, federal officials release a count of dead and impaired animals that they have found along the gulf beaches since the spill began. Nearly 2,000 birds, 550 sea turtles and dozens of marine mammals have been counted.

But that tally is far from a reliable measure. For starters, it is not clear that most of those animals were killed by oil. In fact, many of the dead animals were not even visibly oiled. And many were so decomposed by the time they were spotted that postmortems will never be done.

But if the count is way off, it is probably an undercount. Most animals, particularly sea creatures, live far from where humans spot them. For every bird found covered by petroleum muck on a beach, there are untold others who simply die on an secluded

beach. For every dolphin that washes ashore, there is another that sinks at sea, and so on.

It is also virtually certain that fish larvae, which are exquisitely sensitive to oil, are dying by the millions as well.

Q. Have any endangered species been put at risk?

A. Yes, the gulf is home to many animals officially listed as endangered, the highest level of vulnerability, under the federal Endangered Species Act. The largest among the permanent marine residents are sperm whales, which like to feed right at the mouth of the Mississippi and have been spotted in the slick. Numerous endangered species of sea turtles, including Kemp ridleys, live almost entirely within the Gulf of Mexico, as does the bulbous West Indian manatee. On land, the federal Department of Fish and Wildlife lists 17 endangered species on the beaches of Florida alone, including four different species of beach mice. Some of these species you have probably never heard of, like the Florida perforate cladonia, a type of lichen, but others are quite well known, like the majestic whooping crane, only hundreds of which are thought to survive in the wild.

Q. Are coral reefs in the gulf and in the Florida Keys in danger?

A. Scientists are definitely worried about the reefs, but the ones at greatest risk appear to be deep reefs relatively near the gushing well. Because the well is so deep, some toxins that would rise to the surface and evaporate in a shallow oil spill are instead dissolving into the water. The worry is that they may kill or weaken deepwater marine organisms. But even relatively near the well, the concentrations of these toxins in deep water are relatively low, so there is reason to hope for the best.

As for risk to the coral reefs in the Florida Keys, scientific opinion is not unanimous, but most researchers have said that if any oil gets pulled into currents that take it past the Keys, it would probably be so diluted by then that it would pose little risk to organisms.

Q. Has the damage to Louisiana's marshes and estuaries been severe?

A. Obviously, if you talk to locals, they will give you an earful about the oil that has seeped into their local marshes and how the government is not doing nearly enough to protect this delicate resource.

However, as ugly as any oil spill is, it is unclear at this point just how deep into the marshes the worst of the oil has penetrated. As this changes on an almost daily basis, firsthand observation is the best source of information. For an overview, check out the interactive map at www.geoplatform.gov/gulfresponse.

Of course, the wild card here is a hurricane. A large surge of water could carry the water deep into the inner marshes, which for wildlife could mean an even nastier game

change.

Q. What will the economic impact of the spill be?

A. The final costs of the spill are difficult to predict. For now, as images of oil-coated wildlife on Louisiana's islands fill the news, most parts of coastal Mississippi and Alabama have seen only intermittent tar balls, but the states are suffering the same blows to their fishing and tourism industries.

In May, Nathaniel Karp, chief economist for the Alabama bank BBVA Compass, projected eventual losses for the four gulf states at $4.3 billion, including $191 million in losses to Alabama. This month he raised that projection to $11.5 billion.

In Louisiana, seafood and tourism generate $2.4 billion a year and $8.3 billion, respectively, according to officials associated with the two industries.

The moratorium that President Obama imposed on offshore oil drilling could also have a big economic impact and has been fought fiercely by political figures at every level in Louisiana. They argue that it would essentially be another economic hit to the state, already reeling from the fishing closures and other economic dislocation related to the spill. (A federal judge in New Orleans this week agreed with their argument and struck down the administration's moratorium; the administration said it would appeal.)

The ban would take 33 floating rigs out of commission for six months; like many rigs in the gulf, all of these employ workers from Louisiana and are supplied by companies from Louisiana. The Louisiana State University Center for Energy Studies calculated that the moratorium would result directly in the loss of 3,339 jobs, and another 7,656 indirectly.

State officials are concerned about the ripple effects throughout the economy, including lost tax revenue. They are also worried about how long it would take for drilling to resume after the end of the moratorium.

Louisianans of all political stripes are generally advocates of offshore drilling, even after this disastrous spill. But many feel that the state should reap more of the benefits, whether by taking a percentage of the royalties that the oil companies pay to the federal government or receiving money from the companies outright to rebuild and restore the state's coastal wetlands.

In Alabama and Mississippi, many beaches remain open, and the oil for the moment seems to be moving east, away from them. On good days it is difficult to see any evidence of the spill -- except for the empty beaches, the idle fishermen and seafood processors, and the worry and anger on the brows here.

But tourist bookings in Alabama and Mississippi are down 40 to 75 percent, with cancellations accelerating as the summer begins, say hotels, condominium owners and

real estate agents. Researchers at the University of Southern Mississippi estimated the state's tourism losses at $119 million for May through August.

With federal and some state fishing waters closed, a seafood business that had hoped to recover this season from a series of cold years and the lingering effects of Hurricane Katrina has been brought to its knees. In Bayou la Batre, the center of Alabama's seafood industry, a food bank has been giving out 10,000 pounds of food a week -- a grim anomaly in a town where residents had always counted on the sea to feed them.

Florida looks especially vulnerable -- partly because it is such a large state with an economy as tied its coastline as Detroit's is to automobiles. Tourism is Florida's biggest industry, generating about $60 billion a year, and the Gulf Coast counties alone stand to lose $11 billion and 200,000 jobs if visitor numbers decline 50 percent, according to a recent study from the University of South Florida.

But that might be a conservative estimate. Even without oil on beaches in South Florida, hotels in Miami are reporting that bookings are down as families cancel trips because of uncertainty about where the spill will show up. Charter fishermen from Panama City to the Keys are already reporting that advance bookings are nonexistent, and as long as the spill churns in the gulf, this will be the case. Who wants to book a vacation when the loop current in the gulf could shift direction and send oil around Florida and up the East Coast?

And that's just tourism. Since the 1950s, Florida's population has become increasingly concentrated by the coast. Millions of homes and condos already devalued by the recession and foreclosure crisis could face further downward pressure on prices because of the spill. State and local budgets that depend on the sales tax -- Florida has no state income tax -- may have to be cut even further, adding to an unemployment rate that already hovers around 12 percent.

But here's the comparison that really scares Floridians: Moody'srecently found the spill could do more damage to the state's economy than the 2004 hurricane season -- when four large storms slammed the state -- and more damage than the global recession, which has already brought Florida to its knees.

Q. Is anyone investigating what caused the spill? Is there any mechanism for prosecution, should wrongdoing be discovered?

A. This accident will be the most closely studied domestic event since the Sept. 11, 2001, terrorist attacks. A formal Marine Board investigation has been under way since shortly after the April 20 explosion, jointly conducted by the United States Coast Guard and the Interior Department's Minerals Management Service, the agency responsible for policing offshore drilling.

President Obama has appointed a seven-member commission to study the accident and make recommendations on strengthening regulation, led by William K. Reilly, a

former administrator of the Environmental Protection Agency, and Bob Graham, a former governor and senator from Florida.

Many congressional committees are looking into various aspects of the explosion and leak; among the most aggressive are the House Energy and Commerce Committee, the House Natural Resources Committee and the Senate Energy and Natural Resources Committee. The Justice Department has dispatched civil and criminal investigators to the Gulf Coast to determine whether damage suits or criminal charges can be brought.

The National Academy of Engineering is looking into the technical failures that contributed to the disaster. BP is carrying out an internal investigation into the causes of the blast. The American Petroleum Institute and other industry groups are conducting their own inquiries to determine whether BP followed accepted industry practices, or if those practices need to be changed.

Q. Will the spill help generate support for energy and climate legislation now before the Senate? (Will promoters of renewable energy like wind and solar benefit from this new evidence of the dangers of fossil fuels?)

A. President Obama and some Democratic leaders hope that the gulf disaster will build public and political support for a bill to tighten oil drilling regulations, reduce dependence on imported oil and limit emissions of gases contributing to global warming. There is likely to be a debate in the Senate in July on some new oil drilling rules and incentives for energy conservation. There may be movement toward new subsidies for clean energy sources like wind, solar and biofuels.

But there is little evidence of growing support for a more ambitious effort to address climate change by putting a price on carbon dioxide emissions or creating a cap-and-trade style market for pollution permits. Deep divisions remain within the Democratic Party over climate change, and they are unlikely to be bridged in the busy weeks that Congress has left before breaking for the fall election season.

Q. What federal agencies have regulatory oversight over offshore drilling? Will any heads roll at a cabinet or agency level because of the spill?

A. In some respects, offshore work has been overseen by a patchwork of federal bodies, including the Coast Guard, which regulates the seaworthiness of oceangoing rigs, and the Environmental Protection Agency, which reviews drilling plans for the potential impact on marine life and the surrounding ecosystem.

But the principal agency charged with oversight of offshore drilling is -- or was -- the Minerals Management Service, a division of the Interior Department formed in 1982. Among other responsibilities, the agency was charged with leasing oil and gas players in the Gulf of Mexico, approving driller permits and plans, monitoring the safety of offshore drilling operations and -- in what quickly drew allegations of conflict of interest after the Deepwater Horizon explosion -- collecting royalties from oil companies doing

work in federal waters.

Since the accident, the downside of vesting one regulatory division with all of those disparate responsibilities has been brought into stark relief.

Documents have revealed, for example, that the agency sidestepped rules requiring it to obtain other federal permits before allowing BP -- and dozens of other oil companies -- to drill in areas that might harm endangered species or other marine mammals. Current and former scientists of the agency have also stated that they were routinely overruled when they raised concerns about the safety and environmental impact of certain drilling proposals.

And investigators have also charged that the minerals service was lax in approving drilling proposals -- including those developed by BP for the Deepwater Horizon -- despite lacking any realistic plan to respond to a blowout of the magnitude now polluting the gulf.

Of course, the precise combination of factors leading to the unchecked gusher is still being sorted out -- including what measure of blame will be assigned to BP, to human error and to a failure of federal oversight.

Nonetheless, in an effort to dissolve a relationship between industry and regulators that many critics say had become far too cozy and permissive, the Obama administration announced plans to break up the Minerals Management Service on May 11. The idea is to divide the agency into three parts -- one responsible for leasing, another for fee collections and a separate division for environmental oversight.

The agency also gets a new name: the Bureau of Ocean Energy Management, Regulation and Enforcement. Michael R. Bromwich, a former Justice Department inspector general under the Clinton administration, was named last week to head it up.

He succeeds the most prominent official to depart in connection with the gulf disaster: S. Elizabeth Birnbaum, the former director of the minerals service, who resigned on May 27. Mr. Obama suggested that Ms. Birnbaum had failed to change her troubled agency with "sufficient urgency."

Mr. Bromwich told a Senate panel on Wednesday that he would create an investigative unit to root out corruption and speed reorganization of the office.

Q. Who is legally liable for the effects of the oil spill?

A. Under the Oil Pollution Act of 1990, BP, the owner of the well, has been named the "responsible party" and bears the brunt of liability for the spill. That means the company must foot the bill for the cleanup efforts and pay claims for economic damage, as well as penalties under the law. Other companies involved with the well could find themselves drawn into litigation.

Q. Has BP paid out any claims to people who have suffered from the spill? How much so far?

A. From the beginning of the disaster, BP has said it will pay all "legitimate claims" of economic loss related to the spill and so far has paid out more than $100 million. It has issued more than 31,000 checks since the accident to residents along the Gulf Coast. It has received 64,000 claims and says it has a claims team of 1,000 working on claims at 33 field offices.

Q. Is there any law limiting the damages paid out by an oil company?

A. The Oil Pollution Act sets the liability limit for economic damage claims at $75 million, but BP blew past that number long ago and has said it will pay all legitimate claims. Last week, BP and the White House announced that the company was creating a $20 billion fund to take over payment of economic damage claims. The fund will be run independently by Kenneth R. Feinberg, who also administered the settlement fund for 9/11 victims and others.

Q. Have any lawsuits been filed against BP or other parties?

A. More than 200 lawsuits have been filed against BP and other companies -- and some of those suits are class actions involving hundreds and even thousands of plaintiffs. Commercial fishermen, shrimpers, vacation home rental agents, dive shop owners, seafood processors, state and local agencies and anyone whose income could be affected by the spill are weighing in.

Whether they continue to pursue their claims in court or opt for the more predictable settlement from Mr. Feinberg's fund is one of the issues we will all be watching.

Q. How in the world will the courts deal with all of those lawsuits?

A. The suits are likely to be consolidated by the federal courts through a process called multidistrict litigation. A seven-judge panel appointed by the chief justice of the Supreme Court of the United States meets regularly to determine which cases should be consolidated and how.

The industry has asked that the cases be consolidated in Houston; the companies' headquarters are there, and, not coincidentally, it might be a relatively friendly environment. The various lawyers for the plaintiffs have requested that the cases be consolidated across the Gulf Coast, with the Louisiana trial bar pushing hard for New Orleans -- not coincidentally, a place where anger over the spill runs high.

Q. Is BP wealthy enough to pay for the economic and environmental costs of the spill? Or is the company at risk financially?

A. The price of BP stock has plummeted by more than 50 percent since the April 20 accident, from just over $60 a share to below $30. But BP remains a very wealthy company; last year alone it earned $17 billion, and it ended the year with more than $8 billion in cash. It has operations all over the world that generate income, and with oil at over $75 a barrel, the prospects for revenues remain strong.

Most experts believe the company will survive, despite anticipated losses from penalties and claims mounting to tens of billions of dollars.

Still, uncertainties remain, especially if the runaway well is not plugged by the two relief wells now being drilled, which was expected to be completed by late August. That could mean months more of heavy damages, and more and more claims.

Q. Who owns BP stock? Mostly Britons?

A. BP is owned by investors all over the world. BP estimates that about 40 percent of their shares are owned by British investors, and nearly as much by American investors. Another 10 percent are owned by other Europeans, and the remaining 10 percent by investors from other countries outside Europe. Since much of the stock is owned by mutual funds, it is not easy to determine the exact percentages of the nationalities of its owners. Suffice it to say, many Americans and Britons depend on BP dividends.

Q. Are lots of ordinary people whose mutual or pension funds are invested in BP going to be adversely affected? Or are most such funds widely diversified?

A. There are certainly some mutual funds and pension funds that will be affected on both sides of the Atlantic. Nebraska's retirement fund, for instance, reportedly will lose $1.3 million each quarter that BP suspends its dividend. The erasure of about $100 billion in BP stock value has translated into big losses for several funds. The California Public Employees' Retirement system has lost more than $284 million in value, Bloomberg News reported.

Q. Will other oil companies benefit from BP's woes, or will they all be negatively affected?

A. Some companies may benefit in the future. When companies decide to invest in big projects, they often look for partners to share risks and expenses. BP may be seen now as less reliable, giving a new competitive edge to Exxon Mobil and Chevron, for instance, when smaller companies like Anadarko are looking for a partner with deep pockets.

But at the moment BP's woes are shared widely, especially among companies that would like to drill more in the Gulf of Mexico. The current drilling moratorium will hurt the majors and service companies. Oil companies will almost certainly face more regulatory hurdles and safety expenses in the future.

Q. Will the spill or the offshore drilling moratorium affect oil or gas prices?

A. The moratorium on drilling in the gulf should not have an impact on oil or gasoline prices over the short term. For one thing, a well that is being drilled is not a producing well; each drilling operation takes a year or more before production commences. For another, oil production is still high in the gulf by historical standards as a result of a wave of drilling in recent years.

Oil is a world commodity, and its price is affected by many factors including the strength of the world economy, which drives demand. However, if the moratorium were to go on for years, it would eventually have an impact on oil supplies as older wells became less productive. That could affect prices, unless lost production is replaced by new production somewhere else.

Q. Is gulf seafood safe to eat?

A. Yes, experts say. Health scientists and politicians have been hammering home this message since the spill, all the way up to President Obama, who ate local crab cakes and shrimp salad sandwiches on television during a trip to Gulfport, Miss. The federal government says the seafood is being tested for dangerous chemicals by federal scientists from the Environmental Protection Agency, the National Oceanic and Atmospheric Administration and the Food and Drug Administration.

Mainly they are looking for a chemical called a polycyclic aromatic hydrocarbon, which is a leading indicator of oil contamination. So far, all levels are safe. This is largely because the federal government closed large swaths of the gulf to fishers, shrimpers and oystermen.

Not that much seafood, speaking relatively, comes from there anyway: The gulf supplies only 2 percent of the nation's seafood, while 83 percent is imported. Still, wary seafood eaters aren't taking any chances, causing prices across the country to rise for fish and shrimp. So, the real thing to avoid, experts say, is an overpriced meal.

Q. Is any organization coordinating charitable donations?

A. Several Web sites are compiling places to donate money, time and resources. The Greater New Orleans Foundation is focused on charities that help fishermen and their families in Louisiana. The National Wildlife Foundation and the Humane Society of the United States are taking donations to help wildlife on the coast.

Q. Is this the nation's worst oil disaster ever? Its worst environmental disaster ever?

A. It is probably neither. If your criterion for the worst oil disaster is the greatest volume of oil leaked, then the Lakeview Gusher of 1910 released at least twice as much oil into a semi-desert area of California as this leak has released so far. This leak is without question the worst oil disaster at sea in United States history, but it does not yet match

the volume of an Mexican oil-well blowout known as Ixtoc 1, also in the gulf, in 1979-80.

As for worst environmental disaster ever, this one so far does not come close to matching the human impact of the Dust Bowl of the 1930s, which prompted one of the largest mass migrations in American history, with perhaps a half-million people abandoning the Plains. But that said, the damage is accumulating as the spill drags on. It seems likely to wind up as one of the worst American environmental disasters, if not the worst.

This is a more complete version of the story than the one that appeared in print.

Louisiana Wants U.S. Help, and Its Own Way (*New York Times*)

June 26, 2010 Saturday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 1
By CAMPBELL ROBERTSON and JOHN COLLINS RUDOLF
NEW ORLEANS -- For weeks, Gov. Bobby Jindal of Louisiana has attacked BP and the Coast Guard for not having adequate plans and resources to battle the oil spill.

But interviews with more than two dozen state and federal officials and experts suggest that Louisiana, from the earliest days of the spill in the Gulf of Mexico, has often disregarded its own plans and experts in favor of large-scale proposals that many say would probably have had limited effectiveness and could have even hampered the response.

The state's approach has also at times appeared divided: while some state officials work alongside the Coast Guard and BP every day, others, including the governor, have championed a go-it-alone approach.

Such a stance is popular in a place justifiably skeptical of federal disaster response after Hurricane Katrina. The federal response, at times slow and disorganized, has been a matter of grave concern to this state, with its fragile and complicated coastline.

Mr. Jindal, a Republican like all but one of the other gulf state governors, has been alone among them for his publicly critical stance toward the federal agencies in the response.

But experts said such antagonism could actually slow down that response.

"You can ask for the moon and say you didn't get it, but I don't think that's going to add anything to the response capabilities," said Doug Lentsch, who was chief of the Coast Guard's Pollution Response Branch in Washington, D. C., during the Exxon Valdez

disaster and helped develop the Oil Pollution Act of 1990. "When that stuff happens, you actually take away the ability of the unified command to get their job done."

Melissa Sellers, the governor's communications director, said in a statement that the state was forced to be proactive and act on its own because of the slow response and a lack of information from BP and the federal authorities.

"The bottom line is that this is an emergency situation," Ms. Sellers said. "It demands quick action and quick thinking, and especially common sense. We continue to ask the federal government and BP to join us in this fight and battle this oil spill with the sense of urgency that the protection of our state demands."

But a review of Louisiana's prespill preparation suggests that the state may be open to the same criticisms that Mr. Jindal has leveled at BP and federal authorities.

The state has an oil spill coordinator's office. Its staff shrank by half over the last decade, and the 17-year-old oil spill research and development program that is associated with the office had its annual $750,000 in financing cut last year. The coordinator is responsible for drawing up and signing off on spill contingency plans with the Coast Guard and a committee of federal, state and local officials.

Some of these plans are rife with omissions, including pages of blank charts that are supposed to detail available supplies of equipment like oil-skimming vessels. A draft action plan for a worst case is among many requirements in the southeast Louisiana proposal listed as "to be developed."

State officials said that many of those gaps had been addressed but that the information had not yet been formally incorporated into the plan by the Coast Guard.

The plans, in conjunction with state and federal laws, do outline a response structure, called a unified command. In the event of a spill, state officials, the responsible party and the federal authorities, usually the Coast Guard, are supposed to work together to marshal resources and create day-to-day action plans.

From the first days of the spill, state representatives at a command center in Houma, La., have been following that script, signing off on the action plans with the Coast Guard and BP.

But on the first weekend in May, after the governor declared a state of emergency and weeks before heavy oil began to hit the coast, senior members of the Jindal administration decided the unified command was not working.

"We very quickly ran into challenges with the different entities carrying out their responsibilities under that framework," said Garret Graves, the director of the governor's office of coastal activities, citing a lack of urgency and decisiveness by the Coast Guard. "That's where I think the inefficiencies were realized, and that's why the state began

taking an alternative path."

"I don't think the Coast Guard or BP had a familiarity with disaster posture," Mr. Graves added.

On May 3, Mr. Jindal went public with his dissatisfaction.

"We kept being assured over and over that they had a plan, that there was a detailed plan, that it was coming; we never got that plan," he said.

But under the law, oil spill experts said, there are only two kinds of government plans pertaining to spills, and the state is partly responsible for both.

There are area contingency plans, which the state helps draw up and are meant to be in place when a spill occurs; and there are action plans, which the state helps put together on a day-to-day basis after a spill.

It is just as much the state's responsibility as anyone's if a spill occurs and there is no up-to-date contingency plan, said Donald S. Jensen, a retired Coast Guard captain who coordinated the response to several major oil spills.

"After a spill happens is not the time to make a plan," he added.

Nevertheless, state and parish officials drew up their own response plan, a process that usually takes months, over that weekend.

The amount of hard boom the state requested, roughly 950 miles or about one and a half times the national stockpile, was more than three times what the southeast Louisiana area contingency plan said would be required to boom the state's entire coastline.

"I think it's proven to be not real reasonable," said Todd Paxton, general manager of Cook Inlet Spill Prevention and Response Inc., an Alaska company. "For one, it's just a huge amount of boom."

A call to put out large amounts of that boom immediately, experts said, was also problematic, as boom can quickly be rendered useless by waves and tides if deployed too early.

Still, the unified command put much of the state and parish plan into effect over the next few weeks, while also continuing to draw up its day-to-day action plans.

A little over a week later, Mr. Jindal began to push a sand berm strategy.

Working off an idea put forward by a pair of Dutch marine research and engineering firms, the plan called for the construction of 140 miles of sand barriers, in 24 segments,

to protect the inner coastline from oil. Such an idea is also discussed, though not in great detail, in one of the state's area contingency plans.

Just before midnight on May 11, the state requested an emergency permit for the project from the Army Corps of Engineers. At just three pages, it was intentionally vague, Mr. Graves said, on the understanding that it was likely to need modifications.

Within days the governor began to decry the slow wheels of government.

"While we're continuing to push the Corps to give us this permit and the Coast Guard and BP to approve this, we're not letting the bureaucracy stop us," Mr. Jindal said on May 14.

By that time, federal agencies had already raised serious concerns about the sand berm project, which, by one estimate, could cost nearly $1 billion.

The project would take months -- at least three for the first berm to be built and six or more for the whole project to be finished -- causing some experts and federal officials to wonder whether it would do any good. Others questioned whether it could make the problem worse: as the berms were being constructed, an analysis from the Environmental Protection Agency read, "the flow of water through unbermed portions could accelerate, potentially creating a funneling effect for the oil."

A panel of local coastal scientists was put together by the state to direct the handling of the project. But even some members of that panel have expressed deep skepticism about the plan, though none wanted to be quoted on the matter.

While a series of revisions was being made by state and federal agencies, Mr. Jindal kept up the political pressure, saying on June 2 that 10 miles of berms could have already been constructed if the federal government had immediately granted the permit.

The next day, Adm. Thad W. Allen of the Coast Guard, the national incident commander for the spill, approved the building and financing, at BP's expense, of six of the berms at a cost of $360 million, saying he was satisfied that they "will effectively stem potential damage" to the shoreline.

But the public disagreements have not stopped. This week federal authorities halted the dredging of sand for the berms in a certain part of the Chandeleur Islands, saying it violated the state's permit and could jeopardize the islands themselves.

Mr. Jindal replied by urging the federal government to "get out of the way" of a necessary defense strategy.

The state engineering firm has nevertheless suspended dredging for several days while it moves the equipment to comply with the permit.

The first barrier will be completed "no sooner than August," said Gentry Brann, a spokeswoman for the Shaw Group, the engineering firm.

"It is a large construction process," she said. "And it doesn't happen overnight."

ENERGY
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Senate poised to start energy bill (*Los Angeles Times*)

June 27, 2010 Sunday
Home Edition
MAIN NEWS; National Desk; Part A; Pg. 12
THE NATION;
Senate poised to start energy bill;
Democrats will begin work this week. A carbon cap on utilities may be included.
By Lisa Mascaro and Richard Simon
WASHINGTON

With the gulf oil spill creating political opportunity, Senate Democrats will begin crafting a sweeping energy bill this week that could include a first-ever, though more modest, cap on global-warming pollution, believing they must act now despite differences within their ranks and political jitters in an election year.

Instead of regulating all sources of greenhouse gas emissions as originally proposed, lawmakers are considering placing a carbon cap initially only on utility companies. That idea was once dismissed by environmentalists as too incremental, but now is seen by some as better than no cap at all.

President Obama will meet Tuesday with a bipartisan group of senators to push for a new energy policy. "We are prepared and ready to move forward on a new energy strategy that the American people desperately want but for which there's been insufficient political will," Obama said recently. "It is time for us to move to a clean-energy future."

With political will running short before the midterm election, the Senate has shown little appetite for a broader, economy-wide climate change bill as passed by the House almost exactly one year ago.

Even a more modest carbon cap remains difficult for senators wary of another ambitious government program at a time of voter unrest over Washington's reach.

A broad carbon-pricing system would essentially require power plants, manufacturers

and transportation industries to limit the pollution that scientists say is causing climate change and would tax entities that exceed their caps.

Republicans dismiss such a cap-and-trade system as a new tax on households and business -- "cap-and-tax," they call it. With the Democrats' 59-member caucus intensely divided on energy issues, crossover support from Republicans would be needed.

Still, a majority of Democrats appear willing to risk legislative failure, believing a robust summer discussion on energy would establish a stark contrast between the parties before the fall election.

Tackling energy legislation gives Democrats a strategy they believe resonates with voters -- though one that would expose them to GOP taunts over higher taxes, a fight Republicans would relish.

"If we spend our time always worrying about that 60th vote, we never get to do anything in a strong position," said Sen. Mark Begich (D-Alaska).

A group of senators is expected to meet this week to begin crafting legislation that could come to the floor in mid-July.

Legislative realists know the complications of passing an energy bill. It often takes years of tortuous negotiations as lawmakers split along regional rather than partisan lines. Any cap on carbon emissions draws fierce opposition from coal-state lawmakers and those from states with manufacturing industries that could be taxed for emissions.

"We have to get to the 60 votes, but it's not going to happen, I think, without the public really weighing in a major way -- and we need Republican votes," said Sen. Dianne Feinstein (D-Calif.).

The bill is likely to be a broad collection of provisions, including some in response to the gulf spill that would increase the liability caps on oil companies and impose tougher environmental and safety rules on offshore drilling.

The legislation is also expected to include new requirements that utilities generate more electricity from wind, solar or other renewable sources, as well as stricter efficiency standards for appliances and buildings.

Key will be whether the bill includes a cap on carbon emissions -- a long-sought Democratic goal. Corporate executives who are usually regulation-averse have pushed Congress to act, preferring legislation to what they see as inevitable regulation coming from the administration, as the Environmental Protection Agency begins to regulate carbon next year.

Sen. Joe Lieberman (I-Conn.), an architect of broader climate change legislation, believes a cap on the utility industry alone "would be a significant step forward."

Key Republicans have given the proposal currency by indicating they could be open to such an approach. "I'm willing to look at it," said Sen. Judd Gregg (R-N.H.), who plans to attend Tuesday's White House meeting.

Several Democratic senators have urged their colleagues to steer away from any carbon-pricing mechanism and focus on a narrower -- but still weighty -- bill that reduces foreign oil dependence by developing cleaner energy sources and increasing efficiency standards.

"That's the basis for legislation that can pass," said Sen. Kent Conrad (D-N.D.).

Senate Majority Leader Harry Reid has indicated the need for Obama to engage fully on the issue that is one of the top remaining items on his domestic agenda.

"I think it's pretty clear we have to do something," Reid said last week. "The question is what do we do, and a lot of that depends on what the White House is going to do to help us get something done."

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SUPERFUND

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Obama move to reinstate Superfund tax is resisted (*Boston Globe*)

June 27, 2010 Sunday
NEWS; National; Pg. 5
By Juliet Eilperin, Washington Post
WASHINGTON - There is no question that the Superfund program, first established 30 years ago to clean up sites around the country contaminated with hazardous waste, is facing a budget crunch.

For 15 years, the government imposed taxes on oil and chemical companies and certain other corporations. The money went into a cleanup trust fund, which reached its peak of $3.8 billion in 1996. But the taxes expired in 1995, and because Congress refused to renew them, the fund ran out of money.

Now the Obama administration will push to reinstate the **Superfund** tax. The **Environmental Protection Agency** will send a letter to Congress calling for legislation

to reimpose the tax.

The move will spark an intense battle on Capitol Hill, with Democrats and the administration lining up against oil companies and chemical manufacturers. The measure's proponents say it will ease the burden on taxpayers, who are currently funding the cleanup of ``orphaned'' sites, where no one has accepted responsibility for the contamination. Opponents suggest that it amounts to an unfair penalty.

``This is really about who should pay for the cleanup,'' said Mathy Stanislaus of the **EPA's** Office of Solid Waste and Emergency Response. ``Should it be the taxpayer, who has no responsibility for contaminating the sites, or should it be those individuals who create hazardous substances that contaminate the site?''

Since the fund ran out of money at the end of fiscal 2003, the federal government has appropriated public dollars each year to pay for orphaned sites, which account for 606 of the 1,279 sites across the nation. But that has slowed the rate of cleanup. The program completed 19 sites last year, compared with 89 in 1999, the **EPA** says.

``It's clearly slowed down as the money's dried up,'' said Mike Charles, senior manager for government relations at the American Society of Civil Engineers.

TOXICS

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Rules on lead are slow to spread (*Atlanta Journal-Constitution*)

June 27, 2010 Sunday
HOMESunday Edition
AJCHOMES; Pg. 1F
Rules on lead are slow to spread
By John Adams; For the AJC
On April 22 , the Environmental Protection Agency implemented new rules for renovations of homes built before 1978. The rule is called RRP, which stands for "renovate, repair, and paint."

The RRP rule is arguably the most sweeping intrusion of the federal government into the home repair and renovation industry in the history of our nation.

In a nutshell, the RRP rule makes it a federal crime to disturb more than 6 square feet of painted surface in any room, or to disturb more than 20 square feet of painted surface on a home's exterior, unless certain lead-safe practices are employed. The rule applies

only to homes and child-occupied facilities built before 1978, because the use of lead in paint was outlawed in the U.S. that year.

The whole idea is to minimize and contain dust and debris which might contain even a small amount of lead. Studies have shown that even a minute amount of lead dust can contaminate a whole house, putting pregnant women and children under age 6 at high risk for a variety of serious health problems, including miscarriage, low birth weight, learning disorders and excessive fatigue.

While the problem is real, and the goal of reducing hazardous lead dust is admirable, many have felt that the **EPA's** implementation of the rule was handled poorly. The truth is that most contractors and painters know nothing of the new requirement, even though federal penalties can reach $32,500 per day and a sentence of up to five years in federal prison. The word of the new rules has not gotten out to those who need it.

As a result, the **EPA** last week yielded to pressure from home builders and members of Congress, agreeing to delay enforcement of the RRP rule so that contractors and painters will have more time to get certified.

Contractors now must sign up for training by Sept. 30, and complete their training by the end of the year.

Know that even though enforcement has been delayed, the rule is now in full force and effect, and anyone considering painting or renovating a home built before 1978 should employ only **EPA** certified renovators.

John Adams is a broker and investor. He answers real estate questions on radio station WGKA (920am) every Saturday at noon. For more real estate information or to make a comment, visit www.money99.com.

WATER

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Lead in D.C. water: Still more to do (*Washington Post*)

June 27, 2010 Sunday
Regional Edition
METRO; Pg. C06
Maryland
By Thomas R. Frieden
Congressional interest in past lead contamination has raised important questions about the safety of the District's public water supply and the response of the Centers for

Disease Control and Prevention. This past year, since becoming director of the CDC, I have carefully reviewed the agency's efforts related to the District's drinking water.

Everyone agrees that lead is dangerous and that there is no safe blood lead level for children. For nearly three decades, CDC has spearheaded an effective national lead-prevention campaign. When we began, 88 percent of American children had blood lead levels above 10 micrograms per deciliter. Today it is less than 1 percent. Although we have further to go, this has been one of our nation's greatest public health success stories.

This success makes what occurred in the District particularly painful. A decade ago, a change in disinfection procedures for the city's water supply had the unintended consequence of hastening corrosion of lead pipes, resulting in high lead levels in some homes. Although testing by the District's Water and Sewer Authority (WASA) in 2000 revealed increased lead levels, this information was not widely known, and levels remained high for the next four years. In January 2004, The Post reported that most D.C. homes with lead pipes had water lead levels above the Environmental Protection Agency regulatory threshold. Two weeks later, the District asked the CDC for help.

Our agency responded immediately. The first priority was to prevent continuing exposure of District residents, particularly children, to water contaminated with lead. The CDC worked closely with the D.C. Department of Health, WASA, the EPA, the U.S. Public Health Service, and other federal and local agencies to warn that pregnant and breastfeeding women and children should not drink unfiltered tap water. Having initiated steps to prevent exposures, the CDC worked to determine the health consequences of the contamination.

In such situations, the CDC partners with local authorities, relying on them to provide the necessary data, and this was the case in the District. The CDC used information provided by WASA to identify homes at risk of lead exposure and depended on the D.C. Department of Health to monitor and report blood lead tests of residents.

Our agency published initial data in the Morbidity and Mortality Weekly Report, repeating earlier advice that young children and pregnant and breastfeeding women refrain from drinking unfiltered tap water. The report showed that lead in tap water contributed to an increase in blood lead levels. But in one section it also stated that no children were identified with elevated blood lead levels, even in homes with the highest lead concentrations in water.

Over the years, this analysis and others have been questioned by a congressional subcommittee, some scientists and the media. After I became the CDC director, I also had questions about the initial CDC report. I contacted the District government to request data on all blood lead tests that had not been previously reported to CDC and ordered an internal review of the CDC lead program and its handling of this incident.

I concluded that, in its urgency to rapidly assess the situation, the CDC communicated

scientific results poorly. The CDC's report left room for misinterpretation and may have led some people to improperly minimize concerns about lead exposure and conclude that lead in the water had never been a problem.

This year, having recovered missing data, CDC conducted an intensive reanalysis. This reanalysis, which included the missing data, did not alter the original conclusion that lead in water was associated with an increase in blood lead levels. But it did prompt the CDC to issue a new report clearly acknowledging that the statement in the 2004 report that no children were identified with elevated blood lead levels was wrong. In fact, both the original analysis and the new analysis show that children living in homes serviced by lead water pipes were more than twice as likely as other D.C. children to have elevated blood lead levels. We also learned that replacing lead pipes outside but not in homes does not appear to reduce the risk of lead exposure.

Lead in water remains an important health concern. The CDC has worked to improve the District's lead program and protect city residents. Elevated blood lead levels among D.C. children have fallen by half over the past five years and are now lower than the national average and similar to those in other large cities. D.C. Water (WASA's new name, as of this month) reports that the water supply is within EPA limits, but there are still homes with lead pipes and other sources of lead that require abatement, and residents who are concerned can have their water tested by D.C. Water.

Our focus must now be on how best to protect people from lead poisoning. I have met with D.C. Del. Eleanor Holmes Norton (D) and have pledged to work with her, Chairman Brad Miller (D-N.C.) of the House Science Oversight and Investigations Subcommittee, other members of Congress, and District officials to eliminate lead poisoning here and across the country. As Norton emphasized at a recent congressional hearing, a high priority is to increase the percentage of eligible children in the District who are being screened. Lead exposure can cause harm even at low levels, and we must be aggressive in our prevention efforts. A single lead-poisoned child is one too many.

The writer is director of the Centers for Disease Control and Prevention.

Souderton looking to fight costly new stormwater rules (*The Reporter*)

Sunday, June 27, 2010
By Jennifer Mohan

Souderton Councilman Rick Halbom remembers a time when the waters where he fished were much clearer.

"I remember going down to the lower Chesapeake when I was a kid, and you could go out in 10 feet of water and see the bottom," said Halbom. "It's green now."

Halbom is not the only person who has noticed a change in the composition of the water

in the bay.

The U.S. Environmental Protection Agency (EPA) has taken notice as well, and they have tasked state agencies with revising their plans for the collection and distribution of stormwater.

In turn, the Pennsylvania Department of Environmental Protection (DEP) has placed the onus on local municipalities to change their stormwater collection methods, as well as foot the entire bill for the project.

"This could cost the borough millions of dollars that we just don't have," said Halbom said at a recent council meeting.

He said one of the main concerns is the silt that travels in stormwater adds nutrients, which in turn change the whole character of the body of water into which they are deposited.

The DEP is proposing that municipalities across the state retrofit or replace all of their stormwater inlets with a filtration system to trap the sediment.

This is just one of a list measures the DEP wants to see implemented as early as next spring.

According to Halbom, there are approximately 300 to 400 of these inlets within the boundaries of Souderton Borough.

And in addition to the approximately $2,000 to $3,000 that it would cost for the replacement of each inlet, Halbom said the borough would also be responsible costs incurred by the required annual inspection and the maintenance of every filter.

"What they are proposing are absolutely draconian measures that will cost us millions of dollars to implement, and will solve only a tiny fraction of the problem," said Halbom.

He also said that for much of what the DEP is asking municipalities to do, there is no science to show it could work.

"They really have offered no data to back up their claims," said Halbom.

Halbom serves as the liaison between Souderton council and the Southeastern PA Stormwater Coalition.

The coalition is a subset of the Montgomery County Consortium of Communities, and is comprised of members from 30 municipalities, representing the interests of approximately 450,000 residents.

Coalition Vice Chairman Michael Fox of Montgomery Township said the immediate

problem facing municipalities is the need for the extension of the current Sept. 10, 2010, deadline imposed by the DEP for the application of municipal separate stormsewer system permits or MS4s.

In order for a municipality to discharge stormwater into the local watershed, the municipality must be in possession of a MS4 issued by the DEP.

The current MS4 permits issued by the DEP expired in March 2008, and everyone is currently operating under an extension. However, this extension is set to expire on Sept. 10.

Fox said back in early 2009 the DEP issued a draft renewal of the stormwater regulatory ordinance and gave local governments the mandated 60-day period to comment on their proposal.

Within this timeframe, Fox said the coalition collectively gathered their engineers and made a presentation of their concerns regarding the model ordinance to the DEP.

He said everyone is still waiting for the DEP to issue the revision of the ordinance based on these suggestions.

"We have no idea what this ordinance is going to look like, and we only have about 70 days to make an application," said Fox. "Our engineers have said that even in the best circumstances it takes six months to make an application."

"As it stands now, we don't have time even to do that," he said.

Fox said if the DEP cannot honor the request for an extension, legal action to forestall the implementation of the ordinance may be the coalition's only recourse. He said he hopes it does not come to that.

"We would like the DEP to grant an extension," said Fox. "We think that is the most prudent step they can take toward resolution, considering their unreasonable actions."

On April 16, Fox, on behalf of the coalition, sent a letter to DEP Secretary John Hanger requesting an extension of the Sept. 10 deadline.

In a return response dated May 27, Hanger denied this request, writing: "The (revised ordinance) will be published once the DEP receives approval from the EPA. The DEP does not have a rationale for further delay in the renewal (of the ordinance); therefore, there will be no further extension."

"What we really need to do is to get state and federal legislatures on board and intervene with DEP and EPA," Halbom said. "What is written on a piece of paper sitting on a desk in Harrisburg might appear to be a good idea, but down here, in the weeds, it is a bad idea."

Halbom added that no one disputes the idea that something needs to be done about this issue, but it needs to be a thoughtful and appropriate solution.

The Natural Way (*Los Angeles Times*)

June 27, 2010 Sunday
Home Edition
Features Desk; Part P; Part P; Pg. 4
{ SUMMER SUN GUIDE };
The 'natural' way;
So-called natural sunscreens do work, but they require more effort than traditional ones to apply.
By Susan Carpenter
When it comes to sunscreens, most consumers are concerned about SPF, brand and price. Typically, they do not turn the bottles around to check out what, exactly, they are slathering on their skin, maybe because they'd be confronted with words such as avobenzone, oxybenzone, octisalate, diethylexyl, triethanolamine and a host of other ingredients unpronounceable to anyone who works outside a lab.

It's easy to see why some consumers are turning to niche manufacturers' so-called natural sunscreens, whose ingredient lists sound far more comforting, stocked, as they are, with organic macadamia nut or hemp seed oils, green tea extracts, beeswax, purified water and other wholesome fare.

But do they work?

"Yes," says Jeffrey Dover, president of the American Society for Dermatologic Surgery, but consumers typically don't put on enough to make them effective. (In general, the American Academy of Dermatology recommends that consumers use enough sunscreen to fill a shot glass.)

While many natural sunscreens have content that might be expected on food labels, the active ingredients that make them work are titanium dioxide and zinc oxide, the latter of which can temporarily whiten the skin. Both work by physically blocking the sun's rays, Dover says. Generally speaking, natural sunscreens require a lot more rubbing in and advance application time to bind with the skin and be effective.

Traditional sunscreens, Dover says, work differently. They operate with chemical blocks that absorb ultraviolet rays, preventing them from causing serious damage.

Avobenzone is the most widely used ingredient to absorb UVA, the type of ultraviolet light that contributes to skin cancer and aging of the skin, but it degrades in sunlight, so it has to be combined with other ingredients to be effective. Oxybenzone is the

ingredient most often used to absorb UVB, the type of ultraviolet light that causes sunburn. Both avobenzone and oxybenzone absorb invisibly into the skin, leaving little trace they're there.

The issue with a traditional sunscreen is how much of it is absorbed by the skin into the body and what it does to the body once it's there. Oxybenzone, for example, can be a hormone disruptor and its presence in pregnant women correlates with lower baby birth weights, according to the Centers for Disease Control. About 9% of the oxybenzone applied to skin soaks through it, according to the Environmental Working Group, a Washington, D.C.-based advocacy organization.

Despite questions about various ingredients in both traditional and natural products, the Centers for Disease Control and Prevention emphasizes the use of a sunscreen with a sun protection factor of 15 or higher as a way to help prevent sun damage.

In addition, the active ingredients in natural sunscreens are also being questioned. While titanium dioxide and zinc oxide don't penetrate the skin to the same degree as oxybenzone, their environmental effects aren't entirely clear.

Much of the titanium dioxide and zinc oxide used in natural sunscreens has been micronized into nanoparticles -- a "new technology that's taking zinc and titanium particles and breaking them into incredibly small sizes that allow you to have a product that doesn't turn your skin white the way the old lifeguard sunscreens did," said Sonya Lunder, senior analyst at the Environmental Working Group.

Though Lunder and her group think natural sunscreens are more healthful than chemical sunscreens, and that zinc oxide is slightly better than titanium dioxide because it is more biodegradable, she also said nano technology deserves more scrutiny because there may be environmental effects that impact plants and aquaculture. Minnesota Public Radio recently reported that the Environmental Protection Agency has been studying "seven different nano materials, hoping to develop the tools regulators will need to determine how risky they will be in lakes, rivers and groundwater.

Most consumers continue to purchase traditional products. Indeed, natural sunscreens account for only a tiny percentage of the sun-care market, according to Karen Grant, global industry analyst and vice president of beauty for the NPD Group, a market research firm.

"It's still very niche. We haven't seen a lot of products from the big players in this area," said Grant, adding that Bare Escentuals is the only mainstream, high-end sunscreen manufacturer she's aware of that produces a natural sunscreen.

Natural products are primarily available online and at specialty stores and grocers such as Whole Foods.

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North Andover

No Discharge Designation (*Boston Globe*)

NO DISCHARGE DESIGNATION - North Andover is among 16 local communities waiting to find out if it will obtain a ``No Discharge Area'' designation from the **Environmental Protection Agency. The EPA** is considering a proposal from Massachusetts Coastal Zone Management to prohibit discharges of treated and untreated boat sewage in coastal waters within the boundaries of North Andover, Gloucester, Rockport, Essex, Ipswich, Rowley, Newbury, Newburyport, Salisbury, Amesbury, West Newbury, Merrimac, Groveland, Haverhill, Methuen, and Lawrence. To be designated a No Discharge Area, the communities must demonstrate that there are enough pump-out facilities for boaters. According to the **EPA,** there are more than 25 marinas or boat yards adjacent to the proposed area, with 13 pump-out facilities. This area would be the final piece to complete a No Discharge Area from the New Hampshire border to Provincetown, said Ian A. Bowles, Massachusetts Energy and Environmental Affairs secretary. - Katheleen Conti

We Need Agents of Change (*Detroit Free Press*)

Michigan
June 27, 2010 Sunday
SPORTS; Pg. C9: WE NEED AGENTS OF CHANGE
By, ERIC SHARP
FREE PRESS OUTDOORS WRITER
The gulf oil spill has proven once against what most people have known for decades -- government usually is hopelessly slow and often massively incompetent in responding to crises.

We may be seeing that incompetence reiterated in the Great Lakes with the capture of a 3-foot, 20-pound bighead Asian carp in a canal north of the electronic barrier that was supposed to keep them out of Lake Michigan.

This fish was taken in a place where federal and state biologists had confidently predicted it shouldn't be, because they had poisoned the canal and because the bureaucrats hadn't been able to catch any in their nets. That undoubtedly says more

about the inefficiency of the government's netters than about the possibility of carp breaching the barrier.

This fish was caught by commercial netters in Lake Calumet, just six miles up a canal from the open waters of Lake Michigan. So what are the odds that the fishermen caught the only Asian carp that has made it this far?

The federal government has known for nearly 30 years the threat these fish pose for the Great Lakes. That was evident almost from the day they escaped from southern fish farms and sewage lagoons and began making their way up the Mississippi River to the Illinois. And the U.S. Army Corps of Engineers has spent at least eight years and millions of dollars coming up with a carp-repelling system that doesn't work.

Now that we know that they have reached the lakes, the Environmental Protection Agency should ask a federal court to immediately close the Chicago Sanitary and Ship canal that is the vector for the fish from the Illinois and Des Plaines Rivers.

The next step should be establishing a program to figure out how to eradicate any Asian carp that show up in bays, backwaters and rivers around the Great Lakes. Unfortunately, the odds on that happening in a timely fashion are about the same as that oil well in the gulf shutting itself off tomorrow.

One agency did take a positive step last week (albeit a baby one): the Michigan Department of Natural Resources and Environment acknowledged the existence of yet another cougar in the Upper Peninsula.

Cougars were once relatively common here, but after the last recorded cougar was killed early in the 1900s, the state wildlife agency decided they had been wiped out. The problem was that people continued to see cougars for the next 100 years, with most of the reports coming from the same areas.

Senior wildlife biologists usually attributed the cats to exotic pet escapes. In recent years the party line has been, "They must be young males wandering in from Minnesota," where cougars have been well-documented. That's the story the DNRE is sticking to for the latest find.

I was a skeptic when I first began looking into the cougar issue a decade ago. It didn't take long for three things to convince me that a few of the cats were still here in Michigan, and that they had never been completely erased.

One was the way many reports came from the same few places decade after decade. Another was the scat evidence collected by the Michigan Wildlife Conservancy, which DNA testing proved came from cougars despite the DNRE's efforts to dispute the science. But even more telling were eye-witness sightings by hundreds of people.

A few were obvious screwballs making up impossible stories. Others were sure they

saw a cougar but did so under conditions where it was possible they mistook a big bobcat or dog.

But there were lots of cases where intelligent, rational people saw the big cats at distances of 10-100 feet in daylight. Several DNRE personnel, mostly foresters but some biologists and conservation officers, also told me they had seen cougars.

If only 10% of those solid reports were accurate, they still amounted to clear evidence that Michigan had a breeding population of cougars in both peninsulas. And the cats seem to have become more common in the last couple of decades, which makes sense when you consider how cougars are exquisitely evolved to prey on deer, and Michigan has a large deer herd.

Under the state's engendered species act, the cash-strapped DNRE is going to have to come up with some kind of management program for cougars. And that law doesn't say that cougars from other states don't count.

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