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Table of Contents
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Monday, June 28, 2010

EDITORIAL / OP-ED / COMMENTARY / LETTERS 3
Light-bulb grabbers at it again (*Washington Times*) 3
Feds hinder Pelican State cleanup efforts (*Washington Times*) 4
Chemistry tests (*Los Angeles Times*) 5
Criticism of federal government well-deserved (*Las Vegas Review Journal*) 7
The Return of Superfund (*New York Times*) 8
New EPA rules a harsh blow to Appalachia (*Lexington Herald Leader*) 9
Hoppy's Commentary on Byrd (*MetroNews*) 11
BP SPILL 12
Obama Discovers One More Crisis for a Toxic Tax (*Bloomberg Business Week*) . 12
Mississippi officials slam Coast Guard as BP oil hits shores (*Anchorage Daily News*) 14
If oil comes, we're ready (*News & Observer*) 18
Cloudy With a Chance of Tarballs? (*Mother Jones*) 19
Graham promises fair look at oil spill (*St. Petersburg Times*) 21
Spill impact spreads outside Gulf (*Chattanooga Times Free Press*) 23
CLIMATE CHANGE 26
EENR Committee Focuses on Energy, Climate Change Adaptation (*Nation's Cities Weekly*) 26
ENFORCEMENT 28
EPA Delays Enforcement Of Renovation Rule Certification Requirements (*Pest Control Technology Magazine*) 28
FUEL 28
Congresswoman urges move to higher ethanol blends (*Associated Press*) 29
Story also appeared: *ABC 9 KCAUTV* 29
GENERAL 29
Social networking sites: 10 mistakes organizations make (*Washington Post)* 29

We need agents of change (*Detroit Free Press*) 31
How America Has Gone Green (Earth 911.com) 33
PESTICIDES 36
A Closer Look (*Los Angeles Times*) 36
TOXICS 39
Spreading Drums of Toxic Dispersant to Keep Oil Hidden Underwater (*HNN Huntingtonnews.net*) 39
Eco-friendly ways to get rid of old cell phones (*Helium*) 39
Home remodelers get more time to complete lead paint safety training (*Duluth News Tribune*) 41
WATER 43
Miami-Dade risks more sewer breaks as water pipes need repairs (*Miami Herald*) 43
Developer's criminal past clouds proposal for Providence waterfront (*Providence Journal*) 46
Negley Landfill Expansion Subject of Hearing (*Business Journal Daily)* 49
$500,000 being spent to save woodrats (*Journal and Courier*) 50
Criminal charges for environmental accidents more common (*Dayton Business Journal*) 52

EDITORIAL / OP-ED / COMMENTARY / LETTERS
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Light-bulb grabbers at it again (*Washington Times*)

June 28, 2010 Monday
B, EDITORIALS; Pg. 2
Light-bulb grabbers at it again;
New labels and mandates an example of nanny-state excess
In the midst of an economic crisis, troubles in Afghanistan and various terrorist threats around the globe, the last thing on the minds of Americans is the light bulb. That didn't stop the Federal Trade Commission (FTC) earlier this month from releasing 91 pages of regulations that will force manufacturers to revise their packaging and make costly compact fluorescent bulbs appear more appealing to consumers.

Congress ordered these changes in 2007 as part of its decision to force the dim, overpriced, mercury-filled product on a public that so far has refused to embrace it willingly. Beginning Jan. 1, 2012, bureaucratic rules will phase in, and 100-watt versions of Thomas Edison's venerable invention will be first on the contraband list. Sylvania, the largest light-bulb company in North America, found in a telephone survey last year that three-quarters of Americans have no idea that Congress is coming for their light bulbs. If you like a safe, warm glow with your lighting, now would be a good time to start stocking up on incandescents.

Congress wants to force the pale, cold fluorescent curlicue fixtures on everyone because it makes members feel that they are doing their part to "save the planet." Fluorescent bulbs certainly are more efficient, and they do use less power. They make sense in many applications, particularly in workplace environments. The FTC's new labels dethrone the watt as the primary measure of a bulb's effectiveness and replace it with the lumen as a measure of light output. For the most part, industry supports the change. It's happy to sell you any type of bulb.

Manufacturers do grumble about the government rules requiring so much information, which often must be repeated in both French and Spanish. Packages for small light bulbs do not have room for it all. According to one firm, the cost of redesigning hundreds of different boxes to meet the new standards is "high-end work" that will cost several million dollars. De-emphasis of the watt on the new containers also will make it more likely that consumers could select the wrong bulb for a light fixture, increasing the risk of fire.

Safety, of course, is far from the minds of the feel-good regulators in Congress, who are pushing bulbs typically filled with up to 15 milligrams of mercury, a toxic substance.

According to the Environmental Protection Agency, breaking one of these new bulbs can be a costly mistake. "If clothing or bedding materials come in direct contact with broken glass, then it's time to throw them away. They're gone for good," the agency explained.

Manufacturers are hard at work inventing energy-saving alternatives that consumers will embrace once it makes sense to do so. For example, at least two have developed energy-saving halogen bulbs that just squeak in under the 2012 regulations. There is no need for the self-appointed planetary saviors in Congress to meddle in the process. Congress already has taken over the design of shower heads, flush toilets and washing machines. It's time to put an end to congressional nannying and repeal government intrusion into household plumbing and appliances.

Feds hinder Pelican State cleanup efforts (*Washington Times*)

June 28, 2010 Monday
B, EDITORIALS; Pg. 2
Obama bureaucracy soils the Gulf;
Feds hinder Pelican State cleanup efforts
By THE WASHINGTON TIMES
The Obama administration's red tape continues to tie the hands of individuals seeking to mitigate the effects of the disastrous oil leak in the Gulf of Mexico. It's a sign of how out-of-touch the O Force's priorities have become.

Last week, the Department of the Interior and the U.S. Army Corps of Engineers teamed up to thwart efforts to build sand berms to protect the fragile Louisiana coastline. The excuse given for federal intervention was that the state was about to dredge sand too close to the Chandeleur Islands and that a bird habitat might also be affected. State officials reacted with outrage, suggesting the federal claims were bogus.

"The Corps' own permit indicates that we are currently operating within the allowed dredge area," Garrett Graves, chairman of the Louisiana Coastal Protection and Restoration Authority explained in a June 23 statement. "The Department of the Interior's continued insistence that this dredge area is a bird rookery makes it clear that they are confused about what it is that they are protecting - and perhaps have never been to the Chandeleurs at all. There isn't a place for a bird to land for over a mile away."

Gov. Bobby Jindal, Louisiana Republican, has been active in pushing the sand barrier to protect the coast. He explained that the federal "help" was making things worse, saying, "Get out of the way; move this bureaucracy out of the way."

The same bureaucratic obstinance sabotaged relief efforts from the earliest days of the crisis. Radio Netherlands, for example, reported on May 4 that the Environmental Protection Agency's water discharge rules appear to have played a role in prompting

federal agencies to turn down international offers of assistance, including oil skimming equipment from the Netherlands. The massive Dutch ships are specifically designed to deal with oil spills by taking in the contaminated seawater, separating out a large amount of oil and then dumping the remaining water overboard. "But the water does contain some oil residue, and that is too much according to U.S. environment regulations," Radio Netherlands explained.

These ships sat idle for six weeks because bureaucratic rules could not distinguish an effort that would have sucked 5,000 tons of oil per day out of the Gulf from the actions of someone deliberately pumping oil into the water.

"In case you were wondering who's responsible," said President Obama at his May 28 press conference, "I take responsibility." That sounds about right - except that this time, a better phrase for "responsibility" would be "the blame."

Chemistry tests (*Los Angeles Times*)

June 28, 2010 Monday
Home Edition
MAIN NEWS; bad desk code; Editorial Desk; Part A; Pg. 12
Chemistry tests;
Tens of thousands of synthetic compounds surround us. A federal cancer panel urges better research.
A recent, dramatic warning about synthetic chemicals causing cancer came from an unlikely source -- the normally staid President's Cancer Panel. In the past, the federal panel's annual reports have explored maximizing the nation's investment in cancer research or promoting healthful living, or simply assessed the nation's progress in fighting cancer.

Compare that with the report issued in May, which raises alarms about "grievous harm" caused by synthetic chemicals and asserts that the number of cancer cases they're responsible for has been "grossly underestimated." The report urges families to filter their water and eat organic food, and in a cover letter the panel urges President Obama to remove carcinogens from the environment.

The report drew criticism from the American Cancer Society, which raised its own concerns that the report might lead Americans to minimize the risks from cigarettes and obesity, which it says are more dangerous and more easily avoidable. Those factors, it said, accounted for far more cancers than did chemicals in the environment.

Neither side has it quite right. The truth, on which both sides agree, is also the most damning statement of all: This nation has done a woeful job of gathering and analyzing information about the potential dangers of the tens of thousands of chemicals that surround us. The cancer panel might be alarming people unnecessarily; it doesn't help to be told to buy organic food when you can't afford to move from a neighborhood in an

industrial area where toxic chemicals are used. But the cancer society also might be downplaying real risks.

The panel was right to broaden the discussion of cancer. Until recently, environmental groups were the ones sounding off about chemical carcinogens. The panel's report lays out in a more official way just how little we know, at our possible peril. It points out that of the more than 80,000 synthetic chemicals used in this country, only a few hundred have been tested for safety, and more chemicals are added every year. Federal law requires chemicals to be proved safe before they can be sold if they are to be used in pesticides, medications or food. Otherwise, chemicals are presumed safe until a danger is proved by the government. The panel raised particular concerns about young children and pregnant women, saying that many children are born with significant exposure to chemicals.

Certainly we all know that asbestos, which can cause lung cancer, was used for decades before it was banned in 1989. Other substances that can present serious dangers besides cancer also have been discovered only after widespread use. Flame-retardant chemicals called polybrominated diphenyl ethers, intended to save lives, were found to disrupt thyroid function and interfere with developing reproductive and nervous systems in animals. A federal study last year discovered the chemicals in mussels even in remote coastal areas around the country; in other words, they had become nearly ubiquitous in the environment. Another study found that Californians have more of these chemicals in their blood and around their homes than residents of any other state. Studies suggest that pregnant women and children are especially vulnerable to their effects.

Production of these chemicals had been banned in several Asian and European countries by the time last year's study came out. But in the United States there was a patchwork of rules; some states banned certain ingredients in them, and some manufacturers voluntarily stopped using them.

It's harder to track direct links to cancer, which would not show up for years after prolonged exposure. But that doesn't mean the public shouldn't be wary about the long list of chemicals to which it is exposed.

Although testing sometimes is performed to establish safe levels of exposure to a certain chemical, there is almost no research on the cumulative effects of long-term exposure to tiny amounts of thousands of chemicals. The Endocrine Society -- an association of endocrinologists -- and the American Medical Assn. adopted positions last year calling for federal policies to reduce public exposure to hormone-disrupting chemicals.

We're glad the cancer panel issued a bold statement intended to provoke debate and prompt better research on the chemicals in our environment. California is already moving toward modeling a more thoughtful approach with its Green Chemistry Initiative. Draft rules released last week by the state's Department of Toxic Substances Control

call for listing chemicals known to carry health or environmental dangers in a public database and requiring their manufacturers to look for less harmful alternatives over five to 10 years. Related new laws require the state to create a clearinghouse for scientific research on chemicals' effects.

At the federal level, a bill by Sen. Frank R. Lautenberg (D-N.J.) would model chemical-safety laws on the 1996 law on pesticides. His Safe Chemicals Act would require manufacturers to prove the safety of their products before they reach the market. Existing chemicals could remain on the market while the makers gather the proof required by the U.S. Environmental Protection Agency. The EPA would begin mandating that proof for the 300 chemicals already in circulation that are believed to pose the most risk, and the process for all 80,000 chemicals would take 15 years.

Some of the major chemical manufacturers already do such studies voluntarily before selling their products; in their case, the law would simply require them to submit their results. But all companies should be meeting this industry standard, and increasingly they will have to if they want to sell in California or other states with tougher safety rules, or in Europe, which adopted a prove-it-first policy in 2005. Opponents of the bill say it would hamper innovation and the production of new chemical products. But technology in safety testing is advancing rapidly; the tests are becoming simpler, cheaper and faster. In the long term, it's healthier and less expensive to stop a problematic chemical from reaching the public than to deal with the aftermath of exposure. We hope the report by the President's Cancer Panel helps convince Congress that better testing and research for chemicals are in everyone's interest.

Jun. 28, 2010
LETTERS:

Criticism of federal government well-deserved (*Las Vegas Review Journal*)

To the editor:
In John L. Smith's Friday column, he seems upset that Sharron Angle, whose husband earned a pension working for the Bureau of Land Management, is critical of the size and effectiveness of the federal government.
Ms. Angle has called for the elimination of the departments of energy and education and the Environmental Protection Agency. Mr. Smith snipes on about how "a lot" of rural Nevada families who "rely" on federal agencies and programs for their livelihoods also criticize the government.

Having worked for the federal government for 25 years investigating fraud, waste and abuse with several departments and agencies, I know that you would have to be an idiot or asleep at the wheel not to criticize the size and effectiveness of government.

At EPA headquarters, where I worked for a year and a half, the personnel office had all employees place an EPA memo in their personnel files acknowledging they worked in a building that contained asbestos. How ironic. This was so each employee could document they might have been exposed to a toxic substance.

Did you know the Department of Education -- which was born in the late '70s -- has not generated any improvement in student test scores in our school systems today, and that for every dollar we send to this agency, 85 cents is returned to the states? So what are they really accomplishing, other than filling a whole lot of fluff jobs? Our students are not improving on tests.

Yes, Mr. Smith, I do have an excellent pension. But did you know that all federal employees contribute 7.5 percent of their incomes for that pension and that a family pays more than $400 per month as their part of the health care coverage cost?

For Mr. Smith to say over and over again that an employee of the federal government can't criticize where they work is ludicrous. I assume Mr. Smith never criticizes the news industry.

Michael O. Kreps
Las Vegas

The Return of Superfund (*New York Times*)

June 28, 2010 Monday
Late Edition - Final
Section A; Column 0; Editorial Desk; EDITORIAL; Pg. 18
Superfund -- which cleans up abandoned hazardous waste sites -- is one of the country's most important environmental programs. It has been struggling since 1995, when a Republican Congress refused to renew the corporate taxes that gave it a steady source of financing. The pace of cleanups has dropped markedly.

The **Environmental Protection Agency** has now asked Congress to reinstate **Superfund** taxes. Representative Earl Blumenauer, Democrat of Oregon, has introduced a bill that would raise about $19 billion over 10 years by imposing excise taxes on oil producers, refineries, chemical manufacturers and a few other industries.

Mr. Blumenauer's bill stands a good chance in the House. But industry is expected to push back hard in the Senate, where Frank Lautenberg, a New Jersey Democrat, has offered a similar measure.

Superfund was enacted under President Jimmy Carter in 1980 to clean up thousands of the country's most contaminated waste sites that were polluting local water supplies

and causing health problems. Its core principle was that polluters should pay for the messes they had caused. Companies that were clearly responsible for the pollution would have to foot the entire cleanup bill -- just as G.E. is now paying for cleaning up the PCBs it deposited in the Hudson River decades ago.

In some cases, however, it was hard to pinpoint responsibility because sites had changed hands over the years or the owners had gone bankrupt. So Congress created an "orphan fund" financed by corporate excise taxes to clean sites where the polluter could not be clearly identified.

Before it ran out of cash, the orphan fund had paid for cleanups at more than a third of the 1,000 or so sites **Superfund** has so far dealt with. But as the program came to depend increasingly on uncertain Congressional appropriations, the pace of cleanup slowed -- 19 total sites last year, compared with 89 a decade before that.

Every year, new sites are added to the list. There are now about 1,200 sites waiting to be cleaned up, of which roughly half are orphan sites. Congress needs to reinstate the excise taxes so **Superfund** can get back to doing its job.

URL: http://www.nytimes.com

Posted on Mon, Jun. 28, 2010

New EPA rules a harsh blow to Appalachia (*Lexington Herald Leader*)

By John Combs
At issue | June 18 Herald-Leader news article, "Use of mining permit suspended; Affects Ky., 5 other Appalachian states"

During the 2008 presidential campaign, there was a lot of talk about creating a new way of doing things in Washington.

The word "post-partisan" was used to describe an end to partisan maneuvering and political games and the restoration of the average American's faith in government.

Unfortunately, since the election, the partisan maneuvering and political games in Washington not only continue, but have increased. In fact, many agencies and agency heads in the new administration appear to have decided their focus should be imposing a radical agenda on American families and businesses. These particular agencies have chosen to ignore the people's call for more cooperation in pursuit of their own agenda.

The honorable men and woman of Appalachia sadly illustrate this decision all too well and are suffering because of it. The Environmental Protection Agency (EPA) has relentlessly pursued the utter destruction of the coal industry, leaving tens of thousands

of hard-working people nervous about their jobs and their ability to provide food and shelter for their families. It is clear that this EPA has an "anti-coal" agenda.

First, the EPA stalled the entire permitting process by insisting on an "enhanced review" of all coal mine permits, even though the existing system already can take years and is based upon thorough examinations. Then, it even revoked an existing permit, despite the fact that the mine had gone through an extensive investigation prior to being permitted and has been in operation for several years.

The latest action could be the most devastating: The EPA announced new water conductivity standards that are not scientifically supported and go against all historical methods of judging the health of streams.

In fact, the new standards could actually compromise water health, as they only measure solids in general, not the specifics of which solids and how much. Since the condition of a stream depends upon a careful mixture of minerals, measuring the overall amount actually provides no insight at all into its state.

Even more confounding than this lack of scientific backing is the fact that these new standards are only being applied to the coal industry, despite the fact that a multitude of industries impact streams, and to only six states total. Why exempt the many other businesses that adversely affect water health, and why exempt the other 44 states?

If there were any logic at all to these standards, shouldn't they apply to all industries and all states? As they do not, the only possible explanation is that this is yet another blatantly biased attempt to target coal, and in so doing the men and women of Appalachia.

Considering that Appalachia is a historically struggling region that has been hit hard by the lingering economic crisis, targeting this region only exponentially increases their troubles.

Its unemployment rate is already staggering, and threatening its main source of jobs and energy would pick their pockets bare. So while EPA Administrator Lisa Jackson has been quoted as saying economic considerations don't factor into her decision-making, the truth is that during an economic recession, jobs matter a great deal to the people of Appalachia.

The simple truth that the EPA fails to understand is that playing political games is playing with people's lives. While they may score partisan points with their extreme activist allies, they are destroying the jobs of good people — people who want nothing more than to be self-sufficient and independent.

It's unconscionable and must be stopped, for to the folks who live in Appalachia, political games are not games at all, but a matter of their culture and livelihoods.

John Combs is president of The Combs Group, a machine and hydraulics shop in Middlesboro.

06/28/2010

Hoppy's Commentary on Byrd (*MetroNews*)

Talkline Host Hoppy Kercheval
Much is going to be written and said in the coming days about the life of Senator Robert Byrd who passed away this morning. This was a life that, like Byrd himself, does not lend itself to sound bites.
Byrd's own account of his life, a textbook-style autobiography, runs 769 pages.

First, there is the legislative career of Byrd. He was first chosen to the House of Representatives from West Virginia in 1952 then elected to the Senate in 1958. He took office in 1959 and never left. In fact, he never lost an election.

He became a master of the senate rules and a defender of the Constitution. He also built relationships that allowed him to eventually become the Senate Majority Leader, beating out Ted Kennedy who later became one of his best friends in the Senate.

Later, Byrd gave up the leadership position and took over as chairman of the appropriations committee. From there, he unashamedly steered billions of dollars back too West Virginia for roads, bridges, buildings and many other projections.

Dozens of structures bear his name as witness to the effort.

Then there is the political evolution of the man. Byrd was once a member of the Ku Klux Klan and filibustered against landmark civil rights legislation in the 1960's. But Byrd apologized for his Klan involvement.

Later, Byrd seemed to move more on the left. He was one of the few U.S. Senators to argue against the Iraq war, a decision that gained him support from the liberal group moveon.org.

In recent months while other state politicians rallied around the coal industry against the EPA over permitting and mountain top removal, Byrd took a different tact, warning that the industry must change.

Finally, Byrd had a remarkable personal story. Byrd's mother died when he was very young and Calvin Sale, which was Byrd's birth name, was given to an aunt and uncle to raise. They adopted him and renamed him Robert Carlyle Byrd.

He courted his high school sweetheart, Erma, by giving her sticks up gum. They were married when he was 19. Her death a few years ago devastated him. He often visited her grave.

Byrd was a notoriously hard worker who earned a law degree by going to night school. One of his few avocations was playing the fiddle, a hobby he had to give up as age set in.

Throughout his life, there was never any hint of personal scandal or misuse of his position for any personal gain. He lived quietly in a modest house in suburban Washington.

While these details and so much more weave a rich and, at times, complicated biography, Byrd was more than anything The Senator—a man who rose from poverty to become the longest serving senator in American history.

In his book, Byrd wrote, “My own less-than-modest beginnings and the poverty of my state during my boyhood years have never faded from my view, and it has been my constant desire to improve the lives of the people who have sent me to Washington time and time again. To them, I shall be grateful from the bottom of my heart as long as I live.”

BP SPILL

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Obama Discovers One More Crisis for a Toxic Tax (*Bloomberg Business Week*)

Kevin Hassett
June 28 (Bloomberg) -- Last week, while oil was still gushing into the Gulf of Mexico at a rate that may be as high as 60,000 barrels a day, President Barack Obama proposed that Congress reinstate taxes for the Superfund, the federal program that finances the cleanup of toxic sites.

While the step might seem like a logical one, in fact, the Superfund has almost nothing to do with the oil spill. Obama has once again decided not to let a crisis go to waste, making this move a defining example of how partisan and petty his administration has become.

The Superfund was set up in 1980 by Jimmy Carter in a lame- duck session, and was designed to provide the Environmental Protection Agency with the authority to remediate toxic sites. The law requires polluters to pay for cleaning up their own messes if they could be identified. In orphan cases, where the polluter couldn't be

identified or no longer exists, the law set up a trust fund to finance the cleanup, paid for by taxes on oil and chemical companies.

While nobody disputes that hazardous sites exist and should be addressed, there has been significant disagreement concerning the performance of the Superfund and the advisability of the targeted Superfund taxes.

Flawed Assumptions

Independent analysis of the activities of the EPA authorized by the Superfund found that the fund used public safety concerns as justification for excessively expensive risk reductions. For example, a study by the free-market think tank National Center for Policy Analysis found that, “To establish risk at one abandoned site, the EPA relied on the following scenario: A child was assumed to eat 200 milligrams of dirt per day, 350 days a year for 70 years, while playing in the soil. More than 90 percent of all estimated cancer risks at Superfund sites are dependent upon such outlandish scenarios or highly speculative land use changes.”

Such assumptions may have been common in the early years of the fund precisely because the targeted taxes gave the EPA so much money to play with. There is no limit to the amount of mischief that bureaucrats with unlimited funds can do.

Because of cost-benefit analyses like this and others, Congress allowed the taxes to expire in 1995, and the trust fund ran out of money in 2003. Ever since, Superfund activities at orphan sites have been funded with general revenue, something critics of the early approach prefer, since it requires EPA funding requests to meet a higher standard in order to gain approval. Some Democrats, though, still think wistfully of the days when the EPA had so much money to play with.

Policy Misdirection

Looking through the arguments on all sides, it seems clear that the Superfund may well have shrunk too much, and that funding for cleanups generally should be increased. But it is also clear that the Superfund has nothing whatsoever to do with the oil spill in the Gulf of Mexico.

After all, the fault for the Deepwater Horizon oil spill mainly lies with its owner, BP Plc. As such, BP will be held to account for the damages. Since BP is flush with cash, it seems likely that it will be able to fund the massive environmental cleanup that is necessary.

President Obama even says this, promising from the Oval Office earlier this month, “We will make BP pay for the damage their company has caused.”

That raises the question Obama doesn't want Americans to ask. If you are going to make BP pay for everything, why do we need the new Superfund taxes? (The cleanup

costs are separate from the many lawsuits BP might face, which could put it at risk of bankruptcy.)

The answer is, of course, that apart from some moralizing green-power Democrats we don't want such a tax. Aside from the political climate being an opportune one, the issues are unrelated.

But the answer doesn't dismiss the problem. The Superfund proposal has kicked off a predictable partisan squabble, the legislative equivalent of scraping off a scab.

Same Calculus

The calculus that argues for such a move is identical to the calculus that suggests that it is sensible to radically change the U.S. health-care system at a time when joblessness is close to its highest level in decades. Obama's team seems to believe that even though doubts over new regulations and higher taxes may undercut job creation, the sacrifice is worth it because Democrats get a legislative win.

Precisely at the time when policy makers should be focusing on the spill and marshalling all of our resources in a bipartisan effort to devise effective ways to limit the environmental damage associated with it, Obama decides to settle an old score and try to revive a long-dead tax that was neither prudent or necessary.

Sadly, citizens of the Gulf states are about to learn what economists following Obama's policies already know. The more the Obama administration attends to not letting a crisis go to waste, the worse the crisis gets.

--Editors: James Greiff, Steven Gittelson.

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Mississippi officials slam Coast Guard as BP oil hits shores (*Anchorage Daily News*)

GULFPORT, Miss. — What South Mississippi officials had been fearing for weeks came true Sunday when large, gooey globs of weathered oil, chocolate-colored oil patties and tar balls washed ashore in quantity along the Mississippi Coast.

Emergency managers scrambled to win approval for stronger protection of inland waterways, more skimming equipment in Mississippi waters and installation of absorbent material, also to keep oil out of inland waterways.

Local officials were livid that the oil had made it ashore.

Connie Moran, the mayor of Ocean Springs, Miss., said the city would consider taking further action itself to protect the sensitive marshes and beaches of Jackson County, whose coastline runs from Biloxi to the border with Alabama. She blamed the organization that combines the Coast Guard and BP into a so-called unified command for allowing the oil to drift into the beaches.

The unified command is failure to skim the oil north of Horn Island yesterday is inept and inexcusable, Moran said. Had they deployed those resources, the impact to Jackson County would've been far less today."

She said she had asked the Coast Guard to assign skimmers and support vessels to monitor the Mississippi Sound at the mouth of the Biloxi Bay.

"There's still stuff out there that we can't even see because of all the dispersant," she said. "This is just outrageous and unacceptable."

Mississippi had largely escaped the onslaught of the Deepwater Horizon oil slick, even as shoreline in Louisiana, Alabama and Florida was washed by both thick gooey crude or thousands of tar balls.

But on Sunday, that respite ended.

The amount of oil moving into Mississippi waters has greatly increased in the last several days, and the prevailing winds that cause the oil and its residue to move in our direction are predicted to continue, at least until the middle of the week, Gov. Haley Barbour said in a statement. We continue to press the federal Unified Command and BP to increase the amount of resources available to attack the oil beginning as far south as possible, through the passes, into the sound, and in the mouths of the bays"

Barbour, who once confidently predicted that the oil would skirt Mississippi, rushed back to the state on Friday from a fundraising tour he was making on behalf of Republican candidates. Sunday said the state was prepared to move alone if the federal government couldn't provide more resources.

While command and control of on-water resources has improved, it must get much better, and the amount of resources to attack the oil offshore must be greatly increased," he said. "Under the circumstances, we are taking some of that into our own hands.

The state is having skimmers built that the Mississippi Department of Environmental Quality hopes to put in the water by July 5.

Meanwhile, U.S. Rep. Gene Taylor, D-Miss., continued to press into service an Environmental Protection Agency plane with infrared equipment that has not been cleared yet by Unified Command in Mobile, Ala., to spot oil in Mississippi waters. The

plane flew out Saturday and Sunday to calibrate equipment, zeroing in on masses and streams of oil while crisscrossing Mississippi waters for more than two hours.

Satellite equipment on the plane, the only one of its kind in the nation, can immediately provide the location of oil to the Coast Guard to coordinate response. Without such equipment, Taylor’s office said, cleanup vessels have basically been playing Marco Polo with the oil.

The airplane's equipment detected large patches and streams of oil Sunday morning from Pascagoula to Biloxi, anywhere from five to 11 miles off shore. Scientists responsible for the equipment and data interpretation from the airplane put the images gathered on Google Earth, where they can be viewed by the public. The scientific team has been working with the Coast Guard in Louisiana through Region VI of EPA, which includes that state.

They said the airplane was initially brought in to monitor airborne chemicals, but infrared equipment on-board has proved exceptionally good at detecting and differentiating between heavy oil, oil mixed with water and even weathered oil.

The real issue is getting these skimmers in the right location, said chemist Bob Kroutil, a member of EPA’s Airborne Spectral Photometric Environmental Collection Technology team.

Rupert Lacy, the emergency manger in Harrison County, said the Mississippi Coast is still waiting for more skimming power to suck up oil that is being corralled near shore. Harrison County is the most populous of the three coastal counties in Mississippi that border the Mississippi Sound.

We’re going to have oil on the beach this week, Lacy said. Some of this they have not captured, we will see showing up. Until they can get the well capped and capture the oil offshore, we will have little splotches that will come to the sand and we’ll get it cleaned up.

Oil also was massing between Horn and Ship Islands, two barrier islands in the federally protected Gulf Islands National Seashore chain that stretches from Florida to Mississippi.

Ocean Springs Mayor Moran said BP contractors had no skimmers in the water Saturday to sucj up the oil before it reached the shoreline, bays and inlets.

They promised us they would be fighting oil at the passes, she said, "and they were not there.

The oil was taking a toll on shore birds. An oiled pelican also was found Saturday near the Lake Mars Landing pier and was taken away by state marine, wildlife and fisheries officials for rehab.

On Sunday, pelicans flew over the beached oil patches and mullet could be seen swimming around the shallow waters. Three boats with skimming equipment arrived after abut three hours to try to collect the weather oil, patties and tar balls that had reached the areas around Belle Fontaine beach and Lake Mars Landing.

Other weathered oil was found Sunday on both sides of Deer Island, officials confirmed.

Moran and a couple of city aldermen — John Gill and Fred "Chic" Cody — met at Harbor Landing Yacht Club on Sunday afternoon along with a state environmental official, the Coast Guard and others the city had hired for their own cleanup to discuss immediate ways to fight the oil.

Ocean Springs already has installed protective fencing in some areas and other oil absorbent materials to protect estuaries and marshes, but Mayor Moran, Gill and Cody said more needs to be done.

Moran said she's tired of getting the same old response from BP officials about there being more oil out there than we can handle."

She added, Now that they are so unclear about who's in charge, we want to know what we can do to clean it up ourselves.

Alderman Gill later asked Coast Guard Lt. Mike St. Jeanos whether the city could count on Unified Command to have assets for the city.

In response, St. Jeanos said, My answer to that is we don't know. Unfortunately, ... That is probably an honest answer. If I had control of it, I'd have a boat skimming off Horn Island.

St. Jeanos later said that the chain of command does work and that the Coast Guard is ultimately in control, but Gill said the city's moving forward with their own efforts.

We are not waiting on BP and the Coast Guard, he said. We are ready to move.

Brandon James, a resident of Gulf Park Estates, brought his two nephews and one of their friends to Lake Mars Landing on Sunday. He said he wanted to show the children first-hand what's happening in the Mississippi waters where he's spent many years fishing and boating.

It's really sad, James said. I just had a baby girl. She's 9 months old, and she's not going to be able to play in her younger years in the water. That's what hurts me most. I've lived here and I've worked here. We don't know how long this is going to last, and you just don't know what it's going to do to people.

Added his nephew, Damon James: I know we won't be able to go fishing out here anymore. We won't be able to go swimming on the beaches anymore. That's scary.

If oil comes, we're ready (*News & Observer*)

(Raleigh, North Carolina)
June 28, 2010 Monday
SECTION: A
By MATT EHLERS; Staff writer
RALEIGH
If Gulf Coast crude washes up on North Carolina beaches and state emergency workers mobilize, the battle plan will be a familiar one, even if the enemy is not.

"Unfortunately, North Carolina has lots of experience with natural disasters," said Kenneth Taylor, the disaster response coordinator for the state Department of Environment and Natural Resources. "They have names like Fran and Floyd."

Many of the same people and agencies that work together on hurricane duty will be engaged in containing and cleaning up oil, as well as monitoring fish and wildlife. Oil spills may not be a regular occurrence in North Carolina, but hurricanes and winter storms certainly are. Staffers on the state, federal and local level know each other well after years of inter-agency emergency work.

"It absolutely brings us closer together," said Doug Hoell, the state's director of emergency management.

Hoell will depend on the state's oil-spill emergency plan if spilled crude threatens North Carolina - at this point, a distant but frightening prospect. The 48-page plan sets out workloads for groups as diverse as the state's marine fisheries division, which will sample fish for contaminants, to the highway patrol, which will coordinate traffic, to the agronomic services division, which will assess damage to farmland.

"We're always thinking ahead," Hoell said.

North Carolina devised its first oil-spill response plan in the wake of the Exxon Valdez disaster in 1989. The plan is reviewed periodically, Hoell said, and his division was in the midst of an update when Gov. Bev Perdue recently asked that it be expedited.

We actually planned for this? Why, yes.

The plan needed only minor changes. Stipulations were added that volunteers need the proper equipment and training before cleaning up oil. A paragraph was removed that called for the division of forest resources to provide meals for emergency workers. That chore will be handled instead by the emergency management logistics team.

The revision work was done with the knowledge that the oil probably won't reach the state's shoreline. The National Center for Atmospheric Research has released computer models that show how the oil could move its way up the East Coast. But the agency has said the models provide only a scenario, not a forecast.

"All the information we have says that there is a remote chance that it will affect North Carolina," Hoell said.

By the time the oil reaches this far north, it will have deteriorated to tar balls, he said. Sheets of oil, like the ones soaking wildlife on the Gulf Coast, are not expected.

Not likely, but just in case ...

In preparation, fisheries staff have been taking samples of seafood and freezing them so they can compare them to samples taken if the oil arrives.

State agencies have been discussing plans for the ponies that live on parts of the Outer Banks to ensure their health and safety.

"I get paid to plan for things that we hope never happen," Taylor said.

According to the plan, the U.S. Coast Guard will take the lead if oil affects coastal waters, and the EPA is in charge of inland waters. If oil hits North Carolina, state agencies will work with these groups, as well as BP, to execute the containment and cleanup efforts.

Coincidentally, emergency responders had an oil-spill exercise on Ocracoke Island in late March. Hoell feels prepared for what may come. He has spoken with his counterparts in the Gulf and knows that no matter what happens in North Carolina, it will not match the severity of the disaster in Louisiana and Alabama.

"Have mercy," he said. "They have -been wrapped up with this thing since the day it began."

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Cloudy With a Chance of Tarballs? (*Mother Jones)*

It can't possibly rain oil. Can it?
By Kate Sheppard | Mon Jun. 28, 2010 3:00 AM PDT
Can it rain oil? A video shot after a recent storm in River Ridge, Louisiana, which has been making the rounds [1] online in recent days, purports to show exactly that. "You can see that this is oil," the narrator says, sweeping a camera over puddles and patches of road bearing a telltale rainbow sheen. "Isn't that crazy dude… It's oil everywhere. And

it's thick over there, like we're seeing in the Gulf." The video should be viewed with a healthy dose of skepticism. But it does raise an interesting question. Is such a thing even possible?

For the most part, oil itself doesn't actually evaporate, though some of the chemical elements in crude oil can. (The sticky tar balls washing ashore are the remnants.) That hasn't stopped some from hypothesizing that, given the dispersants BP has been applying in unprecedented quantities in the Gulf and the lack of information about how they work, it's possible that dispersant-altered oil may indeed be entering the atmosphere. The EPA says this isn't the case. "EPA has no data, information or scientific basis that suggests that oil mixed with dispersant could possibly evaporate from the Gulf into the water cycle," the agency said in a statement. (But then again, the EPA also has very little science on the environmental or health effects of dispersants, as it has admitted previously [2].)

The National Oceanic and Atmospheric Administration (NOAA) says largely the same thing:

The notion of oily rain is a myth. Oil as a whole does not evaporate—it is not possible that it would be in the clouds or coming down in the form of rain. Oil is made up of component parts, some of which are volatile and do evaporate into the atmosphere, but these separate and diffuse out into the air. Other component parts do not evaporate and are left behind as weathered oil, residue or tar balls.

There's a bigger concern than oil visibly raining from the sky; it's the toxins you can't see. Gases in oil that can evaporate are known as volatile organic compounds, or VOCs. A 2003 National Academy of Sciences (NAS) report notes that light crude can lose up to 75 percent of its initial volume [3] due to evaporation of VOCs after a spill. That study also notes, troublingly, that "despite the importance of the process, relatively little work has been conducted on the basic physics and chemistry of oil spill evaporation."

The most problematic VOCs in oil are hydrogen sulfide, benzene, and naphthalene, writes NRDC senior scientist Gina Solomon [4], though she lists a number of other troublesome compounds in oi as welll. Hydrogen sulfide smells like rotten eggs and can causes headaches, confusion, and respiratory problems. Benzene and naphthalene are known carcinogens. The bigger concern than rain is that these VOCs are being carried ashore by wind currents. The EPA is monitoring the VOCs in the air, and Solomon says that her study of that data finds "some levels that could raise health concerns." Exposure to the crude oil itself, either on land or in the water, is also not particularly good for humans [5]. There's also concern that storms in the Gulf could sweep up the oil and push more onto land, and hurrican season is already upon us.

We also know that one of the dispersants that has been used in the Gulf [6] carries its own health concerns. Corexit EC9527A contains 2-butoxyethanol, which can cause headaches, vomiting, reproductive problems, and "liver and kidney effects and/or damage." More than 300 cleanup workers have already reported feeling ill [7], describing symptoms ranging from vomiting and stomach pain to headaches and chest pain.

Point is, there are plenty of serious health concerns posed by the spill and the widespread use of dispersants that have nothing to do with oily rain.

So what to make of the video? I'd guess we're probably seeing the sheen of runoff from roads, parking lots, etc. (Let's not forget that the cars we drive every day are burning and sometimes leaking a refined version of what is currently spewing into the Gulf).

Judge for yourself:

Graham promises fair look at oil spill (*St. Petersburg Times*)

(Florida)
June 28, 2010 Monday
A; Pg. 1A
By ALEX LEARY
Times Staff Writer
WASHINGTON - Bob Graham is a magnet for crisis.

Florida's former governor and senator was already investigating the causes of the financial meltdown when the call came. President Barack Obama wanted him to lead the inquiry into the BP oil disaster.

"This is probably one of the most important environmental issues that the U.S. has faced maybe in my lifetime," Graham, 73, said in an interview. "To be asked to be part of this and to render an opinion as to both the past and the future is a humbling challenge."

The seven-member National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling will begin meeting in mid July. It has six months to present a report intended to serve as the authoritative word on the cause of the catastrophe and to make recommendations on how to avoid another one.

But those hoping it will lead to a permanent ban on offshore drilling may be misguided.

Obama is said to have privately told Graham, a Democrat, and co-chairman William K. Reilly, a Republican and former administrator of the Environmental Protection Agency, that he wanted the panel to find ways to make drilling safer, not eliminate it, and to protect coastal communities.

"I don't think our charter is to abolish the offshore oil industry," Graham acknowledged.

His views toward the industry are well-known, a veteran of the antidrilling front in Florida. Graham kept up his opposition as Republican members of the Florida Legislature were pushing plans to bring rigs closer to the shore.

"Unfortunately this issue has been trivialized into phrases like 'drill, baby, drill,' and the real long-term consequences for our future generations have been largely ignored," he said during a speech in Sarasota in November.

The Wall Street Journal editorialized Tuesday that Obama's panel was the "antidrilling commission," saying "the news is that there's neither an oil nor drilling expert in the bunch. Instead he's loaded up on politicians and environmental activists."

The newspaper charged the White House with trying to use the commission to turn drilling into a partisan election issue. It noted that Graham has "fought drilling off Florida throughout his career."

The Journal said Reilly, EPA head under President George H.W. Bush, was best known as former president of the World Wildlife Fund, one of the biggest environmental lobbies. The newspaper did not note that Reilly is on leave from the board of ConocoPhillips, the oil giant.

Graham maintains he will put aside any bias, and views his role as akin to that of a juror, appraising the facts as they are drawn out in the coming months.

"I believe we have seven good people who know enough about the issues to develop informed opinions that are worthy of consideration of the public, the president and Congress," he said, "but who are objective and can give a nonconflicted set of recommendations."

A high-profile topic is the moratorium the president put on deepwater drilling until the panel files its report. A federal judge in New Orleans last week tossed the ban but the Obama administration has moved to appeal.

Graham said it was inappropriate to comment on the decision but added, "We've got lots on our plate beyond that question." Among them is studying the industry's failed safeguards, such as the so-called blowout preventer, and failure to keep current with technology.

The commission's first hearing will likely feature testimony from people affected by the oil, from fishermen to hotel owners and homeowners.

"I think they'll have a lot to add to our understanding of this tragedy," Graham said. He expects a half-dozen hearings over the next three or four months, as a staff begins the laborious investigative process.

Graham and Reilly have hired an executive director, Georgetown University environmental law expert Richard Lazarus, and are in the process of filling up to 40 staff positions. Obama has asked Congress for $15 million to fund the commission. On Wednesday, the House approved a bill granting the commission subpoena power.

* * *

Graham, who served as governor from 1979 to 1986 and U.S. senator from 1987 to 2004, has never faded from public service and has become a go-to member for blue ribbon panels.

He is on the Financial Crisis Inquiry Commission, a board created in the wake of the economic collapse, and this year wrapped up work as chairman of the Commission on the Prevention of Weapons of Mass Destruction Proliferation and Terrorism, whose mandate was to build on the work of the 9/11 Commission.

The call to serve on the oil commission came from Carol Browner, a Floridian who served as head of the state's Department of Environmental Protection under Gov. Lawton Chiles and is now Obama's top energy adviser.

Obama has taken criticism for a deliberative and at times slow response to the crisis, but Graham, who employs a similar thoughtful approach, defended him. He characterized the crisis as "raging but also slow moving in its impact" - circumstances that Graham said reminded him of the Mariel boatlift, the exodus of Cubans to Florida in 1980.

"The president's approach to issues in general is one of being very calm and reasoned and avoiding screaming and yelling as a substitute for clear analysis and action," he said. "I admire the way he goes about his business."

Over the next six months, Graham will have to deliver the same clear analysis and action.

"The tragedy is enormous. The challenge is enormous," he said. "And the opportunity to make a positive contribution is also enormous."

Times staff writer Craig Pittman contributed to this report. Alex Leary can be reached at leary@sptimes.

Spill impact spreads outside Gulf (*Chattanooga Times Free Press*)

Monday, June 28, 2010
By: Pam Sohn (Contact)
If the Gulf Coast oil spill could be set atop the Southeast with Chattanooga as the well, the slick would cover the corners of at least five states. Oil would stretch from Asheville, N.C., nearly to Bowling Green, Ky., and from Kingsport, Tenn., to within 25 miles of the Alabama-Mississippi state line near Tupelo.

But experts say even without an imaginary move from the ocean to land, the effects of the spill will be felt here and everywhere else in the nation -- maybe the world.
Dr. Sylvia Earle, a world-renowned oceanographer and one-time chief scientist for the National Oceanic and Atmospheric Administration, said last week in Chattanooga that with the spill "we've given the planet a nudge."
"People think of the gulf as marshes, beaches, oil rigs and maybe a place where some good-tasting seafood comes from. But they really don't see this as a critical piece of our life-support system -- a place that generates oxygen, that takes up carbon dioxide from the atmosphere," Dr. Earle said during a visit to the Tennessee Aquarium.
Brad Brown, of Signal Mountain, expressed his concern about the spill's effects even before he heard Dr. Earle's comments on Friday.
"I fear for all the effects on wildlife, and I fear for the effects on people -- and the economy," he said.

An explosion on BP's Deepwater Horizon oil rig on April 20 killed 11 crew members and began the largest environmental disaster in United States history.

Current estimates put the amount of oil being discharged from the broken well above 1.47 million gallons per day.

Since the blowout, as many as 111 million gallons have poured from the well into gulf waters. About 180 miles of shoreline has been oiled: 34 miles in Louisiana, 42 miles in Mississippi, 42 miles in Alabama and 61 miles in Florida.

Now with a tropical storm brewing again in the gulf, Dr. Earle and other experts fear a storm will spread the damage.

"The Gulf of Mexico is now like a war zone," she said. "There is an avalanche of oil spreading across the beautiful blue water. I hope it challenges us to think."

Disaster in context
Since 1989, the Exxon Valdez accident has been considered the nation's No. 1 industrial spill in terms of environmental damage. Nearly 11 million gallons of oil ran into waters off Alaska when the tanker ran aground. About 200 miles of shoreline were moderately to heavily oiled, and 1,100 miles of beach saw sheens or tarballs, according to that state's Exxon Valdez Oil Spill Trustee Council website.

Despite Exxon's $2.1 billion cleanup, monitoring in the past two decades has found that in places the oil remains nearly as toxic as it was the first few weeks after the spill, according to information contained on the trustee council site.

In December 2008, the Tennessee Valley Authority's Kingston ash spill took the title of worst U.S. environmental accident after 5.4 million cubic yards -- 1.2 billion gallons -- of slushy, toxic-laden coal ash slid from a mountainous landfill when an earthen dam wall collapsed.

Some 50 years of electric power production waste spread into the Emory River and over 300 acres of residential farmland.

Although the oil spills at least to date are smaller, the consistency of oil compared to ash allows it to spread much farther -- and faster.

A new process being delpoyed in the Gulf spill is the use of dispersants -- chemical compounds used to scatter the oil in smaller droplets with the intent of lessening its effect on sea animals, birds and beaches.

But some experts, including Dr. Earle, say the dispersants are more toxic than the crude oil because they may alter the DNA of microorganisms that make the ocean work.

OIL SPILL CONNECTIONS

Air questions

Gulf winds often provide Chattanooga's prevailing winds, and Florida wildfires several years ago nearly cost this region a clean air rating.

Gulf cleanup crews had conducted about 275 controlled burns on the water to remove an estimated 10 million gallons of oil from the open water.Amber McCorvie, spokeswoman for the Chattanooga-Hamilton County Air Pollution Control Bureau, said the burning should not impact air quality locally.

"The bureau does not think burning of some of the oil at sea would have a noticeable impact on air quality in the Chattanooga area," Ms. McCorvie said. "As we understand it, only a small percentage of the oil can be disposed of in this way."

Local effect

One local impact of the disaster may be the now-permanent loss of Chickamauga and Chattanooga National Military Park Superintendent Shawn Benge, who for several months has been "borrowed" from the park to serve as interim deputy director of the National Park Service's nine-state Southeast Region.

While he was on loan the Gulf spill occurred and escalated, and he became a primary liason and leader for Gulf Coast parks spill-response planning.

Last week, he announced that his temporary job will become a permanent promotion on Aug. 16.

"I will provide leadership to the Gulf Coast cluster -- about 23 parks, and 2 on the Atlantic Coast, as well," Mr. Benge said.

"Do we want to take a chance with these (sea) organisms that help make our oxygen and take up carbon?" she said. "EPA would never allow the dispersants to be used on dry land."

The dispersant's makers and BP have claimed the compounds are safe, and the U.S. Environmental Protection Agency is allowing the use of dispersants.

About 1.48 million gallons of dispersant have been applied to the spill: 977,000 gallons on the surface and 502,000 below the surface, most at the gush site, the government estimates.

Local concerns

Dr. Anna George, a biologist and director of the Tennessee Aquarium Conservation Institute and head of the aquarium's fishery in Cohutta, Ga., said no one knows much about life and systems a mile beneath the ocean's surface where the oil is gushing.

"It's difficult to predict what will cascade" from the damage there, she said.

"I'm particularly concerned about our (ocean fish) nursery areas in the wetlands and how (the oil and dispersant damage) spreads throughout the food chain and ultimately impacts humans and our fishing industries and tourism industries, and sport fishing," Dr. George said.

Hope and action

Dr. Earle called the spill a "big 2 X 4 wake up," but insists there is hope.

"It's not too late," she said. "We have the capacity to make decisions that will give us safe passage to the future."

She said people should demand chunks of the ocean be given complete protection from fishing, drilling or dumping.

She also suggests renewed ocean research, which now has a fraction of the funding once available.

Most importantly, Dr. Earle said, it's time to be realistic about "cheap" oil.

"What's expensive? Investment in wind or solar, or an oil spill in the Gulf of Mexico? ... I love the fact that we know what we know because of fossil fuels, but it's really time that we think differently about how we do what we do."

CLIMATE CHANGE

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In this Section

EENR Committee Focuses on Energy, Climate Change Adaptation (*Nation's Cities Weekly*)

by Carolyn Berndt

NLC's Energy, Environment and Natural Resources (EENR) steering committee recently met in Gaithersburg, Md., to research and discuss the priority policy topics as identified by the EENR policy and advocacy committee during last year's Congressional City Conference. The topics for this year are energy (energy efficiency and energy sources), climate change adaptation and sustainable communities.
The steering committee heard from several speakers on the issues of energy efficiency, building codes and solar energy during the meeting. Jeff Genzer from the National Association of State Energy Officials provided an overview of energy issues. Bill Fay, executive director of the Building Energy Efficient Codes Network, spoke about the role of cities in shaping the future of building energy efficiency. Hannah Muller from the Department of Energy's Solar America Cities program spoke about solar energy market trends and opportunities for local action.

On the issue of climate change adaptation, the committee heard from Dan Walker from the Climate Program Office at the National Oceanic and Atmospheric Administration (NOAA) on developing regional climate services at NOAA and the impacts of climate change on local governments.

Finally, regarding sustainable communities, the committee heard from Tim Torma from the Environmental Protection Agency's (EPA) Smart Growth program. He spoke about the HUD-DOT-EPA Interagency Partnership for Sustainable Communities, as well as grant opportunities for local governments and upcoming EPA rulemakings that would effect local governments.

With the ongoing Deepwater Horizon BP oil spill, committee members were able to share their concerns directly with Mathy Stanislaus, assistant administrator for the Office of Solid Waste and Emergency Response at EPA, who spoke about the response to and the environmental impact of the oil spill.

EENR Committee members also participated in a series of Capitol Hill visits to lobby on NLC priorities. This included visiting the office of Sen. John Kerry (D-Mass.) to discuss climate change legislation, the office of Sen. Benjamin Cardin (D-Md.) to discuss the Livable Communities Act (S. 1619), and the House Transportation and Infrastructure Committee to discuss water infrastructure legislation.

Some EENR members joined with NLC's Finance, Administration and Intergovernmental Relations policy and advocacy committee members, who were meeting in Washington, D.C., at the same time, to attend meetings with members of their own congressional delegations regarding the Local Jobs for America Act (S. 3500).

The EENR Steering Committee will next meet in Gillette, Wyo., August 26-28. The EENR full committee will meet during the NLC Congress of Cities in Denver, in November.

ENFORCEMENT

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Headline news

EPA Delays Enforcement Of Renovation Rule Certification Requirements (*Pest Control Technology Magazine*)

6/28/2010
EPA's decision comes after the U.S. Senate last month approved legislation delaying enforcement of the RRP Rule until Oct. 1, 2010.

Fairfax, Va. — The U.S. Environmental Protection Agency (EPA) recently announced that it will delay enforcement of the recently implemented Renovation, Repair and Painting (RRP) Rule's certification requirements until later this year.

EPA's decision comes after the U.S. Senate last month approved legislation delaying enforcement of the RRP Rule until Oct. 1, 2010. Contractors such as remodeling and home repair specialists, as well as ancillary service providers like pest management professionals and plumbers, had complained to agency officials and members of Congress that EPA did a poor job of educating affected stakeholders of the RRP rule and that there were too few certified trainers. The rule's definition of "renovation" is so broad that PMPs who open walls in pre-1978 houses to access pests or perform inspections are likely subject to the RRP rule's many requirements.

Specifically, EPA will not take enforcement actions for violations of the RRP rule's firm certification requirement until Oct. 1, 2010. The agency will not enforce the rule's worker certification requirement if the worker has applied to enroll in or has enrolled in a certified renovator workshop by Sept. 30, 2010. Workers must complete the training by Dec. 30, 2010.

EPA also stated in the announcement that it would continue to enforce that work practice requirements in the Rule that protect children and reduce lead exposure. Click here for more information about the RRP Rule including certification and training opportunities in your area.

FUEL

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Congresswoman urges move to higher ethanol blends (*Associated Press*)

Story also appeared: *ABC 9 KCAUTV*

Associated Press - June 28, 2010 7:05 AM ET
PIERRE, S.D. (AP) - U.S. Rep. Stephanie Herseth Sandlin of South Dakota says she and other members of Congress want to find out why federal officials have delayed a decision on allowing higher concentrations of ethanol in gasoline.
The Environmental Protection Agency recently announced it will wait until fall to decide whether to increase the maximum blend from 10 to 15%. The agency said the delay would allow more testing of the higher blend in vehicles.
Herseth Sandlin says the delay is inexcusable. The Democratic congresswoman says allowing a 15% ethanol blend would help reduce the nation's dependence on imported oil and boost the economy in rural areas where ethanol is made from corn and other plants.

GENERAL
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Social networking sites: 10 mistakes organizations make (*Washington Post)*

By Steven Overly
Monday, June 28, 2010; 6
Millions of people log onto social media Web sites daily, prompting such varied organizations as Gaithersburg-based MedImmune, the American Red Cross and the Department of Housing and Urban Development to follow.

But simply creating an account on Facebook or Twitter rarely equates to being plugged in. Area consultants said many organizations spend ample time and resources on social media without seeing much return. Here are 10 common mistakes that they see businesses, nonprofits and government agencies make.

Doing too much at once

For businesses and organizations with small staffs and smaller budgets, it's often best to start with a small social media presence, too. Steve Ressler, creator of GovLoop, a social network for government workers, said some organizations try to be on every network at once and fall short in the process. Ressler recommends organizations first identify the tools that best reach their intended audience, be it customers, colleagues or constituents, and use them well.

Not knowing your needs

Social media can serve as a networking tool and marketing platform, but not every organization needs both, said Larissa Fair, the senior online marketing manager at ScienceLogic and president of Social Media Club DC. While a restaurant may aim to attract new clientele, a government contractor may need to connect with key government allies.

Giving it to the intern

Too often, social media responsibilities will be piled on the most inexperienced staff members, or worse, someone who abhors social media. Debbie Weil, a local corporate social media consultant, said proper use of social media requires someone who is not only communication savvy, but comfortable with exposure to the public. You can't hide behind a brand, Weil said. Social media needs a personal touch.

Thinking everyone cares about the name

Many government agencies, such as the Environmental Protection Agency or HUD, have Facebook fan pages. But who is actually a "fan" of the EPA as an agency? That was the question Mark Drapeau, the director of innovative social engagement for Microsoft's U.S. Public Sector, put to a room of government social media enthusiasts two weeks ago. People care about issues, he said. Pages related to issues like water conservation or carbon emissions might help an organization like the EPA better reach interested constituents and promote its mission, Drapeau suggested.

Only using the freebies

Free social network and media Web sites such as Twitter, LinkedIn and YouTube may be easy to activate, but they don't give an organization much control. Weil, who also authored "The Corporate Blogging Book," warns that companies that rely solely on external networks relinquish a certain degree of autonomy. She recommends that organizations and companies using social media have a hub on their primary Web site where users can find links or feeds to blogs, Flickr photo galleries and other third-party Web sites. This also gives customers or constituents a single go-to URL.

Making conversations one-way

As chair of the Northern Virginia Technology Council's social media committee, Evan Weisel sees the gamut of social media use. The Welz & Weisel Communications co-founder said too many companies see these tools as just another way to push out information. Bombarding people with advertisements or press releases won't earn many followers, he said; there has to be a dialogue that keeps the audience engaged.

Summoning your defense

The Internet can become a battleground if organizations don't handle social media with care, Fair cautioned. Companies and political organizations have to understand that

criticism is likely to come in the form of tweets and comments, but an organization cannot become abrasive or defensive, she said. Even a mere 140 characters, the length of a tweet, can have the makings of a public relations blunder.

Missing out on event follow-up Fair said many companies or organizations will bring people together for a large event or conference, but fail to capture that audience for the long-term. She said Facebook or another social networking tool can give organizers the opportunity to engage with that crowd regularly, even after the festivities come to a close.

Making it about money, money, money

Most nonprofits and other donation-driven organizations recognize the potential to raise funds through social media, but Fair said it is too often viewed as a funnel to the organization's coffers. She said nonprofits stand to collect more money from a community that participates, through social media or otherwise, in an organization's cause. You can't initiate social media as part of a fundraising effort, she said; it has to happen beforehand.

So, now what? Even if your company is firing off tweets every hour and constantly tending to its Facebook page, how do you know if it's working? Dean Hua, owner of Bethesda-based Web consultant Sachi Studio, said an organization looking to use social media should first decide how measure whether its efforts are successful. That could be the number of hits on the company's Web site, donations to a nonprofit's campaign or many other metrics.

Posted: June 27, 2010
Eric Sharp

We need agents of change (*Detroit Free Press*)

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.

Contact ERIC SHARP: 313-222-2511 or esharp@freepress.com. Read more in his outdoors blog at freep.com/outdoorsblog. Order his book "Fishing Michigan" for $15.95 at www.freep.com/bookstore or by calling 800-245-5082.

How America Has Gone Green (Earth 911.com)

by Amanda Wills
Published on June 28th, 2010
Around this time every year, our feature articles are usually filled with tips on greening your Fourth of July party or cool ways to get involved with your community.

But in celebration of 2010's Independence Day, we went back in history decided to reflect on five events that helped shape the way Americans think about the environment today.

1. Establishment of the U.S. EPA
While there was environmental legislation before the 1970s (most notably 1948's Federal Water Pollution Control Act and the Clean Air Act of 1963), the birth of the Environmental Protection Agency was monumental during a time when industrial expansion was explosive and environmental decline was mercurial, yet unrecognized.

Throughout the 1960s, there were whispers of "ecology" and by late 1969, those whispers became loud complaints of the erosion of conservation, demanding something more.

Under a black veil of a war and a flailing economy, President Nixon established a Cabinet-level Environmental Quality Council as well as a Citizens' Advisory Committee on Environmental Quality in May 1969.

Around the same time, Congress sent the President the groundbreaking National Environmental Policy Act, which has been called "the most important piece of environmental legislation in our history." President Nixon signed NEPA on New Year's Day 1970.

In his 1970 State of the Union Address, President Nixon proposed making "the 1970s a historic period when, by conscious choice, [we] transform our land into what we want it to become."

Two months later on April 22, the first Earth Day drew millions of American demonstrators in support of environmental reform. Its success gave greater priority than ever to environmental issues, hastening the establishment of an independent agency.

After months of pushing bills and inking signatures, the EPA opened for business in a tiny suite of offices at 20th and L Streets in northwest Washington, D.C. on Dec. 2, 1970.

2. The Earth Day of 20 million

The first Earth Day in 1970 drew more than 20 million Americans who took the streets, parks and auditorium nationwide in demonstration for environmental legislation.

It was the largest organized citizen action in U.S. history and, as we previously noted, was one of the sole reasons for the EPA's official establishment.

Earth Day founder Gaylord Nelson, then a U.S. Senator from Wisconsin, proposed the first nationwide environmental protest "to shake up the political establishment and force this issue onto the national agenda."

At the heart of Earth Day is the idea that the more people know about our national environmental policies, the more likely they will be to play a role in shaping them.

Today, more than 1 billion people across 190 countries celebrate Earth Day on April 22.

3. Creating curbside recycling

Twenty years ago, there was only *one* curbside recycling program in the U.S. Today, curbside programs serve half of the population.

Curbside programs are run by local municipalities and are usually in the form of single-stream, dual-stream or pay-as-you-throw. While all curbside programs differ, the "Big Five" commonly recycled materials include Aluminum, Paper, Plastic, Glass and Steel.

But while recycling has become more "trendy" in the past decade, it is still a growing and evolving industry, and we've got a long way to go. The national recycling rate hovers around 32 percent.

In a recent article, we set out on a mission to find out why people don't recycle. "Accessibility" was one of the most commonly cited reasons for not recycling. While curbside programs are widespread in urban areas, there are still holes in rural communities across the U.S.

4. Wanted: clean water
In 1972 Congress passed the Clean Water Act put in place the basic guidelines to restore and protect water resources by preventing the discharge of pollutants into the waterways.

"In the U.S., over half of our households get water from lakes and rivers, and the fascinating thing is the reality that we really don't know that," says Nicole Silk, managing director of the Global Freshwater Team for The Nature Conservancy.

"It flows; we depend upon it; we trust it's safe and clean, but really need to do a better job of taking care of our freshwater sources."

Now, 170 members of Congress have signed on for a Clean Water Restoration Act, stating that treatment plants continue to violate the law.

The Clean Water Act has undergone several revisions since its signing nearly 38 years ago, but it was no doubt the first step in regulating pollution.

5. The pesticide debate
EPA's creation coincided with the public debate over DDT (dichloro-diphenyl-trichloro-ethane), a highly effective, but extremely persistent organic pesticide. Since the 1940s, farmers, foresters, and public health officials sprayed it across the country to control pests.

Widespread public opposition to DDT began with the publication of Carson's *Silent Spring*. Reporting the effects of DDT on wildlife, Carson demonstrated that DDT not only infiltrated all areas of the ecological system, but was exponentially concentrated as it moved to higher levels in the food web. By 1968 several states had banned DDT use. It was officially banned nationwide in 1972.

The removal of DDT didn't lead to the end of pesticide use. In fact, the U.S. EPA reported that in 1998 alone, the U.S. used 724 million pounds of pesticide for agricultural use.

In terms of recycling, the implications of disposing of pesticides by pouring the residue on the ground, into bodies of water or sewers were often not taken into consideration. Thankfully, we've seen a switch over the past years that has begun to change the way agriculture takes care of business.

While science is still working to make safer chemicals to treat our crops, they are making leaps from where things were just 30 years ago.

PESTICIDES
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A Closer Look (*Los Angeles Times*)

June 28, 2010 Monday
Home Edition
HEALTH; Features Desk; Part E; Pg. 1
A CLOSER LOOK;
Berry pesticide divides scientists and agency
By Jill U Adams
California strawberry farmers may soon have a new pesticide to use on their fields. The state's Department of Pesticide Regulation is recommending approving use of the soil fumigant methyl iodide.

However, scientists say that methyl iodide is very toxic and can cause cancer, brain damage and miscarriages. An independent panel of scientists, invited to review the health risk data and safe exposure levels recommended for farmworkers and nearby communities, were shocked that the state is still moving toward approval and at higher levels of exposure than what the department's scientists proposed.

Methyl iodide received approval from the U.S. **Environmental Protection Agency** in 2007, accompanied by a similar uproar. Fifty-four eminent academic scientists and physicians wrote a letter to the agency, urging them to prevent the chemical's use.

In California, new **pesticides** must undergo an additional layer of review. As part of that review, risk assessment scientists within the Department of **Pesticide** Regulation settled on 0.8 parts per billion as an acceptable exposure level of methyl iodide. "We all thought that, if anything, it should be lower than that," says Edward Loechler, a molecular biologist at Brandeis University in Boston who served on the scientific review panel.

Instead, the DPR risk managers have settled on 96 parts per billion -- far more than the panel recommended, although still roughly half of the 193 ppb permitted by the **EPA**. "That's not policy -- that's meddling with the science," says panel member Dr. Paul Blanc, head of the occupational and environmental medicine division at UC San Francisco.

Pesticide reform groups are opposed to registration of the chemical for agricultural use. "The **Pesticide** Action Network has not objected to the registration of any new **pesticide** in the last 15 years -- but methyl iodide is so toxic that it's worth going to the mat on this one," says chemist Susan Kegley, who consults for the organization. Usually, newer **pesticides** are less toxic than the old ones, she says.

In a statement, Department of **Pesticide** Regulation Director Mary-Ann Warmerdam said that, with the use restrictions her agency is recommending, which are more stringent that those of the **EPA**, "methyl iodide can be used safely."

Here's a closer look at the health effects of methyl iodide and who is at risk.

What is methyl iodide?

Methyl iodide, also called iodomethane, is a small, highly reactive chemical that kills a wide range of tiny animals, weeds and fungi that live in soil, many of which are detrimental to strawberry growth. The **pesticide** is applied to fields before planting and is so chemically reactive that it does not remain in the soil for long. More than half of the applied fumigant evaporates into the air, where it breaks down within 12 days; what remains in the soil also breaks down quickly, according to the **EPA**.

Methyl iodide was developed as an alternative to methyl bromide, which has similar pest-killing actions. However, agricultural use of methyl bromide is being slowly phased out because it lasts longer in the atmosphere (as long as two years) and contributes to depletion of the ozone layer.

Who is at risk?

The main people at risk of methyl iodide exposure are farmworkers -- those who apply the chemical -- and anybody who lives or works near treated fields.

There's no methyl iodide risk in eating strawberries that were grown in treated fields, according to **EPA** and DPR assessments. Tests have shown that no residual methyl iodide exists on the fruit.

So strawberries are clear of **pesticides**?

Conventionally grown strawberries still contain residues of other **pesticides**. According to data collected by the U.S. Department of Agriculture, as many as 54 **pesticides** have been found on American strawberries, although rarely at levels above what the **EPA** considers safe. The Environmental Working Group, an advocacy group, ranks strawberries as one of the three worst fruits and vegetables with regard to **pesticide** exposure. (Peaches and celery are the other two.)

What are the health risks with methyl iodide?

In animal studies, exposure to sufficient quantities of methyl iodide causes thyroid cancer, neurotoxicity and fetal death.

"We're talking about an extremely reactive chemical that binds to key biological molecules, including -- but not limited to -- DNA," Blanc says. "In fact, if you're working

in the laboratory and you want to modify DNA experimentally, methyl iodide is one of your chemicals of choice."

Acute methyl iodide poisonings have been reported over the years, typically from mishandling the chemical in a laboratory or industrial setting. People suffer confusion, dizziness, loss of motor coordination and have developed persistent Parkinson's-like symptoms, motor and sensory disturbances, and psychiatric syndromes.

However, these cases were usually one-time exposures to high doses of the chemical. It's not clear how repeated exposure to much lower levels of methyl iodide might affect the farmworkers who work with the new **pesticide**. Neither are there animal studies on chronic, low-level exposure with the chemical.

Researchers who have studied health effects in workers who routinely use methyl bromide fumigants (but haven't suffered an accidental poisoning) have reported elevated rates of neurological symptoms such as dizziness, numbness or burning sensations, headache and nausea, according to a review published in the Journal of Occupational Health in 2009.

Will state-mandated restrictions and safety precautions prevent exposure?

To apply methyl iodide, workers are required to wear respirators and protective clothing, and treated fields must be covered immediately with tarps. In addition, California will mandate lower maximum amounts that can be applied and wider buffer zones around treated fields than the **EPA** requires.

Kegley says these safety precautions are not enough to prevent dangerous exposure, citing a **Pesticide** Action Network report released last week. When scientists monitored the air in the town of Sisquoc, Calif., they found levels of another soil fumigant, chloropicrine, that were higher than what's considered safe by the **EPA** and DPR. Something similar could easily happen with methyl iodide, she says. "Even if everything goes right, even if there's no accidents, no torn tarps [or] people not able to understand the regulations, you still have a really good chance of exceeding the level of concerns set by the agency."

Loechler sums up the choices this way: "Use methyl iodide and potentially risk workers' and their families' health; use methyl bromide and risk the ozone layer; or use neither and have strawberries be more expensive."

California's Department of **Pesticide** Regulation has not finalized its decision on methyl iodide and is accepting public comment through June 29 at mei_comments@cdpr.ca.gov

health@latimes.com

TOXICS

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June 28, 2010

Spreading Drums of Toxic Dispersant to Keep Oil Hidden Underwater (*HNN Huntingtonnews.net*)

By Tony Rutherford
Huntingtonnews.net Reporter
Gulf of Mexico (HNN) – Tradeoffs. No, it's not about trading a used car for a newer model. Actually, an EPA decision maker used the term regarding the allowance of the use of the Corexit, an oil dispersant, which breaks up oil slicks by pushing the oil beneath the water. BP has used over one million gallons of Corexit. The chemical drums themselves warn workers to wear breathing protection and work in a ventilated area.

The chemical was used in Alaska during the Exxon Valdez disaster. The Alaska Community Action on Toxics stated that it caused " respiratory, nervous system, liver, kidney and blood disorders." It may also cause internal bleeding.

However, BP has insisted on using Corexit. It's made by Nalco Holdings which Goldman Sachs owns. The corporation has associations with both BP and Exxon.

Scientists have worries that should a hurricane with the right wind path develop the contaminant would be spread inland, creating a type of 'acid rain' on shore.

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. To read more details about the toxic Corexit, click: http://www.sfgate.com/cgi-bin/blogs/ybenjamin/detail?entry_id=65552#ixzz0s7fhAgB9 and http://www.miamiherald.com/2010/06/27/1704063/bp-still-using-high-levels-of.html#ixzz0s7gzwufo

Eco-friendly ways to get rid of old cell phones (*Helium*)

The Environmental Protection Agency (EPA) estimates that there are currently 500 million used cell phones tucked away in people's closets, desk drawers, and other storage places. Many have held onto them because they do not want to throw them in the trash, and rightfully so. Cell phones and other handheld electronic devices contain a number of toxic metals, including mercury, lead, cadmium, arsenic, and copper, as well as plastics, which take a very long time to biodegrade. However, some people do discard their phones in the trash, an estimated 130 million a year, or 65,000 tons of toxic waste. There is an eco-friendly solution to getting rid of your old cell phone though. In 2007, 14 million people recycled their cell phones, and so can you.

A number of recycling programs exist in the U.S. for cell phones. Some cell phone manufacturers accept mailed in used cell phone and cell phone battery returns. Some electronics retailers also offer drop off locations or collection drives for these items. The EPA has a complete listing here. Each company may have a different policy regarding age, condition, or postage.

Another program is GRC Wireless Recycling, which offers to collect cell phones to raise money for their nonprofit partners, to pay for bulk collections (more than 10 phones) depending on their age and condition, and to help setup cell phone recycling fundraisers for community groups. To recycle with this group, you have to register online here to receive a recycling kit with pre-paid FedEx shipping labels.

Through CollectiveGood, there are two ways to recycle your old cell phone. First is via Earthworks' RecycleMyCellPhone program, which also accepts PDAs and pagers regardless of age or condition. The phones are recycled by having their working parts removed for refurbishing and reuse. Broken and unusable components are sent to EPA-certified disposal partners, who dispose of the waste in as eco-friendly a way as is currently possible. To recycle via this program (U.S. only), fill out the information sheet at the organization's website, print a shipping information sheet and mailing label, and then mail the phone, charger, and any accessories in a padded envelope or box. They recycle everything. The organization's association with CollectiveGood Works gives them $1 from every phone they process.

CollectiveGood also works with the GreenPhone program, which is the same process as Earthworks' program, except you get the cash.

Before recycling your phone, ensure that you have cleared your contacts or phone book, erased old text messages or files, removed any personal or identifying information, and cancelled your service plan.

Published June 28 2010

Home remodelers get more time to complete lead paint safety training (*Duluth News Tribune*)

Contractors who haven't been certified to work around lead paint have gotten a reprieve. The U.S. Environmental Protection Agency has pushed back the deadline to Dec. 31.
By: Candace Renalls, Duluth News Tribune

Crews with Northern Trends Building & Design followed EPA lead containment practices to replace windows at a 1950s home in Duluth Heights this month. Procedures include a warning sign, wearing protective clothing and masks and erecting a wall of plastic sheeting. (Photo courtesy Northern Trends)
More...
To learn more about Lead Renovator Training classes
Contractors who haven't been certified to work around lead paint have gotten a reprieve. The U.S. Environmental Protection Agency has pushed back the deadline to Dec. 31.

Back in April, as the deadline neared for the contractors' required lead safety practices training, industry officials argued there weren't enough certified trainers to do it.

"They were pushing the EPA not to eliminate the rule, but to drop it back," said Paul Manning, executive officer of the Arrowhead Builders Association.

Only a fraction of the contractors in the country had gotten the training. In Duluth, only 90 of more than 1,000 remodelers, painters, plumbers and electricians who should get trained had, Manning said.

Many contractors were unaware of the new requirement or couldn't get the training, leaving them open to fines of up to $37,500 per instance.

Then came floods that ravaged parts of Tennessee.

It took that natural disaster for the EPA to budge, according to the National Association of Home Builders. Certified remodelers to do the home repairs were in short supply. Without the training, contractors are barred from doing work that disturbs lead-based paint.

So the EPA has pushed back the deadline. Contractors now have until Sept. 30 to get certified or at least signed up for the training, which must be completed by Dec. 31.

"It's wonderful news," Manning said of the extension. "The biggest problem was the EPA made the decision to mandate the training, and there was not enough time to get everyone trained."

In the meantime, those who haven't gone through the one-day training won't face hefty penalties for working around lead paint, though they're still expected to take precautions to protect children and reduce lead exposure.

Since the earlier April 22 deadline, the number of trainers in Minnesota has increased from three to six, Manning said. In the Duluth area, about 250 contractors have now been trained. That leaves 750 or more to go.

Ray Sundberg, co-owner of J&R Sundberg Construction in Duluth, wasn't surprised by the extension.

"The whole thing came so quick, it was not well advertised," he said. "A lot of contractors literally signed up the day before (the April 22 deadline). I signed up a couple of weeks before. The class was full."

He got his certification on April 21, just beating the deadline.

The Arrowhead Builders Association began offering the class in January at a cost of $225 per person.

EPA lead containment procedures are required when contractors disturb 6 square feet in homes built before 1978 when paint contained lead. Protective suits and masks, a wall of plastic sheeting, warning tape and record keeping are all required. Cleanup must include vacuuming and washing the work area and safely disposing of debris .

"It's certainly not helping us in a tough economy," Sundberg said of the extra time and costs that will be passed on to the consumer. "We're trying to keep our prices as reasonable as possible."

While contracting firms can send one worker through training, Dan Merritt, owner of Northern Trends Building & Design in Duluth has sent seven employees. Seventy-five percent of their projects involve older homes.

"Surprisingly enough, they say it isn't much more work," Merritt said. "They say it didn't take that much longer."

Contractors don't have to follow the EPA procedures if the property owner certifies that no child younger than 6 and no pregnant woman occupy the premises. The procedure also doesn't apply to homeowners completing do-it-yourself projects.

WATER
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Miami-Dade risks more sewer breaks as water pipes need repairs (*Miami Herald*)

June 28, 2010 Monday

A; Pg. 1
Miami-Dade risks more sewer breaks as water pipes need repairs
By LAURA ISENSEE; lisensee@miamiherald.com
June 27 2010
Three times this year, water and sewer pipes have burst across Miami-Dade County, flooding streets and houses, tainting bay waters and disrupting lives.

In March, a 54-inch water main break flooded homes in Hialeah and left a massive sinkhole. Nine days ago in Northwest Dade, a 72-inch sewage pipe burst and gushed raw sewage into Biscayne Bay. Last week in Miami Lakes, a county bus got stuck in a sinkhole from a broken 12-inch sewer pipe.

In a county filled with aging pipes and not enough money to repair them, those mini-disasters may be just the start.

Miami-Dade's records document $325 million in pipe repairs needed in the next 10 years -- repairs that, for now, remain unfunded. A proposal to hike water and sewer fees by 18 percent, mainly to bankroll upgrades, was shot down last year by county commissioners leery of sticking taxpayers with such a steep hike.

One fallout: The Water and Sewer Department lists its top challenge as aging infrastructure. Much of it is more than 40 years old.

``Think of our infrastructure as your house,'' said Peter Velar, the department's assistant director of budget and capital planning. ``Right now we have an aging house and we got to go out there and try to replace and upgrade our system as much as possible just to meet the normal operations of the house.''

Not paying the plumber's bill can have serious consequences.

The county's buried maze of water pipes -- stretching 7,500 miles -- pump water to kitchens and showers. Another 6,100 miles of pipes take away waste. A break can create not only mayhem, but pose health risks.

Old pipes are a problem across the country. Each year 240,000 water mains break in the United States and that number is on the rise, according to the U.S. **Environmental Protection Agency.**

``We've allowed our safety margin to degrade,'' said D. Wayne Klotz, a civil engineer

and former president of the American Society of Civil Engineers. ``You have greater demands put on old infrastructure that's past its useful life. And that's a recipe for disaster.''

In Florida, drinking water ranks among the state's top three infrastructure concerns, according to the American Society of Civil Engineers. The group estimated Florida needs to invest more than $15 billion over the next two decades to address the problems.

In Miami-Dade County, WASD each year replaces about 25 miles of water pipe, less than half a percent of its system. Experts recommend replacing 1 to 2 percent a year.

``This is a national concern of aging infrastructure,'' said Jennifer Messemer, WASD spokeswoman.

To upgrade or replace old water pipes, the county will spend $38 million this budget year. Sewer upgrades will get $48 million. For the next five years, the department has budgeted about $25 million a year for each ``renewal'' fund for water and wastewater.

Yet for years, repairs have been delayed, ``resulting in expensive equipment failures in the form of water and sewer main breaks, plant failures and decreased efficiency of operation,'' the WASD's business plan states.

HIALEAH FLOOD

When a 54-inch water main burst in Hialeah in March, the gushing waters awoke residents in the middle of the night.

Dozens of homes suffered water damage, forcing families out. Power was cut at about 100 homes as a precaution. And the rupture left a huge sinkhole -- 10 feet deep and 40 feet wide -- that derailed traffic on West Fourth Place, or Red Road. It cost more than $600,00 to fix.

It was the second time in a decade the pipe, at least 40 years old, had burst. The cause: age.

It's still not known what caused a 72-inch sewage pipe on Northwest 18th Avenue and 157th Street to burst June 18. Many factors can contribute, including materials and maintenance.

The break spilled 20 million gallons of raw sewage into Biscayne Bay, closing some beaches and contaminating waters. Afterward, tests of bay water found elevated levels of fecal coliform, a bacteria.

Dr. Gordon Dickinson, chief of infectious diseases at the University of Miami Miller School of Medicine and Miami VA Hospital, said it is a major concern if sewage spreads

into swimming waters.

``You don't drink the water when you swim. But you might get it in your eyes, nose and mouth,'' Dickinson said.

A burst in a smaller pipe in Miami Lakes -- a 12-inch sewer force main -- spilled 1,000 gallons of sewage this past week. The cause was not immediately known. The repairs: $10,000.

But the spill caused a headache in the neighborhood, and a county bus with a dozen passengers got stuck in a sinkhole.

``Within minutes it smelled like rotten eggs,'' said Rita K. Aguiar, who manages a gas station next to the break in Miami Lakes.

That smelly sewage can carry parasites, viruses and bacteria such as E. coli.

``The risk of illness depends on the type and the duration of exposure to the sewage,'' said Lillian Rivera, administrator for the Miami-Dade County Health Department.

Rivera urged residents to follow safety measures, like washing their hands, if they come into contact with sewage and heed health advisories.

She said if a water main break compromises the quality of drinking water, health officials tell residents to boil water or use bottled water.

``We take water very seriously,'' Rivera said.

Meanwhile, WASD crews go looking for leaky water pipes and listen to recorded noises for the tell-tale hissing sound. The wastewater system has its own preventive program: TV cameras check sewer lines heading to pump stations for cracks and a database keeps tabs on force lines. Problems are prioritized.

RAISING RATES

To pay the full bill just for old water pipes, the county would have to raise water rates by 20 to 25 percent, said Velar. It would need more for wastewater.

Last year he didn't get the 18 percent rate hike he requested. Instead, the county approved a 6 percent rate increase in October and another 6 percent increase in April. That boosted the average monthly bill to $40.03 from $35.74 last year.

``We understood the position the board was in,'' Velar said, noting the tough economy. ``We therefore said we would be able to live with this alternative, reminding them all it did was postpone greater rate increases into the future.''

WASD still has one of the lowest rates for a utility its size, according to a comparison on the department's website. It shows its average bill to residents is lower than what peers in Florida, like Palm Beach County and Cape Coral, charge.

Jacksonville's former water director Allan Williams said it can be difficult for utility managers to win approval for rate changes from governing boards facing public pushback.

``People don't want to pay for this so they take it for granted,'' said Williams, now the head of the water department in Greensboro, N.C.

But by keeping rates artificially low, he said ``the effects are going to snowball and it's going to become a disaster.''

Developer's criminal past clouds proposal for Providence waterfront (*Providence Journal*)

The plan for 346 acres on the South Providence waterfront includes a hospital, a hotel, a marina and a monorail. It would require rezoning.
Courtesy of Rhode Island Medical Arts
PROVIDENCE — The criminal past of a developer looking to build a $400-million hospital and hotel complex on the waterfront is now a focus of discussion around

Mayor David N. Cicilline's controversial plan to rezone the 346-acre South Providence waterfront.

Nine years ago, Stanton D. Shifman completed a federal prison sentence for his role in a loansharking enterprise run by members of the Winter Hill Gang in Boston.

This month, Shifman appeared at a City Council meeting advocating for Cicilline's rezoning plan.

Joined by a group of Massachusetts-based developers, architects and medical professionals, the 77-year old Brookline, Mass., resident said he is an experienced developer capable of producing a project that would revitalize the industrial waterfront, if the rezoning was approved.

“The idea is to capitalize on what will endure and what is the future, and that future is medicine,” Shifman said after the meeting.

But opponents of the project say Shifman's criminal record casts doubt over its viability — and brings into question the entire waterfront rezoning process.

“That someone with a federal criminal conviction is leading the development challenges its credibility,” says Andrew M. Teitz, a lawyer who represents neighboring industrial businesses that oppose the city's efforts to redevelop the waterfront. “This is not someone who was stopped for a DUI. This is not some youthful indiscretion. This is not a crime of passion. This speaks to his business character.”

“The record is out there and it speaks for itself,” says Joel Cohen, co-owner of Promet Marine Services, a shipyard near the site of the proposed development.

Shifman says it's unfair to bring his past into the equation. “That is an incident that has ended. My conscience is clear. It has come and it has gone,” he said.

Shifman was indicted in October 1993 along with nine others for their role in an illegal gambling and loansharking operation run by Joseph A. Yerardi, Jr., an associate of the Winter Hill Gang, an organized crime syndicate based in Somerville and South Boston.

Shifman, then 60, operated a legitimate lending business, but referred clients to Yeradi's loansharking operation as a way to pay off a debt, according to federal court documents.

Shifman began cooperating with federal officials in June 1991. He was not charged with offenses after that date and was tried separately from the other mob members.

Still, in October 1993, Shifman was charged with violating and conspiring to violate the Racketeer Influenced and Corrupt Organizations Act, four counts of aiding and abetting the making of extortionate extensions of credit, and one count of aiding and abetting the collection of an extension of credit by extortionate means.

In 1996, Shifman, who maintains his innocence, was convicted by a jury on all but one count — aiding and abetting the collection of an extension of credit by extortionate means. He was sentenced to 51 months in prison, and appealed in federal court. His appeal was turned down in 1997.

Shifman served the bulk of his sentence at Lewisburg Federal Prison in Pennsylvania. He was released from the Federal Medical Center in Devens, Mass., in 2001, according to the federal Bureau of Prisons.

Shifman is just the latest developer with alleged organized-crime ties to take an interest in developing the 9 acres at 164 and 186 Allens Ave.

Joseph Ruggiero, a Barrington resident who has been described by the U.S. Attorney's office as a member of the Rhode Island-based Patriarca crime family, purchased the land in 2004 along with Providence developer Patrick T. Conley.

The two removed the old oil tanks that covered most of the property and opened it in 2007 as Conley's Wharf, a pier that was envisioned as the first part of a multi-phase

hotel, condominium and marina development. Ruggiero was eventually bought out by Conley.

The proposal that Shifman's group, Rhode Island Medical Arts, has brought before the city resurrects grand plans for the parcel.

Rhode Island Medical Arts, the limited liability corporation Shifman and others formed this year, proposes a long-term care hospital for patients recovering from major illnesses and injuries, an extended-stay hotel, a marina and a marine terminal for ferries and cruise ships. The plan also includes the construction of a monorail from the Lifespan hospital campus to the waterfront.

Shifman acknowledges there are many hurdles to the development, including the city rezoning and the remediation of pollution on the site by National Grid and Cargill, two previous owners of the site. The project has not even been formally submitted to the city for approval.

But he says that he and his team boast a wealth of development experience.

In the 1950s, Shifman was a founding partner of the Warwick Musical Theater, a popular Rhode Island concert venue that closed in 1999. He completed the Brook House, “a 1,200-unit multifamily, mixed use project with its associated 120,000-square-foot medical building,” in Brookline, according to his resumé.

Medical Arts also includes Dr. Manuel Lipson, former president and founder of the Spaulding Rehabilitation Hospital in Boston. Among the other members are: George Peterson, a New Hampshire developer and property owner; William K. Patterson, a Massachusetts architect; and Arlon I. Brown, a Massachusetts commercial real-estate broker.

Supporters of the project, including City Councilman Luis A. Aponte, who represents the neighborhood, say some of Shifman's detractors face federal violations of their own.

Promet Marine Services is facing a six-count complaint from the U.S. Environmental Protection Agency for allegedly discharging polluted water into the Providence River and for reportedly failing to acquire air and water permits required for its pressure-washing, painting and related operations.

“There is a big difference between someone who has been tried, sentenced, and had his appeal denied on a federal conviction and the things against Promet,” says lawyer Teitz. “Those are civil violations, not criminal acts.”

Councilman Michael Solomon chairs the council committee weighing the mayor's rezoning proposal.

Cicilline proposes creating a 62-acre zone along the river, east of Allens Avenue and just south of the Jewelry District and the downtown, where restaurants, bars and recreational businesses would coexist with the industrial businesses that require use of the port.

The remainder of the waterfront, 284 acres south of Thurbers Avenue that run to the Cranston line, would be reserved for industrial businesses that need access to the waterfront.

Solomon acknowledges that he found the timing of Medical Arts' proposal — coming just weeks before the committee began deliberations on the rezoning proposal — an odd coincidence.

But approval of the rezoning should not hinge on a single project, however big it might be, he said. He also doesn't believe Shifman's criminal past should be a point of discussion.

“He has done his time and it should not be held against him if he wants to do something for the community,” Solomon said.

Negley Landfill Expansion Subject of Hearing (*Business Journal Daily)*

June 28, 2010 6:14 a.m.
NEGLEY, Ohio -- The potential impact to wetlands from the proposed expansion of the Penn-Ohio landfill will be the focus July 8 of a public hearing conducted by the Ohio Environmental Protection Agency. The meeting will begin at 6 p.m. at the Negley Fire Department here.
The meeting will provide an opportunity for citizens to ask questions and submit comments concerning an isolated wetlands permit application submitted by Total Waste Logistics LLC of Canfield to impact up to 1.26 acres of wetlands at its Penn-Ohio landfill property on North Street in Negley.
The company is requesting to fill the wetlands as part of a plan to expand its construction and demolition debris landfill from 51 acres to approximately 153 acres. Ohio EPA officials will consider this fill request and other alternatives that would result in lesser or no additional impacts to water quality. If approved, the applicant would be required to preserve, restore or replace wetlands nearby to mitigate any approved impacts.
The proposed project may result in a change from the current water quality conditions in the North Fork Little Beaver Creek watershed but cannot violate Ohio’s water quality standards that protect human health and the environment. EPA officials will consider the technical, economic, social and environmental aspects of the project before deciding to issue or deny an isolated wetlands permit.

Comments concerning the application and potential impact on wetlands may be presented at the hearing or submitted in writing to the Ohio EPA, Division of Surface Water, Attention: Permits Processing Unit, P.O. Box 1049, Columbus, Ohio 43216-1049. The public comment period ends July 15. The application (Ohio EPA ID #103606) and related materials are available for review by calling 614 644 2001.
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$500,000 being spent to save woodrats (*Journal and Courier*)

By Will Higgins • THE INDIANAPOLIS STAR • June 28, 2010
Millions of dollars in donations over three decades have helped Indiana bring back the majestic bald eagle and the spry river otter.

Now the state Department of Natural Resources is spending $500,000 for its latest mission: Save the rat.

Allegheny woodrats have been bred in captivity at Purdue University for release into the high ground along the Ohio River, where roughly 180 of the animals teeter precariously as perhaps the state's last.

"I feel like we have a chance of helping (woodrats) develop healthier populations to the point where they can maintain the populations themselves," said zoologist Katie Smith, a program manager of the Department of Natural Resources' efforts on behalf of endangered species.

Indiana has had some success with its programs, beginning in 1985 with the importing of 75 bald eagles from Alaska and Wisconsin. Then came programs for peregrine falcons and ospreys.

All three raptors took hold, particularly the eagles. Since the 1980s, the eagle population has gone from zero to about 240. In 2008, eagles were removed from the state's endangered species list.

In 1995, 300 river otters were brought in from Louisiana. River otters hadn't been seen in Indiana since 1942. Now, they're in most Indiana counties.

In the case of the woodrats, two "pups" were sent into the wild among the cliffs of Harrison and Crawford counties earlier this month, and more will be deployed later this summer. Earlier, about 60 woodrats imported from Tennessee and Kentucky were released there.
"Ethical responsibility"

State bird biologist John Castrale, who was instrumental in the eagles' comeback, said no matter whether animals are majestic or lowly, "These species were here for thousands of years, and we have an ethical responsibility to maintain the diversity."

Besides, Castrale added, "It makes life a lot more interesting to have a variety of species."
Said Gene Rhodes, a Purdue professor of wildlife ecology and genetics who oversees the woodrat efforts: "It would be irresponsible of us, as stewards of the land, to not try and prevent anything from disappearing."

Some species have made comebacks without direct assistance. The bobcat benefited by poorly performing farms reverting to forest, mainly in Southern Indiana, and by several decades of tanking fur prices, which meant fewer trappers trapping and fewer bobcats accidentally getting caught in raccoon traps.

The eagle benefited greatly from the federal Environmental Protection Agency's ban on the pesticide DDT and, because eagles are fish-eaters, from the federal Clean Water Act.

Indiana is among a handful of states interceding for the woodrat, whose numbers have dwindled throughout North America for a variety of reasons: They lost a major food source in the American chestnut tree, and a big jump in the raccoon population -- because of the slowdown in trapping -- led woodrats to become more susceptible to an intestinal parasite from raccoons.

A generous nature

The $500,000 for the five-year woodrat program comes in part from donations by taxpayers who give back a portion of their income tax refund to be used to support nongame animals.

Despite a difficult economy, money lately has come in at record levels: $542,000 this year, up from $369,000 in 2009, and nearly double the $281,000 collected in 2007.

The U.S. Fish and Wildlife Service matches the state money -- this year by 65 percent.

Across the country, most state dollars are flat or declining, said Mark Humpert, director of the Washington-based trade group Teaming with Wildlife, which represents state fish and wildlife agencies.

"Wildlife conservation is often seen as something you can afford in good times," he said, "but in dire economic times, you have to cut."

Since the recession that began in late 2007, fundraising has been down from 5 percent to 10 percent at the National Wildlife Federation, the country's largest wildlife advocacy group, said Anne Senft, the group's online marketing vice president.

Smith, the zoologist, said she can't explain Indiana's very different response, "but I think we've established a reputation for taking the money and doing good things with it."

Indiana's woodrat program is funded through 2012, and biologists already are looking ahead to the next critter in jeopardy.

A likely candidate is the hellbender.

It's a giant salamander often found in cool, clear streams shaded by trees -- and it's as slimy as the bald eagle is majestic.

Monday, June 28, 2010

Criminal charges for environmental accidents more common (*Dayton Business Journal*)

Dayton Business Journal - by Joe Cogliano DBJ Staff Reporter

Tim Hoffman, a partner with the Dayton office of law firm Dinsmore and Shohl LLP, said the government is becoming more aggressive at prosecuting environmental and workplace safety issues.

In years past, on-the-job, environmental-related accidents rarely led to criminal charges, but that is changing.
Earlier this month, a Butler County grand jury indicted **United Oil Recovery Services Inc.** and several of its executives on criminal charges in the death of a worker at the company's Middletown facility. The charges stem from an incident in 2008, when wastewater was allegedly treated improperly, causing a chemical reaction that killed an employee. Also recently, the **U.S. Department of Justice** launched a criminal investigation of **BP plc** (NYSE: BP) relating to the oil spill in the Gulf of Mexico. The spill started with an explosion on the Deepwater Horizon oil rig that killed 11 workers.

Experts say the high-profile cases should send a wake-up call to businesses; they increasingly risk facing criminal charges in workplace accident cases as government agencies at the federal and state level appear to be cracking down. The government is using both environmental and regular criminal statutes to prosecute companies and executives.

"You can't sit back and think anything that happens inside a workplace anymore is just going to be handled as a routine civil matter with a fine attached to it," said Tim Hoffman, a partner with the Dayton office of law firm Dinsmore and Shohl LLP.

Hoffman said a government task force in Ohio that once focused mainly on environmental cases has started taking more looks at workplace accident cases. As a result, it's driving an increase in holding companies and their executives accountable. The task force is set up with state and federal officials, including representatives from the **U.S. Environmental Protection Agency**, **Ohio Environmental Protection Agency** and the Ohio Attorney General's office.

"They're very well organized, they meet regularly, they are out there investigating any situation … that could possibly result in a criminal charge," he said.

After investigating an incident, the task force decides which federal, state or local agency would be best suited to prosecute. For the past several years, Hoffman has been advising clients to assume any workplace accident could be investigated by the task force and possibly lead to criminal indictments.

In general, environmental law is being taken more seriously than ever before by authorities, said Lori Shaw, a professor and assistant dean of student affairs at the **University of Dayton** law school.

UD and most other law schools already had been paying more attention to business ethics in light of **Enron** and other scandals, but this type of case put environmental law and business ethics back at the forefront.

"You look at the (oil) spill in the gulf and you realize how one person's decisions could have a huge impact on society as a whole," Shaw said. "We are going to expect corporations to take a little more responsibility."

In the United Oil incident, Butler County asked the Ohio Attorney General's office to prosecute the case. The company and its environmental health and safety manager were charged with one count each of involuntary manslaughter, reckless homicide, violation of wastewater permit, deviation from pre-treatment permit and criminal endangering. Its president and the plant manager were both charged with one count of criminal endangering.

Bob Dunlevey Jr., senior managing partner with Dayton-based law firm Dunlevey, Mahan and Furry, said the case is highly unusual and should be an "eye-opener" for business owners and executives. He thinks it might be a sign that the government plans to do more to police the welfare of workers.

"You're getting into public policy issues here," Dunlevey said. "This is somewhat of a political statement."

Overall, the number of deaths in the workplace have been declining in Ohio and nationwide. Workplace deaths in Ohio dropped to 168 in 2008 from more than 200 in

2003. Nationally, the number of workplace deaths dropped to 5,214 in 2008 from 5,575 in 2003.

In the Butler County case, United Oil was issued a permit from the Ohio EPA that outlined the approved treatment process, but deviated from those terms, according to state officials.

“The company adopted a policy not to follow the procedures spelled out in its permit,” Shaw said. “I don’t think people should take this as a sign that we’re going to be criminally prosecuted for every crime that every employee might commit, but your policy makers, you are going to be responsible.”

The fact that workplace-related regulations have criminal, as well as civil penalties, comes as a surprise to many, said Charlie Faruki, managing partner of Faruki Ireland and Cox PLL.

But, Faruki said he isn’t advising clients differently than before.

“I’ve always included that advice to clients, just as part of making sure they understand the big picture and the risks involved,” he said.

Dinsmore’s Hoffman still believes a majority of workplace accident cases will be dealt with as civil actions, but expects the uptick in criminal charges to continue as investigators hold more cases under the microscope.

“I believe the regulators also believe it has a bigger deterrent value to those out there seeing the publicity that these kinds of cases are getting,” Hoffman said. “That’s part of the government plan, that this does act as a deterrent and gets companies to be more careful.”

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