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EDITORIAL / OP-ED / COMMENTARY / LETTERS

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June 30, 2010

The Good Driller Award (*New York Times*)

By JODY FREEMAN
Boston
THE oil spill in the Gulf of Mexico should make us reconsider how we regulate industries like drilling and mining that pose risks to people and the environment.

To that end, many argue that we need tougher safety standards, as well as higher liability caps and more severe civil and criminal penalties for polluters. Others believe that we need to reform our regulatory system: the Minerals Management Service is being restructured, and Congress may give the Environmental Protection Agency and the Coast Guard more robust regulatory power over offshore drilling. All agree that lax enforcement of regulations must stop.

Overlooked in this debate is the fact that regulators need carrots, not just sticks. That's why we should start rewarding companies that have exemplary safety records, exceed pollution standards and produce exceptional disaster response plans. Such incentives should never replace fines and penalties, which can often take years to work their way through the courts, but they could be a helpful complement.

Here's an example of how we might provide incentives for good behavior. Right now, royalty rates for offshore leases end up promoting dangerous deep-water drilling — the deeper you drill, the less you have to pay the government in royalties. Under the Deepwater Royalty Relief Act of 1995, Congress even waived royalties on millions of barrels of oil for certain deepwater leases from 1996 to 2000. This and other royalty relief programs have deprived the Treasury of billions of dollars in revenue, while rewarding the riskiest drilling in the deepest waters. Instead, royalty rates should be pegged to performance: those firms with excellent safety records should pay fewer royalties for offshore leases, and those with a history of accidents, safety lapses and penalties should pay more.

Likewise, we should speed up the permit process as an incentive for companies that go beyond the legal minimum requirements, pay for backup safety systems and provide superior worker training for spill response. Providing such rewards would encourage continuous improvement in technology and disaster planning. Industry leaders would be recognized for outpacing their competitors.

The Environmental Protection Agency tried this kind of approach during the Clinton administration, back when Carol Browner, now the White House energy and climate adviser, was the administrator. Companies that found innovative ways of going above

and beyond baseline air and water pollution limits got rewarded with faster permitting. The program, called Project XL, was largely viewed as a success, but it ended in 2002.

In addition to devising new incentives, the government should make better use of information already at its disposal. After Union Carbide's release of toxic gases in 1984 killed thousands in Bhopal, India, Congress passed a law requiring a wide variety of industrial companies that produce significant volumes of toxic chemicals to publish an annual inventory of the dangerous substances they emit. This database, which is maintained by the E.P.A., is easily available to the public.

But we should consider taking this a step further. Why not warn consumers, when they fill up at a BP station, of the company's annual safety record, in terms of lives lost and penalties paid? A little shaming might go a long way for a company that cares about its public image.

We will be dependent on oil and coal for our energy use for some time, even if we begin now, as President Obama has urged, to move aggressively to cleaner energy. But as long as we continue to drill for oil and mine for coal, we must do everything we can to make those industries safer. That includes not just tough, well-enforced regulations, economic liabilities and criminal penalties for companies that prove too dangerous, but also positive incentives and public rewards for those that put safety first.

Jody Freeman, a professor at Harvard Law School, was the counselor for energy and climate change in the White House from January 2009 to this past March.

Escambia health official sends mixed signals (*Gulf Breeze News*)

It was distressing to learn last week that John Lanza lifted the health advisory for Pensacola Beach. Lanza is the Director of the Escambia County Health Department that is charged with protecting the health and safety of county citizens.

Lanza stated that he lifted the health advisory early Friday against the advice of officials at the Environmental Protection Agency. He made his decision based on the advice of Buck Lee, Director of the Santa Rosa Island Authority.

Does Lee have a scientific background on which to base such a recommendation? Lee said he made his recommendation based on a visual inspection. He dismissed any notion that the water is unsafe and that he couldn't wait three days for the results of testing to decide to close or open the beach to swimming. Surely both Lee and Lanza are aware that on Friday morning, two days after oil washed ashore, massive sheets of oil remained buried in the sand. Researchers from the University of South Florida found that the oil is buried from 1 to 8 inches deep.

Lanza admitted that the health department did no sampling of sand or water before lifting the health advisory. On the Escambia County Web site for this disaster response, readers are advised not to touch tar balls or oiled debris. From the beginning of this oil spill, residents of the beach have been warned against cleaning their own property due to the hazardous nature of the oil.

If the public is currently being warned not to come in contact with the tar and oil that is now on our beaches, why is it now acceptable to allow children and adults to dig in the sand and swim in the water?

Our health director is sending mixed signals. The revenue needs of our beach businesses are understandable, but Lanza's primary concern should be the health and safety of the visitors and residents of the island. Unless Lee has qualifications of which we are unaware, he has no business making recommendations on health and safety, and Lanza has no business accepting them without scientific verification.
Beverly Pica
Pensacola Beach

AIR
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EPA expansion of GHG reporting program finished for now (*Greenwire*)

(06/30/2010)
Gabriel Nelson, E&E reporter
U.S. EPA announced plans yesterday to expand its new greenhouse gas reporting program next year to underground coal mines, industrial wastewater treatment systems, industrial landfills and magnesium production facilities.

The agency also released proposed rules outlining what data from the emission-reporting program will be treated as "confidential business information." Both rules are intended to lay the foundation for federal regulation of emissions thought to be contributing to global warming.

Coal mines, wastewater systems and industrial landfills primarily emit methane, an atmosphere-warming gas that is more than 20 times as potent as carbon dioxide. As a byproduct of magnesium production, industrial facilities mainly produce sulfur hexafluoride, a fluorinated greenhouse gas that can linger in the atmosphere for centuries.

EPA Administrator Lisa Jackson signed the final rule Monday for the four sectors, all of which were included in the reporting rule proposed last April but were later set aside for further study.

Though EPA could later amend the program to add more sectors of the economy, it has made final decisions on "all outstanding source categories and subparts" from last year's draft rule, the agency said. To add any more sectors of the economy to the reporting program, the agency would need to start a rulemaking process from scratch.

"Gathering this information is the first step toward reducing greenhouse emissions and fostering innovative technologies for the clean energy future," Jackson said when several other types of facilities were added to the program in March. "Once we know where we must act, American innovators and entrepreneurs can develop new technologies to protect our atmosphere and fight climate change."

The new rule would apply to about 680 facilities producing more than 25,000 metric tons of carbon dioxide equivalent per year. Those businesses, responsible for about 1 percent of the nation's greenhouse gas emissions, will be required to start collecting data on Jan. 1, 2011, and submit their first annual reports in March 2012.

When those 680 sites start gathering emissions data, they will join about 10,000 other sites that produce about 85 percent of the nation's greenhouse gas emissions. Those facilities were required to begin gathering data this past Jan. 1 with their first reports due next March (Greenwire, Sept. 22, 2009).

Secret emissions

The proposed confidentiality rule, scheduled to take effect before the first greenhouse gas emissions reports are due next March, emerged from a comment process during which industry groups voiced concerns about the privacy of data on greenhouse gas emissions.

While the Clean Air Act requires all emissions data to be made available to the general public, it makes an exception for "confidential business information." The proposed rule released yesterday outlines which information will be made available and which will be kept under lock and key because of its potential "to cause substantial harm to the reporting business's competitive position."

Under the proposed rule, the public would have access to data revealing the location and amount of greenhouse gas emissions, as well as data used to calculate those figures and any information that explains periods of missing data.

"EPA typically makes confidentiality determinations under the Clean Air Act on a case by case basis," the agency said in a statement explaining the proposed rule. With more than 10,000 facilities expected to report greenhouse gas emissions and more than 1,500 data elements required for their reports, "EPA believes that case-by-case determinations would not result in a timely release of non-confidential data."

Pamela Campos, an attorney at the Environmental Defense Fund, said earlier this year that she was "very pleased to see that EPA is planning to handle these confidentiality

issues" before receiving its first set of emissions reports. "Having public access to the data is absolutely essential," she said (Greenwire, April 16).

Industry groups such as the American Petroleum Institute had urged EPA during the public comment period to "carefully assess what is actually needed for policy decisions and make a clear distinction between what is mandated for reporting [and] what would be disclosed publicly."

Businesses were particularly concerned with information on the location of emissions, saying that data would reveal trade information while providing no benefit to the public. Location can make a great deal of difference for other EPA-designated pollutants, such as those that can cause respiratory problems, but greenhouse gases "are emitted in every part of the world and are dispersed evenly across the planet," the American Farm Bureau Federation said in comments submitted to the agency during the consideration of the reporting program.

"A ton of GHG emitted in Arlington, Virginia -- if in fact it has an impact on the climate -- is the same as a ton of GHG emitted in Beijing, China. Thus from a reporting standpoint, the location of the emission or identity of the emitter makes no difference," the trade group said. "There is no benefit to be gained by divulging where the GHG emission came from. ... EPA may need to know emission sources for tracking purposes, but that same need does not extend to the public."

June 30, 2010

Texas: State Loses Pollution Fight (*Associated Press*)

Story also appeared: *New York Times*

By THE ASSOCIATED PRESS

The Environmental Protection Agency has overturned a 16-year-old Texas program it says violates the Clean Air Act. The act requires polluters to limit emissions for several key pollutants from each smokestack, or other source inside a plant or refinery. But since 1994, Texas has instead given about 140 plants a general ceiling for pollution from all sources inside a plant. The E.P.A. decision will force about 140 refineries and petrochemical plants to invest millions of dollars to get new permits. Many plants may also have to invest in updates.

* U.S. NEWS
* JUNE 30, 2010, 7:52 P.M. ET

EPA Rejects Texas Flexible Air-Quality Permit Authority (*Wall Street Journal*)

By NAUREEN S. MALIK
The U.S. Environmental Protection Agency on Wednesday rejected air-quality permits for refiners and other industrial plants issued by Texas, saying they didn't meet federal environmental standards.

The federal agency proposed striking down the so-called flexible air permits issued by the Texas Commission on Environmental Quality, or TCEQ, last September, saying they violate the Clean Air Act. Under the act, all states have to develop a state implementation plan to meet federal requirements to protect public health. The move won't require oil refiners, chemical and plastics makers, and others to shut their plants immediately, but will force companies to meet stricter regulations in order to earn new, more detailed permits.

"EPA has determined that this program does not meet several national Clean Air Act requirements that help to assure the protection of health and the environment," the agency said in a press release Wednesday. "Those plans must include an air permitting program to set pollution levels for industrial facilities."

Flexible air permits aren't unique to Texas, but the state has a high concentration of emissions-intensive industries. The EPA is conducting a broad review of the state's air-permitting regulations on concerns over violations stretching back to the administration of George W. Bush. There are 121 facilities operating under flexible air permits in Texas, including some of the nation's largest oil refineries, owned by Exxon Mobil Corp., BP PLC and Valero Energy Corp.

TCEQ Chairman Bryan W. Shaw said in a press release that the flexible-permit program complies with federal regulations and that "air quality could actually suffer" if the program is cut. The Texas Oil & Gas Association also criticized EPA's decision.

The state's flexible air-permit program, launched 16 years ago, caps emissions of air pollutants from an entire facility, but the EPA wants to scrutinize and restrict emissions from every polluting unit of a plant. Stricter rules are expected to add costs for companies holding flex permits and limit operational flexibility.

"I don't think anybody is going to shut down; it's just more of an environment-permitting nightmare," said Richard Alonso, counsel for Bracewell & Guiliani LLP, a law firm representing manufacturing, refining and electric utility companies.

Bill Day, a spokesman for Valero, which operates six out of seven of its Texas refineries under the flex permits, said the EPA's move was disappointing. These "facilities are caught in the middle, creating significant uncertainty at a time when our economy can least afford it," Mr. Day said in an email.

Jen Powis, senior regional representative for the Sierra Club, said that EPA's decision "is incredibly important" precisely because it affects almost all of the state's oil refineries, a major source of emissions. These sites can cover hundreds of acres and stricter monitoring requirements will make it easier to determine whether residents living near a plant property's border are exposed to high concentrations of toxins, she said.

To prevent disruptions at the affected facilities, the EPA said it will discuss with TCEQ and other groups how to convert the state's flexible permits into more detailed permits. EPA is asking affected facilities to participate in a voluntary compliance-audit program to speed up the process to identify emission limits and to set operating and reporting requirements.

Since October, the EPA has filed 39 objection letters to the TCEQ for flexible air permits. Just over a month ago, the agency said it would require privately held refiner Flint Hills Resources LP to apply for an EPA permit for its East Corpus Christi refinery, because the TCEQ flexible air permit it operates under violates the Clean Air Act.

Write to Naureen S. Malik at naureen.malik@wsj.com

EPA overturns 16-year-old Texas permit program (*Associated Press*)

June 30, 2010 5:35 PM ET
HOUSTON (AP) - The U.S. Environmental Protection Agency on Wednesday officially overturned a 16-year-old Texas air permitting program it says violates the Clean Air Act, leaving some of the country's largest refineries in a state of limbo.
The move comes after years of backdoor bickering, negotiations and public arguments between the EPA and Texas. The argument recently escalated from a battle over environmental issues into a heated political dispute over states' rights.
Gov. Rick Perry has been using it to drive home his contention that President Barack Obama's administration is overreaching, saying in a statement Wednesday that "Texas will continue to fight this federal takeover of a successful state program."
The EPA's decision, announced in a statement, will force some 125 refineries and petrochemical plants to invest millions of dollars to get new permits. Many of the plants may also have to invest in updates to comply with federal regulations.
The decision did not come as a surprise to Texas or the industries. EPA regional director Al Armendariz has said for months he would disapprove the permits if Texas did not comply with the Clean Air Act.
The Texas Commission on Environmental Quality's chairman Bryan Shaw insisted Wednesday the state's permitting program complies with the Clean Air Act and has improved air quality in Texas. However, in an effort to satisfy the EPA's concerns, Shaw said the commission recently changed the rules but apparently the EPA "did not take them into consideration."
Texas can challenge the ruling in court, but a commission spokesman said it hasn't decided whether to go that route.

Armendariz said the proposed rules were in the first stage of a lengthy approval process that could take months or even years.
"I can't wait to take action on these permits. I've got to act soon because these permits are seriously flawed," Armendariz told The Associated Press.
The EPA's move on Wednesday addresses Texas' so-called flexible permits, which set a general limit on how much air pollutants an entire facility can release. The federal Clean Air Act requires state-issued permits to set limits on each of the dozens of individual production units inside a plant. The EPA says Texas' system masks pollution and makes it impossible to regulate emissions and protect public health.
Texas has been issuing the permits since 1994 even though it never received the required federal approval. The EPA made clear at least five years ago it believed the permits violated federal air laws, warning Texas and the refinery and petrochemical industry it would take action. The industry, uncomfortable with the uncertainty, sued the EPA in 2008, demanding the agency take action on this and several other programs that remained in limbo.
The EPA was under a court-ordered deadline of June 30 to either approve or disapprove the flexible permit program. On Wednesday, a federal court rejected a last minute appeal by the industry to extend the deadline.
Armendariz said he has instructed his staff to work closely with Texas and industry leaders to fix the permits.
The EPA has been working with industry leaders to find a way to effectively and efficiently issue new air permits to the impacted plants, including the nation's largest refinery, Exxon Mobil in Baytown, Texas. The EPA has offered them an independent audit mechanism that would allow them to correctly measure air pollutants to get the new permits, while ensuring them they would not be penalized for violations uncovered.
Matthew Tejada, executive director of Air Alliance Houston, one of several environmental groups that has opposed the permits, welcomed the EPA move but said he expects a state and industry-led legal battle against the agency.

Environmental Regulators Split, and Politicians Pounce (*Texas Tribune*)

by Kate Galbraith
July 1, 2010
Graphic by: Jacob Villanueva
The battle over Texas's environmental regulations came to a head Wednesday as the Environmental Protection Agency shot down the state's air-pollution permitting regime for large plants. It's the latest episode in a larger cultural and political fracas pitting Texas against Washington — and business against government — that continues to take center stage in the race for governor.

The state's system, the EPA said in its press release, "allows companies to avoid certain federal clean air requirements." The ruling will affect 122 plants, many of them refineries and chemical plants, which the state grants "flexible" permits. The permits

allow the plants to report only total emissions, rather than pollution from each individual unit of their facilities — a practice environmentalists have charged allows the companies to mask dangerous pollution spikes in specific areas.

It's unclear what effect the decision will have on the facilities. While business interests and conservative politicians contend the decision could kill thousands of jobs, the EPA has yet to specify how it will force the state to revamp its regulatory apparatus, and what the affected plants must do to comply. But it's hardly too soon for the state's gubernatorial candidates to dive into the debate.

The set-to seems a natural chapter in the narrative of Gov. Rick Perry's reelection campaign, in which he plays the state crusader against choking regulation from meddling Washington liberals. Perry, who has devoted considerable time and verbiage to EPA-bashing, described the latest move as "irresponsible and heavy-handed," and called on President Obama and Congress to "rein in this rogue agency, and stop the EPA from continuing to threaten Texas families, their jobs and cost of living."

Democratic gubernatorial challenger Bill White, meanwhile, faces the awkward task of casting the EPA dustup as a Perry failure while not appearing too cozy with the Obama administration — from which he already has taken pains to distance himself. A former official at the federal Department of Energy, White said that the EPA decision highlights longstanding deficiencies in Texas, along with Perry's habit of spending more time bashing Washington than working for Texas. "Instead of solving a problem that he was alerted to by the Bush administration, Perry created a confrontation with the EPA in order to write new chapter in his book about the federal government," White said in a statement. "His failure is bad for Texas businesses. I guarantee that as governor, I'll bring permitting authority back to Texas where it belongs."

The affected Texas plants include, ironically enough, two federal facilities, Fort Bliss and the Department of Energy Pantex plant (a nuclear weapons facility near Amarillo), according to the governor's office. The EPA decision creates considerable uncertainty about how such facilities go about legally complying with the Clean Air Act. The EPA has proposed a "voluntary compliance audit program" to help companies that hold flexible permits come into compliance with federal law.

The big question now is "how heavy EPA wants to be in rectifying those individual permits," said Matthew Tejada, the executive director of Air Alliance Houston, an environmental advocacy organization. For example, he said, the EPA could issue notices of violation against the affected plants; take over the permitting program from the Texas Commission on Environmental Quality; or fine Texas for having an illegal program. Joe Hubbard, a spokesman for the EPA region that includes Texas, said that the agency was adding staff to aid the transition to a stiffer regulatory regime.

The anti-EPA crowd has sounded the alarm that tougher pollution restrictions will translate directly into job loss. Debbie Hastings, vice president for environmental affairs at the Texas Oil and Gas Association, suggested, in a worst-case scenario, that some

refineries might have to shut down completely, putting every job at risk. Uncertainty in the permitting regime could also cause facilities to put expansion or upgrade plans on hold, which would also cost jobs, she said.

"About 93 percent of the Texas refineries operate under a flexible permit, and that's about 20,000 direct jobs," she said. "And for each direct job, there's 14 indirect jobs, so we're talking 280,000 Texas jobs."

Sen. John Cornyn, R-Texas, also took the bad-for-the-economy tack. The Obama administration, he said, is "burying the Texas economy with this EPA overreach."

Cornyn pointed to Texas's "strong record of reduced emissions and improved air quality," and similarly, Perry points to a 22 percent reduction in ozone since 2000. Environmentalists say these gains are a result of federal — not state — action. Indeed, they say, Texas is the only state singled out by the EPA for a deficient permitting regime.

"Texas is operating on a completely different plane," said Tejada. "They take the federal requirements, and they bend them at every end. So they don't break, but they sure don't resemble the federal requirements anymore."

Under the state's flexible permitting system, administered by the Texas Commission on Environmental Quality, plants must meet an overall cap on emissions but can choose the most expeditious manner to do so. Texas has had flexible permitting in place since the mid-1990s, and environmentalists have been fighting the system ever since. The EPA's permitting requirements, which are carried out by individual state agencies like TCEQ, are more precise, specifying limits for the units within each facility. This is important, environmentalists say, to ensure that pollutants aren't too concentrated in one area of the plant, which could endanger people in nearby developments.

Last November, the EPA named an aggressive new administrator, Al Armendariz, formerly an associate professor in environmental and civil engineering at Southern Methodist University in Dallas, to head its regional office that includes Texas. In the last few months, the EPA has taken over permitting for three big plants — the Chevron Phillips chemical plant in Baytown, the Flint Hills Resources refinery in Corpus Christi and a power plant in Collin County.

Texas Attorney General Greg Abbott has filed a legal challenge against the EPA in a federal court in New Orleans over aspects of the Texas permitting program. Meanwhile, last month, after EPA haranguing, TCEQ proposed revisions to its rules on flexible permitting. A public comment period on those proposed changes starts July 2nd and runs to August 2nd. Bryan Shaw, the chairman of the TCEQ, said in a statement that the EPA, "as far as we know," did not take the proposed changes into consideration in its announcement on Wednesday.

"Texas flexible permitting program complies with the federal Clean Air Act," Shaw said in a statement. "The flexible permitting program has contributed to improved air quality in Texas, and if the state is prevented from using the program, air quality could actually suffer."

Figuring out asthma triggers can help people prevent attacks (*MLive*)

Published: Thursday, July 01, 2010, 6:00 AM
Kalamazoo Gazette staff
Dr. Richard M. Tooker
By Dr. Richard M. Tooker | Special to the Kalamazoo Gazette

One in 15 Americans suffer from asthma, resulting in wheezing breath sounds, coughing and a lack of air getting into the lungs.

Asthma is a chronic inflammatory disease of the body's airways, and it may be mild, severe or even fatal.

When airways come in contact with an asthma trigger, these breathing passages become inflamed, narrow and filled with mucus. The underlying cause of asthma is unknown, but part of it is explained by genetics, as asthma often runs in families.

There is a lot known, however, about what triggers asthma attacks.

Things that trigger it may be outside such as mold or tree, grass and weed pollen; small particles that make up air pollution; and even just plain cold air. Exercise is a trigger for a lot of people with asthma, especially cold-air exercise.

For some people, certain foods or additives and preservatives in food cause the onset of an attack.

One major source of asthma triggers that people may not think of is the indoor environment. We spend up to 90 percent of our time indoors, and here we often encounter a concentration of irritants to the breathing passages of our lungs.

Cigarette smoke is the worst problem for people with asthma. Molds, dust mites, cockroaches and pets and their dander are also commonly associated with frequent and disabling attacks. Some homes have high concentrations of chemical irritants from wood stoves, fireplaces and heaters.

Asthma can't be cured, but attacks can be prevented or made less severe. Although asthma medicines are very important to asthma care, prevention of attacks begins with knowing what causes an individual's symptoms and avoiding those triggers.

Avoiding outdoor air when mold, pollution levels and pollen are high can be learned, and those with asthma can also determine when and how much to exercise.

As for indoor triggers, the Environmental Protection Agency has an asthma home checklist to help families identify irritants and learn how to eliminate or reduce them. For example, they can get smokers to go outside to light up, and they can keep dust, mold and pet dander at a minimum with frequent housecleaning.

For 10 steps to making your home friendly to those with asthma, visit www.epa.gov/asthma.

Dr. Richard M. Tooker is the chief medical officer and chief medical examiner for Kalamazoo County and the medical director for Allegan County.

AWARDS

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Innovator receives entrepreneur of the year award (Triangle Tribune)

RALEIGH - Tony Marshall, CEO of Innovative Systems Group, received the Black Entrepreneur of the Year Award from McCants Communications, owner of the Black Pages USA and Black Expo 2010. The award was presented last month at the first State of African American Business Awards Breakfast at Saint Augustine's College.

Marshall's history of entrepreneurship, leadership in green transportation and renewable energy, and volunteerism on behalf of the future of all minority businesses in the Research Triangle Region, earned him the award.

"Tony's entrepreneurial spirit, business knowledge and professionalism is a model that we would like to see all minority businesses follow," Gerry McCants, president of McCants Media Group, said.

Marshall has over 25 years experience in the information technology industry, and is an expert at analyzing business challenges and implementing technology solutions. His latest endeavor is a Biodiesel Electric Hybrid bus that serves the U.S. Environmental Protection Agency's Research Triangle Park campuses. The EPA awarded ISG the contract last October.

"Green transportation is not just a new business opportunity," Marshall said. "It is a social and environmental imperative. I am very proud to be a part of the EPA's industry-leading initiative."

Other award recipients:

• Business Pioneer of the Year: Andrea Harris, N.C. Institute for Minority Economic Development

• Small Business of the Year: Joe Jones, Covenant Trucking Company, Inc.

BP SPILL

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July 1, 2010

Oil spill: Water safe? You'll have to 'wing it' (*Pensacola News Journal*)

Local officials going by their gut when deciding if beaches OK for swimmers
Travis Griggs
tgriggs@pnj.com

Despite detailed water-quality tests and daily oil-spotting flights, local officials said a lack of federal guidance is forcing them to "wing it" when deciding if local beaches are safe for swimmers.

At a press conference at the Pensacola Beach Gulf Pier on Wednesday, Escambia County and Pensacola Beach officials voiced concern at the lack of information about the health risks of oil washing ashore.

"The thing that frustrates public officials is there is no science. ... There is no science that you can use to see exactly when it is unsafe," said Keith Wilkins, deputy chief of neighborhood and community services for Escambia.

Wilkins said the Environmental Protection Agency, the University of West Florida and the county all are testing the water quality at some local beaches.

The location and frequency of the EPA's water testing is unclear, Wilkins said, but county and UWF officials are testing water in surf zones at six locations — four on Santa Rosa Island and two on Perdido Key.

Water quality tests are done twice a week, and results take two to three days to be returned from the laboratory.

Wilkins said recent tests have come back positive for dissolved oil in the water near the beach.

Testing on Monday, for example, detected crude petroleum at 85 parts per billion at Pensacola Beach Gulf Pier and 51 parts per billion near River Road on Perdido Key.

The test results confirm what officials have known all along — there's oil in the water — but they don't answer the bigger question.

"We still don't know what that means for human health concerns," Wilkins said.

Wilkins said federal health regulations specify maximum allowable levels of dissolved hydrocarbons in things like drinking water, but there are no established limits on what levels are safe for swimming.

"That data doesn't exist right now ... There is not a nice red flag that pops up in chemical analysis ... that says the water is not safe for health reasons," Wilkins said.

Wilkins said the EPA is currently developing standards for safe levels in swimming water, but it has not yet released that information to county governments.

"The EPA has developed some internally, but they haven't shared that yet," Wilkins said. "We hope for it any minute. ... It's frustrating. It's a little nerve-wracking to wait."

EPA officials at the Tallahassee Emergency Operations Center did not return repeated calls for comment Wednesday afternoon.

Wilkins said county officials aren't holding their breath on getting the new standards from the EPA.

"I think we'd be lucky (to get them) within the next week or two," Wilkins said.

The challenge

There are several challenges in determining the maximum safe levels of oil in swimming water.

One is that some people are more sensitive than others to oil contact. Children are generally more sensitive than adults, and people with respiratory problems can be affected by oil vapor at much lower levels than the general population.

Further complicating matters is that crude oil contains a combination of hundreds of different chemicals, some much more toxic than others. Some chemicals quickly break down or evaporate, and others remain in the water for longer, but because of varying conditions, every wave of oil that washes ashore can contain different chemicals at different concentrations.

The amount of time exposed to oil also comes into play, Wilkins said, with the potential for harmful effects increasing the longer a person is in contact with oil.

Wilkins said that the EPA's limits for oil contamination will likely be set at a level considered safe for a child that's swimming in contaminated water for one hour, every day, for 90 days.

"Obviously you want to err on the side of safety," Wilkins said.

In the meantime, public safety officials at the beach are relying on the more rudimentary method of watching for oil in the water and warning people to avoid swimming when visible oil is present.

"I went swimming on Saturday in the Gulf, and it was fine," W.A. "Buck" Lee, Santa Rosa Island Authority executive director, said Wednesday. "A day or two later, I might not want to go in there."

"It's got to be some common sense until they come up with a testing (method)," Lee said.

Molly Payne-Hardin, spokeswoman for the Escambia County Department of Health, said that department does not have the authority to close Gulf waters to swimming. The health advisories currently in place from the Pensacola Beach Gulf Pier to the Florida-Alabama state line are based on the amount of visible oil present, and are the limit of the department's authority to keep people out of the water, she said.

Escambia County and Santa Rosa Island Authority officials have the authority to close the beach waters to swimming. So far, they have only done so once — on June 23-25 after the heaviest waves of oil yet washed ashore on Pensacola Beach.

Officials said that until more information becomes available, they will only close swimming when there is no way beachgoers can reasonably avoid the oil washing ashore.

Wilkins said it isn't a perfect solution, but it's the best officials can do with the information they currently have available.

"I definitely think public officials across the state of Florida are having to wing it," Wilkins said.

"That's very frustrating."
Additional Facts
Oil on area shores Wednesday

-- Perdido Key had up to 30 percent coverage of tar balls, stain, mousse and sheen.

-- Pensacola Beach had reports of patchy and scattered tar balls covering up to 30 percent of the beach in some areas.

-- An reconnaissance flight reported a six-mile-long area of heavy sheen, streamers and mousse patches floating just offshore from Perdido Pass to Johnson Beach.

-- A nine-mile-long section of similar oil types was floating offshore from Fort Pickens to Portofino.

Oil dispersant does not pose environmental threat, early EPA findings suggest (*Washington Post*)

By Juliet Eilperin
Wednesday, June 30, 2010**; 9:01 PM**

The Environmental Protection Agency released its first round of testing results on the toxicity of oil dispersants Wednesday, saying initial findings suggest that the dispersant BP is using in the Gulf of Mexico is less harmful than oil and does not pose as significant an environmental threat as the spill does.

In a telephone news conference, EPA's assistant administrator for research and development, Paul Anastas, emphasized that it was "too early to draw conclusions" about the long-term impact of Corexit 9500, the dispersant BP has applied to break up oil spewing from the downed Deepwater Horizon rig. The agency has yet to analyze the impact of dispersants mixed with oil and instead just tested the application of eight types of dispersants to marine animals in a lab setting.

"We need more data to decide whether it's necessary to switch dispersants," Anastas said, adding: "All of the dispersants are roughly equal in toxicity, and all of them are less toxic than oil. . . . It's important to remember that oil is enemy number one in this crisis."

But environmentalists questioned the kind of testing EPA conducted, noting that its scientists applied the chemical compounds to mature marine life and then examined the impact either 48 or 96 hours later, instead of observing what would happen after repeated applications.

Alaska-based activist Riki Ott noted that "fresh oil and fresh dispersant are being released constantly" in the gulf, so the lab results could not capture that sort of repeated exposure. "Right off the bat it's more toxic than a standard, static test," Ott said, adding that EPA officials did not test the impacts on "young life forms" such as juveniles and larvae, which are more vulnerable to toxic chemicals.

Richard Denison, a senior scientist at the Environmental Defense Fund, wrote in a blog post that the lab results did not shed new light on dispersants' impact, in part because they were tested in isolation.

"So, what did we learn today? Not too much new," he wrote, adding, "What is most remarkable about the data EPA released today is how similar they are to the industry-

supplied data on the dispersants by themselves that were previously made available on EPA's Web site."

Researchers tested the dispersants on mysid shrimp and inland silverside fish. None of the dispersants appeared to disrupt the animals' endocrine activity, according to the results, and EPA issued a statement saying it found "JD-2000 and Corexit 9500 were generally less toxic to small fish and JD-2000 and SAF-RON GOLD were least toxic to mysid shrimp."

In late May, EPA directed BP to find another, less toxic dispersant than Corexit 9500, but the company refused to do so, arguing that it could not find an adequate substitute in sufficient quantities. Both EPA and the Coast Guard instructed BP to reduce its use of dispersants by 75 percent, and the company has cut its application of Corexit 9500 by 68 percent from its peak over the past month.

EPA will embark on a second round of testing to evaluate the toxicity of different concentrations of Louisiana Sweet Crude Oil alone and combinations of the oil with each of the eight dispersants.

"It's crucial that we get this other data on the dispersant with the oil," Anastas said, adding that the agency also needs to examine issues such as why it has no maximum toxicity threshold for products that make it onto the federal government's list of accepted dispersants. "This tragedy, this event, at the scope and the scale of this event, has raised important questions about how these previously existing regulations need to be reexamined."

He added that while questions have been raised about whether the dispersants are settling on the sea floor or remaining suspended in the water, testing suggested that they break down "within weeks" when used on the surface and "within weeks or months" when applied to the colder waters below.

"We are seeing no data that there are dispersants that are persisting in the water column," he said.

Still, Ott questioned why the federal government was allowing such widespread use of chemicals in the ocean.

"What we need to do in an oil spill situation is do no more harm," she said. "Putting toxic solvents on top of an already toxic substance is doing more harm."

An EPA spokesman, Brendan Gilfillan, said, "The tests conducted by EPA -- which involved two species which are native to the gulf -- were based on standard scientific acute toxicity test protocols."

Oil dispersant does not pose environmental threat, early EPA findings suggest (*Washington Post*)

By Juliet Eilperin
Wednesday, **June 30, 2010; 5:38 PM**
The Environmental Protection Agency released its first round of testing results on the toxicity of oil dispersants Wednesday, saying initial findings suggest that the dispersant BP is using in the Gulf of Mexico is less harmful than oil and does not pose a significant environmental threat.

In a telephone news conference, EPA's assistant administrator for research and development, Paul Anastas, emphasized that it was "too early to draw conclusions" about the long-term impact of Corexit 9500, the dispersant BP has applied to break up oil spewing from the downed Deepwater Horizon rig. The agency has yet to analyze the impact of dispersants mixed with oil and instead just tested the application of eight types of dispersants to marine animals in a lab setting.
"We need more data to decide whether it's necessary to switch dispersants," Anastas said, adding: "All of the dispersants are roughly equal in toxicity, and all of them are less toxic than oil. . . . It's important to remember that oil is enemy number one in this crisis."
But environmentalists questioned the kind of testing EPA conducted, noting that its scientists applied the chemical compounds to mature marine life and then examined the impact either 48 or 96 hours later, instead of observing what would happen after repeated applications.
Alaska-based activist Riki Ott noted that "fresh oil and fresh dispersant are being released constantly" in the gulf, so the lab results could not capture that sort of repeated exposure. "Right off the bat it's more toxic than a standard, static test," Ott said, adding that EPA officials did not test the impacts on "young life forms" such as juveniles and larvae, which are more vulnerable to toxic chemicals.
Richard Denison, a senior scientist at the Environmental Defense Fund, wrote in a blog post that the lab results did not shed new light on dispersants' impact, in part because they were tested in isolation.
"So, what did we learn today? Not too much new," he wrote, adding, "What is most remarkable about the data EPA released today is how similar they are to the industry-supplied data on the dispersants by themselves that were previously made available on EPA's Web site."
Researchers tested the dispersants on mysid shrimp and inland silverside fish. None of the dispersants appeared to disrupt the animals' endocrine activity, according to the results, and EPA issued a statement saying it found "JD-2000 and Corexit 9500 were generally less toxic to small fish and JD-2000 and SAF-RON GOLD were least toxic to mysid shrimp."
In late May, EPA directed BP to find another, less toxic dispersant than Corexit 9500, but the company refused to do so, arguing that it could not find an adequate substitute in sufficient quantities. Both EPA and the Coast Guard instructed BP to reduce its use of

dispersants by 75 percent, and the company has cut its application of Corexit 9500 by 68 percent from its peak over the past month.
EPA will embark on a second round of testing to evaluate the toxicity of different concentrations of Louisiana Sweet Crude Oil alone and combinations of the oil with each of the eight dispersants.
"It's crucial that we get this other data on the dispersant with the oil," Anastas said, adding that the agency also needs to examine issues such as why it has no maximum toxicity threshold for products that make it onto the federal government's list of accepted dispersants. "This tragedy, this event, at the scope and the scale of this event, has raised important questions about how these previously existing regulations need to be reexamined."
He added that while questions have been raised about whether the dispersants are settling on the sea floor or remaining suspended in the water, testing suggested that they break down "within weeks" when used on the surface and "within weeks or months" when applied to the colder waters below.
"We are seeing no data that there are dispersants that are persisting in the water column," he said.
Still, Ott questioned why the federal government was allowing such widespread use of chemicals in the ocean.
"What we need to do in an oil spill situation is do no more harm," she said. "Putting toxic solvents on top of an already toxic substance is doing more harm."

NYT:

The E.P.A. on Dispersants: Cure Is Not Worse Than the Disease (*New York Times*)

By Matthew L. Wald
June 30, 2010, 4:08 PM

Initial tests of Corexit, the oil dispersant that BP is using in the Gulf of Mexico, and of competing products finds that the dispersants range from “practically nontoxic’’ to “slightly toxic,’’ the Environmental Protection Agency says.
In a conference call with reporters Wednesday afternoon, Paul Anastas, the agency’s assistant administrator for research and development, said the dispersants were tested on shrimp and on a small fish called the inland silverside in government laboratories and contractors’ labs; some were more toxic to one marine animal than the other.
But the labs have not yet tested the toxicity of dispersants when mixed with oil, or products formed by the oil-dispersant mix when it is digested by microbes. (The purpose of the dispersants is to break the oil down into smaller droplets than can more readily be digested by the microbes.)
Lab workers determined what concentration of dispersant was needed to kill half the fish or half the shrimp in the sample, measured in parts per million, and then classified the products in rather broad categories. Corexit, which becomes lethal to half the shrimp

or fish at 130 parts per million, was labeled “practically nontoxic,” and dispersants that killed half the shrimp or fish in concentrations between 19 and 55 parts per million were labeled “slightly toxic.” The worst-ranking, Dispersit SPC 1000, killed half the aquatic life at 2.9 parts per million and was classed as “moderately toxic.’’

A report released by the agency did not spell out how effective the dispersants were in breaking up the oil.

Beyond the application of dispersant on the surface of the gulf, much concern has focused on the injection of dispersant a mile under the ocean at the site of the Deepwater Horizon leak itself – a novel tactic. So far there is no evidence that the dispersant is clumping together on the seabed as some had feared, Mr. Anastas said. The dispersants are “expected to biodegrade in weeks or months, rather than remaining in the ecosystem for years as oil might,’’ he said.

In the conference call, Mr. Anastas was asked why the E.P.A. does not set a firm limit on toxicity. He replied, “The magnitude of this event has raised important questions about how these previous existing regulations may need to be re-examined and revisited in ways that ask different questions, and hopefully better prepare us in the future.’’

Oil Dispersants Have Similar Effects on Aquatic Life in Tests, EPA Finds (*Bloomberg*)

By Jeff Plungis - Jun 30, 2010

Tests on eight dispersants used on oil spills show all have similar effect on marine life and none act as endocrine disruptors, chemicals that can interfere with reproduction, the U.S. Environmental Protection Agency said.

The EPA tested products including Corexit, used by BP Plc to clean up its Gulf of Mexico oil spill, to ensure that decisions about dispersants are based on the best scientific evidence, Paul Anastas, assistant administrator for research and development, said today on a conference call with reporters.

“Oil was enemy No. 1 in this crisis,” Anastas said on the call. The EPA’s results indicate the eight dispersants, including Nalco Holding Co.’s Corexit 9500 used by BP, show roughly the same impact on aquatic life, Anastas said.

Two dispersants, Corexit 9500 and JD-2000, were generally less toxic to small fish, the EPA tests showed. JD-2000 and SAF- RON GOLD were among the least toxic alternatives to mysid shrimp. The EPA also tested Dispersit SPC 1000, Nokomis 3-F4, Nokomis 3-AA, ZI-400 and Sea Brat #4, all listed on a national contingency plan.

BP, which was asked by the EPA on May 24 to cut back its use of Corexit, has since reduced the volume by about 70 percent since the April 20 spill, Anastas said. Regulators aren’t recommending that BP switch chemicals, he said.

The tests evaluated the toxicity of the chemicals without being mixed with water, Anastas said. Additional toxicity tests are planned on the oil and the mixture of oil and dispersants, he said.

The EPA said dispersants biodegrade in weeks, haven't been found in water-column tests and haven't settled on the Gulf floor, according to a statement from Nalco today.

"We have always supported a systematic, science-based process to evaluate the dispersants being used to break up the oil spilling into the Gulf of Mexico," David Horsup, a Nalco division vice president, said in the statement. "We agree that additional testing on alternative products is needed."

To contact the reporters on this story: Jeff Plungis in Washington at jplungis@bloomberg.net;

EPA: sea life hormones not hurt by dispersants (*Reuters/MSNBC)*

WASHINGTON — Initial tests of the dispersant BP Plc is using to break up oil in the Gulf of Mexico show that it does not harm endocrine systems in aquatic life, U.S. regulators said on Wednesday.

The tests looked at eight dispersants but did not look at effects of the products when mixed with oil, the Environmental Protection Agency said.

The effect on endocrines, or hormones, in sea life is only one of the concerns some scientists have about the use of dispersants to break up oil.

Some scientists say dispersants have resulted in huge underwater clouds of dissolved hydrocarbons that have robbed the waters of oxygen. They fear life is choked by the clouds and that chemicals in the clouds will poison plankton and sea larvae before making their way into animals higher up the food chain.

The EPA tested eight dispersants on small fish and mysid shrimp, including the one BP is using on the worst oil spill in U.S. history, Corexit 9500, made by Nalco Holding Co.

"In the tests we performed, all of the dispersants are roughly equal in toxicity and generally less toxic than oil," Paul Anastas, the EPA's assistant administrator for research and development, told reporters in a teleconference.

The EPA had directed BP to analyze alternative products to Corexit 9500 to see if any were less toxic, but BP said it could not find a safer alternative.

Corexit 9500 was found to be one of the least toxic dispersants to small fish, the EPA said.

The EPA said more tests were necessary before determining whether one dispersant is better or worse than others. In the next test EPA will look at acute toxicity of oil mixed with dispersant on two species and compare the results with tests on the toxicity of oil alone.

OIL SPILL -- June 30, 2010

EPA finds dispersant used in the gulf to be as safe as others (*Los Angeles Times*)

The chemical used in response to the BP oil spill, as well as seven alternative mass-produced dispersants, all fell within the range of 'practically non-toxic' to 'slightly toxic.'
By Richard Fausset, Los Angeles Times
6:00 PM PDT, June 30, 2010
The Environmental Protection Agency issued a study Wednesday that found that the dispersant being used by BP in the Gulf of Mexico, as well as seven alternative mass-produced dispersants, all fell within the range of "practically non-toxic" to "slightly toxic."

The conclusions, although preliminary, appear to support BP's contention that there is little difference between Corexit 9500 and other dispersants available on the market, an argument the oil giant used in rebuffing EPA's order in May to stop using the chemical.

But the study offered little relief to environmentalists and ocean scientists concerned about the unprecedented amounts of dispersant being sprayed into the gulf in an attempt to mitigate BP's massive oil leak. Equally important, they say, are studies that would measure the toxicity of the Louisiana sweet crude as it mixes with the dispersants.

In a conference call with reporters, Paul Anastas, EPA's assistant administrator for research and development, said the agency was working on such a study. Before making any alterations to its current policy, he said, "we will need to have this additional testing of the dispersants plus the oil."

Dispersants bond to oil molecules and separate them from water molecules, somewhat similar to the way dish soap pulls apart oil and water in a kitchen sink, according to Nalco, Corexit's Illinois-based manufacturer. The dispersed oil then can be broken down more easily by microorganisms in the ocean.

On May 20, the EPA ordered BP to stop spraying Corexit 9500 in the water and find a less-toxic alternative. But the oil company refused, saying the product continued to be "the best product for subsea application." To date, the company has sprayed 1.6 million

gallons of dispersant on the ocean's surface and at the site of the blown-out well a mile underwater.

The study released Wednesday measured the effect of Corexit 9500 and seven other dispersants on two Gulf of Mexico species, the mysid shrimp and the tiny inland silverside fish. The results, the agency stated, "indicated that none of the eight dispersants tested, including the product in use in the gulf, displayed biologically significant endocrine disrupting activity."

Disruption of the endocrine system, a sensitive set of regulating glands and hormones, can lead to reproductive problems for numerous species.

Richard Charter, a senior policy advisor for marine programs for the nonprofit group Defenders of Wildlife, said the results of EPA's studies were "inconclusive." He said the federal government needed to investigate whether the use of dispersants has helped form the subsea masses of oil detected by government and academic researchers. Charter and others fear that the oil, when pushed underwater, cannot be defended by the miles of boom laid out to catch oil floating on the surface.

"A fundamental question is…did the behavior of the oil through the use of dispersants make things more complicated at the shoreline response end?"

Other scientists worry about the effect of the oil-dispersant mix on sea life below the surface, including tiny plankton and large marine mammals.

Lisa Suatoni, a senior scientist with the Natural Resources Defense Council, said the "really interesting questions" would be answered after EPA looks at the toxicity of the oil-dispersant mix. But she was concerned that the agency will test its effects only on the same shrimp and fish, hardly representative of the staggering biodiversity in the Gulf of Mexico.

The report was released on a day when another key aspect of the spill response — the use of skimmer boats — was stymied by big swells kicked eastward by Hurricane Alex, which was expected to strengthen from a Category 1 to a Category 2 hurricane Wednesday before spinning into the northeast coast of Mexico, according to meteorologists at AccuWeather.com.

U.S. Coast Guard Petty Officer Kelly Parker said all near-shore skimmers in Louisiana were sent to port because of the high waves, and were expected to take back to the water Friday. A spokeswoman for the response effort in Mississippi, Alabama and Florida said no skimming had been performed in those states.

In Washington, top Obama administration officials, including Interior Secretary Ken Salazar, Coast Guard Adm. Thad Allen and Energy Secretary Steven Chu met with BP officials Wednesday afternoon at the Interior Department to discuss whether they

should remove the containment cap atop the broken well and replace it with a better-fitting one.

Switching the cap is risky: Like nearly all of the efforts a mile beneath the sea surface, there is no guarantee that it will work. Moreover, once the existing cap is removed, one of the most effective oil-collection schemes put in place thus far — a riser pipe that sends oil to the production ship Discoverer Enterprise — would go offline. That means as much as 18,000 barrels of oil per day that is being collected would gush into the gulf until the new cap could be put on, said BP spokesman Robert Wine.

The company needs to affix the new cap in order to attach two permanent riser systems, which could take up as much as 50,000 barrels of oil per day and would be less susceptible to storm-related shutdowns, Wine said.

BP hopes to add two other containment systems in addition to these permanent risers, allowing them to collect 60,000 to 80,000 barrels per day.

The government estimates as much as 60,000 barrels per day is spewing from the well. The most the company has collected in any 24-hour period was about 25,000 barrels.

Allen said officials at the meeting would discuss the "risks and tradeoffs" associated with removing the cap. "We want to make sure we know the implications" of removing it, he said.

Allen, selected by the Obama administration to be the "national incident commander" for the massive public-private cleanup effort, officially retired from the Coast Guard on Wednesday but will continue to run the oil-spill response as a civilian employee of the Department of Homeland Security.

In Congress, meanwhile, Salazar faced tough questioning about the Obama administration's moratorium on deep-water drilling, which was overturned by a federal judge, and about the constitution of a presidential panel charged with reforming drilling regulations.

Rep. Paul Broun (R-Ga.) repeated his complaint that only two scientists or engineers sit on the panel, and asked that the group report to Congress as well as to the president. He also alleged that Salazar misrepresented another panel's recommendations about deep-water drilling in order to justify the moratorium.

"The misrepresentation of the peer reviewers' recommendations, in order to justify an offshore drilling moratorium, presents troublesome patterns of how this administration views the role of science and technology relating to this disaster," Broun said.

"With respect to your statement on misrepresentation, let me just say, with all due respect, Congressman Broun, you're wrong," Salazar replied. "The letter, as I have testified in this committee, that I wrote to the president said that we were submitting a

set of safety recommendations.…I also in that letter said I was recommending that we move forward with a moratorium. And I believe the moratorium was right then; I believe the moratorium is right today, because we need to learn the lessons."

In the Senate, meanwhile, an attempt to press passage of a measure giving the presidential panel subpoena powers was thwarted by Sen. Jim DeMint (R-S.C.). The measure had passed in the House.

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Jim Tankersley in the Washington bureau contributed to this report.

EPA Says Dispersants Safe for Aquatic Life, But Controversy Remains (*PBS News Hour*)

By: Lea Winerman
The Environmental Protection Agency said Wednesday that based on its initial toxicity tests, it is not recommending any changes right now to BP's use of the dispersant Corexit 9500 to break up oil in the Gulf of Mexico.
The EPA tested eight dispersants -- including Corexit -- and found that all of them had "roughly the same" impact on aquatic life. In the report, all of the dispersants were classified as "slightly toxic" to "practically non-toxic."
EPA researchers tested the dispersants on a small fish called the inland silverside and on a type of shrimp called the Gulf mysid, both common toxicity test subjects that are also native to the Gulf.
Paul Anastas, the EPA's assistant administrator for research and development, told reporters that the decision to use dispersants was "difficult" but that it was appropriate for the spill.
"The data that we're presenting today is telling us that these [dispersants] are not posing the same kinds of terrible hazards we're seeing with the oil," he said. "It's important to remember that oil is enemy number one in this crisis."
But the use of dispersants has generated controversy since the beginning of the spill. In May, EPA asked BP to scale back its use of the chemical and to identify a less toxic alternative. When BP reported back that it was unable to find a less toxic alternative, EPA said that it would conduct its own tests.
Anastas also said that BP had reduced its dispersant use by 70 percent since the May directive. But the Miami Herald reported this week that BP has continued to exceed the recommended 15,000-gallon daily limit.
Many scientists are worried not only about the direct effects of the dispersant itself, but also about its effects when mixed with oil.
The initial results released Wednesday didn't address that issue. Anastas said EPA is conducting those tests now and hopes to finish them in the next week.
"No determinations are being made at this time before the full suite of data -- the full results -- are in," he said.

Some scientists also worry that dispersant use is contributing to the underwater plumes, or clouds, of oil that researchers have identified in the Gulf. Oil is lighter than water and so normally floats to the surface, but the dispersant is designed to break the oil up into small droplets that are more easily digestible by microbes. But scientists are concerned that those small droplets are remaining suspended in the water column, and researchers know very little about how thatt might affect undersea life.
Wednesday on the NewsHour, we'll have more from scientists who are investigating the underwater oil plumes.
"Direct contact with the droplets could have unknown toxic effects at this point," Ernst Peebles, a biological oceanographer at the University of South Florida, told the NewsHour. "The toxicology with the oil is not well understood at this point."
In this video, Peebles shows how samples of water from the Gulf that look clear actually contain microscopic drops of oil.
Peebles' University of South Florida colleague David Hollander is investigating how that oil might be affecting the tiny organisms at the bottom of the food chain, and thus the entire gulf ecosystem.
"Some of these continental shelf areas are home to very important marine protected areas [...] The impact might not occur this year, it might occur four year life cycles from now," he told the NewsHour.
Watch the show tonight for more from Peebles, Hollander and other scientists investigating the effects of the oil spill.

EPA's Initial Testing Finds Dispersants Roughly Equal, But Raises Questions (*WKRG News 5*)

by Marian Wang
Published: June 30 2010 - 5:22 pm Last Updated: June 30 2010 - 5:32 pm
After ordering BP last month to find and switch to a less toxic chemical dispersant than Corexit — which BP has sprayed in record quantities into the Gulf of Mexico -- the EPA announced today that based on initial testing, all eight dispersants the agency is studying "are roughly equal in toxicity."

So far, however, the dispersants have been tested only on their own — not in combination with oil, which some scientists believe is more toxic than either oil or dispersant alone.

These are not the first toxicity tests conducted on these dispersants: according to an EPA fact sheet released today, the manufacturers "already tested both the toxicity and the effectiveness of each of these dispersants." In a conference call today, Paul Anais, the EPA's assistant administrator for research and development, said the toxicology tests are "an important part of the listing criteria" for a product to be placed on the National Contingency Plan Product Schedule — the EPA's list of authorized dispersants.

Here's the kicker, though: The toxicity tests are part of the listing criteria only in the sense that they must be done and the paperwork must be filed with the EPA. But there's no maximum toxicity for products to be included on the EPA's list. That means the 14 products, once deemed to be above a certain threshold of effectiveness, could be placed on the list as long as toxicity tests were done and the paperwork was complete, regardless of what the toxicity tests found. (To be applied to an oil spill, however, a product that is authorized must still be approved by the federal on-scene coordinators and regional response teams.)

The EPA has chosen eight of the 14 products to test now, based on three criteria: toxicity, quantities available for the spill, and immediate availability for testing. Note that first criterion. But until now, the agency has not independently verified the toxicity testing done by the manufacturers. It started doing so only about a month into the BP disaster, by which time hundreds of thousands of gallons had already been applied. More than 1.5 million gallons have been applied in the Gulf to date.

When I asked Anais about the lack of a toxicity limit for placement on the EPA's authorized list (an issue I first heard about from Richard Denison, a senior scientist at the Environmental Defense Fund), he acknowledged that BP's disaster in the Gulf has "raised important questions about how these previous existing regulations may need to be re-examined and revisited."

More testing will be conducted, he said, to look at the oil and dispersant combination before any decisions are made.

EPA: 1st tests show dispersants equally toxic (*Fort Worth Star-Telegram*)

Story also appeared: *Denver Post, Victoria Advocate, Anchorage Daily News, Idaho Statesman, News & Observer, Sacramento Bee, Austin American Statesman, State, Sacramento Bee, St. Paul Pioneer Press, Fort Worth Star, Seattle Post, Wichita Eagle, Fresno Bee, Palm Beach Post*

WASHINGTON — EPA officials say their first round of testing on chemicals used to break apart the oil in the Gulf of Mexico shows all the available dispersants are generally equally toxic.

Paul Anastas, EPA's assistant administrator for research and development, said Wednesday that the testing also showed the chemicals are far less toxic than oil. He said none of the chemicals had dangerous effects on the sea life tested.

The chemicals break oil into smaller particles that are easier for microbes to consume.

Anastas says the chemicals break down in weeks or months, while it takes oil years to biodegrade.

However, he cautioned that more testing was needed to study how toxic the dispersants are when mixed with oil. This round of testing only studied the chemicals not mixed with oil.

US EPA: tests show dispersants safe for sea life (*Reuters*)

WASHINGTON
Wed Jun 30, 2010 2:54pm EDT
3:02pm EDT
WASHINGTON June 30 (Reuters) - The U.S. Environmental Protection Agency said on Wednesday that initial tests show that the dispersant BP Plc (BP.L) is using to break up oil in the Gulf of Mexico does not harm endocrine systems in aquatic life.
Stocks
The EPA tested eight dispersants being including Corexit 9500 BP is using on the worst oil spill in U.S. history. It is made by Nalco Holding Co (NLC.N).
The tests looked at the dispersants alone and did not look at effects of the chemicals when mixed with oil.
(Reporting by Timothy Gardner)

BP Oil Spill Response Update: EPA Releases First Round of Toxicity Testing Data for Eight Oil Dispersants (*The Auto Channel*)

COMPLETE AUDIO
June 30, 2010

EDITOR'S NOTE: So what happened to the "Good Ole' Boys' idea of using hay to soak up the oil? See video below

WASHINGTON - June 30, 2010: The US Environmental Protection Agency today released peer reviewed results from the first round of its own independent toxicity testing on eight oil dispersants. EPA conducted testing to ensure that decisions about ongoing dispersant use in the Gulf of Mexico continue to be grounded in the best available science.

EPA's results indicated that none of the eight dispersants tested, including the product in use in the Gulf, displayed biologically significant endocrine disrupting activity. While the dispersant products alone - not mixed with oil - have roughly the same impact on aquatic life, JD-2000 and Corexit 9500 were generally less toxic to small fish and JD-2000 and SAF-RON GOLD were least toxic to mysid shrimp. While this is important information to have, additional testing is needed to further inform the use of dispersants.

"EPA is performing independent tests to determine the potential impacts of various dispersants. We will continue to conduct additional research before providing a final recommendation, " said EPA Administrator Lisa P. Jackson. "We want to ensure that every tool is available to mitigate the impact of the BP spill and protect our fragile wetlands. But we continue to direct BP to use dispersants responsibly and in as limited an amount as possible."

EPA continues to carefully monitor BP's use of dispersant in the Gulf. Dispersants are generally less toxic than oil and can prevent some oil from impacting sensitive areas along the Gulf Coast. EPA believes BP should use as little dispersant as necessary and, on May 23, Administrator Jackson and then-Federal On-Scene Coordinator Rear Admiral Mary Landry directed BP to reduce dispersant usage by 75 percent from peak usage. EPA and the Coast Guard formalized that order in a directive to BP on May 26. Over the next month BP reduced dispersant use 68 percent from that peak.

Before directing BP to ramp down dispersant use, EPA directed BP to analyze potential alternative dispersants for toxicity and effectiveness. BP reported to EPA that they were unable to find a dispersant that is less toxic than Corexit 9500, the product currently in use. Following that, EPA began its own scientific testing of eight dispersant products on the National Contingency Plan Product Schedule (NCP-PS). Those dispersant products are: Dispersit SPC 1000, Nokomis 3-F4, Nokomis 3-AA, ZI-400, SAF-RON Gold, Sea Brat #4, Corexit 9500 A and JD 2000. Today's results represent the first stage of that effort.

EPA tested these eight products for endocrine disrupting activity and potential impacts on small fish and mysid shrimp. The testing found: . None of the eight dispersants tested displayed biologically significant endocrine disrupting activity. . While all eight dispersants alone - not mixed with oil - showed roughly the same effects, JD-2000 and Corexit 9500 proved to be the least toxic to small fish, and JD-2000 and SAF-RON GOLD were the least toxic to the mysid shrimp.

The next phase of EPA's testing will assess the acute toxicity of multiple concentrations of Louisiana Sweet Crude Oil alone and combinations of Louisiana Sweet Crude Oil with each of the eight dispersants for two test species.

To view the first round of test results please visit: http://www.epa.gov/bpspill/dispersants

Gulf Hurricane Threatens Fragile Wetlands (*Wall Street Journal*)

June 30, 2010, 6:05pm
By ANN ZIMMERMAN
NEW ORLEANS—As Hurricane Alex targeted the western side of the U.S. Gulf Coast, whipping waves into a fury, government officials along Louisiana's southern tip feared the storm would push more oil from BP PLC's broken well into fragile wetlands.

The largest oil slick reported to date has been spotted just off the coast of Grand Isle, according to Port Grand Isle Executive Director Wayne Keller. Meanwhile, high water has begun to spill over two dams that were built on nearby Elmer's Island shortly after the drilling rig Deepwater Horizon exploded on April 20 sending millions of barrels of rust-colored oil spewing into the gulf.

The storm was 800 miles away Wednesday and was expected to make landfall late Wednesday or early Thursday near the Mexico-U.S. border cities of Matamoros and Brownsville.

Mr. Keller said he and officials from the National Guard have spent the last week trying to secure money from BP to build up the dams and prevent the oil-infused water from lashing the shoreline.

"We have not gotten the approval for funds from BP," said Mr. Keller. "We are afraid the oil will flood the estuaries. It is very frustrating."

National Guard Capt. Robert Rogers said raising the height of the containment barriers is essential to protecting the marshes and bay from the oily gulf water.

"All our equipment is staged and ready to go for a 24-hour operation, but we have yet to get the go ahead from BP and it might come too late," said Capt. Rogers of the National Guard's 1022 Engineer Co.

Don Ballard, BP's branch director for the Grand Isle forward operating base, said he just got the request to enhance the dams Tuesday morning. It took him all day, he said, to determine that the Louisiana Department of Natural Resources had to issue new permits for the dams, as the previous ones expired after 30 days. He said he approved the project, but is now waiting for the new permits to arrive.

The high winds already are taking their toll. Before the storm, government workers in LaFourche Parish, northwest of Grand Isle, had counted five gaps in the protective piping called boom that's attempting to keep the oil from hitting shore. The storm now has created an additional 10 gaps in the boom shield.

In Port Fourchon, winds from the hurricane have pushed the tide so high, a gooey layer of oil now coats the entire beach, according to LaFourche Parish spokesman Brennan Matherne.

The oil has seeped as far as the marsh grass lining the beach, making the eventual cleanup much harder and more delicate.

"We have a heckuva battle now with the high tide and oil coming in," said Mr. Matherne.

Boats tasked with laying more boom were sent out Wednesday, making some headway but not enough, said Mr. Matherne.

"With every hurricane, you break down and cry at some point at the damage," said Mr. Matherne. "And I almost reached that point this morning at the reality of how bad the situation is.

"Until now," he added, "we had been pretty fortunate."

In a related development, U.S. environmental regulators said Wednesday that none of eight oil dispersants it tested, including the one being used to break up the Gulf oil spill, significantly disrupts the vital endocrine systems of marine creatures, although more study is required.

More than a million and a half gallons of chemical dispersants have been used to break down the millions of barrels of oil that have gushed into the Gulf over the past 10 weeks. Use of the chemicals has raised fears of damage to aquatic life, in particular to the endocrine system that regulates reproductive and neurological development in animals.

"Dispersants are generally less toxic than oil and can prevent some oil from impacting sensitive areas along the Gulf coast," the Environmental Protection Agency said in a press release.

The agency said it continues to perform independent tests to determine the potential impacts of the dispersants and will conduct additional research before making a final recommendation on their use.

—Mark Long and Cassandra Sweet contributed to this article.
Write to Ann Zimmerman at ann.zimmerman@wsj.com

EPA study finds controversial Gulf dispersant is not a serious risk (*Yahoo! News*)

By Brett Michael Dykes
June 30, 2010

The Environmental Protection Agency said today that testing has shown that Corexit, the controversial chemical dispersant presently being dumped into the Gulf of Mexico to combat the oil spill, is “practically nontoxic’’ to “slightly toxic.’’

In a statement posted to the agency’s website, the EPA announced that “none of the eight dispersants tested, including the product in use in the gulf, displayed biologically significant endocrine disrupting activity.” The dispersants were tested on shrimp and small fish, but not on humans.

Reports the New York Times:

Lab workers determined what concentration of dispersant was needed to kill half the fish or half the shrimp in the sample, measured in parts per million, and then classified the products in rather broad categories. Corexit, which becomes lethal to half the shrimp or fish at 130 parts per million, was labeled “practically nontoxic,” and dispersants that killed half the shrimp or fish in concentrations between 19 and 55 parts per million were labeled “slightly toxic.&rddquo;

Today’s report is certainly encouraging and may alleviate growing fears of contamination among Gulf coast residents. but the agency's findings also came with a caveat: “additional testing is needed to further inform the use of dispersants.”

And let’s not forget that the EPA’s reports on air quality at the site of the 2001 World Trade Center terrorist attack were tragically wrong on just about every level. Just saying.

--Brett Michael Dykes is a national affairs reporter for Yahoo! News.

June 30, 2010, 5:53 p.m. EDT · Recommend · Post:

Nalco Statement on EPA Dispersant Test Results (*MarketWatch*)

NAPERVILLE, Ill., Jun 30, 2010 (GlobeNewswire via COMTEX) -- Nalco /quotes/comstock/13*!nlc/quotes/nls/nlc (NLC 20.46, -0.21, -1.02%) issued the following statement related to today's release of EPA dispersant test results:

"We are pleased that the EPA's initial testing results of dispersant alternatives continue to show the safety of our COREXIT 9500 dispersants," said Dr. David Horsup, Division Vice President, Research and Development for Nalco's Energy Services division.

In announcing the test results, EPA Assistant Administrator Paul Anastas said the EPA is not recommending any change in dispersants used to fight the Gulf spill's impact.

The agency's press release said all the dispersants it tested, including COREXIT 9500, "have roughly the same impact on aquatic life" and none displayed biologically significant endocrine disrupting activity. In fish species tests COREXIT 9500 was identified by the EPA as one of two products included in the safest category. The EPA also stated that dispersants biodegrade, have not been found in the water column and have not settled on the floor of the gulf.

"We have always supported a systematic, science-based process to evaluate the dispersants being used to break up the oil spilling into the Gulf of Mexico," added Dr. Horsup. "We agree that additional testing on alternative products is needed to allow responders to best evaluate their choices, including tests considering biodegradation, bioaccumulation, carcinogenicity and effectiveness.

"Significant public data is already available on our dispersants for all of these important product attributes, he said. "Nalco also supports improved dispersant performance testing that more closely reflect real-world conditions in treating oil spills."

Federal air, water and human health monitoring data has continually indicated that there has not been any negative effect on workers or marine life related to the use of dispersant, while federal officials have repeatedly stated that COREXIT dispersants have helped to substantially reduce the amount of oil hitting Gulf Coast shorelines.

About Nalco

Nalco is the world's leading water treatment and process improvement company, delivering significant environmental, social and economic performance benefits to our customers. We help our customers reduce energy, water and other natural resource consumption, enhance air quality, minimize environmental releases and improve productivity and end products while boosting the bottom line. Together our comprehensive solutions contribute to the sustainable development of customer operations. Nalco is a member of the Dow Jones Sustainability World Index. More than 11,500 Nalco employees operate in 150 countries supported by a comprehensive network of manufacturing facilities, sales offices and research centers to serve a broad range of end markets. In 2009, Nalco achieved sales of more than $3.7 billion. For more information visit www.nalco.com.

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The Nalco Company logo is available at
http://www.globenewswire.com/newsroom/prs/?pkgid=1135

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Posted on Wed, Jun. 30, 2010

EPA says more testing needed to know dispersants' impacts (*Kansas City Star*)

By RENEE SCHOOF
McClatchy Newspapers

The first round of government tests of the chemical dispersants that are being used to break up the massive oil spill in the Gulf of Mexico found they aren't overly damaging to shrimp and small fish, but more tests are needed to determine what happens when they're mixed with oil.
The Environmental Protection Agency also said Wednesday tests on eight chemical dispersants found they don't damage the body's glands and hormones in ways that can harm development or reproductive, immune and neurological systems.
The EPA also said BP had reduced the amount of chemical dispersants it was using by almost as much as the government ordered it to do in May. The EPA and the Coast Guard on May 26 told BP to reduce dispersant use by 75 percent from peak use. BP reduced it by 68 percent over the next month.
Paul Anastas, the EPA's assistant administrator for research and development, said the agency wasn't ready to decide whether BP should stop using the dispersant Corexit 9500 to break up the oil and switch to another one. "We have more testing to do," he said.
The EPA in May said it hadn't yet found that dispersants were harming marine life, but was concerned because BP was using such large amounts of the chemicals. It told BP to find a less toxic and more effective dispersant.
BP said in a May 20 letter in response it couldn't find a less toxic alternative. It told the EPA the only other dispersant it had in ample supply, Sea Brat No. 4, can break down into substances that could interfere with the body's glands and hormones.
The EPA said Corexit 9500 and another dispersant, JD-2000, were generally less toxic to small fish, and JD-2000 and SAF-RON GOLD were least toxic to mysid shrimp, small crustaceans found in the northern Gulf of Mexico.
The next round of tests will examine the toxicity of the oil spewing from BP's broken well and a combination of the oil and each of the eight dispersants.
The data from the first round of tests, Anastas said, show the dispersants degrade in "weeks to months," while oil can remain for years.
The EPA continues to believe that with such a huge oil spill, the dispersants have been useful, but using them was a difficult decision, Anastas said.
Much remains unknown about the effects of the chemicals on living things, including people who work with them, and on the environment.
Still, Anastas said, "the data is telling us that these are not posing the same types of hazard as the terrible hazards we're seeing in the oil."
He said the agency expected BP to continue to seek the least toxic dispersant and minimize its use.
Anastas acknowledged industry data was part of what EPA used to look at the differences in toxicity among dispersants. He said the agency's recent tests were intended to check those findings.
Asked why it was taking the EPA so long to do the tests, he said: "I think it's very important to recognize that EPA scientists on this project - on all the monitoring that's going on: the sampling, the measuring - our scientists are working overtime. We're going 24/7 to ensure that the best science is being brought to bear and that this is delivered as soon as possible

EPA: 1st tests show dispersants equally toxic (Associated Press)

WASHINGTON — EPA officials say their first round of testing on chemicals used to break apart the oil in the Gulf of Mexico shows all the available dispersants are generally equally toxic.
Paul Anastas, EPA's assistant administrator for research and development, said Wednesday that the testing also showed the chemicals are far less toxic than oil. He said none of the chemicals had dangerous effects on the sea life tested.
The chemicals break oil into smaller particles that are easier for microbes to consume. Anastas says the chemicals break down in weeks or months, while it takes oil years to biodegrade.
However, he cautioned that more testing was needed to study how toxic the dispersants are when mixed with oil. This round of testing only studied the chemicals not mixed with oil.

Dispersants appear to break up in Gulf, EPA says (*CNN*)

By the CNN Wire Staff
(CNN) -- The dispersant used on the massive Gulf of Mexico oil spill appears to be breaking up within weeks and is less toxic than similar products, according to preliminary testing by the Environmental Protection Agency.
Paul Anastas, the agency's assistant administrator for research and development, told reporters Wednesday the agency is making no new recommendations until further tests are conducted. But he said there is no sign that dispersants are remaining in the water or settling to the bottom, and that the Corexit 9500 being used by oil company BP is among the least toxic to small fish and mysid shrimp of the eight products tested, Anastas said.
Mysid shrimp are a tiny type of shrimp commonly used in tests of toxins in seawater.
Anastas said all the dispersants tested are "not without toxicity," and the studies have not examined the effects of the biodegraded products or of the combination of dispersants and the crude oil that has been gushing into the Gulf since late April.
But a New Orleans-based environmental group is expressing qualms about the dispersant and the massive amounts being dumped in the Gulf.
"This has never been done, this kind of volume, this kind of application," said Aaron Viles of the Gulf Restoration Project. "It's all really a giant science experiment, and we're terribly concerned that in the long run the impacts are going to be significant, and we really don⁄t know what we're doing to the ecosystem."
The group is calling for an immediate end to BP's use of disperants in the Gulf.
"We're two months into this disaster, two months plus. So it seems like we'd start to have some answers by now as to what the better alternatives are," Viles said. "We're very concerned that BP is using a product that they know that they have on hand, and that they're not really being challenged to use better products."

The EPA ordered BP to sharply cut back its use of Corexit in May amid concerns about its safety. It initially tried to force BP to use another dispersant on the spill, but the company said no safer products were available in large enough quantities.

Dispersants Have Similar Effects on Fish, EPA Says (*Bloomberg BusinessWeek)*

June 30, 2010, 6:25 PM EDT
(Updates with statement from Nalco in seventh paragraph. For a special report on the Gulf, see {SPILL <GO>}.)
By Jeff Plungis
June 30 (Bloomberg) -- Tests on eight dispersants used on oil spills show all have similar effect on marine life and none act as endocrine disruptors, chemicals that can interfere with reproduction, the U.S. Environmental Protection Agency said.
The EPA tested products including Corexit, used by BP Plc to clean up its Gulf of Mexico oil spill, to ensure that decisions about dispersants are based on the best scientific evidence, Paul Anastas, assistant administrator for research and development, said today on a conference call with reporters.
“Oil was enemy No. 1 in this crisis,” Anastas said on the call. The EPA’s results indicate the eight dispersants, including Nalco Holding Co.’s Corexit 9500 used by BP, show roughly the same impact on aquatic life, Anastas said.
Two dispersants, Corexit 9500 and JD-2000, were generally less toxic to small fish, the EPA tests showed. JD-2000 and SAF- RON GOLD were among the least toxic alternatives to mysid shrimp. The EPA also tested Dispersit SPC 1000, Nokomis 3-F4, Nokomis 3-AA, ZI-400 and Sea Brat #4, all listed on a national contingency plan.
BP, which was asked by the EPA on May 24 to cut back its use of Corexit, has since reduced the volume by about 70 percent since the April 20 spill, Anastas said. Regulators aren’t recommending that BP switch chemicals, he said.
The tests evaluated the toxicity of the chemicals without being mixed with water, Anastas said. Additional toxicity tests are planned on the oil and the mixture of oil and dispersants, he said.
The EPA said dispersants biodegrade in weeks, haven’t been found in water-column tests and haven’t settled on the Gulf floor, according to a statement from Nalco today.
“We have always supported a systematic, science-based process to evaluate the dispersants being used to break up the oil spilling into the Gulf of Mexico,” David Horsup, a Nalco division vice president, said in the statement. “We agree that additional testing on alternative products is needed.”
--Editors: Steve Geimann, Larry Liebert
To contact the reporters on this story: Jeff Plungis in Washington at jplungis@bloomberg.net;
To contact the editor responsible for this story: Larry Liebert at lliebert@bloomberg.net

Oil Dispersant Study Released by EPA, But Big Questions Remain (*Science AAAS*)

by Erik Stokstad on June 30, 2010 5:36 PM
The Environmental Protection Agency released data today from its first round of toxicity testing on dispersants that could be used on the oil spill in the Gulf of Mexico, but the agency's chief scientist said that not enough was yet known to make recommendation about which one is best to use.
Since the spill began, almost 1.6 million gallons of dispersant have been sprayed onto the water and released at the site of the leaking well. Dispersants break up the oil into smaller droplets, which break down faster and are less likely to coat birds or damage wetlands. But the dispersants themselves can be toxic to other marine life, such as shrimp and fish.
BP has been using a dispersant called Corexit 9500, which appeared to be particularly toxic. On 20 May, EPA asked BP to find a less toxic alternative. When BP said it couldn't find a safer substitute, EPA began to test eight of the 14 dispersants that it had previously approved for oil spills. These tests aren't entirely new: Companies must submit toxicity data when they request approval for dispersants, but variation in methods made it difficult to compare the results. In addition, the existing tests looked at a mixture of dispersants and fuel oil, not the crude oil now gushing into the gulf.
EPA's National Health and Environmental Effects Research Laboratory supervised acute toxicity on two species native to the gulf: a small fish, Menidia beryllina, and mysid shrimp, Americamysis bahia. Corexit 9500 and seven other dispersants are all about equally toxic, with some slightly more toxic to fish and others more toxic to shrimp. Ranging from the category of "practically non-toxic" to "slightly toxic," all the dispersants are less toxic than oil, said Paul Anastas, EPA's chief scientist, at a teleconference about the results.
However, experts say that the combination of dispersant and oil can be more toxic than either alone. EPA is testing these mixtures, and Anastas says he expects results within the next few weeks. Only after considering these further data will EPA consider whether to order BP to change its use of dispersants. (The average daily amount used has dropped by 68% since 23 May, when EPA told BP to lower the volumes.)
Another important question is the risk of chronic effects, such as reproductive harm, from exposure to dispersants over the weeks to months they take to degrade, says Carys Mitchelmore, environmental toxicologist at the University of Maryland's Center for Environmental Science in Solomons. It's not clear whether EPA plans to do this.
Perhaps the biggest problem with dispersants, Mitchelmore points out, is that they allow droplets of oil to reach organisms below the surface that otherwise wouldn't have been exposed.

Florida Outlines BP Gulf Oil Spill Response For June 30, 2010 (*GOV Monitor*)

Posted By admin On June 30, 2010 @ 10:12 am In Economy, Energy & Environment, Governance, Society & Democratic Renewal, United States

On Day 72 of the Gulf oil spill Hurricane Alex is approximately 566 miles southwest of the Deepwater Horizon well head site.

Maximum sustained winds are near 80 mph. A west-northwest track is expected today. Alex is forecast to make landfall over eastern Mexico late tonight.

Tar balls, tar patties and sheen have been reported in Northwest Florida, with the heaviest impacts reported in Escambia County. View the latest reconnaissance reports here [1].

Impacts in the already affected areas in Northwest Florida will continue within the next 72 hours.

Gulf waters and beaches east of the Pensacola Beach Fishing Pier remain open and are under no restrictions. However, a health advisory has been issued for Gulf beach waters west of the Pensacola Beach Fishing Pier. The advisory warns against coming in contact with any oil either in the water or on the beach or with wildlife that has been impacted by the oil.

The shoreline and water along Santa Rosa Sound on the north side of the island remains clear and open for swimming, as well.

On June 29, approximately 15,310 barrels of oil were collected, 8,085 barrels of oil were flared and 54.1million cubic feet of natural gas were flared. BP is continuing efforts to drill two relief wells.

Approximately 413 miles of Gulf Coast shoreline is currently oiled—approximately 59 miles in Florida, 259 miles in Louisiana, 48 miles in Mississippi and 47 miles in Alabama.

About 1.6 million gallons of total dispersant have been applied: 1.03 million on the surface and 552,000 subsea.

Under the leadership of Governor Charlie Crist, the State Emergency Response Team and the Florida Department of Environmental Protection (DEP) are actively coordinating and responding to the Deepwater Horizon incident.

The following is a summary of state and BP response actions to date, as well as tips for residents and visitors to take precautions both pre and post-landfall.

This forecast is based on the NWS spot forecast from Tuesday, June 29 PM. Currents were obtained from several models (NOAA Gulf of Mexico, West Florida Shelf/USF, TGLO/TAMU, NAVO/NRL) and HFR measurements. The model was initialized from Monday-Tuesday satellite imagery analysis (NOAA/NESDIS) and Tuesday overflight observations. The leading edge may contain tarballs that are not readily observable

from the imagery (hence not included in the model initialization). Oil near bay inlets could be brought into that bay by local tidal currents.

Winds are forecast to have an onshore (SE/S/SW) component through Friday at speeds of 12-22 kts. These strong onshore winds will continue to move the northern edge of the slick northwest threatening the barrier islands of Mississippi/Alabama and the Florida Panhandle west of Freeport, FL. The Chandeleur Islands, Breton Sound and the Mississippi Delta also continue to be threatened by shoreline contacts. To the west of the Delta, these winds may bring oil ashore between Barataria Bay and Caillou Bay – any remaining floating oil may be moved quickly to the west as a strong westward coastal current develops over the next few days.

Landfall Reports and Predictions:

Impacts in the already affected areas in Northwest Florida will continue within the next 72 hours.

If oil is sighted on Florida's coastline report it to the State Warning Point at 1-877-2-SAVE-FL (1-877-272-8335) or by dialing #DEP from most cell phones.

Pensacola Pass as well as Perdido Pass will continue to be are closed with the tide to reduce the amount of oil from entering inland waters. Boom is deployed across each Pass at flood tide (water coming in) and removed at ebb tide (water going out).

These waterways are manned to allow access to necessary vessel traffic and are open for vessel traffic during low tide. See NOAA tide predictions [4].

Observations by NOAA continue to indicate no significant amounts of oil moving toward the Loop Current. The Loop Current Ring, a circular current which was formerly part of the Loop Current provides no clear path for oil to enter the Florida Straits.

There have been no reports of Deepwater Horizon oil spill-related products reaching the shore beyond the Northwest Florida region. There is no indication that the rest of the state will have impacts from weathered oil products within the next 72 hours.

On Site Actions:

Current projections estimate Deepwater Horizon's discharge at 35,000 to 60,000 barrels per day. Learn more [5].

BP is continuing its efforts to contain the leak and capture a substantial amount of leaking oil from the use of the Lower Marine Riser Package (LMRP) Cap Containment System [6].

State Actions:

The State Emergency Operations Center is activated at Level 1.

Five state-leased skimmers continue to operate in Northwest Florida to protect sensitive inland water bodies. These skimmers are operating at the passes in Escambia, Okaloosa, Bay, Gulf and Franklin Counties.

DEP issued a Second Amended Emergency Final Order [7] to accelerate preparedness and restoration in the counties under the Governor's state-of-emergency Executive Orders. View approved emergency permits here [8].

DEP conducted water and sediment sampling to use as a baseline and is monitoring air quality data. Statewide air quality monitoring is conducted in coordination with the U.S. Environmental Protection Agency. Learn more at http://www.airnow.gov/ [9] or http://www.epa.gov/bpspill/ [10].

In addition, real-time sampling data can be viewed at http://www.dep.state.fl.us/deepwaterhorizon/air.htm [11].

Air quality reports for June 29 revealed that air quality was considered good for ozone and fine particulate concentrations in Northwest Florida. "Good" means the air quality is satisfactory and air pollution poses little or no risk.

Boom Placement:

Approximately 389,500 feet of boom has been placed in Northwest Florida along the most sensitive areas and 219,900 feet is staged. Additionally, counties in the region are moving forward with supplemental booming plans. As of June 29, 320,261 feet of supplemental boom has been deployed or staged by Florida contractors.

Health Effects:

On June 28, the Escambia County Health Department issued a health advisory for beach waters in Escambia County from the Pensacola Beach Fishing Pier west to the Pensacola Pass, including Ft. Pickens, due to oil impacts. The health department has posted signs at the impacted area. Learn More [12].

If residents or visitors see tar or oiled debris on the beach, DO NOT PICK IT UP. For most people, an occasional brief contact with a small amount of oil will not cause any harm, however it is not recommended. Learn more [13].

Fisheries & Seafood:

On June 28, NOAA expanded the closed fishing area in the Gulf of Mexico to include portions of the oil slick moving beyond the area's current northern boundary, off the

Florida panhandle's federal-state waterline. This boundary was moved eastward to Cape San Blas. This federal closure does not apply to any state waters.

This leaves more than 66 percent of Gulf federal waters available for fishing. Learn more [14].

A portion of coastal state waters offshore of Escambia County is closed to the harvest of saltwater fish, crabs and shrimp. Learn more [15].

To report oiled wildlife, please call 1-866-557-1401. For the safety of the public as well as the safety of animals, rescues should only be conducted by trained responders. Learn more [16].

Visit http://bpdecon.com [17] for a list of vessel decontamination locations for oiled boats within the U.S. Coast Guard Mobile Sector.

Tourism:

Through www.VISITFLORIDA.com/floridalive [18], vacationers are able to view web cams, real-time photos, live Twitter feeds and beach condition updates.

VISIT FLORIDA has a blog which hosts daily media coverage highlighting oil spill and Florida stories posted at www.sunshinematters.org [19].

The Florida State Parks website, http://www.floridastateparks.org [20], is updated daily and will list any impacts. Learn more by calling 1-850-245-2157.

Beach visitors are reminded that some state law enforcement officers and clean-up workers are using All-Terrain Vehicles (ATV) to quickly gather information and respond to reported coastal impacts from the Deepwater Horizon event. Beach visitors are encouraged to use caution when officials on ATVs approach the area and allow these vehicles the right of way.

Tips for Homeowners:

While the state appreciates the concern expressed by Floridians and the ingenuity of those seeking alternative measures to help protect the state's shoreline, the following tips are offered to ensure that these measures are helpful and not harmful to Florida's coasts, wildlife and water resources: Tips for homeowners [21].

Tips for Businesses and Consumers:

The Attorney General's fraud hotline is open to receive any reports of fraud or price gouging. The hotline is 1-866-966-7226.

The Florida Agriculture and Consumer Services Commissioner gas price-gouging hotline is also operational. The toll-free hotline number is 1-800-HELP-FLA (1-800-435-7352).

Coastal businesses should make loss of earnings claims for damages incurred as a result of the oil spill. Learn more at http://www.myfloridacfo.com/ [22] or by calling 1-850-413-3089 or toll-free at 1-877-MY-FL-CFO (1-877-693-5236).

To discuss spill related damage with BP representatives, please call the BP Claims Reporting Line at 1-800-440-0858.

Volunteer Opportunities:

Individuals interested in volunteering can register at www.volunteerfloridadisaster.org [23].

Volunteers will not be in direct contact with oil or oil-contaminated materials.

The Governor's Commission on Volunteerism and Community Service – Volunteer Florida is encouraging Floridians and visitors to stay current on the latest information on scheduled beach cleanups and other local volunteer opportunities.

Learn More About Florida's Response:

Visit www.deepwaterhorizonflorida.com [24] to learn more about Florida's response to the Deepwater Horizon incident, sign up for daily updates, view tips for businesses and consumers, and much more.

For a list of Unified Command, BP and Florida phone numbers, visit http://www.dep.state.fl.us/deepwaterhorizon/default.htm#numbers [25].

The Oil Spill Information Line is available at 1-888-337-3569 from 8:00 a.m. to 6:00 p.m. seven days a week. Additional phone numbers have also been established for persons with disabilities: (800) 955-8771 (TDD) or (800) 955-8770 (voice).

Hurricane Alex pushes more oil onto Gulf Coast beaches (*USA TODAY*)

09:29 AM
Updated 2:30 p.m. ET
Hurricane Alex's rough seas have pushed more oil from the massive spill onto Gulf Coast beaches and sidelined dozens of cleanup vessels.

In Louisiana, Alex pushed an oil patch toward Grand Isle and uninhabited Elmer's Island, dumping tar balls as big as apples onto the beach, and in Alabama, normally white sand was streaked with long lines of oil, reports the Associated Press.

* Follow Green House on Twitter
* Track Hurricane Alex with this map

"The sad thing is that it's been about three weeks since we had any big oil come in here," marine science technician Michael Malone told the AP. "With this weather,we lost all the progress we made."

Alex, which strengthened into the season's first Atlantic hurricane late Tuesday and is the first June hurricane since 1995, prompted residents along the southern coast of Texas to evacuate, reports USA TODAY colleague Marisol Bello. It will likely make landfall near the Mexico-Texas border tonight.

Because of Alex's 80-mph maximum winds and huge waves, dozens of oil-skimming boats were returned to shore Tuesday in Louisiana, Florida, Alabama and Mississippi. They're expected to remain out of operation for days. Some barges, designed to block oil from sensitive wetlands, were also removed because of rough seas.

Meanwhile, the U.S. Environmental Protection Agency released its test results of dispersants used to break up oil, including the one -- Corexit 9500 -- that BP has been using in the Gulf. EPA found none of the eight it tested displayed biologically significant endocrine disrupting activity.

"We want to ensure that every tool is available to mitigate the impact of the BP spill and protect our fragile wetlands," EPA Administrator Lisa P. Jackson said Wednesday in announcing the results. " But we continue to direct BP to use dispersants responsibly and in as limited an amount as possible."

Also Wednesday, U.S. Interior Secretary Ken Salazar said he is trying to finalize a new offshore drilling moratorium after a federal court struck down the administration's initial six-month drilling ban, reports Reuters. His comments came as a U.S. Senate committee voted to eliminate limits on liability that oil companies could face for damages from offshore spills.

The U.S. Fish and Wildlife Service will coordinate a plan in the coming weeks to save thousands of sea turtle hatchling, a threatened species, from dying in oily Gulf waters, reports the AP. The effort involves collecting about 70,000 turtle eggs in up to 800 nests buried in the sand across Florida Panhandle and Alabama beaches.

Since the spill began April 20, 70.8 million to 137.6 million gallons of oil have leaked into the Gulf of Mexico from BP's broken Macondo well, according to government and BP estimates. The higher estimate is enough oil to fill half of New York's Empire State Building, according to AP.

More oil-collection help could arrive once the hurricane passes because the United States has accepted offers of assistance from international organizations and 12 countries including Mexico, Norway, Holland, Japan, Croatia and Canada, reports AP.

EPA finds dispersant used in the gulf to be as safe as others (*Sacramento Bee*)

ATLANTA -- The Environmental Protection Agency issued a study Wednesday that found the dispersant being used by BP in the Gulf of Mexico, as well as seven alternative mass-produced dispersants, all fell within the range of "practically non-toxic" to "slightly toxic."

The conclusions, although preliminary, appear to support BP's contention there is little difference between Corexit 9500 and other dispersants available on the market, an argument the oil giant used in rebuffing EPA's order in May to stop using the chemical.

But the study offered little relief to environmentalists and ocean scientists concerned about the unprecedented amounts of dispersant being sprayed into the gulf in an attempt to mitigate BP's massive oil leak. Equally important, they say, are studies that would measure the toxicity of the Louisiana sweet crude as it mixes with the dispersants.

In a conference call with reporters, Paul Anastas, EPA's assistant administrator for research and development, said the agency was working on such a study. Before making any alterations to its current policy, he said, "we will need to have this additional testing of the dispersants plus the oil."

Dispersants bond to oil molecules and separate them from water molecules, somewhat similar to the way dish soap pulls apart oil and water in a kitchen sink, according to Nalco, Corexit's Illinois-based manufacturer. The dispersed oil then can be broken down more easily by microorganisms in the ocean.

On May 20, the EPA ordered BP to stop spraying Corexit 9500 in the water and find a less-toxic alternative. But the oil company refused, saying the product continued to be "the best product for subsea application." To date, the company has sprayed 1.6 million gallons of dispersant on the ocean's surface and at the site of the blown-out well a mile underwater.

The study released Wednesday measured the effect of Corexit 9500 and seven other dispersants on two Gulf of Mexico species, the mysid shrimp and the tiny inland silverside fish. The results, the agency stated, "indicated that none of the eight dispersants tested, including the product in use in the gulf, displayed biologically significant endocrine disrupting activity."

Disruption of the endocrine system, a sensitive set of regulating glands and hormones, can lead to reproductive problems for numerous species.

Richard Charter, a senior policy advisor for marine programs for the nonprofit group Defenders of Wildlife, said the results of EPA's studies were "inconclusive." He said the federal government needed to investigate whether the use of dispersants has helped form the subsea masses of oil detected by government and academic researchers. Charter and others fear the oil, when pushed underwater, cannot be defended by the miles of boom laid out to catch oil floating on the surface.

"A fundamental question is...did the behavior of the oil through the use of dispersants make things more complicated at the shoreline response end?"

Other scientists worry about the effect of the oil-dispersant mix on sea life below the surface, including tiny plankton and large marine mammals.

Lisa Suatoni, a senior scientist with the Natural Resources Defense Council, said the "really interesting questions" would be answered after EPA looks at the toxicity of the oil-dispersant mix. But she was concerned the agency will test its effects only on the same shrimp and fish, hardly representative of the staggering biodiversity in the Gulf of Mexico.

The report was released on a day when another key aspect of the spill response - the use of skimmer boats - was stymied by big swells kicked eastward by Hurricane Alex, which was expected to strengthen from a Category 1 to a Category 2 hurricane Wednesday before spinning into the northeast coast of Mexico, according to meteorologists at AccuWeather.com.

U.S. Coast Guard Petty Officer Kelly Parker said all near-shore skimmers in Louisiana were sent to port because of the high waves, and were expected to take back to the water Friday. A spokeswoman for the response effort in Mississippi, Alabama and Florida said no skimming had been performed in those states.

In Washington, top Obama administration officials, including Interior Secretary Ken Salazar, Coast Guard Adm. Thad Allen and Energy Secretary Steven Chu met with BP officials Wednesday afternoon at the Interior Department to discuss whether they should remove the containment cap atop the broken well and replace it with a better-fitting one.

Switching the cap is risky: Like nearly all of the efforts a mile beneath the sea surface, there is no guarantee it will work. Moreover, once the existing cap is removed, one of the most effective oil-collection schemes put in place thus far - a riser pipe that sends oil to the production ship Discoverer Enterprise - would go offline. That means as much as 18,000 barrels of oil per day that is being collected would gush into the gulf until the new cap could be put on, said BP spokesman Robert Wine.

The company needs to affix the new cap in order to attach two permanent riser systems, which could take up as much as 50,000 barrels of oil per day and would be less susceptible to storm-related shutdowns, Wine said.

BP hopes to add two other containment systems in addition to these permanent risers, allowing them to collect 60,000 to 80,000 barrels per day.

The government estimates as much as 60,000 barrels per day is spewing from the well. The most the company has collected in any 24-hour period was about 25,000 barrels.

Allen said officials at the meeting would discuss the "risks and tradeoffs" associated with removing the cap. "We want to make sure we know the implications" of removing it, he said.

Allen, selected by the Obama administration to be the "national incident commander" for the massive public-private cleanup effort, officially retired from the Coast Guard on Wednesday but will continue to run the oil-spill response as a civilian employee of the Department of Homeland Security.

In Congress, meanwhile, Salazar faced tough questioning about the Obama administration's moratorium on deep-water drilling, which was overturned by a federal judge, and about the constitution of a presidential panel charged with reforming drilling regulations.

Rep. Paul Broun, R-Ga., repeated his complaint that only two scientists or engineers sit on the panel, and asked the group report to Congress as well as to the president. He also alleged that Salazar misrepresented another panel's recommendations about deep-water drilling in order to justify the moratorium.

"The misrepresentation of the peer reviewers' recommendations, in order to justify an offshore drilling moratorium, presents troublesome patterns of how this administration views the role of science and technology relating to this disaster," Broun said.

"With respect to your statement on misrepresentation, let me just say, with all due respect, Congressman Broun, you're wrong," Salazar replied. "The letter, as I have testified in this committee, that I wrote to the president said that we were submitting a set of safety recommendations....I also in that letter said I was recommending that we move forward with a moratorium. And I believe the moratorium was right then; I believe the moratorium is right today, because we need to learn the lessons."

In the Senate, meanwhile, an attempt to press passage of a measure giving the presidential panel subpoena powers was thwarted by Sen. Jim DeMint, R-S.C. The measure had passed in the House.

mailto:richard.fausset@latimes.com (Jim Tankersley in the Washington bureau contributed to this report.)

BP Spill Nears A Record As Gulf's Biggest (*WDIV Detroit*)

Super-Tanker Turned Oil Skimmer Arrives In Gulf
SETH BORENSTEIN, Associated Press Writers
POSTED: Wednesday, June 30, 2010
UPDATED: 6:09 am EDT July 1, 2010

NEW ORLEANS -- BP's massive oil spill will become the largest ever in the Gulf of Mexico by Thursday based on the highest of the federal government's estimates, an ominous record that underscores the oil giant's dire need to halt the gusher.

The oil that's spewed for two and a half months from a blown-out well a mile under the sea is expected to surpass the 140 million gallon mark, eclipsing the record-setting Ixtoc I spill off Mexico's coast from 1979 to 1980. Even by the lower end of the government's estimates, at least 71.2 million gallons are in the Gulf.

The growing total is crucial to track, in part because Great Britain-based BP PLC is likely to be fined per gallon spilled, said Larry McKinney, director of Texas A&M University at Corpus Christi's Gulf of Mexico research institute.

"It's an important number to know because it has an impact on restoration and recovery," McKinney said.

The oil calculation is based on the higher end of the government's range of barrels leaked per day, minus the amount BP says it has collected from the blown-out well using two containment systems. Measuring it helps scientists figure out where the missing oil is, hidden below the water surface with some even stuck to the seafloor. Oil not at the surface damages different parts of the ecosystem.

"It's a mind-boggling number any way you cut it," said Ed Overton, a Louisiana State University environmental studies professor who consults for the federal government on oil spills. "It'll be well beyond Ixtoc by the time it's finished."

And passing Ixtoc just before the July Fourth weekend, a time of normally booming tourism, is bitter timing, he said.

The BP spill, which began after the Deepwater Horizon drilling rig explosion killed 11 workers April 20, is also the largest spill ever recorded offshore during peacetime.

But it's not the biggest in history.

That happened when Iraqi forces opened valves at a terminal and dumped about 460 million gallons of oil in 1991 during the Persian Gulf war.

As the Gulf gusher neared the record, Hurricane Alex whipped oil-filled waves onto the Gulf Coast's once-white beaches. The government has pinned its latest cleanup hopes on a huge new piece of equipment: the world's largest oil-skimming vessel, which arrived Wednesday.

Officials hope the ship can scoop up to 21 million gallons of oil-fouled water a day. Dubbed the "A Whale," the Taiwanese-flagged former tanker spans the length of 3½ football fields and is 10 stories high.

It just emerged from an extensive retrofitting to prepare it specifically for the Gulf.

"It is absolutely gigantic. It's unbelievable," said Overton, who saw the ship last week in Norfolk, Va.

The vessel looks like a typical tanker, but it takes in contaminated water through 12 vents on either side of the bow. The oil is then supposed to be separated from the water and transferred to another vessel. The water is channeled back into the sea.

But the ship's never been tested, and many questions remain about how it will operate. For instance, the seawater retains trace amounts of oil, even after getting filtered, so the Environmental Protection Agency will have to sign off on allowing the treated water back into the Gulf.

"This is a no-brainer," Overton said. "You're bringing in really dirty, oily water and you're putting back much cleaner water."

The Coast Guard will have the final say in whether the vessel can operate in the Gulf. The owner, shipping firm TMT Group, will have to come to separate terms with BP, which is paying for the cleanup.

"I don't know whether it's going to work or not, but it certainly needs to be given the opportunity," Overton said.

Meanwhile along parts of the Gulf, red flags snapped in strong gusts, warning people to stay out of the water, and long stretches of beach were stained brown from tar balls and crude oil that had been pushed as far as 60 yards from the water.

Hurricane Alex churned up rough seas as it plowed across the Gulf, dealing a tough setback to cleanup operations. It made landfall along a relatively unpopulated stretch of coast in Mexico's northern Tamaulipas state late Wednesday, spawning tornadoes in nearby Texas and forcing evacuations in both countries.

Oil deposits appeared worse than in past days and local officials feared the temporary halt to skimming operations near the coast would only make matters worse ahead of the holiday weekend.

"I'm real worried about what is going to happen with those boats not running. It can't help," said Tony Kennon, mayor of Orange Beach, Ala.

Although skimming operations and the laying of oil-corralling booms were halted across the Gulf, vessels that collect and burn oil and gas at the site of the explosion were still operating. Efforts to drill relief wells that experts hope will stop the leak also continued unabated.

In Florida, lumps of tar the size of dinner plates filled a large swath of beach east of Pensacola after rough waves tossed the mess onto shore.

Streaks of the rust-red oil could be seen in the waves off Pensacola Beach as cleanup crews worked in the rough weather to prepare the beach for the holiday weekend.

In Grand Isle, La., heavy bands of rain pounded down, keeping cleanup crews off the water and tossing carefully laid boom around. However, oil had stayed out of the passes.

"All this wave action is breaking up the oil very quickly," Coast Guard Cmdr. Randal S. Ogrydziak said. "Mother Nature is doing what she does best, putting things back in order."

Natural microbes in the water were also working on the spill. The result was a white substance that looked like mayonnaise, that washed up on some spots along the Grand Isle beach.

"People will be fishing here again," Ogrydziak said. "It may take a while, but people may be surprised that it's not taking as long as they thought. Look at the (Ixtoc) oil spill in Mexico. It was massive and now people are back to using those waters."

Associated Press writers Mary Foster in Grand Isle, La., Jay Reeves in Orange Beach, Ala., and Melissa Nelson in Pensacola Beach, Fla., contributed to this report.

June 30, 2010

Day 71: The Latest on the Oil Spill (*New York Times*)

E.P.A. Releases Data on Dispersants
Initial tests of Corexit, the oil dispersant that BP is using in the Gulf of Mexico, and of competing products, find that all available dispersants that could be used on the spill range from “practically nontoxic” to “slightly toxic,” according to the Environmental Protection Agency. The dispersants, which were tested on shrimp and on a small fish

called the inland silverside, break oil into particles that are easier for microbes to consume. Paul Anastas, the agency's assistant administrator for research and development, cautioned that more testing was needed to study how toxic the dispersants are when mixed with oil. This round of testing studied only the chemicals themselves.

A Closer Look at the Loop Current

Government scientists are on their way to study the gulf's loop current to see if it will carry oil around the tip of Florida and up the Atlantic coast. The National Oceanic and Atmospheric Administration ship Nancy Foster on Wednesday began a two-week survey in the eastern gulf and the Florida Straits. The team will collect samples of water and marine life at different depths and will look for oil, dispersants and tar balls in the water column.

Plan to Help Migratory Birds

The United States Fish and Wildlife Service announced Wednesday that it was working with partners to anticipate and minimize the impact of the spill on the millions of waterfowl and other birds that will migrate to wintering and stopover habitats along the Gulf Coast.

Commander Retires From Coast Guard

Adm. Thad W. Allen officially retired from the Coast Guard on Wednesday. He will continue his duties as the national incident commander of the oil spill.

An interactive map tracking the spill and where it has made landfall, live video of the leak, a guide to online spill resources and additional updates: nytimes.com/national.

Mix used by BP passes EPA test (*Houston Chronicle*)

But agency says additional data needed on spill dispersant
By MATTHEW TRESAUGUE Copyright 2010 Houston Chronicle
June 30, 2010, 10:28PM

The chemicals used by BP to break up spilled oil in the Gulf of Mexico are not significantly more toxic than other available dispersants, federal regulators reported Wednesday.

The U.S. Environmental Protection Agency tested eight dispersants, including the one used by BP, called Corexit 9500, and none showed dangerous effects on small fish and shrimp.

Still, the EPA cautioned that it will have to conduct more tests to assess the toxicity of the dispersants when mixed with oil.

"We need more data before deciding whether we need to change dispersants," said Paul Anastas, the EPA's assistant administrator for research and development.

The EPA released the peer-reviewed findings five weeks after directing BP to find a less toxic dispersant than Corexit 9500, which is manufactured by Sugar Land-based Nalco Energy Services. Federal officials concluded later that alternatives were not available in sufficient quantities.

1.6 million gallons

Since oil began fouling the Gulf in April, BP has pumped more than 1.6 million gallons of dispersant into the mess to break it up and reduce the amount washing onto beaches and wetlands.

Nalco officials have said Corexit 9500 consists of six chemicals found in everyday products, such as skin creams and shower cleaners, and should not be a risk to aquatic life, especially in the Gulf's vast waters.

But the unprecedented and increasing use of dispersant has raised concerns among some scientists, government officials and environmental groups about the long-term implications.

The results confirmed that dispersants, in general, were less toxic than oil. Tests also indicated that Corexit 9500 and a competing product, JD-2000, were less harmful to small fish than others.

Manufacturer pleased

Nalco officials said in a statement that they were pleased with the EPA's tests.

"We have always supported a systematic, science-based process to evaluate the dispersants being used to break up the oil spilling into the Gulf of Mexico," said David Horsup, vice president of research and development for Nalco Energy Services.

Even with the findings, the EPA said it will continue to direct BP to use no more dispersant than necessary. The London-based oil giant has reduced the daily use of the chemicals by 75 percent since the government's order in May, the agency said.

The EPA's results are "somewhat reassuring," said Dennis Heinemann, a marine scientist with the advocacy group Ocean Conservancy. "But it must be viewed in the context that it's still toxic."

Heinemann said additional testing is needed to learn how dispersants affect other species of fish, oysters and marine mammals, as well as their long-term effects on aquatic life.

matthew.tresaugue@chron.com

World's largest oil skimmer heads to Gulf spill (*Associated Press*)

July 1, 2010 Thursday 3:58 AM GMT

DOMESTIC NEWS
By TOM BREEN and JAY REEVES, Associated Press Writers
NEW ORLEANS
With hurricane-whipped waves pushing more oil onto the Gulf of Mexico's once-white beaches, the government pinned its latest cleanup hopes Wednesday on a huge new piece of equipment: the world's largest oil-skimming vessel.

The Taiwanese-flagged former tanker named the "A Whale" is the length of 3 1/2 football fields and stands 10 stories high. It just emerged from an extensive retrofitting to prepare it specifically for the Gulf, where officials hope it will be able to suck up as much as 21 million gallons of oil-fouled water per day.

"It is absolutely gigantic. It's unbelievable," said Louisiana State University environmental sciences professor Ed Overton, who saw the ship last week in Norfolk, Va.

As the monstrous vessel made its way toward the Gulf Coast, large waves churned up by distant Hurricane Alex left Alabama beaches splattered with oil and tar balls the size of apples. The rough seas forced most smaller skimming boats into port for a second consecutive day, putting many cleanup crews at a standstill.

The ship looks like a typical tanker, but it takes in contaminated water through 12 vents on either side of the bow. The oil is then supposed to be separated from the water and transferred to another vessel. The water is channeled back into the sea.

But the ship has never been tested, and many questions remain about how it will operate. For instance, the seawater retains trace amounts of oil, even after getting filtered, so the **Environmental Protection Agency** will have to sign off on allowing the treated water back into the Gulf.

"This is a no-brainer," Overton said. "You're bringing in really dirty, oily water and you're putting back much cleaner water."

The vessel, owned by the Taiwanese shipping firm TMT Group, was completed as a

tanker earlier this year in South Korea. But after the Gulf spill, the company's CEO and founder, Nobu Su, ordered it changed into a giant skimmer. The vessel was sent to Portugal for the refit and embarked for the Gulf as soon as it was finished.

The ship arrived Wednesday in Louisiana coastal waters, where TMT officials planned to meet with the Coast Guard to plan a tryout of the ship.

The Coast Guard will have the final say in whether the vessel can operate in the Gulf. TMT will have to come to separate terms with BP, which is paying for the cleanup.

"I don't know whether it's going to work or not, but it certainly needs to be given the opportunity," Overton said.

Meanwhile along parts of the Gulf, red flags snapped in strong gusts, warning people to stay out of the water, and long stretches of beach were stained brown from tar balls and crude oil that had been pushed as far as 60 yards from the water.

Oil deposits appeared worse than in past days, and local officials feared the temporary halt to skimming operations near the coast would only make matters worse ahead of the July 4 holiday weekend.

"I'm real worried about what is going to happen with those boats not running. It can't help," said Tony Kennon, mayor of Orange Beach, Ala.

As of Wednesday, between 71.2 million and 139 million gallons of oil have gushed into the Gulf of Mexico from the leak caused by the April 20 explosion aboard the drilling rig Deepwater Horizon. The blast killed 11 oil workers on the platform, which was owned by Transocean Ltd. and leased by BP PLC.

To try to raise spirits, singer Jimmy Buffett put on an impromptu free show at his sister's restaurant in Gulf Shores, Ala. Word spread quickly through Facebook and the grapevine and hundreds of people showed up at Lulu's, owned by Lucy Buffett.

The singer known for his love of the beach life grew up in the area. He and other singing stars were supposed to do a free show on Thursday to bring tourists to the oil-stained beaches. But the show was postponed until July 11 because of high surf kicked up by the hurricane.

That storm halted skimming operations and the laying of oil-corralling booms across the Gulf. But vessels that collect and burn oil and gas at the site of the explosion were still operating. Efforts to drill relief wells that experts hope will stop the leak also continued unabated.

The weather delayed efforts to bring a third vessel, the Helix Producer, out to the broken well head. The ship can capture up to 25,000 barrels of oil a day and connects to the leak through a flexible hose that allows it to leave the site quickly in case of a

hurricane.

Officials had hoped the vessel would be connected Wednesday, but in a news briefing Coast Guard Adm. Thad Allen said the choppy conditions were too perilous for now. The ship was expected to get to work next week.

In Florida, lumps of tar the size of dinner plates filled a large swath of beach east of Pensacola after rough waves tossed the mess onto shore.

"The weather has hampered the cleanup. Our night crews went out there to try and verify exactly how much it was, and it's about half a mile," said Santa Rosa County spokeswoman Joy Tsubooka.

Streaks of the rust-red oil could be seen in the waves off Pensacola Beach as cleanup crews worked in the rough weather to prepare the beach for the holiday weekend.

In Louisiana, heavy rains pounded the Grand Isle region, causing flash flooding in low-lying areas. Long bolts of lightning streaked the dark skies, keeping oil-cleanup operations locked down. A pounding surf had moved some of the boom that lines the beach.

Coast Guard Cmdr. Joe Higgens said the booms protecting the region would probably take a beating because of heavy seas and storm surge, and workers will start putting the barriers back in place once the weather clears.

Richard Ambrose, director of the environmental science and engineering program at UCLA, said the decision to halt cleanup and containment efforts presents two distinct threats: That much more oil will wash up on beaches, and that the storm will be strong enough to push oil farther inland into vulnerable wetlands.

"Stormy weather can bring oil places it wouldn't have gone otherwise," Ambrose said.

On Wednesday evening, Alex strengthened into a Category 2 hurricane with sustained winds of 100 mph. The National Weather Service predicted the storm would make landfall on the Mexican Gulf Coast and south Texas later Wednesday night.

Reeves reported from Orange Beach, Ala. Associated Press writers Mary Foster in Grand Isle, La., and Melissa Nelson in Pensacola Beach, Fla., contributed to this report.

JULY 1, 2010, 5:54 A.M.

Storm Threatens Gulf Wetlands (*Associated Press*)

Story also appeared: *Wall Street Journal*

By ANN ZIMMERMAN
Associated Press

Sand blows across a tiger dam Tuesday on a beach as the outer edges of Tropical Storm Alex approached the Louisiana coast in Grand Isle, La.,

NEW ORLEANS—As Hurricane Alex threatened the western U.S. Gulf Coast, whipping waves into a fury, government officials along Louisiana's southern tip feared the storm would push more oil from BP PLC's leaking well into fragile wetlands.

On Wednesday, the largest oil slick to appear off the coast of Grand Isle was spotted, according to Port Grand Isle Executive Director Wayne Keller. Meanwhile, water began to spill over two dams built on nearby Elmer's Island shortly after the Deepwater Horizon drilling rig exploded on April 20 and sent oil spewing into the Gulf.

The storm made landfall Wednesday night on a relatively unpopulated stretch of coast in Mexico's northern Tamaulipas state, about 110 miles south of Brownsville, Texas.

2010 Storm Tracker
Follow major storms' paths and locate oil rigs and refineries.

More photos and interactive graphics The U.S. National Hurricane Center said Alex was pushing inland early Thursday at 12 miles per hour but had weakened to a Category 1 storm and was expected to weaken further within 24 to 36 hours

Mr. Keller said he and officials from the National Guard have spent the past week trying to secure money from BP to build up the dams and prevent the oil-infused water from lashing the shoreline. "We have not gotten the approval for funds from BP," Mr. Keller said. "We are afraid the oil will flood the estuaries. It is very frustrating."

National Guard Capt. Robert Rogers said raising the height of the containment barriers is essential to protecting the marshes and bay from the oily water.

"All our equipment is staged and ready to go for a 24-hour operation, but we have yet to get the go-ahead from BP and it might come too late," Capt. Rogers said of the National Guard's 1022 Engineer Co.

Don Ballard, BP's branch director for the Grand Isle forward operating base, said he only received the request to enhance the dams on Tuesday morning. It took him all day, he said, to determine that the Louisiana Department of Natural Resources had to issue

new permits for the dams since the previous ones expired after 30 days. He said he approved the project but is waiting for the new permits to arrive.

Preparing for Hurricane Alex
View Slideshow

Zuma Press

Padre Island, Texas, residents boarded up windows on Wednesday.

More photos and interactive graphics
The high winds already are taking their toll. Before the storm, government workers in LaFourche Parish, west of Grand Isle, had counted five gaps in the protective piping called boom that is attempting to keep the oil from hitting shore. The storm now has created an additional 10 gaps in the boom shield.

In Port Fourchon, winds have pushed the tide so high that a gooey layer of oil now coats the entire beach, according to LaFourche Parish spokesman Brennan Matherne.

The oil has seeped as far as the marsh grass lining the beach, making the eventual cleanup much harder and more delicate.

"We have a heckuva battle now with the high tide and oil coming in," said Mr. Matherne.

Boats tasked with laying more boom were sent out Wednesday, making some headway but not enough, said Mr. Matherne.

"With every hurricane, you break down and cry at some point at the damage," said Mr. Matherne. "And I almost reached that point this morning at the reality of how bad the situation is.

"Until now," he added, "we had been pretty fortunate."

In a related development, U.S. environmental regulators said Wednesday that none of eight oil dispersants it tested, including the one being used to break up the millions of spilled gallons of oil, significantly disrupts the vital endocrine systems of marine creatures, although more study is required.

More than a million and a half gallons of chemical dispersants have been used to break down the millions of barrels of oil that have gushed into the Gulf over the past 10 weeks. Use of the chemicals has raised fears of damage to aquatic life, in particular to the endocrine system that regulates reproductive and neurological development in animals.

"Dispersants are generally less toxic than oil and can prevent some oil from impacting sensitive areas along the Gulf coast," the Environmental Protection Agency said in a press release.

—Mark Long, Cassandra Sweet and the Associated Press contributed to this article.
Write to Ann Zimmerman at ann.zimmerman@wsj.com

CLIMATE CHANGE

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June 30, 2010

Groups Launch $2M Ad Campaign as Senate Sprints to July Floor Debate on Climate Bill (*New York Times*)

Story also appeared: *Greenwire*

By ROBIN BRAVENDER of Greenwire

A coalition of environmental, liberal and union groups today launched a series of television ads blasting senators who supported a failed bid to block U.S. EPA climate regulations and praising others who opposed the effort.

The initial $2 million advertising campaign is the first from the League of Conservation Voters, Sierra Club, VoteVets.org Action Fund and Service Employees International Union, in what they say will be an $11 million campaign aimed at prodding the Senate to pass a comprehensive energy and climate bill.

Senate Majority Leader Harry Reid (D-Nev.) expects to take an energy and climate bill to the floor in July, prior to confirmation debate on President Obama's Supreme Court nominee Elena Kagan, his spokesman Jim Manley said today. Manley declined to say when Reid is planning to roll out legislative language and said no decisions have been made about what a final package would include.

Ads launched today criticize Sens. Richard Burr (R-N.C.), Mike Johanns (R-Neb.) and Ben Nelson (D-Neb.) for voting earlier this month to support a resolution from Sen. Lisa Murkowski (R-Alaska) that would have blocked EPA's ability to regulate greenhouse gases under the Clean Air Act. The Senate voted 47-53 to reject the measure.

The ads depict an oil-slicked politician being pulled out of the ocean, and accuse the senators of being "showered" in campaign cash from Big Oil while opposing EPA regulations that would "hold polluters accountable." As cleanup workers try to wash the oil off the politician, the narrator says: "We're trying our best out here, but until he supports clean energy climate legislation, I don't think we can save him."

Two separate ads praise Reid and Sen. Claire McCaskill (D-Mo.) for opposing the Murkowski measure. Those ads feature an Iraq war veteran who says his battalion helped protect oil supplies from insurgent attacks, but now he's helping to build wind farms across America. Reid and McCaskill, he says, are helping soldiers return home

and find jobs by voting against the Murkowski resolution and "creating tens of thousands of clean energy jobs" across their states.

The groups are running the ads in the senators' home states for the next two weeks and will also launch Internet ads.

The ads come as Republicans intensify their criticism of efforts by the White House and Democrats to link the Gulf of Mexico oil spill to the need for energy and climate legislation.

Senate Minority Leader Mitch McConnell (R-Ky.) criticized President Obama for meeting with senators yesterday on energy and climate legislation, instead of focusing on the Gulf oil spill.

"The first thing we heard about this meeting is that the president said it was not a meeting about the oil spill," McConnell said on the Senate floor today.

"In other words, at a moment when the American people were hoping to hear about what the White House was doing to fix the oil leak in the Gulf, the president was using that moment to prepare the ground for yet another piece of legislation that would expand the reach of government -- and which would do absolutely nothing to solve the crisis at hand," McConnell added. "I think it's most people's view that the left-wing wish list can wait. Fixing this immediate problem should be the top priority right now."

But Democrats and the Obama administration insist that the two issues are intertwined and ought to be dealt with simultaneously.

Sen. Joe Lieberman (I-Conn.), one of the lead sponsors of a sweeping climate change bill, told reporters yesterday that the White House meeting involved "a lot of discussion on the oil spill, beginning with President Obama." He said there was "a strong feeling that this bill should be the legislative vehicle that responds to what was wrong and that enabled the horrific oil spill to occur in the Gulf."

ENERGY

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EPA Developing Far-Reaching Energy Star Specifications For Smart Grid (*Inside EPA*)

Posted: June 30, 2010
EPA is working with electric utilities, product vendors and others to develop potentially far-reaching new Energy Star certification requirements for so-called “smart grid” devices that have two-way digital communications capabilities enabling electricity

consumers to better manage their energy use. The EPA initiative is intended to expand the use of smart grid technologies, which is an Obama administration priority, to allow utilities to avoid peak load generation and reduce greenhouse gas (GHG) emissions, among other efficiency benefits.

The EPA smart grid specification -- called “climate controls” -- is due by October 2010 and would create a next level of Energy Star certification going well beyond a digital thermostat specification that expired at the end of last year to link households and businesses to the digital grid modernization broadly touted, and financially supported through grants and loans, by the Obama administration.

The climate control specification is seen by industry groups as a serious effort by EPA to employ Energy Star to evaluate and then incorporate the technological potential of smart grid devices to boost energy efficiency in the home, while also enabling utility industry programs designed to lower energy use at peak demand times, say the stakeholder sources. Such programs as dynamic rate pricing (rates signals sent by utilities to consumers to lower consumption), demand response, and smart meter deployments -- while controversial, at times bitterly so -- are percolating through electricity wholesale markets and grid policies at both the federal and state levels.

In developing its climate controls specification, EPA is examining the potential for the devices to enable two-way inter-connectivity between residential energy consumers and the grid as key to advancing energy conservation, reducing pollution, and even reducing the need for new baseload power plants, say stakeholders.

A source with the Zigbee Alliance, a major consortium of utilities and technology providers looking to advance smart grid through the Zigbee technology line of products, says EPA is doing a “deep dive” in its evaluation of smart grid technology. At the beginning of the EPA specification effort earlier this year, electricity sector companies were unsure how robust EPA's effort would be, says the source. But in the months that have followed, it has become obvious that EPA is serious about moving Energy Star to become a platform for advancing smart grid in what is known as the “home area network,” or the HAN.

Administration Goals

The HAN is considered crucial to advancing the administration's goals of developing a smarter grid system that can lower electricity bills, while also enabling the use of more renewable energy generation and electric vehicle charging. It includes any device used in the home -- home water heaters, home air conditioning, and other items -- that can receive price signals from the utility to reduce electricity consumption at so-called peak demand times when demand for power and prices are highest. The HAN would enable the consumer to monitor electricity consumption and make adjustments based on price signals or other factors. For example, a consumer could set washing machines to operate late at night, when renewable energy is most available.

Another consortium of utilities and technology companies, the Utility Smart Network Access Port (U-SNAP) Alliance (which includes American Electric Power and Google, among others), is also working with EPA on the specification. A source with the group characterized the specification effort as the beginning of EPA's move to reorient the Energy Star program toward smart grid and to take into account the technological advances emerging on grid interoperability, or the ability of various devices to engage in two-way digital signaling. The source speculates that the specification could change the Energy Star program to eventually make smart grid enabled devices synonymous with energy efficiency.

The first draft of version 1 of the climate controls specification includes significant energy management functions in the definition of a residential climate control system. The energy management criteria include a device's ability to interact with advanced metering infrastructure (AMI) -- or smart meters deployed by a utility -- and demand response, or DR, programs also instituted by utilities to lower consumption during times when demand is highest, according to the EPA draft specification released to stakeholders.

A smart grid vendor source says the utilities want the ability to control residential load to shave consumption through the use of smart grid appliances and air conditioning units that can respond to price signals. The EPA definition in the draft document would support that goal, according to the source.

The draft DR definition says “these systems are utility control networks capable of directly impacting energy usage in residential and commercial buildings. These systems are utilized to reduce overall consumption in response to market conditions or periods of critical peak demand.” Furthermore, “Since residential energy consumption is dominated by [heating ventilation and air conditioning (HVAC)] energy consumption, DR implementations typically provide mechanisms for shedding HVAC load as a fundamental tool to reduce energy load. Secondary targets for DR include electric hot water heaters and pool pumps.”

FUEL

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SD Gov. Rounds critical of EPA delay on ethanol (*Associated Press*)

By WAYNE ORTMAN (AP)

SIOUX FALLS, S.D. — Gov. Mike Rounds criticized the federal government for delaying a decision on allowing a 15 percent ethanol blend in gasoline during a conference

Wednesday on using technology and research to expand South Dakota's agriculture economy.

Executives at the Governor's Ag Development Summit talked about scientific and biotechnological research that can be used to grow more grain and create new fuel sources.

In his welcoming address, Rounds said the world will need more food and fuel so breakthroughs in the laboratory allow the state's farmers and ranchers to produce more with less.

Rounds chastised the federal government for promoting the use of renewable fuels while the Environmental Protection Agency postponed for a second time a decision on whether the ethanol blend in gas can go from 10 percent to 15 percent.

"It's just ridiculous to have this kind of delay in that type of an important decision-making process," Rounds said.

He noted that annual ethanol production in South Dakota has grown 600 percent since 2002. The 15 percent level would assure a continued and expanded market for ethanol, he said.

The EPA, which had been expected to decide by this month if U.S. car engines can handle the higher concentration, has said initial tests "look good" and should be completed by the end of September. The ethanol industry says the 15 percent blend will not hurt engine performance, while the refining industry, small engine manufacturers and some environmental groups have argued against an increase.

Monsanto Co. executive David Fischhoff said the world population is growing and wants more animal protein in its diet, something that will drive up the demand for grains to be used as livestock feed. That will require higher yields because the amount of land available for crop production is shrinking, said Fischhoff, vice president of technology strategy and development at Monsanto.

Average corn yields in the U.S. have doubled in the past 40 years to around 165 bushels per acre last year. The same growth rate could mean 200 bushels per acre by 2030 but perhaps even more because of expected advancements in farming practices, plant breeding and biotechnology.

"I think the possibility exists, and really it's a credible possibility ... that we could get yields to go up close to 300 bushels an acre in that same time frame," Fischhoff said.

Mark Matlock, senior vice president of research for Archer Daniels Midland Co., said biofuels such as ethanol will help fill a growing need for energy in developing countries.

The idea of using grains for more than food and clothing has been around since the 1920s and '30s but didn't get far while petroleum prices were stable, he said. Now, as oil prices periodically spike, there's a move to use renewables in manufacturing or as fuels.

"Every year we can grow another crop of soybeans, another crop of corn, another crop of wheat, so if we can use these feedstocks we can create products that we will always have in civilization," Matlock said.

Increasing the use of renewable farm products will require innovation to catch up with petroleum; efficient use of water, chemicals and fertilizers on the farm, and investment in infrastructure to transport, process and store larger crops, he said.

MINING

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EPA approves W.Va. mountaintop removal permit (*Greenwire*)

(06/30/2010)
U.S. EPA quietly approved a mountaintop removal permit for a coal mining operation in Logan County, W.Va., last week, contingent on Arch Coal Inc. meeting conditions to protect water quality.

To minimize burying waterways when removing the 760-acre mountaintop, Arch Coal has already agreed to dispose of rock and dirt on an adjacent mine site rather than in streams and increased valley fills decks.

In addition, EPA wants the company, a subsidiary of Coal-Mac Inc., to build valley fill waste piles for the Pine Creek Surface Mine one at a time. This would allow monitoring of each fill "prior to initial construction of subsequent fills, to ensure that predicted water quality outcomes are achieved," federal officials said.

The company had originally proposed using all three valleys within 12 to 18 months but agreed to delay using one for three years. Arch Coal officials did not say if they would agree to EPA's newest condition.

Scientific consensus about mountaintop removal is that it is causing irreversible damage to the Appalachian forests and water quality. The Rainforest Action Network criticized EPA for approving this permit.

"This continues the inconsistent and contradictory decisions that have plagued the EPA's process on mountaintop removal coal mining all along," the group said (Ken Ward Jr., *Charleston* [W.Va.] *Gazette*, June 29). **-- LP**

SUPERFUND
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GE loses Superfund clean up fight with EPA (*Business Green*)

Appeals court rules that Superfund polluter pays scheme does not violate constitutional rights
Danny Bradbury, BusinessGreen, 01 Jul 2010
Chemicals

GE lost an ongoing battle with the US Environmental Protection Agency (EPA) to limit Superfund cleanup liabilities this week, even as it commissioned another vendor to help it clean up 30 years of pollution in the Hudson River.

The company had challenged the EPA in court, arguing that companies ordered to clean up Superfund sites had no real opportunity to contest such orders, and could incur large penalties for non-compliance without adequate recourse to appeal. GE said such orders violated companies' constitutional rights to due process.

A court had already ruled in favour of the EPA, so GE took the matter to an appeals court.

However, David Tatel, a Federal Judge in the DC District Circuit, this week sided with the government in the appeals ruling, arguing that because a company could refuse to comply with an order and force the EPA to sue, its constitutional rights were not violated.

GE has attempted to reposition itself as one of the world's leading providers of clean technologies in recent years, primarily through its high profile Ecomagination initative.

But the company still stands to lose large amounts of money through the Superfund initiative, which makes firms financially responsible for the clean up of polluted sites. According to the EPA, GE is currently liable for cleanup operations at 52 Superfund sites.

In related news, GE this week selected US Ecology as one of three firms helping it with a large environmental cleanup operation in the Upper Hudson River.

GE began dredging sediment from the river, which contains polychlorinated biphenyls (PCBs), in May. Roughly 1.3m pounds of the carcinogenic chemical were put into the river from the end of the second world war through to 1977, when they were banned by

the US government. The Upper Hudson was subsequently declared a Superfund site, and GE fought the EPA over the responsibility for cleaning it up.

The Superfund cleanup, said to cost at least $750m and possibly many times more, could be the most expensive industrial cleanup in history - although latest estimates put the cost of BP's oil spill cleanup has been estimated at $5bn).

Scenic Hudson cheers appeals court's rejection of GE Superfund challenge (*Mid-Hudson News*)

POUGHKEEPSIE – Scenic Hudson, the Poughkeepsie based environmental organization, Wednesday hailed a federal appeals court's rejection of General Electric's claim that the EPA's authority to order pollution cleanups under the Superfund law is unconstitutional.

The US Court of Appeals for the District of Columbia Circuit ruled the EPA does have the authority to unilaterally order cleanups.

Scenic Hudson filed a friend of the court brief in support of the EPA and the decision clears the way for the continued cleanup of PCB's from the Hudson River, said the group's president Ned Sullivan.

"That no longer is a threat to EPA's authority to require GE to move forward and complete the cleanup of the Hudson River PCBs 30 years after the river was contaminated," he said. "We're hoping that this will bolster EPA's resolve and encourage GE to stop fighting the cleanup and move on to completion of it."

Sullivan said the court decision will have widespread implications beyond the Hudson River cleanup.

EPA project files on display (*Pittsburg Morning Sun*)

By BRETT DALTON
The Morning Sun
Posted Jun 30, 2010 @ 11:54 PM
PITTSBURG —
As part of the finishing touches put on its soil-testing project in Pittsburg, the U.S. Environmental Protection Agency has made public the documents involved with the yearlong project.

The EPA Region 7 office has compiled the Administrative Record File for the Pittsburg Zinc Superfund Removal Site. The ARF is the official site file and contains technical

documents such as the draft Action Memorandum which authorizes agency funding for site sampling, response and clean-up activities.

A 30-day public review and comment period began Wednesday and ends July 29.

The documents are available for review at the Pittsburg Public Library, 308 N. Walnut, and at the EPA Region 7 Records Center, 901 N. Fifth Street in Kansas City, Kan.

Beckie Himes, community involvement coordinator for the EPA's Region 7, said making the documents public is a requirement for the proper completion of the project.

"It's something we are required to do, and if anyone who views them feels they are incomplete, then they will have the chance to comment," Himes said.

As for the project itself, which began in March 2009, Himes said "we're just about done with it." The project, which tested soil for lead contamination near the sites of the former zinc smelting operations, was conducted at the request of the Kansas Department of Health and Environment.

The EPA tested soil at residential lots, as well as in various public venues throughout Pittsburg. A three-phase removal action followed, once it was determined which lots had "critical levels" of contamination.

The bulk of the original testing took place at residential properties within 500 feet of the former Pittsburg Zinc Company smelters — an area with boundaries of Fifth Street to the north, Kansas Street to the south, Locust Street to the west and Tucker Street to the east.

The expanded Phase Two sampling area included an area near the original sampling site with borders of Ninth Street to the north, Michigan Avenue to the west, Fifth Street to the south and Elm Street to the east.

TOXICS

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Quacks and Quakery in Medicine: Truth in Healthcare (*American Chronicle*)

Lourdes SalvadorJuly 01, 2010"The medical profession is disenfranchising experts who may be vital characters in the quest for understanding about environmental illnesses," according to Tarryn Phillips of the Department of Anthropology and Sociology at the University of Western Australia.

In a recent issue of Medical Anthropology Quarterly, Phillips discusses plaintiff experts and an environmental illness known as multiple chemical sensitivities (MCS).

The Environmental Protection Agency defines MCS as "a diagnostic label for people who suffer multi-system illnesses as a result of contact with, or proximity to, a variety of airborne agents and other substances."

MCS is often precipitated by an acute or chronic exposure to toxic chemicals. Therefore, it may lead some to file lawsuits if they were wrongly injured. However, many in Australia are surprised to find a great deal of difficulty locating expert witnesses and treating physicians for the condition as a result of peer pressure.

"When medical practitioners act as expert witnesses for the plaintiff in contested illness lawsuits, they can be stigmatized by their professional community," says Phillips. In fact, some have been called "quacks".

Quacks and Quackery

The term ´quack´ is used in reference to a person who practices medicine and dispenses advice based on observation and experience in the absence of scientific findings. In its most negative connotation, ´quackery´ refers to treatments without value based on untrue claims.

The terms date back to Paracelsus, a physician who created a salve with mercury to treat syphilitic rash. Paracelsus was called a ´quacksalver´ by physicians who believed that the rash did not go away, but rather retreated more deeply into the body.

Later, of course, it became recognized that mercury did indeed act as an antiseptic and antifungal agent and it became widely accepted for use in vaccinations as a preservative. In essence, Paracelsus was before his time and the label of ´quack´ was applied by his narrow-minded peers

The ´quack´ label is often given to actual physicians who are on the forefront of medicine, have done research, attempted to publish that research, and altruistically study emerging illness and effective ways to treat them.

Dr. Alexander Fleming, for example, was credited with the discovery of penicillin in 1928. Prior to being credited, he was called a quack for suggesting penicillin be used as a medicine. Fleming wrote, "Penicillin sat on my shelf for 12 years while I was called a quack. I can only think of the thousands who died needlessly because my peers would not use my discovery."

Phillips offers an explanation for why those who are most able to help people with environmental illnesses continue to push forward with new research and risk being called a quack.

"They rationalize their continued advocacy within a moral discourse, which includes a professional aspiration toward altruism, an ethical commitment to "truth," and the explicit emphasis that financial gain is not a motivation," says Phillips, "For their deviance the experts have been confronted with professional disillusionment and emotional drain."

The Real Quackery

There always have been and always will be legitimate quacks who promote overstated cures that are useless time and money wasters. Nevertheless, just because a physician is called a quack does not mean s/he is a quack.

The quack label is often thrown around inappropriately to protect financial interests and circumvent liability in various industries. Oftentimes job loss is cited as a concern, though jobs in toxic industries could easily be replaced with work in safer, alternative industries that are both financially viable and protect worker health.

Though science is accepted as evidence based, replicated, and reliable, it cannot be relied upon and is often behind the times. This can be seen in the large amount of drug recalls due to lack of thorough testing for side effects and safety before marketing and prescribing.

Replication of science takes years while people remain ill or pass away. Select doctors have been paid handsome sums to issue industry supported statements, conduct studies to industry specifications, and issue opinions on MCS that lead others, including doctors, lawmakers, and community members, to believe that biased findings are truthful. At its core, it´s a well-funded pharmaceutical and chemical industry campaign of disinformation designed to cast doubt over the existence of environmental illnesses.

In many cases, these special interest groups have monopolized ownership of scientific journals and publish only studies which call "alternative" medicine into question. Like Fleming, researchers who discover beneficial treatments and healing modalities report that their work, which could benefit mankind, is denied publication in medical journals on the basis of principal. This is the real quackery that is harming the health of millions.

The American Medical Association

The American Medical Association (AMA) was founded in 1847 by a group of elite physician´s to protect their interests and organize against ´quacks´ (homeopaths, midwives, and herbalists) in order to increase their own business. Since then, there has been a concerted effort against "alternative" medicine and healing by the AMA, with claims that it is "unscientific". In reality, the science has been proven and is simply denied publication in journals which the AMA and pharmaceutical companies monopolize for financial reasons.

MCS is one condition that these journals continue to deny simply because it is not profitable to prescribe chemical avoidance. Avoidance is berated as non-scientific and

emphasis is instead placed on finding a way to treat people with MCS so that they could be exposed to the poisons which make them ill. Logic says that exposing oneself to poison is not advisable. Yet, it would be highly profitable for drug makers and physicians to have patients on lifelong medications and going through their revolving door with continued declining health.

Drugs and surgery are profitable, but neither work for MCS. Altruistic physicians who have uncovered the biochemical pathways and tests pointing to an MCS diagnosis routinely hit the wall when they try to publish their research findings. It is much more profitable to falsely claim MCS is a psychological problem and prescribe lifelong psychiatric medication to manage it. The fact that a statistically significant proportion of subjects experience worsening health on these medications gets slipped under rug in the hopes that psychiatric medication will make the ill patients apathetic enough to stop seeking help and keep popping profitable pills.

The history of the American Medical Association and supposedly ´scientific´ treatments is hardly as noble and scientific as it seems. It includes dangerous treatments such as blood letting and mercury poisoning. The AMA lays claim to science and the safety and efficacy of expensive pharmaceutical and surgical treatments. But instead of promoting a return to health and vibrancy, the AMA promotes long-term pharmaceutical "management" of disease for profit.

Over 100,000 people are killed each year by prescription medications and another 2.1 million are injured. More people die each year at the hands of prescription medications than suicide, firearms, homicide, illicit drugs, or alternative medicine. Conventional medicine has no right to point the finger and call anyone else a quack!

Altruism

Those who treat MCS do so to find the truth and help end patient suffering. This is in contrast to the typical medical scrutiny given to emerging illnesses, such as MCS, and staunch attempts to falsify new theories and treatments.

"By specializing in treating an emergent and immeasurable condition as though it is organic, experts who deviate from the accepted framework of their field can find themselves marginal and stigmatized by their professional community," says Phillips, "The informants to this research rationalized their decision to breach the professional norm by conceptualizing themselves as part of a minority moral community that prioritizes an ethical commitment to "truth" and helping those who suffer."

Those who disengage from work with emerging illnesses do so because of the social, financial, emotional, and professional constraints they are faced with as a result of their interest in helping others.

Phillips asserts that "by disenfranchising these experts, the medical profession may be inhibiting advancements in emergent illness medicine."

References

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This article is an op-ed that originally appeared in the MCS America News, July 2010 Issue http://mcs-america.org/july2010.pdf. For more articles on this topic, see: MCSA News.

Industry Urged To Step Up Nano Testing Research To Adapt NRC's 'Vision' (Inside EPA)

Posted: June 30, 2010
Industry should help "adapt" the National Research Council's (NRC) plan for moving towards cell-based toxicity testing to address the unique attributes of nanoscale materials, which can behave differently from conventional chemicals, according to key industry observers.
Industry officials in the nanomaterials sector "must act proactively" to address nanomaterials-related research needs and adapt the NRC vision to achieve the goals of the plan, Lynn Bergeson, with law firm Bergeson & Campbell, told a June 21 meeting on the future of chemical toxicity testing.

And Melvin Andersen, a lead author of the NRC vision and a scientist with the Hamner Institutes for Health Sciences, raised questions about what stakeholders, including industry, should be doing to properly research the risks of nanomaterials.

In its 2007 report, *Toxicity Testing in the 21st Century: A Vision and a Strategy*, the NRC recommended that EPA and other regulators move away from traditional animal testing and towards cell-based toxicity testing, or *in vitro* testing. But since then, some observers have warned that the NRC's vision may not be appropriate for nanomaterials.

For example, Nigel Walker and John Bucher, both of the National Toxicology Program, wrote in a 2009 paper that although the NRC's approach "may have merit in the study of some specific nanomaterials, this approach does not consider the complexity involved in utilizing in vitro cell culture toxicology methods to evaluate the potential hazard of the wide array of current and future engineered nanomaterials."

At the June 21 meeting, which was hosted by the Johns Hopkins Bloomberg School of Public Health and the Environmental Law Institute, Bergeson said concerns raised by Walker and Bucher are worthy of dicsussion.

"Nanoscale materials are different than conventional chemical substances and thus it seems logical to conclude that toxicity testing strategies can be expected to be more challenging," Bergeson said. "At the least, the question must be asked regardless of whether people will agree on the answer."

Industry Participation

Bergeson noted that industry had participated in EPA's Nanoscale Material Stewardship Program (NMSP), a voluntary program that sought to work with industry to develop or collect more information on nanomaterials, which is now winding down following lackluster results.

"But if not the NMSP, then the business community should design a better program and develop data pursuant to it," she said. "Doing less than what is needed is not an option, will not facilitate the commercialization of nanotechnology and will not earn the public's trust of this technology."

Bergeson argued that research and testing initiatives under the Organisation for Economic Cooperation & Development's (OECD) Working Party on Manufactured Nanomaterials could provide key information for moving forward with the NRC plan. The OECD group, which includes EPA, is also driving regulation with the development of guidance on developing information and testing programs, Bergeson said.

Bergeson also voiced support for a National Academy of Sciences (NAS) review of the federal government's nanotechnology environmental health and safety research program, something started earlier this year and long called for by a diverse coalition of activists and industry groups.

Similarly, the Hamner Institute's Andersen asked about which stakeholders should be doing work assessing nanomaterials' risks. There are questions about how nanoscale materials will interact with the body, which leads to questions about who will lead the research, he said. "Whose responsibility does it become . . . to organize the resources, to get the resources applied and to find out what is going on?" Andersen said, pointing to work by the National Institute of Environmental Health Science, but saying more is needed. "How as a public do we come together and get those issues addressed?"

Andersen also said that the study authors had responded to the questioned raised in the paper by Walker and Bucher. He said new technologies are being developed for facilitating evaluation of likely biological targets for nanomaterials, pointing out that there is ongoing research into *in vitro* toxicology test for nanomaterials.

Further, the NRC plan anticipates that advances in biology and background information could lead to new methods for nanomaterials testing. "It may need some areas that are different from tools we have developed and can bring to bear," Andersen said.

In her presentation, Bergeson also said regulatory and other moves must be "carefully calibrated to facilitate information development on nanoscale materials without jeopardizing commercialization," adding that work by the EPA New Chemicals Division is balancing the need for information with commercial considerations. She did question the approach of using the "adverse effects" provisions of the agency's pesticides laws to collect information on nanoscale pesticides components because of the potential for stigmatization . -- *Aaron Lovell*

U.S. NEWS JULY 1, 2010 Famed Liner Steers Clear of Scrapyard (*Wall Street Journal*)

Preservationists to Buy S.S. United States in Hopes of Creating Waterfront Attraction; Prince Rainier Sat 'Right There'
By JESSE PESTA
PHILADELPHIA—The world's fastest ocean liner is docked here and hasn't moved under its own power in years.

But in the glory days of ocean voyages in the 1950s and 1960s, the S.S. United States was a champion, setting a trans-Atlantic speed record on its 1952 maiden voyage that still stands.

A Second Act?
Take a look inside the S.S. United States.

View Slideshow

M. Fresco/Topical Press Agency/Getty Images

Cheering crowds in 1952 greeted the S.S. United States in Southampton, England, after the ship crossed the Atlantic Ocean on her maiden voyage.

More photos and interactive graphics Against the odds, a small band of ship preservationists has nosed out scrappers with an agreement to buy the historic ocean liner—and perhaps turn it into a stationary waterfront hotel or multi-use development. The S.S. United States Conservancy plans to announce Thursday a deal to buy the ship from its current owner, cruise operator NCL Group, for $3 million.

The scrappers are at bay for now. But the proposed sale still must satisfy Environmental Protection Agency concerns related to toxins aboard the nearly 60-year-old steamship. If the sale goes through, it would cap quite a turnaround: The group of mainly volunteers transformed themselves into a serious bidder for a Titanic-sized vessel in just a few months as scrappers began circling their prize.

Becoming the potential owner is "an eye-opening experience for us," said Dan McSweeney, the conservancy's executive director.

As part of the deal, the preservationists will be picking up the $60,000-a-month tab for upkeep of the ship in Philadelphia, where it is currently docked. The funding is provided by Gerry Lenfest, a Philadelphia philanthropist. The effort to save the mothballed super-liner was the subject of an article in The Wall Street Journal last September.

Even if the deal goes through, the ship faces a long comeback. Its luxury fittings are long gone. The interior has been gutted to the bare metal for asbestos abatement, and exploring the ship requires flashlights to maneuver pitch-black passageways. Passenger cabins are identifiable only by marks on the floor where walls used to be.

On the starboard Promenade Deck, where travelers once took the sea air, a few tall weeds have sprung up. "That's where the geese nest," said caretaker Ray Griffiths during a recent tour. The geese weren't home that day, but a duck peeked out from under some stairs.

Despite such indignities, the ship "hasn't forfeited its greatness," the conservancy's Mr. McSweeney said, standing near the bow. The group is working with architectural firms, developers and city officials on plans to convert the "Big U," as they nickname it, into a hotel or development in Philadelphia or New York. It has 600,000 or so square feet of floor space, the equivalent of a modest skyscraper.

"The ship definitely will be a successful economic engine in whatever community it finds itself in," Mr. McSweeney said. On Thursday, the conservancy plans to light the ship at dusk and screen a documentary there about the liner.

During the recent ship tour, conservancy member Susan Gibbs, whose grandfather designed the vessel, described her grandmother's memories of being aboard. "The elegance, the champagne, the light and speed, the scotch-and-sodas at 10 a.m.," she said. "What a majestic symbol this ship was."

Joseph Rota, who served on the ship's crew as a young man, stopped in what used to be the first-class observation lounge and recalled a chat with Prince Rainier of Monaco in the mid-1950s. "Sitting right there," Mr. Rota said, pointing to the spot. The prince was traveling for a meeting with actress Grace Kelly, his future wife, Mr. Rota said.

NCL bought the S.S. United States several years ago with the idea of recapturing some of that glamour and putting the ship back in service, offering cruises around Hawaii. The ship collected barnacles instead, and then went on the block.

NCL received a larger offer of roughly $5.9 million from a scrapper, but instead has been working with the preservationists. "We are pleased with the current arrangement with the conservancy," an NCL spokeswoman said. She didn't say why NCR turned down the higher bid.

The EPA has cautioned that, before the ship can be put to a new use, it must be scrubbed of toxic PCBs that contaminate some of its components. In a cruel irony for the preservationists, one of the more cost-effective ways to resolve a PCB issue like this would be to sell the ship to a U.S.-based scrapyard that is equipped to clean it up.

The conservancy's exclusive agreement with NCL to buy expires in February. If the sale goes through, a new clock starts ticking: Under the agreement with Mr. Lenfest, the philanthropist, the group has 20 months of financial support to develop a long-term plan that would eventually make the ship financially self-supporting.

Write to Jesse Pesta at jesse.pesta@wsj.com

WATER

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June 30, 2010

Md. Senator Strikes Deal With GOP to Move Chesapeake Cleanup Bill Through Committee (*New York Times)*

By PAUL QUINLAN of Greenwire

Sen. Ben Cardin (D-Md.) has agreed to make significant concessions on his long-awaited Chesapeake Bay cleanup bill today that would remove or water down several provisions, which environmentalists consider crucial, to secure needed Republican votes.

The changes will take the form of an amendment to be introduced jointly by Cardin and Sen. James Inhofe (R-Okla.) when the Environment and Public Works Committee marks up the bill this morning. Aides for both Cardin and the committee Republicans said they expect the amendment to ensure the bill passes today with bipartisan support.

Cardin spokeswoman Sue Walitsky said the bill essentially remains intact, reiterating the 2025 deadline for meeting pollution reduction goals, requiring states to develop Watershed Implementation Plans and strengthening a nutrient pollution trading program -- a key component that the farm industry had lobbied to defeat.

"From our perspective, we appreciate what they've done," said Matt Dempsey, spokesman for committee Republicans. "This is a very sincere effort. They've been willing to work with us."

The bill (S. 1816 (pdf)) is being counted on to act as an important legislative backstop to a new U.S. EPA initiative to force the six states in the sprawling bay watershed, whose

foot-dragging has caused several past bay cleanup initiatives to fail, to develop meaningful plans to meet pollution reduction goals by 2025.

Acting on an executive order President Obama issued last May, EPA unveiled the skeleton of its new plan at a press conference along the Anacostia River last month. EPA officials and environmental groups said they expect the Cardin bill will support the stepped-up EPA regulatory effort, which targets fertilizer and pollution-laden runoff from farms and urban areas.

"I think there is a path," Doug Siglin, federal affairs director for the Chesapeake Bay Foundation, said last month. "But Senator Cardin and the sponsors in the House are really going to have to work hard to make sure that happens."

Through months of negotiations, Cardin was unable to pacify entrenched industry opposition, such as the American Farm Bureau, which continued to fret early yesterday that the legislation would saddle farmers with bank-breaking regulations and ultimately drive agriculture out of the Chesapeake Bay watershed, which spans six states and more than 64,000 square miles.

It was a tough -- perhaps, impossible -- battle, and environmentalists who had not yet seen the changes in the Cardin-Inhofe amendment worried late yesterday that passage of the amended bill might amount to a Pyrrhic victory. But Cardin aides say the amendment would not alter the original intent of the legislation.

They said the bill was always meant to ensure states -- not EPA -- take the lead on the new regulations, with EPA acting only as a "referee," assessing state efforts on a "pass-fail" basis and, in the event of failure, assuming control of the state program and withholding federal money.

"Really, the basics of the bill remain intact," said Walitsky. "States create a plan. If they don't implement a plan, the feds can take over, and they lose their money."

The Cardin-Inhofe amendment is expected to revise and delete portions of several controversial sections of the bill. Among those changes, according to aides, which were still being worked out late yesterday:

* Language will be deleted that prescribes in detail the controversial pollution limits -- called Total Maximum Daily Loads, or TMDLs, that EPA is expected to release in December, although that December deadline would also be deleted. A Cardin aide said the deleted deadline should not mean a delay in EPA's setting those goals, since it is already bound to do so under a lawsuit settlement announced earlier this year.

* Unless a state has done so on its own accord, EPA will not be allowed to write pollution permits for non-point sources, such as fertilized cropland, even if is forced to take over a state's failing program. Farmers had feared that permitting non-point sources would create a dangerous precedent, allow EPA to dictate land uses, require

bank-breaking pollution control measures and, ultimately, drive agriculture out of the watershed. Environmentalists have said non-point source pollution control is critical to meaningful bay restoration.

* EPA will have limited ability to tinker with the pollution reduction plans, called Watershed Implementation Plans, that states will be expected to write, under the new bay cleanup initiative. That leaves much of the work to states, which have historically proved to be weak partners in past, failed cleanup efforts.

Walitsky said the amended bill would still amount to a major step forward for the Chesapeake Bay, despite the changes, providing $2 billion in grants to address pollution concerns and forcing states to take action for the first time ever.

"Past efforts have been all-voluntary, with no accountability," Walitsky said. "This is mandatory, with mandatory accountability and real repercussions for states."

EPA approves New York State's list of impaired waters (*Water Tech*)

6/30/2010 10:28:35 AM
NEW YORK — The U.S. Environmental Protection Agency (EPA) has approved the 2010 list of waters in New York State that are considered either impaired or threatened by pollutants, according to a press release.

New additions on the 2010 list include waters in Long Island's South Shore Estuary, shore areas of Lake Ontario, and water bodies contiguous with the lands of several Native American Nations, including the Onondaga, Tonawanda Seneca and St. Regis Mohawk, the release stated.

An impaired water body is one that does not meet water quality standards even after pollution controls have been put in place. A threatened water body is one that is expected to be impaired within two years.

The list helps to set priorities for addressing current water pollution threats.

The Clean Water Act requires states to assess the quality of their waters and to report their findings every two years to EPA.

The list is compiled by New York State Department of Environmental Conservation (NYSDEC) and is a valuable tool for reaching the Clean Water Act goal of "fishable and swimmable" waters for all of New York State.

"Identifying and prioritizing the state's most seriously polluted waters are important steps in the effort to reduce water pollution," said EPA Regional Administrator Judith Enck. "In the almost 40 years since the Clean Water Act was adopted, water quality in

many of the state's rivers, lakes and streams has improved, but we still have a very long way to go. The list of impaired waters helps governments, concerned citizens and businesses take action to reach the goal of being able to safely fish and swim in all of our waters."

Key Lawmakers Push Back On Strict New EPA Stormwater Requirements (*Inside EPA*)

Posted: June 29, 2010
Sen. John Kerry (D-MA) and other Massachusetts officials are pushing back against EPA's precedent-setting plans to require stringent new stormwater controls in three Bay State towns, requesting EPA pare back and delay strict permit requirements while calling on EPA to delay first-time use of its legal authority regulating private entities to give the towns time to develop an alternative approach.

In a June 21 letter to EPA Region I Administrator Curt Spalding, Kerry, together with Sen. Scott Brown (R) and Reps. Richard Neal (D) and James McGovern (D), reiterate calls from local officials for EPA to craft a "phased approach with less stringent achievable goals over a longer period of time," as well as "incentives or regulatory assistance to implement" the permit.

Kerry is scheduled to meet with Spalding in Washington, DC. June 30, according to his spokeswoman. Neal and other local officials held a June 28 meeting with Spalding, according to press reports.

At issue is series of requirements that EPA is implementing in the three towns -- Milford, Bellingham and Franklin -- to control stormwater runoff, in particular to control phosphorus in the Charles River. The agency's actions are expected to set a precedent for stormwater regulation nationwide as EPA attempts to clean up stormwater pollution with more expansive use of its Clean Water Act (CWA) authority than it has in the past.

Among other things, the agency has exercised never-before used authority – known as residual designation authority (RDA) -- to designate privately owned facilities greater than two acres, such as commercial parking lots and shopping centers, as sources of pollution that must be subject to CWA permits.

EPA has also proposed a draft municipal separate storm sewer system (MS4) permit for the three towns that sets strict limits on controlling stormwater runoff while also creating a novel pollution trading program as part of the permit (*see related story*).

But in their June 21 letter, which was sent to EPA before the comment period on the draft MS4 permit closes June 30, the lawmakers say the timetable for implementing the MS4 permit is too steep, especially for small towns that are already feeling pressure

from the economic downturn, and includes a “multitude of milestones” in the early phase of the five-year permit, creating unachievable burdens.

“While many of [the draft permit requirements] would be achievable individually, requiring varied tasks during this permit cycle seems to be setting communities up for failure to comply. The communities believe that should the program be pared down to a list of achievable goals, there will be greater chance to meet the proposed standards,” the letter says.

The lawmakers also fault EPA's use of RDA to require private entities to comply with municipal stormwater requirements. “This additional burden of having the private sector meet new stormwater standards could have serious implications for the economic development in the three towns,” the letter says.

Instead, the lawmakers reiterate calls from town officials for EPA to delay the RDA while the agency considers a grant application from the towns to study the feasibility of forming a stormwater utility, that may eventually include a “Certified Municipal Phosphorous Program” (CMPP). “If formulated, the CMPP would be a viable alternative for the private landowners subject to the RDA. Private landowners could join the CMPP and projects may be done collaboratively and potentially save the towns money,” the letter says.

Cardin proposal to clean up Chesapeake Bay advances

Bipartisan compromise moves measure to full Senate; ultimate fate still in doubt (*Baltimore Sun*)

By Paul West, The Baltimore Sun
8:20 PM EDT, June 30, 2010
Sen. Benjamin L. Cardin's proposal to strengthen cleanup of the Chesapeake Bay won the approval Wednesday of the Senate Environment Committee after the Maryland Democrat made concessions to Republican opponents.
Cardin agreed to drop a long-sought goal of environmentalists: writing into law a baywide pollution limit. The U.S. Environmental Protection Agency is expected to announce a specific target — which it calls a "pollution diet" for the bay — later this year.
And to address concerns of agricultural interests, the revised proposal would not allow the federal government to impose new restrictions on farmers if the EPA is forced to step in and assume responsibility for a state program that fails to meet its cleanup target.
Despite the latest action, the bill faces long odds. A companion measure, sponsored by Democratic Rep. Elijah E. Cummings of Baltimore, has yet to advance in the House,

and the Senate calendar is crowded with must-pass measures in an election-shortened year.
Cardin's legislation is designed to encourage the six states in the bay watershed, including Maryland, to meet the federal goal of significantly improving the health of the nation's largest estuary by 2025. Pollution enters the bay mainly as a result of wastewater and runoff from farms, suburbs and cities.
A lobbyist for the Chesapeake Bay Foundation, a leading backer of the measure, said Cardin's proposal is still very strong, even after removal of language on the Total Maximum Daily Load of pollution, or TMDL, that the bay can absorb.
"Senator Cardin succeeded in getting something extraordinarily unusual in this [political] environment" — bipartisan support, said Doug Siglin, federal affairs director for the foundation, which advocates for bay restoration.
The measure would require states to write detailed plans for meeting the 2025 cleanup target and prod them to reduce pollution by threatening a cutoff of federal funds for wastewater projects and imposing strict limits on runoff from new development.
Cardin, an experienced lawmaker, has worked behind the scenes to build support.
Opponents contend that his plan would impose a new financial burden on farmers; runoff of fertilizer and animal waste have helped make agriculture the largest source of the bay's nutrient and sediment pollution, according to the EPA.
The Senate committee voted down several amendments by Republican Sen. John Barrasso of Wyoming, including one that would have given state and federal agriculture officials a bigger say in regulating pollution from farms.
Republican Sen. James Inhofe of Oklahoma agreed to drop a series of amendments that could have weakened the measure, while saying he's still concerned it could become a "template" for regulating bodies of water beyond the Chesapeake. But the conservative senator praised Cardin, a liberal, for being willing to consider his objections, "even though we come from really different philosophies."
Cardin said his proposal was designed to treat everyone fairly, including farmers and developers, by letting states decide how to meet pollution limits and "not dictate that from Washington."
paul.west@baltsun.com

Manure a major cause of Chesapeake Bay pollution (*Baltimore Sun*)

2:34 PM EDT, June 30, 2010
The Maryland Farm Bureau balks at environmentalists' efforts to classify manure as a pollutant. They say that farmers value the manure as a resource and use it in lieu of chemically enhanced fertilizer.
The simple fact remains that when too much manure is applied on land, it can become a significant source of phosphorus pollution that's killing local streams, creeks and the bay itself. Up to a certain point, manure can indeed be a helpful resource. But once the soil is saturated, no more manure should be applied.
It is possible to have too much of a good thing. If 300,000 tons of a substance as benign as orange juice reached the bay, the effects could be disastrous. The bay would face an

overabundance of potassium, calcium, magnesium, and thiamin, wreaking havoc all of the bay's treasured wildlife whose ideal conditions span a very narrow range. According to the Chesapeake Bay Program, in 2009, agriculture — specifically animal manure — was responsible for 60 percent of the sediment entering the bay, 26 percent of phosphorous and 17 percent of nitrogen. Excess manure is clearly a leading contributor to the bay's degradation. Maryland needs better regulations and enforcement in order to protect our gem of an estuary from too much manure.
Hilary Jacobs, Stevenson

June 30, 2010

City offers rebates for high-efficiency toilets (*The Spectrum)*

BY DAVID DEMILLE
ddemille@thespectrum.com
ST. GEORGE – Conservation managers are asking residents to stop flushing good water – and money – down the toilet.
Starting Thursday, the City of St. George is offering a rebate for people who replace their older, water-guzzling toilets with newer, more efficient ones.
The program will provide $75 to people who replace toilets installed before the year 2000 with new WaterSense-labled toilets, and offers a new rebate for high-efficiency urinals in commercial buildings.

Toilets account for about 30 percent of residential indoor water consumption, according to the Environmental Protection Agency, and could save more than $90 per year in reduced water utility bills.

Rene Fleming, conservation coordinator for the city, said a similar rebate program implemented two years ago in single-family homes saved an average of 900 gallons per month, per home.

For more information, call Fleming at 627-4848, or e-mail her at rene.fleming@sgcity.org.

More water conservation information on St. George is available at www.sgcity.org/conservation.

Nation's Stormwater Experts Meet to Fight Water Pollution (*Centre Daily Times*)

US Air Force, Home Depot, Major Cities, Engineers, Universities and Others Seek Solutions for Meeting EPA Regulations at StormCon
Forester Media
June 30, 2010 2:30pm EDT
SANTA BARBARA, Calif., June 30 — /PRNewswire/ -- Surface water pollution is the subject—how to prevent it, how it travels once it has occurred, and how to filter it. Public Works officials, engineers, commercial property executives, universities, construction, and industry professionals will be looking at leading edge methods for addressing stormwater pollution challenges at StormCon, the world's largest stormwater conference, held August 1–5, 2010, at the JW Marriott San Antonio Hill Country in San Antonio, TX. Polluted stormwater runoff contaminates our rivers, lakes, and oceans; impairs our fisheries; causes beach closures; increases water treatment costs; and causes headaches for professionals working to protect our health by meeting water quality standards.

In its ninth year, StormCon will feature 100 educational sessions given by more than 150 of the nation's leading stormwater experts. StormCon is expected to draw 1,000 municipal and government officials, consultants, executives, researchers, educators, and water quality professionals from the nation's leading companies, communities, and universities, including Home Depot, Target, US Geological Survey, US Air Force, Texas A&M, NASA, Bechtel, EPA, Brown & Caldwell, AMEC Earth & Environmental, and the University of California. Key personnel from the cities of Dallas, Atlanta, San Diego, Calgary, Chattanooga, Baltimore, Santa Monica, Austin, Minneapolis, and Indianapolis will also be among those in attendance. Nearly 200 vendors and service providers will exhibit stormwater-related equipment, the world's largest tradeshow of its kind.

Stormwater pollution is regulated under the EPA's National Pollutant Discharge Elimination System (NPDES) permitting program. Violators of NPDES requirements receive heavy fines and stop work orders.

Discounted Early Bird registrations are available until July 16. To download the conference program or register for StormCon please visit www.StormCon.com.

About Forester Media

Forester Media produces StormCon®, The North American Surface Water Quality Conference and Exposition, and publishes award-winning trade magazines including Stormwater, Erosion Control, MSW Management, Distributed Energy, Grading & Excavation Contractor, and Water Efficiency. Its book publishing division, ForesterPress, specializes in environmental services field manuals and reference works. Forester Media was established in 1990. Please visit www.forester.net for more information.

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