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ADMINISTRATOR JACKSON

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EPA chief praises Netherlands' water policy on fact-finding trip (*The Tech Herald*)

Indianapolis,IN
by Rich Bowden - May 28 2009, 05:30
In a sneak preview of the way future US water planning may be headed, Environmental Protection Agency (EPA) chief Lisa Jackson and Louisiana Senator Mary Landrieu both praised the Dutch methods of water management during a week-long fact-finding trip.

Jackson said her agency could learn a great deal from the Dutch way of learning how to mitigate flooding instead of attempting to prevent increased rain due to climate change.

"As climate changes and we start seeing more and more rain we have to stop fighting it," news agency Associated Press reported Environmental Protection Agency Administrator Lisa Jackson as saying. "There's not enough energy in the world to fight it."

Senator Landrieu said prior to going on the trip that she intended to get some answers to how the US can deal with flood emergencies such as that which inundated New Orleans during the Hurricane Katrina disaster of 2005.

She said a number of "...very powerful and influential federal officials [were] going along, so that when we return we can really incorporate hopefully a lot of these ideas."

The mission was impressed by a number of Dutch innovative tactics to repel flooding including mixing water with sand dunes, building up minor waterways and the doing away with pavements to allow water to soak through to the earth.

Jackson said the Dutch strategy to deal with excess water came down to "the idea that when it rains, the rush is not to pump out, but to be able to hold an amount of water."

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EPA says it will speed dioxin cleanup in Michigan's Saginaw Bay watershed (*MLive*)

Posted by Jeff Kart | The Bay City Times May 27, 2009 08:25AM
The head of the U.S. Environmental Protection Agency is pledging to expedite the ongoing cleanup of dioxins in the Saginaw Bay watershed.
Jeff Schrier | The Saginaw News A crew spreads clean dirt onto the grounds of West Michigan Park on West Michigan Ave. in Saginaw Township on Tuesday. Crews removed a layer of dioxin-polluted soil and are replacing it with clean fill as part of The West Michigan Park Soil Removal Project. The park is located along the banks of the Tittabawassee River.
U.S. EPA Administrator Lisa Jackson said Tuesday that her agency is committed to taking a leadership role in dealing with dioxins from historic Dow Chemical Co. operations at its Midland plant.

"EPA is stepping up our commitment to this site, in partnership with the state of Michigan, so that we can accelerate this cleanup and deal with the pressing threats to human health and the environment," Jackson said in a statement.

"We are also redoubling our efforts to provide guidance on the science of dioxin health effects to inform cleanup decisions at this site and protect other communities, in Michigan and across the country, facing dioxin contamination."

Mary Draves, a Dow spokeswoman, said her company is ready to resume negotiations. They were suspended by the EPA in March.

"We want resolution to this issue," Draves said. "We want to accelerate that progress toward the resolution."

Jackson also sent a five-page letter on Tuesday to community members affected by the contamination.

Jackson said the Dow Chemical site in Midland "contains significant dioxin contamination that extends for 50 miles down the Tittabawassee and Saginaw Rivers and into the Saginaw Bay."

She said the EPA will work closely with the Michigan Department of Environmental Quality, but take the lead responsibility for cleanup efforts in significant portions of the Saginaw Bay watershed under the federal Superfund program.

Jackson said the EPA hopes to work cooperatively with Dow, but "the agency will not hesitate to use all tools at its disposal - including a wide range of penalties and sanctions - to ensure Dow Chemical upholds its responsibility to clean up this site.

"If Dow fails to meet its responsibilities, EPA will conduct the cleanup at the company's expense."

Draves said the threat of enforcement action "is what it is."

She declined to speculate on whether she thinks an agreement can be reached short of penalties and sanctions.

Representatives of the Bay City-area Lone Tree Council, an environmental group, said they're "cautiously optimistic" about Jackson's announcement, adding "we remain guarded given the history of this site.

"We will hold the EPA's feet to the fire on the principles they (have) articulated for the site," council members said in a statement.

Those include an expeditious cleanup with clear milestones and goals that's open and transparent and protective of health and the environment.

"It has been eight years since the extent of the contamination has been known, and it has been more than 30 years since dioxin contamination in the watershed was documented," Lone Tree members noted.

More information from the EPA, including a schedule for achieving a "comprehensive and expeditious cleanup," will be presented at a public meeting on June 17, Jackson said. A location for the meeting was not announced.

Draves said her company is "still evaluating" whether to send a company representative to the meeting.

Jackson said the EPA also will accelerate a long-delayed scientific process for assessing the health risks that dioxins pose to the public.

She said a draft report will be released by Dec. 31, with a final report by the end of 2010.

EPA Looks at Alternative Energy Production (*The Farmer*)

Wyoming has huge potential for energy.
By: Compiled by staff
Published: May 27, 2009
Wyoming Governor Dave Freudenthal hosted EPA Administrator Lisa Jackson last week for a two-day tour of several major energy production regions in Wyoming. Wyoming is currently the nation's largest net exporter of energy. The state also has some of the best wind energy potential in North America, with highly-rated wind production areas stretching from the western border with Utah to the state's eastern plains.

Administrator Jackson toured a wind farm near Cheyenne, a coal mine near Gillette and a natural gas field near Pinedale. She said as a home of wind, coal, and natural gas, Wyoming is at the heart of America's energy future.

Governor Freudenthal called Jackson's visit an important opportunity to discuss issues including carbon sequestration, the management of water produced in coal-bed methane development and the technologies used to recover natural gas in unconventional fields in Wyoming.

EPA leader promises strong role in dioxin cleanup (*Midland Daily News*)

Midland,MI
By Tony Lascari
of the Daily News
tlascari@mdn.net
Published: Wednesday, May 27, 2009 11:40 AM EDT

The head of the U.S. Environmental Protection Agency is promising to play a strong role in forcing The Dow Chemical Co. to clean dioxin contamination from local waterways.

Processes at Dow's Michigan Operations site in Midland led to the release of dioxins, furans and other contamination into the Tittabawassee River, spreading downstream to the Saginaw River and Saginaw Bay.

EPA Administrator Lisa P. Jackson said Tuesday that the decades-long process at the site is now one of the EPA's top priorities and she announced an acceleration of the EPA's scientific review of how dioxins affect human health.

"I agree with community members who believe that this contamination is a threat to public health in the communities in the area, to the vibrancy and diversity of the ecosystem, and to economic development in Northeastern Michigan, a state hard-hit by the ongoing recession," Jackson wrote in a letter to the community. "Addressing the contamination and protecting health and the environment is one of EPA's highest priorities."

Jackson called for a division of cleanup oversight between the EPA and the Michigan Department of Environmental Quality. The MDEQ will continue to lead corrective actions at Dow's plant in Midland and its immediate surroundings, including the City of Midland, while the EPA will assume lead responsibility for the remainder of the river system and Saginaw Bay using its Superfund authorities.

"By leveraging our combined resources and expertise, we should be able to accelerate the pace of site investigation and cleanup," Jackson said.

Dow spokeswoman Mary Draves said the company appreciated the EPA's review of the situation with stakeholders. That process took place in March when EPA Senior Policy Adviser Robert Sussman spoke with Dow officials, local environmental groups, business groups and government leaders.

"We're prepared to move forward with the systematic approach the EPA has outlined and the transparency being proposed," Draves said.

Dow has worked with both the MDEQ and EPA on cleanup efforts in the watershed.

"I think it's great to see the agencies are going to both be utilized and focusing their expertise in certain areas," Draves said. "We're ready to move forward. I think we're looking, as the agency says, at accelerating a resolution to the process."

Jackson decided not to place the site on the Superfund National Priorities List because it would cause further delays if pursued, but she said it could be used if Dow does not comply with requirements. She expects Dow will provide money for the cleanup. The required actions will be based on well-established tools that EPA uses for all Superfund cleanups, Jackson said.

"While our preference is to use these tools on a negotiated basis, we will not hesitate to use them unilaterally if required," Jackson said. "We also will undertake the work ourselves at Dow's expense if there is continued non-compliance with EPA directives. These strong enforcement tools will assure progress here after a history of delay in accomplishing significant cleanup."

A draft report of the EPA's assessment of dioxin health effects is expected by Dec. 31, with a final version in 2010.

The Lone Tree Council and the Ecology Center indicated a cautious optimism based on Jackson's plans. They plan to "hold the EPA's feet to the fire" so they'll be expeditious with clear milestones and goals, protective of health and the environment and transparent in its process.

"Our groups are particularly cheered to hear that transparency will be a pillar principle for the agency moving forward," the groups stated, noting they also like the commitment to complete the dioxin reassessment.

The environmental groups called for further action, such as launching additional efforts to inform residents about fish consumption advisories and opening negotiations to concerned residents and environmentalists.

EPA Region 5 officials can now begin negotiating an administrative order on consent with Dow, but the EPA plans to hold a community meeting before negotiations resume to discuss its plans. That meeting is planned for June 17, with further details to come.

"As this matter proceeds, I will remain actively involved and will demand steady progress toward characterization and cleanup," Jackson said. "My priority will be expeditious action to protect human health and the environment, and I will not hesitate to intervene if this goal is not being met."

Putting stock in GM (*Owen Sound Sun Times*)

Story also appeared: *Kingston Whig Standard*

ON HER MIND :
Posted By ANNETTE MCLEOD, SUN MEDIA
Posted -32 sec agoGeneral Motors has notified its shareholders that it plans a reverse stock split, which will return one share of new stock for every 100 shares currently owned. It's not quite how a stock split is supposed to work, but these are strange times. The deal, filed with the U. S. Securities and Exchange Commission, is part of an agreement with the U. S. Treasury Department in which the government would assume half of GM's debt in return for shares. Shareholders currently hold more than 600 million outstanding shares.
A company spokesperson said that the company is just notifying shareholders of what it may do if it reaches a deal with the Treasury Department, and not making an offer to shareholders.
Under the plan, the U. S. government would give the company about $10 billion US in loan forgiveness out of the $15.4 billion so far loaned. GM would have to reach an agreement with the UAW to swap stock for about $10 billion of the $20 billion in payments GM must put in trust for retiree health care expenses starting next year. The UAW's stake would total about 39%.

Deals among the UAW, bondholders and stockholders would result in such dilution of stock, GM would expect to have about 100 times more stock than currently outstanding, hence the reverse split option.

According to the U. S. Environmental Protection Agency, corn ethanol has a worse impact on the climate than gasoline as far as land use changes are considered.

According to the Associated Press, EPA spokesperson Lisa Jackson says future improvements in production technologies are expected to make ethanol and other biofuels more climate-friendly.

While U. S. President Obama is encouraging automakers to make more cars that run on ethanol and to make the fuel more widely available, some scientists maintain that by using more land to grow ethanol crops, there is an increase in greenhouse gasses as vegetation that absorbs carbon is replaced.

Fiat's plan to become a global contender continues apace, with the U. S. judge overseeing Chrysler's Chapter 11 proceeding ruling to allow the automaker to take steps towards selling the majority of its assets to Fiat ; General Motors saying the maker would welcome talks about a takeover of Saab by the Italian marque, and Fiat planning to take over Opel from GM as well.

Louisiana Delegation, Landrieu, EPA Jackson Continue Study Of Netherlands (*Bayou Buzz*)

Written by: Stephen Sabludowsky
The Netherlands is attempting to spend over one billion Euros on what it considers to be a major problem affecting the world including its own nation--that of "climate change". Dutch have a mindset of ensuring that climate and "water" are its friends rather than its foes, but believe that it shares many of the "lessons learned" and future concerns that many throughout the world have about its near and future destinies. As a result, the country is on an ambitious project of protecting itself from changes that some might consider to be incremental, but, could possibly be resulting in major devastations such as Hurricane Katrina and Rita. Due to its intense focus on the issue, the Dutch scientific community has been sharing information with the United States and with Louisiana since it believes it can learn much from the United States and in turn can help many communities throughout the nation better deal with "water-related-issues" that impact so many of us.

Below is a press release from Senator Landrieu's otfice which highlights many of the issues and comments from a long days journey into understanding how this world might need to live and work together:

United States Senator Mary L. Landrieu, D-La., and Environmental Protection Agency (EPA) Administrator Lisa P. Jackson today continued their study of the Dutch integrated water management system at The Hague and the Dutch Parliament.

Today's discussions at The Hague included briefings on national water management policy and practices, adapting to the river and building with nature. As one of Europe's "drains," the Netherlands shares many of Louisiana's challenges with water.

"The Dutch are teaching us that we do not have to retreat from the water," Sen. Landrieu said. "They are taking land back from the water. They are on the offensive, not the defensive.

"It is clear that we need the same national commitment to our coastal communities' protection that is ingrained in the culture of the Netherlands. I am working to get Congress to understand the commitment we need."

The Dutch continue to commit billions of their country's resources to water management. Robert Turner, Regional Director of the Southeast Louisiana Flood Protection Authority, said that by contrast, his levee board spends $25 to $28 million on protecting the 220 miles of levees in the New Orleans region east of the Mississippi River.

Louise Fresco, a professor at Wageningen University, explained that the second Delta Commission, of which she is a member, is part of the Netherlands' national strategy to protect the country. As the nation reevaluates its protection system, the Netherlands is looking toward "dikes of the future," where multi-functional dikes can support housing, industry and recreation.

"Can we actually save the Netherlands?" Professor Fresco asked the group. "Our answer is yes; we can continue to live safely."

"The Netherlands is fighting to protect its entire country," Sen. Landrieu said. "I am fighting to protect our entire state and coast from Cameron to Plaquemines. As America's Energy Coast, we serve the energy needs of the nation. Our energy infrastructure and unique culture deserve the attention of the rest of the country."

Following the visit at The Hague, the delegation met with members of the Dutch Parliament on relevant committees, such as Mr. Rikus Jager, Chairman of the Permanent Committee of Transport, Public Works and Water Management of the second Chamber of Parliament. The Dutch are working toward upgrading their system to protect from the 30,000-year flood. The current system protects from the 10,000-year flood.

"This is a better war to fight than all the other wars in the world," said Chairman Jager said. "This is a conflict we can succeed in, but we've got to work together. If Katrina would have surprised us as it surprised you, we may have lost 11 million people and two thirds of our country."

Sen. Landrieu and members of Parliament discussed establishing a permanent dialogue with the Dutch so that research and best practices can continue to be shared.

"We need to exchange knowledge and experiences," said Vice Minister of Transport, Public Works and Water Management Tineke Huizinga. "My visit to New Orleans, your visit here and the continuation of our relationship with the U.S. is an important factor in this exchange."

New Orleans City Council President Jackie Clarkson spoke of the commitment of the people of New Orleans to rebuilding stronger and better than before the storms.

"The spirit of the people of New Orleans is not under water," she said.
Following the discussions with members of Parliament, the delegation toured Dutch landscapes that have various water management problems, including subsidence. The tour also showed examples of coastal protection that include elements of housing, recreation, infrastructure, industrial buildings

EPA chief looks to Netherlands in light of U.S. water woes (*Smart Brief*)

Washington, D.C.
ASCE SmartBrief | 05/27/2009
Environmental Protection Agency Administrator Lisa Jackson praised the Dutch flood-control system during a week-long visit to the Netherlands. Dutch strategies include adding sand to dunes, removing pavement to let the ground absorb water and determining zones for intentional flooding. Two-thirds of the population of the Netherlands lives below sea level.

Obama administration's task force (*Associated Press*)

Story also appeared: *Washington Post*

By The Associated Press
The Associated Press
Wednesday, May 27, 2009 3:58 PM

-- President Barack Obama's auto task force was appointed three months ago to coordinate the government's restructuring efforts of General Motors and Chrysler LLC. That included lengthy negotiations with the automakers, unions, auto dealers, parts suppliers, retiree groups, creditors and potential buyers. Under a plan brokered by the task force, Chrysler filed for Chapter 11 bankruptcy at the end of April. GM is expected to do the same as early as this weekend.

The task force is nominally headed by Treasury Secretary Timothy Geithner and National Economic Council Director Larry Summers. It also includes Obama cabinet members and top appointees. But the day-to-day operations and most of the deals have been handled by Steven Rattner, a former investment banker, and Ron Bloom, also a one-time investment banker who went on to work for a steel union. Each official member also has a designee that serves as a liaison to the task force.

Here's a look at the officials who serve on the panel:

LEADERS:

_ Treasury Secretary Tim Geithner. Geithner was the head of the Federal Reserve Bank of New York when Obama nominated him in November. His other tasks have included efforts to revive the nation's ailing banking sector.

_ National Economic Council Director Larry Summers. A Treasury secretary under former President Bill Clinton, Summers, an economist, was also president of Harvard University.

TOP ADVISORS:

_ Steven Rattner, a Wall Street financier who co-founded the Quadrangle Group LLC in 2000, serves as a top adviser to Geithner. He previously acted as deputy chairman and deputy chief executive of Lazard Freres & Co. LLC.

_ Ron Bloom is a former investment banker who has worked with the United Steelworkers union since 1996. A Harvard Business School graduate, he serves as a top adviser to Geithner. Bloom was once a vice president with the Wall Street firm Lazard Ltd., focusing on the steel and airline industries.

MEMBERS:

_Transportation Secretary Raymond LaHood. LaHood is a former Republican congressman from Illinois.

_Commerce Secretary Gary Locke. He was previously a Democratic governor of Washington state.

_Labor Secretary Hilda Solis. A former California Democratic congresswoman.

_Energy Secretary Steven Chu. A Nobel-prize winning physicist, Chu was a professor at University of California, Berkeley.

_Chair of the President's Council of Economic Advisers Christina Romer. A former University of California, Berkeley economist, Romer is heavily involved in developing Obama's recovery plans for the broader economy.

_Director of the Office of Management and Budget Peter Orszag. An economist, Orszag served in the Clinton White House and was most recently head of the Congressional Budget Office.

_Environmental Protection Agency Administrator Lisa Jackson. Jackson served as commissioner of the New Jersey environmental protection office before being selected by Obama to run the EPA.

_Director of the White House Office of Energy and Climate Change Carol Browner. Browner led the EPA during Clinton's two terms in office.

OFFICIAL DESIGNEES:

_Diana Farrell, formerly of McKinsey & Co., is deputy director of the National Economic Council.

_Gene Sperling, a former White House economic adviser to President Bill Clinton, is a top Treasury adviser to Geithner.

_Jared Bernstein, Vice President Joe Biden's economic adviser, is a former senior economist at the liberal Economic Policy Institute.

_Edward Montgomery is a senior adviser to the Labor Department.

_Lisa Heinzerling, a Georgetown University law professor, is a senior Environmental Protection Agency adviser.

_Austan Goolsbee is staff director and chief economist of the Economic Recovery Advisory Board.

_Dan Utech is a senior adviser to the secretary of energy.

_Heather Zichal is deputy director of the White House Office of Energy and Climate Change.

_Joan DeBoer is chief of staff for the Transportation Department.

_Rick Wade is a senior adviser at the Commerce Department.

AIR

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Massive Texas Fire Continues, Evacuation Lifted (*Associated Press*)

Story also appeared: *FOX News* , *Washington Post*

Wednesday, May 27, 2009

Associated Press

HAWKINS, Texas —

Fire crews have contained a stubborn fire at an abandoned tire dump in the small East Texas town of Hawkins.

An Environmental Protection Agency spokesman says residents urged to evacuate were told they could return home Wednesday.

The EPA's Dave Bary says officials hope to have the fire that started late Monday night extinguished by Wednesday afternoon.

There were no reports of injuries from the fire involving about 150,000 tires that state officials ordered removed years ago. The fire emitted toxic smoke that forced the evacuation of most residents in the town of about 1,500 and closed down its schools.

Dan Rose, Hawkins school district superintendent, said students would return to school on Thursday.

The fire at Foster & Son's Scrap Tire Service was being investigated as arson. The site contains millions of tires.

Activists Fault EPA Bid To Limit 'Hot Spot' Revisions To Conformity Rule (*Inside EPA*)

Environmentalists are criticizing an EPA proposal issued in response to a court remand that seeks few changes to how “hot spots” are analyzed to determine individual road projects’ emissions impacts on transportation conformity.

One environmentalist attorney says the agency is seeking to effectively maintain its position that transportation planners need not take any additional steps to show that projects do not delay attainment with national ambient air quality standards (NAAQS).

EPA issued the response to the remand in a broader May 15 proposal in the *Federal Register* that also revises the transportation conformity rule to reflect the stricter 2006 NAAQS for fine particulate matter (PM2.5). “Today’s proposal would clarify that a project would meet [Clean Air Act section 176] requirements not to delay timely attainment as long as no new or worsened violations are predicted to occur, which is already required under the existing hot-spot requirements,” EPA says.

The revised rule responds to a 2007 ruling from from the U.S. Court of Appeals for the District of Columbia Circuit in *Environmental Defense v. EPA* where the court ruled that EPA’s transportation conformity rule was largely consistent with the Clean Air Act but remanded the narrow issue of hot spot analysis for individual road projects.

Under the Clean Air Act, local planners are required to show that their transportation plans conform to the emissions budgets detailed in their state implementation plans (SIPs), which are intended to ensure polluted areas attain NAAQS.

Environmentalists have long argued that EPA should apply stricter standards to assure attainment for so-called hot spots, such as highways. This issue is already being litigated by the Natural Resources Defense Council, which is challenging a SIP for the Los Angeles area that does not result in attainment at highway hot spots, the attorney says. Environmentalists also sent a March 6 letter asking EPA to declare highway hot spots in nonattainment with the new PM2.5 NAAQS. EPA has yet to respond to that request.

“In every stage of implementing the Clean Air Act . . . EPA has left highways out of the picture . . . so this is very much a test of whether Obama is really going to chart a different course. This would seem to imply they’re not,” the source says.

The source says in addressing the hot spot remand, EPA is seeking to argue that major highway segments in large metropolitan areas -- where PM2.5 concentrations result in hot spots -- can be ignored in conformity demonstrations, even if those roads are being expanded, as long as the state adopts a separate SIP to attain the PM2.5 standard for the overall area.

In the transportation conformity proposal -- which lays out how transportation improvement plans must conform to SIP motor vehicle emissions budgets -- EPA clarifies that hot spot analyses must comply with the air law by demonstrating that road projects will not delay attainment, a third requirement under section 176 of the statute, but does not include any specific requirements for planners to do so.

“They are trying to say if you do step 1 and step 2 then you satisfy step 3, but step 3 has to mean something different,” the source says, explaining that it is basic statutory construction.

The source adds, “They are not even acknowledging their obligation to bring [the roadway] into attainment under any program. The law says they have to provide for attainment everywhere, that they can’t carve out populations, particularly low-income populations, and let them continue to have mortality rates from PM2.5 that is almost 50 percent higher than the rest of the area.”

However, EPA could address the issue when it releases its SIP guidance for the new PM2.5 nonattainment areas, which are not yet final, the source notes.

The source adds that in current SIPs, EPA allows emissions budgets to be much higher than what is needed to address hot spot emissions. The source explains, “If EPA does not correct their approach to developing SIPs, then they are carving out this enormous exception. Nationwide, EPA says 35 million people live within 100 meters of a major highway so those 35 million people are essentially at risk here. There is no bigger public health issue.”

If environmentalists are still unsatisfied after EPA finalizes the rule and related SIP guidance, they would have to initiate a new lawsuit, the source notes.

Drive clean and green (*C&G Newspapers*)

By Terry Oparka
C & G Staff Writer
Transportation consumes about a quarter of the total energy used in the U.S, according to the Environmental Protection Agency. While mass transit in the metro Detroit area may be a reality in coming years, for now, most must drive to get around. So how do you do that in an environmentally friendly way?

The EPA offers three basic strategies to reduce pollution resulting from driving your vehicle: avoid unnecessary driving, drive wisely and maintain the vehicle properly. This will result in better gas mileage and less pollution from emissions, which contribute to urban smog, toxic air and global warming, experts say.

The most important thing you can do, according to Dan Wade, co-owner of the recently opened Gratiot Auto Center in Roseville, is to have your car properly maintained by a qualified person.

“You want a qualified professional to put his eyeballs on your vehicle,” he said.

For example, a leak could be dripping into the back of the engine, which could turn into a major repair if not caught in time, he said.

Routine maintenance includes oil changes every 3,000 miles and checking air and oil filters, spark plugs, and tire pressure and alignment regularly, which keeps emissions to a minimum and increases gas mileage, he said.

And don't ignore warning signs, such as check engine lights, even if everything seems OK, Wade said. "A hundred dollar repair can turn into a thousand dollar repair," he said.

He noted that the composition of additives for oil has changed to be more eco-friendly, and that there is a large market for used motor oil. "We recycle it. There's virtually no waste," he said. He also prints invoices and service tags on recycled paper.

"Avoid jackrabbit starts," said Nancy Cain, spokesperson for AAA Michigan. "Drive at a moderate pace and anticipate slowing down," she said. "Those steps will improve gas mileage and save money."

"A lot of people want to get out now that the weather is warm," she said. "This is the perfect time to start thinking about being a green driver."

To save money and the environment, AAA Michigan suggests consolidating errands, using the vehicle with the best fuel efficiency if you have more than one car, and comparing EPA fuel economy labels when purchasing a new vehicle.

The EPA National Vehicle and Fuel Emissions Laboratory, based in Ann Arbor, offers these tips to drive wise:

• Maintain a steady speed limit and use cruise control on the highway.
• Use EPA-certified facilities for air conditioning repairs.
• Minimize use of air conditioning if you can.
• Fill the gas tank during cooler, evening hours to cut down on evaporation.
• Avoid spilling gas or topping off the tank.
• Use an energy-conserving grade of motor oil.
• Dump the junk in the trunk. Extra weight decreases gas mileage.
• Avoid high speeds — gas mileage improves by 15 percent by driving at 55 mph rather than 65 mph.
• Use overdrive if you can on a 5-speed manual or 4-speed automatic transmission, as soon as your speed is high enough.
• Turn off your engine, if possible, if you expect to idle longer than 30 seconds.

And to keep your car clean, take it to a commercial carwash.

According to the Rouge River National Wet Weather Demonstration Project, which aims to protect downstream water sources such as the Detroit River and Lake Erie, and re-establish a healthy and diverse ecosystem within the Rouge River Watershed, it is best

to go to a commercial carwash that uses water efficiently and disposes of runoff properly.

If you must wash your car at home, wash the car on the lawn instead of the driveway to reduce runoff into the street or storm sewer, according to information in the Rouge River Repair Kit. Also, use non-phosphate biodegradable detergents and mild soaps, and water from a bucket instead of the hose. And wash one section of the car at a time, rinse it with a pistol grip nozzle with high pressure and low volume.

You can reach Staff Writer Terry Oparka at toparka@candgnews.com or at (586) 498-1054.

Firm's hand-pushed lawnmowers lessen noise, air pollution (*Fox Valley Villages Sun*)

May 28, 2009
By DAVID SHAROS For The Sun
Kevin Frantz likes taking care of lawnmowing duties. But the cool thing is, you may never hear him coming.
To keep lawns looking sharp without adding either noise or carbon monoxide pollution, Frantz has launched the Go Green Mowing Company, a new service that expands in an eco-friendly way the lawn-care services Frantz has been offering for the past 10 years.

Frantz has elected to go retro by using only electric and hand-pushed mowers. The 49-year-old said he was compelled to scale back his handyman business and concentrate more on lawn service after discovering some eye-popping statistics about gas mowers and pollution.

"There are statistics out there from the EPA and other sources that say when a person runs a gas mower for an hour, it produces more carbon than that of 11 cars," he said. "I know that sounds unbelievable from such a small engine, but unlike cars, mowers don't have catalytic converters."

Frantz isn't alone in his efforts to offer a more environmentally friendly way to cut grass. Companies have begun to spring up during the past few years to be ecologically minded and also in response to rising fuel costs.

The Web site www.peoplepoweredmachines.com notes that, according to EPA statistics, a traditional gas powered lawnmower produces as much air pollution as 43 new cars each being driven 12,000 miles.

Frantz launched his company in March and has secured about half a dozen clients, mostly in Naperville. Once he reaches 20 accounts, he intends to take on additional help. Those who have requested his services support his green movement.

"People tell me when they hire me that they too are concerned about the environment and want to stop the pollution," he said. "My whole idea about this is to get the word out, not make a lot of money. If someone reads about this and buys a push mower to do the lawn himself, I count that as a victory."

Now a Plainfield resident, Frantz lived in Naperville for 15 years. He said if he could get just 500 people to buy into his philosophy, the results for Naperville would be staggering.

"If just that many people would stop using power mowers, we could reduce the carbon here in Naperville by 2 tons a month," he said. "If people say they can't push a hand mower, they can hire a service like mine. But eliminating more power mowers is even more important."

Frantz adds there are other benefits to using hand and electric mowers beyond the environmental ones. Owners will quickly notice an aesthetic difference as well.

"Power rotary mowers 'cut' because they spin so fast and actually pull and tear the grass. If you look at the tips of newly mowed grass, the tops are jagged," he said. "It turns out that about 1/16th inch of the grass blade is actually brown from being pulled and snapped. A hand mower pinches and snips more like scissors. When you put all those millions of grass blades together, the lawn will actually look greener."

Burn ban to exclude brush, limbs (*Albany Times Union*)

By BRIAN NEARING, Staff writer
Click byline for more stories by writer.
First published: Thursday, May 28, 2009
ALBANY -- State officials are loosening a proposed ban on open burning to allow for the disposal of brush and small trees.
Since the state Department of Environmental Conservation announced last year that it was looking at a ban on outdoor burning in rural areas in which it currently is allowed, the state has gotten thousands of comments, according to DEC spokeswoman Lori Severino.
"We wanted to address many comments from people concerned about the expense of removal if they were not able to burn limbs and branches," she said.

Under the proposed rules -- which would apply to 850 towns in the state with fewer than 20,000 people -- open burning could be done for downed limbs and branches less than 6 inches in diameter and 8 feet in length. Open burning would be allowed between May 15 and the following March 15.

The proposal would still ban the burning of household waste, but allow agricultural burning of vines, branches, leaves and stubble. It also would allow such things as fire training, small cooking and camp fires, and ceremonial fires.

A spokesman for the American Lung Association in New York, which supports such a ban, said the revised rules would improve air quality, but questioned whether the state still would be allowing too much burning.

"A shorter season for downed wood would be preferable," said Michael Seilback, association vice president. He would rather see the state impose temporary bans on open burning during high ozone alert days during the summer. Ozone is formed by a combination of combustion exhaust, sunlight and heat, and at ground level can provoke breathing problems.

State officials want to limit air pollution caused by the open burning of household garbage, which when burned in an open barrel gives off 17 times more dioxins and 40 times more ash than a permitted incinerator, according to DEC.

Burn barrel temperatures rarely exceed 500 Fahrenheit, so combustion is incomplete. Permitted incinerators operate at 1,800 degrees Fahrenheit and use efficient filters to reduce harmful emissions.

A 1997 study by the U.S. Environmental Protection Agency found that 40 households burning garbage can produce as many dioxin emissions as a 200-ton-per-day municipal incinerator.

DEC is accepting comments on the revised proposal through June 26. Comments can be made via e-mail to 215fires@gw.dec.state.ny.us, or by writing to Robert Stanton, NYSDEC Division of Air Resources, 625 Broadway, Albany, NY 12233-3254.

Brian Nearing can be reached at 454-5094 or bnearing@timesunion.com.

Obama plans to release new vehicle emission standards (*Associated Press*)

Story also appeared: *The Washington Examiner*

By: KEN THOMAS and PHILIP ELLIOTT

Associated Press
05/27/09 8:58 PM EDT
WASHINGTON — President Barack Obama will issue new vehicle emission standards and pair them with a broader goal of reducing pollution, marking the first time limits on greenhouse gases will be linked to federal standards for cars and trucks.

Officials familiar with the administration's discussions say Obama will unveil the new standards on Tuesday. The officials spoke on condition of anonymity because the official announcement had not been made.

California, 13 other states and the District of Columbia have urged the federal government to let them enact more stringent standards than the federal government's requirements. The states' regulations would cut greenhouse gas emissions by 30 percent in new cars and trucks by 2016.

Officials said Tuesday's announcement moves toward the 30 percent goal by 2016, starting with model years 2011 and beyond.

Obama's move also would effectively end litigation between states and automakers, who sought to block state-specific rules. The new federal rules would prompt automakers to drop their lawsuit. Two car companies who have been part of the litigation, General Motors Corp. and Chrysler LLC, have received billions in government loans during a dramatic downturn in car sales and weakened economy.

A March 2008 decision prevents states from setting their own limits on greenhouse gas emissions from automobiles, but Obama has ordered the U.S. Environmental Protection Agency to reconsider the ruling.

ASBESTOS
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Illegal dig stirs Raymark issue (***Stratford Star)***

Stratford, Connecticut
Written by John Kovach
Thursday, May 28, 2009
Those who want all Raymark waste removed from Stratford say last week's illegal excavation proves their point.
Connecticut Attorney General Richard Blumenthal won a court order May 21 to stop excavation of contaminated soil at 340 East Main St.

Blumenthal said the work had continued all week despite a cease and desist order from the state Department of Environmental Protection.

Save Stratford, which has lobbied for removal from Stratford of soil contaminated by the former manufacturer of brakes and clutches, said the excavation was done with “blatant disregard of the health risks to area residents, businesses and schoolchildren.”

Making it worse, Save Stratford said, a first grade class from Wilcoxson Elementary School walked past the site during a field trip May 19, two days before the public was made aware of the situation.

The Stratford Health Department said May 21 that emergency response teams from both the U.S. Environmental Protection Agency and the Connecticut Department of Environmental Protection were stabilizing soils that were disturbed at the site.

That work is now done, Health Director Lisa Pippa said Tuesday.

“The primary concern with soils on and near 340 East Main St. is the potential for one of the contaminants, asbestos, to become airborne,” the Health Department stated in a press release May 21.

“Asbestos is only a concern if it is breathed into the lungs. While it is possible that people working in the immediate area where the digging occurred may have been exposed to the soil containing Raymark waste on Monday, officials from the Connecticut Department of Public Health and the Stratford Health Department believe it is very unlikely that conditions at the 340 East Main St. site were dry enough to create any significant amounts of dust,” the release stated.

The potential for exposure lasted only while the excavation was active. But Save Stratford was unhappy that the public was not informed sooner.

“The fact that our children can no longer walk down certain streets without potentially being exposed to known hazardous materials is unacceptable,” the group wrote in a press release.

“There was no imminent health risk to notify people,” Pippa said. If the situation were severe enough to detour children around the area, it also would have required evacuating the area, she said.

Nearby businesses were notified, Pippa said last week and reiterated Tuesday.

The Health Department offered this advice: “If windows or doors were open during when digging occurred and dust is visible on windowsills, it can be removed through ordinary cleaning with a damp mop or cloth,” adding that it was “purely a precautionary suggestion.”

The EPA Emergency Response Team installed a crushed stone road to allow heavy equipment to safely drive into the back of the property. Bare soil areas were watered to suppress dust, then a permeable filter fabric covered any exposed soils.

Air monitoring stations have been posted around the perimeter to measure dust levels. If dust levels are detected, additional steps will be taken to keep down dust.

In addition, a silt fence will be erected to ensure the soil stays in place.

Signs will be posted on the fence warning against trespassing and potential health risks.

A townwide issue

The East Main Street property is one of more than 25 remaining sites in Stratford awaiting a final remedy as part of the Raymark Industries Inc. Superfund site.

The waste was generated by the former Raymark Industries Inc., a manufacturer of brakes, clutches and other automotive parts. Historically, byproducts were used as fill in residential, commercial and municipal areas across Stratford. The hallmark of Raymark waste is lead and asbestos and either polychlorinated biphenyls or copper.

“The EPA’s substandard, inadequately funded plan to date does not permanently fix the Raymark waste problem nor does it meet the EPA’s own basic design standards for the proper disposal of toxic material,” Save Stratford also stated in its release.

That much had been said during a meeting April 15 at the Birdseye Municipal Complex. Residents, the Health Department, the Connecticut Department of Environmental Protection, the federal Environmental Protection Agency and local officials gathered for an update that revealed little progress toward a comprehensive solution.

Some asserted that all of the soil contaminated by asbestos and either polychlorinated biphenyls or copper be trucked elsewhere, only to be told that was cost-prohibitive. It also would involve trucks hauling tons of waste through residential neighborhoods.

Debate over which areas to remediate first pits neighbor against neighbor.

Those who called for the removal of all contaminated soil from Stratford were told that was cost-prohibitive. Those who want the waste removed from residential neighborhoods disagree on where to start. Consolidation onto a local site opens additional debates over why and where.

And EPA officials said that until the initial money allocated for remediation is spent, no additional funds would be forthcoming.

“The EPA and State DEP need to provide the Town of Stratford with a fully funded, comprehensive clean-up proposal that removes all or as much of the toxic waste as possible. Only then will this problem be truly solved. Anything short of this is grossly negligent,” Save Stratford stated.

“I truly appreciate the efforts of the State of Connecticut Attorney General for his efforts in this matter,” Councilman Gavin Forrester III (D-3rd) said. “He has once again indicated how he is truly a champion to preserve the health and safety of all Connecticut residents, and especially the citizens of Stratford, against the toxic waste left behind by the Raymark Corp.

“It once again highlights that the issue of Raymark waste remediation has taken years too long to address, and that we need the DEP and EPA to accelerate the process and to take into consideration the concerns and suggestions raised by Save Stratford so we can finally get these sites re-mediated.”

AWARDS

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ENVIRONMENTAL

Orange's Continuous Coating Corp. honored by EPA (*OC Metro)*

Newport Beach,CA
Company removed 70,000 pounds of lead from its manufacturing process.
By Kristen Schott
Published: May 27, 2009 03:05PM
Orange-based Continuous Coating Corp. received the U.S. Environmental Protection Agency's National Partnership for Environmental Priorities award for its removal of 70,000 pounds of lead from its metallic electroplating and sheet metal production system.
The EPA and 40th District Congressman Ed Royce bestowed the honor on Continuous Coating Corp.'s General Plant Manager Kenneth Harel and environmental coordinator Grace Meda during a recent ceremony.

To reduce the amount of lead used in the manufacturing process, Continuous Coating modified its equipment and production processes, and also began using less toxic raw materials.

This environmental initiative benefits employees and the greater community, according to Steven John, director of EPA's Southern California field office.

BROWNFIELDS

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Oakland County receives $1M federal brownfield grant (*Metromode Media*)

METROMODE, 5/28/2009

Three looks like the charm for Oakland County and big federal brownfield grants.

The EPA recently gave Oakland County a $1 Million Coalition Assessment Grant, making it the third such award the feds have given to Michigan's richest county. It will help local communities and developers perform environmental assessments on contaminated or obsolete land.

Money from previous grants helped turn an old gas station in Wixom into a new strip mall. These funds also allowed an old illegal dumping ground just outside of the Palace of Auburn Hills to be turned into a large multi-use project, creating space for retail, a bank and a hotel.

"We're open to almost any type of project," says Brad Hansen, environmental program coordinator for Oakland County.

Half of the money will be evenly split between Farmington Hills, Ferndale, Hazel Park, Madison Heights and Pontiac. The remaining $500,000 will be available for projects in other county communities.

The Oakland County Brownfield Coalition plans to focus much of these funds on the Woodward Avenue, 8 Mile Road, and 10 Mile Road corridors. A number of prominent organizations in these areas, such as the 8 Mile Boulevard Association and Woodward Avenue Action Association, helped land the grant as part of the Oakland County Brownfield Initiative.

Source: Brad Hansen, environmental program coordinator for Oakland County
Writer: Jon Zemke

Wednesday May 27, 2009

2 WVa cities receive EPA brownfields grants (*Associated Press*)

Story also appeared: *Charles Daily Mail*

WHEELING, W.Va. (AP) - The U.S. Environmental Protection Agency is providing $600,000 to help Weirton and Moundsville clean up former industrial sites.
Weirton will receive $400,000 to assess potential environmental hazards on property formerly used by Weirton Steel.

Weirton City Manager Gary DuFour said chemicals and metals used by the steelmaker could be scattered throughout the city. He said the contaminated property must be cleaned up before it can be redeveloped.

Moundsville will receive $200,000 in stimulus funds to clean up for the former Fostoria Glass Plant site.

The city bought the site several years ago. Last year it was found to be contaminated with asbestos.

Information from: The Intelligencer, http://www.theintelligencer.net

CLIMATE CHANGE / GLOBAL WARMING
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In Beijing, Pelosi Seeks Cooperation On Climate (*New York Times)*

May 28, 2009 Thursday
Late Edition - Final
Section A; Column 0; Foreign Desk; Pg. 12
By MICHAEL WINES
BEIJING

Nancy Pelosi, the House speaker, met China's two top leaders on Wednesday to discuss cooperation on energy and environmental problems, and Prime Minister Wen Jiabao said Beijing would join Washington to "push for positive results" at the next global warming summit meeting this fall in Copenhagen.

Mr. Wen's public statements, reported by the state's Xinhua news agency, offered no specifics, however, and some experts here noted that the two nations' official positions on reducing climate-changing pollution remained far apart.

Ms. Pelosi and five House legislators involved in energy and environmental issues met with Mr. Wen and separately with President Hu Jintao on the third day of an eight-day tour of China.

In a statement issued late Wednesday, a Pelosi spokesman said the meetings had also addressed North Korea's recent nuclear test and missile launchings, human rights issues, the global economic crisis and intellectual property rights. Beyond expressing general hopes that North Korea would resume multilateral talks and concern about China's human rights record, the statement offered little detail.

In a speech on Tuesday in Beijing, Ms. Pelosi, a California Democrat, called the climate change issue "a game changer in the U.S.-China relationship" and "an opportunity we cannot miss."

"We are the biggest greenhouse gas emitters in the world," she said, at a meeting of the U.S.-China Clean Energy Forum, an alliance of Chinese economic officials and American leaders from business and government. "We have a responsibility to

ourselves, to each other and to the world. We must work together."

After Wednesday's meeting with Ms. Pelosi, Mr. Wen appeared to agree. "China will cement policy dialogue with the United States, take the joint tackling of climate change as an important aspect of cooperation, and push for positive results in the Copenhagen climate change conference," the successor to the 1997 meeting in Kyoto, Japan, which produced the last global warming agreement.

Much of the world is looking to the United States and China, which together emit nearly half the world's climate-changing gases, to find common ground on a new treaty that will reduce pollutants.

The United States has said that any new global climate agreement will have to restrict the growth of emissions in China, the world's largest producer of greenhouse gases.

Just last week, however, China issued a new position paper on climate change that rejected any mandatory caps on its emissions and demanded that wealthy countries provide at least .5 percent to 1 percent of their gross domestic product to help developing countries upgrade technology and cope with the results of climate change.

A bill being considered by the House would compel the United States to reduce greenhouse gas emissions to at least 17 percent below 2005 levels by 2020, and to 83 percent below by 2050. But that plan is well below the opening demand by Chinese leaders, who want developed nations to reduce 2020 emissions by 40 percent from 1995 levels, and it falls short of commitments by the European Union as well.

American officials have already rejected the Chinese proposal as unattainable. The Center for American Progress, a Democratic-leaning research organization, said in a report published Wednesday that the House legislation was unlikely to win enough Chinese support for the two nations to present a united front at the Copenhagen talks in December.

A leading Beijing expert on climate change economics, Zhang Shiqiu, said Wednesday that she was optimistic that the two nations would reach some accord on global warming before the Copenhagen meeting. But she also cautioned that American negotiators needed to appreciate the steps that China had already taken to improve its environment.

"Many Chinese -- not only politicians, but academic society and the general public -- would say that before the U.S. blames China, the U.S. should clean up first," said Ms. Zhang, a professor of environmental economics and policy at Peking University.

By some estimates, China's huge package of stimulus spending aimed at addressing the global economic crisis includes more measures aimed at improving energy efficiency than the American package. The economic downturn has also reduced energy use, though most likely temporarily.

But China remains highly inefficient in energy use by global standards. And its rapidly expanding industrial economy, with its dependence on electricity from coal-fired power plants, is by far the world's fastest-growing source of carbon dioxide emissions.

Sea's Rise May Prove The Greater In Northeast (*New York Times*)

May 28, 2009 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 15
By CORNELIA DEAN
In the debate over global warming, one thing is clear: as the planet gets warmer, sea levels will rise. But how much, where and how soon? Those questions are notoriously hard to answer.

Scientists at the National Center for Atmospheric Research, in Boulder, Colo., are now adding to the complexity with a new prediction. If the melting of Greenland's ice sheets continues to accelerate, they say, sea levels will rise even more in the northeastern United States and Maritime Canada than in other areas around the world.

The researchers, Aixue Hu and Gerald A. Meehl, based their predictions on runoff data from Greenland and an analysis of ocean circulation patterns.

They said that if Greenland melting continued to accelerate, it would alter ocean currents in a way that sends warmer water toward the northeastern and Maritime coasts. Because water expands as it warms, this influx of warmer water would raise sea levels as much as a foot or two more than in other coastal regions by the end of the century.

The researchers are reporting their findings Friday in Geophysical Research Letters, a publication of the American Geophysical Union. Their report comes two weeks after other researchers predicted that climate-related ice shifts at the South Pole would raise sea levels on the east and west coasts of North America by yet an additional 1.5 feet.

These rises in sea level, if they occur, would be on top of an overall increase of one to two feet predicted by 2100 as a result of global warming. That prediction, by the Intergovernmental Panel on Climate Change, a United Nations body, was rendered in a 2007 report that more or less ignored the question of melting glaciers and ice sheets because the process is so hard to forecast. As a result, many researchers regard the prediction as unrealistically optimistic.

The flooding potential of sea level rise depends in part on coastal topography. In places where the coast slopes gently, a rise of a few feet could send ocean waters 100 feet inland or more.

In recent years, Greenland melt rates have been increasing by 7 percent a year, the researchers said. If that continues, they said, the northeastern and Maritime Canadian coasts can expect almost two feet of additional sea level rise by 2100.

They said it was more likely that the melting would accelerate at a rate of only about 3 percent a year. In that event, they said, the region can expect an additional one foot of sea level rise.

Climate health costs: bug-borne ills, killer heat (*Reuters*)

Wed May 27, 2009 7:40pm EDT
By Deborah Zabarenko, Environment Correspondent
WASHINGTON (Reuters) - Tree-munching beetles, malaria-carrying mosquitoes and deer ticks that spread Lyme disease are three living signs that climate change is likely to exact a heavy toll on human health.
These pests and others are expanding their ranges in a warming world, which means people who never had to worry about them will have to start. And they are hardly the only health threats from global warming.
The Lancet medical journal declared in a May 16 commentary: "Climate change is the biggest global health threat of the 21st century."

Individual threats range from the simple to the very complex, the Lancet said, reporting on a year-long study conducted with University College London.

As the global mean temperature rises, expect more heat waves. The United Nations Intergovernmental Panel on Climate Change projects 25 percent more heat waves in Chicago by the year 2100; Los Angeles will likely have a four-to-eightfold increase in the number of heat-wave days by century's end.

These "direct temperature effects" will hit the most vulnerable people hardest, according to the U.S. Environmental Protection Agency, especially those with heart problems and asthma, the elderly, the very young and the homeless.

The EPA has declared that carbon dioxide, a powerful greenhouse gas. is a danger to human health and welfare, clearing the way for possible regulation of emissions.

At the same time, the U.S. Congress is working on a bill that would cap emissions and issue permits that could be traded between companies that spew more than the limit and those that emit less.

RISING SEAS, SULTRY AIR

People who live within 60 miles of a shoreline, or about one-third of the world's population, could be affected if sea levels rise as expected over the coming decades, possibly more than 3 feet (1 meter) by 2100. Flooded homes and crops could make environmental refugees of a billion people.

As it becomes hotter, the air can hold more moisture, helping certain disease-carriers, such as the ticks that spread Lyme disease, thrive, the EPA said.

A changing climate could increase the risk of mosquito-borne diseases like malaria, dengue fever, yellow fever and various viral causes of encephalitis. Algae blooms in water could be more frequent, increasing the risk of diseases like cholera. Respiratory problems may be aggravated by warming-induced increases in smog.

Other less obvious dangers are also potentially devastating.

Pine bark beetles, which devour trees in western North America will be able to produce more generations each year, instead of subsiding during winter months.

They leave standing dead timber, ideal fuel for wildfires from Arizona to Alaska, said Paul Epstein of the Center for Health and the Global Environment at Harvard University.

"TREMENDOUS" HEALTH COSTS

Other insects are spreading in the United States, and while immediate protection is possible, the only real solution is to curb climate change, Epstein said in a telephone interview.

"You can tuck your pants into your socks and be very vigilant, but ultimately, if we don't stabilize the climate, it's going to continue to increase ... infectious diseases," Epstein said.

Carbon dioxide emissions, from coal-fired power plants, steel mills and petroleum-fueled cars, trucks and boats, among other sources, do more than modify climate, Epstein said. They also stimulate ragweed, some pollen-bearing trees and fungi, extending the spring and fall allergy and asthma seasons.

It is hard to quantify the potential financial cost of U.S. climate-change-related health problems, said Dr. Chris Portier of the U.S. National Institute of Environmental Health Sciences.

Some costs might actually decline if programs are put in place to cut greenhouse emissions from fossil fuels, which would also reduce some types of toxic air and water pollution.

Without cuts in carbon dioxide emissions, that pollution will remain, and the other unhealthy effects of climate change will continue, including more severe floods, droughts, heat waves and storms.

"You'll get more extreme weather events that will occur more frequently ... and so it just piles on in terms of the human health effects," Portier said. "And the cost will be tremendous, there's little doubt of that."

(Editing by Alan Elsner)

Pelosi appeals for China's help on climate change (*Associated Press*)

Story also appeared: *Washington Post*

By AUDRA ANG
The Associated Press
Thursday, May 28, 2009 2:37 AM

BEIJING -- U.S. House Speaker Nancy Pelosi urged Beijing on Thursday to cooperate on climate change, calling a safe environment a basic human right.

Speaking at Beijing's elite Tsinghua University, Pelosi continued the theme of her five-day China trip _ that combating global warming represented a new challenge that both governments must tackle jointly.

"We are all in this together," Pelosi told an audience of about 200 students and faculty who applauded enthusiastically throughout the 45-minute session. "The impact of climate change is a tremendous risk to the security and well-being of our countries."

Pelosi's trip has been notable for skirting human rights and the fierce public criticisms she has frequently leveled at the authoritarian government.

The trip comes as President Barack Obama's administration has emphasized climate change as a new area where the two governments can broaden already wide-ranging engagement. The two countries are the biggest emitters of the carbon gases that are causing warming temperatures. Both governments are staking out positions ahead of a meeting late this year in Copenhagen that will try to forge agreement on targets and steps to reduce carbon emissions.

In a meeting Wednesday, the head of China's national legislature, Wu Bangguo, told Pelosi that climate change was a common challenge and that Beijing stood ready to work with Washington.

Turning around her usual criticisms about human rights, Pelosi linked global warming to environmental justice, saying the right to a clean environment is also a human right.

"I do see this opportunity for climate change to be ... a game-changer," she said at Tsinghua. "It's a place where human rights _ looking out for the needs of the poor in terms of climate change and healthy environment _ are a human right."

To achieve this, Pelosi said governments would have to make decisions and choices based on science.

"They also have to do it with openness, transparency and accountability to the people," she said. "Everyone has to have their situation improved by it."

In answering a question from a student about how Pelosi was going to get Americans to cut back on their carbon emissions, the leading Democratic lawmaker said it was important to educate children on how to conserve energy and for citizens to build more environmentally friendly homes.

"We have so much room for improvement," she said. "Every aspect of our lives must be subjected to an inventory ... of how we are taking responsibility."

Pelosi, who arrived Sunday, brought with her five members of a House committee on energy policy and global warming. A bill that would impose the first U.S. limits on greenhouse gas emissions was approved by a House committee last week, a step being considered by the full House later this year.

Pelosi's visit is part of a flurry of contacts between Washington and Beijing that highlight their wide-ranging cooperation on issues including North Korea's nuclear program and combatting the global economic slump.

Next week, U.S. Treasury Secretary Timothy Geithner travels to Beijing.

EDITORIAL / OP-ED / COMMENTARY / LETTERS

May. 28, 2009

Cap and trade (*Las Vegas Review-Journal*)

We can't wait to see how this boondoggle blows up
Despite giveaways designed to win votes from coal-mining states and others likely to be heavily stomped, "Many environmental groups" still support the 940-page greenhouse gas permitting bill that was endorsed by the House Energy and Commerce Committee on May 21, because "it still creates a 'cap-and-trade' system," The Washington Post reported Tuesday.

"This requires polluters to amass credits equal to their emissions and then allows them -- and others, including Wall Street trading firms -- to sell them on an open market if they cut their emissions, giving them a surplus of credits."

Notice how the businesses that will be taxed and otherwise oppressed by this money-grab are now characterized: "polluters."

The bill concerns itself not primarily with soot or toxic fumes like sulfur dioxide. Rather, it aims to impose new costs -- costs that will be passed along to consumers in their electric bills and at the gas pump -- on the emission of carbon dioxide, supposedly contributing to "global warming."

Pour yourself a beer, or a Coca-Cola. See those little bubbles rising to the surface? Carbon dioxide. You're now a "polluter."

"We have decided we're going to regulate the commons, which is the sky, or the air," chirps Liz Martin Perera, of the far-left Union of Concerned Scientists.

And this is the best way, she says: "It is able to harness the power of the market, to find the cheapest reductions first. If it's going to be cheaper for me to reduce (emissions) than you, then I'm just going to go ahead and reduce and sell you my permit."

Yeah, that's the ticket. It's "a market," like when you go to the old drive-in theater grounds on the weekend and haggle with the merchants there.

Except that in this case, no one gets to walk away without buying, and the price is set by the government, making this "market" more like the one in which prison inmates get to choose what to eat for supper.

There are still a few "potential problems," with the bill, The Post admits. For one thing, it "requires the EPA to begin seeing the future." In addition, "It uses carbon offsets to expand the pool of available credits: Instead of buying an allowance to cover their pollution, a factory could buy an offset to negate it. An offset would be a certificate showing that, for example, emissions have been avoided, or taken up by newly planted trees, or captured and pumped underground. But how can one be sure an emission was avoided?"

"That's essentially unobserved, and fundamentally unobservable," notes Robert Stavins, a professor of business and government at Harvard University. "I mean, who knows what you would have done?"

The European Union imposed a similar system in 2005, but experts say it was gamed. Countries claimed higher emissions than they really had, so their mandated "cutbacks" often really weren't.

Oh, the humanity!

Because the trillion-dollar scheme -- which now reminds at least some congressional Republicans of the old saying that the camel is a horse designed by a committee -- breaks so much new ground, no one is even sure how much it will cost.

The EPA thinks it will jack up the average family's combined electric and gasoline bills by $98 and $140 per year. The Heritage Foundation comes up with a slightly higher number: $4,300 per family within a few decades.

"And an even bigger question," The Post asks: "Even if cap-and-trade works as a bureaucracy, will it work as a climate savior?"

Is anyone else smiling, yet? Three things can now be predicted with certainty about any "cap-and-trade" scheme to emerge from Congress: 1) It will cost a lot more than anyone estimates; 2) It will have countless unintended consequences, many of them bad; and 3) It will have about as much impact on "global climate change" as a bill requiring that 100 virgins per month be thrown into the Kilauea volcano to propitiate the goddess Pele.

Why? Because the atmosphere does not end at Key West, at the Golden Gate, or on the rocky coast of Maine. No law passed in Washington will have the slightest impact on the world's biggest and fastest growing "polluters" -- India and Red China.

Not to worry. Rep. Edward Markey, D-Mass., one of the architects of the current bill, has that all worked out. The current bill will "send a signal" to other countries at an international climate conference in Copenhagen in December, you see.

"If we expect the Chinese and Indians and others to embrace an international system for reducing these gases, we must be the leader," Rep. Markey says. With the new bill, he said, "we will no longer be preaching temperance from a barstool."

Instead, we will be the alcoholic passed out on the barroom floor, hoping that by ruining our own economy to no purpose, we will encourage others to follow our example.

A news service reported last Nov. 19 that Poland rejected a "bribe" to get it to sign off on new carbon restrictions by temporarily exempting its coal-fired power plants from having to purchase carbon emissions credits. Bloomberg reported on Nov. 14 that Germany is asking for exemptions for its energy-intensive industrial sectors, that Italy says "it's obvious that goals are impossible," and that France, which holds the rotating EU presidency, says the EU parliament's proposal to give power generators 10 billion euros to explore carbon capture and storage should be scaled back by two-thirds. Canada, meantime -- facing the biggest emissions overshoot -- says it won't meet its Kyoto target even by purchasing credits, Bloomberg reports.

Carbon restriction schemes are "dying a slow death around the world," summarizes the Tucson, Ariz.-based Doctors for Disaster Preparedness.

Except on Capitol Hill, where the trillion-dollar boondoggle is still declared to face "smooth sailing."

Governor makes right call on wetland permitting change (*MLive)*

by Russ Harding | for Michigan Business Review
Thursday May 28, 2009, 1:00 AM
Gov. Jennifer Granholm made the right policy call in announcing her decision to return wetland permitting to the federal government.
The announcement was met with heavy applause as she delivered her State of the State address, but since that time there has been criticism of the proposal from environmental groups and from members of both parties in the Legislature, including Sen. Patty Birkholz, R-Saugatuck Township, chair of the Senate Natural Resource and Environment Committee.

Opponents claim that wetlands in the state will go unprotected, but estimates of potentially unprotected wetland acreage are unreliable as the state's wetland inventory is not accurate.

Michigan was the first state to take control of federal wetland permitting when it assumed the program in 1984 -New Jersey is the only other state that operates the federal program within its borders. The rationale for taking over the program was sound but much has changed since 1984. The expected benefits from operating the federal program never materialized:

Funding - The feds promised funding, but Michigan currently spends more than $2 million per year in tax dollars to operate the program.

Autonomy - State officials reasoned that they would make better decisions than their federal counterparts. In reality federal officials continue to micromanage the program. Almost every state wetland permit decision is reviewed by the Environmental Protection Agency; the same level of scrutiny does not occur in the other 48 states.

Efficiency - This may have been true at one time, but in responding to criticism from Congress, the Army Corps of Engineers has streamlined the process by adopting nationwide general permits. (While the EPA has review authority, the Corps does the actual permitting.) The Michigan Department of Environmental Quality, however, in the last few years has moved in the opposite direction, making wetland permits more difficult or impossible to obtain for many landowners and businesses in the state. The Legislature's attempt to mandate permit adjudication timelines has been less than successful. The DEQ bureaucracy has circumvented legislative intent by routinely declaring wetland permit applications incomplete, thereby resetting the permit time clock.

It is curious that state environmental groups are now lobbying to keep the state in the business of issuing federal wetland permits. The Michigan Environmental Council in 1997 petitioned the EPA to take the wetland delegation back from the state, claiming the Corps would do a better job.

The $2 million that could be saved by returning the program is helpful, but â€¨the largest benefit is regulatory certainty for job providers in Michigan. Returning the program to the federal level will ensure wetland permit applicants will be subject to the same set of rules as the rest of the nation. The definition of wetlands used by the Corps is easier to understand than state law and provides more certainty for developers.

Currently in Michigan an area is a wetland if the DEQ considers it to be a wetland. The lack of regulatory certainty in Michigan is chasing jobs to other states. Hardly a week goes by when I do not receive a call from a frustrated landowner, farmer or business owner who has given up on investing in Michigan due to the state's overzealous regulation of wetlands. Relying on the Corps for wetland permitting is not a panacea, but it is a step in the right direction.

Russ Harding is director of the Property Rights Network at the Mackinac Center for Public Policy, a research and educational institute headquartered in Midland.

ENERGY

May 27, 2009

Forest offsets give EPA regulators some tough nuts to crack (*New York Times*)

By JESSICA LEBER, ClimateWire

If a tree grows in a forest, does it make an emissions offset? What happens if it burns down? Both the integrity and the cost of the legislation working its way through Congress that would put a cap on U.S. greenhouse gas emissions hang on questions like these.

Experts have for the most part applauded the rigorous criteria for offsets in the far-reaching climate and energy bill passed by the House Energy and Commerce Committee last week.

But while the bill, proposed by Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.), lays out a game plan, U.S. EPA would have to answer these and many other questions. The task could be one of the more complicated ones the agency has faced.

"Offsets are really going to allow this bill to get passed," said Shanna Brownstein, a policy associate with the Climate Trust, a nonprofit offset provider. "But implementation is critical, because it could very easily compromise the environmental integrity of the entire program."

The reason is that offsets -- greenhouse gas emissions reductions that occur outside of the overall carbon cap -- can be bought as credits by regulated industries to lower their compliance costs. They could account for up to 2 billion tons of the planned emissions reductions every year.

Half would be sourced domestically and half abroad, although the most recent Waxman-Markey substitute allows that international credits could reach three-quarters of the total in the likely chance that the U.S.-based market falls short.
But, as some are quick to note, offsets are tricky business. The agency is tasked with setting provisions to verify and enforce those reductions, both in the United States and, even harder, abroad. EPA is also to determine what constitutes a "permanent" emission cut that is "additional," or wouldn't have otherwise occurred without a carbon price.
Some consider it an unattainable mandate. "It's impossible to ensure," said Environment America's federal global warming director, Emily Figdor. Others, most notably a number of major environmental groups and businesses that have signed onto the U.S. Climate Action Partnership, have backed offsets that come with rigorous standards.
For regulated industries, they are among the most important components of the bill. Without international offsets, the Waxman-Markey cap-and-trade program could nearly double in cost, EPA estimates.
And although several previous cap-and-trade bills outlined specific projects and sectors, such as forestry and agriculture, that would qualify as offsets, the Waxman-Markey substitute instead would give EPA, advised by an independent nine-member Offsets Integrity Advisory Board, authority to decide which will make the cut.
Much will hang on an advisory board
The latitude left to EPA is largely on purpose. Jake Schmidt, international climate policy director for the Natural Resources Defense Council, said that the move takes a lot of the politics out of the current offsets debate.
But sectors looking to participate in a potentially lucrative market are wrangling to get more specific language back into the bill (ClimateWire, May 20). Rep. Zack Space (D-Ohio), for example, is working with Chairman Waxman to incorporate some certainty for the agricultural community in the offset market into the bill, according to his spokesman.
Others are happy about Congress' hands-off approach and for provisions requiring the agency periodically review its own rules. "The best aspect of the quality controls is that the bill leaves the technical decisions to the scientists," said Figdor.
The result, however, could be to push the political struggle down the chain to the selection and activities of the new advisory board, which the bill's language indicates could have substantial influence on EPA's decisions, said Michael Wara, a law professor at Stanford University.
"Everyone who is regulated or is selling offsets wants as much in as possible. This is the cost-control money, and these people are going to be the gatekeepers," he said.
Conservative regulations could control the supply
At minimum, EPA will have a delicate balancing act on its hands. It could take a conservative approach, limiting itself to projects that unambiguously meet the stringent criteria, but that would likely reduce the offset supply, especially early on in the program, several experts in offset projects and markets said.
One reason is the substantial gray area in deciding whether emissions reductions are additional, especially on the international side and in state-controlled economies like China's, said Wara. That could play out the extent to which EPA approves already-existing projects for the program, an important source for the initial market supply.
For example, the Obama administration could potentially certify some credits from the United Nations' Clean Development Mechanism, a program that has been fraught with

controversies over questionable projects, said Alexia Kelly, a senior associate in the World Resources Institute's climate and energy program, although she questioned whether there would be the "political appetite" to do so.

Perhaps most significantly, the bill gives EPA, the State Department and the U.S. Agency for International Development the power to work out sector-by-sector baseline emissions thresholds with foreign countries, under which projects could qualify for offsets in the U.S. market. "It's sort of like a cap-and-trade with training wheels," said Wara.

On the U.S. side, EPA will likely look toward existing programs like the Regional Greenhouse Gas Initiative and the Climate Action Reserve, which has been busy building regulatory quality protocols to approve projects based on sector-wide standards for landfills, livestock and forests.

Today, however, RGGI has not yet approved any offset projects. The Climate Action Reserve recently issued its millionth offset credit, which would still be a small drop in the bucket for an economywide program.

Gary Gero, the Climate Action Reserve's president, is confident that the program could scale up significantly before cap and trade takes effect, and that its standardized methodologies allow for quick approval. He has been urging EPA to adopt its model or even to contract out the process to the Climate Action Reserve itself.

The agency itself already has some experience supervising offsets through voluntary programs and protocols, such as its Climate Leaders program. Those, however, are far less stringent than a regulatory program would be, said Kelly.

Regardless of the overall approach, many agreed that the need for speed is troublesome. Should the bill pass, EPA would have two years after its passage to get regulations into effect and provide an initial supply to the market.

"Look at everything they have to do to approve even a sector of offsets. They are going to be under a lot of pressure to rush, particularly if they are understaffed," said Victor Flatt, a University of Houston law professor and a scholar with the Center for Progressive Reform. Brownstein said it would be difficult for EPA to get a real head start until the legislation passes, since it currently lacks the mandate, funding and staff.

Will a forest fire cause 'havoc' in financial markets?

Flatt worried that the offset program could run into not only environmental trouble but also financial trouble if EPA makes early missteps in approving projects. He's essentially concerned about "toxic offsets."

The bill already incorporates an insurance plan on the international side, a buffer that requires five foreign-bought offset credits for every four emissions allowances awarded, leaving one to a common pool. For domestic offsets, the substitute bill removed this wiggle room, said Flatt. The only insurance is a requirement that carbon sequestration projects reimburse EPA if the project "reverses," or releases its captured emissions.

If a tree in an offset program, for example, is intentionally logged, the bill requires that project developer pay back the offset credit. But if the loss is "unintentional," say, through a forest fire, the project owner only returns half the cost to EPA.

This one provision, said Flatt, has the potential to cause havoc in emissions financial markets. "To the extent that they can, EPA really needs to have some way to make sure they are made whole again."

For more news on energy and the environment, visit www.climatewire.net.

FUEL

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05/27/2009

Corn growers cry foul on EPA proposal (*Madison Daily Leader*)

By CHUCK CLEMENT, Staff Reporter

Corn farmers and pro-biofuel groups are asking their supporters to contact the Environmental Protection Agency about the most recent efforts to consider South American farming in rating the carbon footprint of U.S.-produced corn ethanol and soy diesel.

Ethanol supporters are crying foul to the EPA's proposed revisions to the nation's Renewable Fuels Standard that will change how the greenhouse gas emissions from all biofuels are calculated. The new EPA formula will theoretically add any effect of farmland growth in Brazil to the carbon footprint of corn ethanol production in states such as South Dakota.

Rep. Stephanie Herseth Sandlin issued a statement earlier this month that said EPA officials "may be accepting questionable models of land use that are not well-grounded in sound science, and that haven't been fully tested in the scientific world."

Dave Fremark, president of the S.D. Corn Growers Association, stated the ethanol supporters' stance more frankly by saying the proposal wasn't based on any known scientific standard.

"If they use deforestation in Brazil and other South American countries as part of ethanol's carbon score, it's unscientific nonsense," Fremark said. "They don't have any science to back it up, and they don't have any facts.

"We don't really know why South Americans are chopping down their forests. It could just as well be blamed on a demand for Brazilian hardwoods."

The indirect land-use proposal would calculate that South American farmers would plant more acres of corn and soybeans in response to corn ethanol and soy diesel production in the United States. EPA officials believe that an increase in South American crop acres would increase the carbon footprint of biofuels.

Biofuels supporters say there aren't any facts to support the indirect land-use theory. According to Fremark, studies indicate that planted crop acres in South America have decreased in recent years.

Last year, anti-biofuels groups argued that the production of fuel from corn and soybeans had led to increased food prices. In response, biofuels supporters pointed to studies that indicated a sharp increase in crude oil prices provided a greater impact to price inflation on supermarket shelves.

Fremark said biofuels opponents have continually discounted the positive factors related to ethanol production to make their case. As an example, he pointed out that they ignore the return of corn ethanol by-products, such as distillers grains, to the food chain.

Fremark operates a cattle feed lot near Redfield where the livestock are fed rations that include 50 percent distillers grains.

"One-third of the corn used to make ethanol comes back to the farm as livestock feed," he said. "At my feed lot, I now feed my cattle more distillers grains than corn."

According to Fremark, the indirect land-use revision was another diversion from the results provided by automobile emissions studies.

"They're trying again to leave out what we know from the equation," Fremark said. "We know that when you put ethanol into the fuel tank, what comes out of the tailpipe is cleaner."

In April, Sen. John Thune introduced legislation that would direct the EPA to focus its studies on direct greenhouse gas emissions from ethanol in comparison to gasoline produced from crude oil. The bill also requires the EPA to publish its model for measuring lifecycle greenhouse gas emissions before taking any regulatory action.

The EPA will accept public comments on its proposal to change the Renewable Fuels Standard until June 20.

Herseth Sandlin has asked that South Dakota residents make their opinions known to EPA officials by writing a letter to the agency's offices in Washington, D.C., or e-mailing then at asdinfo@@epa.gov. The agency's address in the District of Columbia is: EPA, Ariel Rios Building, 1200 Pennsylvania Ave. N.W., Washington, D.C, 20460

U.S. fuel economy ratings drive wedge between rich and poor (*Edmonton Journal*)

Story also appeared: *Ottawa Citizen*

By David Booth, National Post May 27, 2009 8:36 AM

The 1911 Model T Ford I'm driving has no power steering, manually adjusted ignition timing and requires a strong arm to get started since Ford's version of Charles Kettering's newfangled electric starter was still a decade in the future. Merely starting it could result in a broken thumb, and it couldn't achieve much more than 72 kilometres an hour while descending the proverbial mine shaft with a tail wind, a welcome deficiency since its high-speed handling was diabolical.
But it got 21 miles per U.S. gallon (11.2 litres per 100 kilometres).

Contrast that with the U.S. Environmental Protection Agency's contention that the average for all the cars and trucks in 2008 was, wait for it, 20.8 mpg. Yup, the very epitome of the automobile's crude beginnings — a car that, today, no self-respecting 36-handicapper would use as a golf cart — achieves essentially the same fuel economy as a modern fuel-injected, variable-valve-timed techno-wonder.

Despite continuous development, average fleet fuel economy declined in the 70 years following the Model T's introduction. In 1975, for instance, the typical American automobile averaged a seriously gas-guzzling 13.2 mpg. The first fuel crisis saw a rapid increase to an average of 22 mpg by 1987, a result of the shift to smaller cars (the average vehicle in 1975 weighed in at 1,846 kilograms; by 1986, that had been lowered to 1,464 kg).

Of course, Middle Eastern oil embargoes are quickly forgotten and, by 1998, the United States' average fuel economy had dropped two points. And, proving that bad habits are not soon forgotten, the reason that 2008's figures were so pathetic is that the average American car has porked out to a land yacht-like 1,871 kg.

If history is any guide, luxury, comfort and performance are more important to Americans than conserving previous non-renewable resources. The numbers simply don't lie; they have taken virtually every automotive technological advance of the last 100 years and used it not to make the automobile more efficient but faster and more comfortable. And, if you're feeling smug that we Canadians are more frugal, note that Dennis DesRosiers, Canada's leading auto consultant, says that our cars achieve but a measly one fewer litre per 100 kilomteres compared with 25 years ago.

Flying in the face of this historical trend is U.S. President Barack Obama's call for the Corporate Average Fleet Economy (CAFE) to increase to 35.5 mpg by 2016. That breaks down to 30 mpg for light trucks and 39 mpg for cars, the latter equivalent to the 6.0 L/100 km I averaged last week in a 1.6-litre diesel Suzuki tester. I mean no insult to Suzuki —the little SX4 is adequately peppy and frugal — but, as a vehicle to woo mainstream America, it is seriously lacking.

Indeed, the changes wrought by this legislation will be far-reaching and, contrary to the sanctimonious bleating of the environmentally concerned, not all of them will be positive. For instance, no matter what you personally think of pickup trucks, they are a necessary evil for commercial, farm and recreational use. They also require large engines capable of load-hauling and trailer-pulling torque. Because of the nature of business, pure electric power as an alternative is out. Two-mode hybrid powertrains — a la Chevy Yukon — have proven effective but are far too expensive for this price-sensitive clientele. The logical answer would be diesel power; unfortunately, the compression ignition has few fans in the environmental arena and a poor refuelling infrastructure.

Of course, the mantra from the enviroweenies is that Americans should simply drive smaller cars. We Canadians, for instance, have adopted the small car as our own, a lesson our Yank friends could well learn. Unfortunately, automakers — foreign and domestic — have found it very difficult to build small cars profitably in North America. And this current economic environment can hardly afford having more cars produced offshore.

I also suspect that one of the significant results of this legislation will be a further broadening of the gap between the rich and poor in America. The wealthy will simply pay their gas-guzzling tithe and merrily motor away in their Range Rovers, leaving the less fortunate to figure out how they will afford yet another sin tax.

Worse yet, the premise behind all this change is that, faced with the absence of their beloved gas guzzlers, consumers will buy whatever underpowered and uninspired transportation is available. But what if, instead, consumers simply stopped buying new cars and holding on to their gas gazzlers? It could be America's little slice of Cuba where a motoring-obsessed public decides to continually repair, ad nauseam, the Mercedes CLS 63 they enjoy rather than be forced to buy some government-mandated, mice-powered runabout with optional bicycle pedals.

GRANTS

Two WV Cities Get EPA Grants to Clean Up Industrial Sites (*Associated Press*)

Story also appeared: *WHSV*

WHEELING, W.Va. (AP)
Posted: 7:00 AM May 28, 2009
Last Updated: 5:15 PM May 27, 2009
The U.S. Environmental Protection Agency is providing $600,000 to help Weirton and Moundsville clean up former industrial sites.
Weirton will receive $400,000 to assess potential environmental hazards on property formerly used by Weirton Steel.
Weirton City Manager Gary DuFour said chemicals and metals used by the steelmaker could be scattered throughout the city. He said the contaminated property must be cleaned up before it can be redeveloped.
Moundsville will receive $200,000 in stimulus funds to clean up for the former Fostoria Glass Plant site.
The city bought the site several years ago. Last year, it was found to be contaminated with asbestos.

EPA Weighs New Bid To Grant Small Systems Relief From SDWA Rules (*Inside EPA*)

EPA officials are weighing how to define language in President Obama's fiscal year 2010 budget that requires the agency to give "equitable consideration" to small drinking water systems' regulatory compliance burdens, with options including revising the agency's formula for issuing controversial waivers from Safe Drinking Water Act (SDWA) requirements.

"We really want to hear your thoughts," Charles Lee, director of EPA's Office of Environmental Justice, told a stakeholder meeting May 20. Questions need to be answered to meet the budget's requirement, he said, including determining what equitable consideration means and how EPA can provide clear communication of its policies that provide that consideration, he said. "We need to make sure all people are protected," Lee said.

Obama proposes to fund EPA's drinking water state revolving loan fund (SRF) at $1.5 billion, which is $670 million more than the FY09 figure of $829 million.

In addition, the administration will pursue unspecified program reforms that aim to put resources for the EPA's water infrastructure funds' ongoing needs "on a solid foundation" and will work with state and local officials on a sustainability policy, according to the agency's budget-in-brief. This will include management and pricing for future infrastructure, encouraging conservation of resources, providing adequate long-term funding for future capital needs, and providing equitable consideration of small system customers, the budget proposal says.

But EPA water and environmental justice officials say they are still working to determine the definition of equitable consideration, beyond noting that it includes both cost and public health aspects.

The agency last week sought feedback from drinking water utility groups, environmentalists, equipment manufacturers, rural community groups, states, other federal agencies and others at the May 20 stakeholder meeting in Washington, DC. EPA is also asking for policy recommendations from the National Drinking Water Advisory Council (NDWAC) this week at a meeting in Seattle, WA, and plans a formal meeting with states in June.

Pamela Barr, director of the standards and risk management division in EPA's drinking water office, said the agency is considering "a broad range of tools" that could be used to fulfill the budget language, including 2003 NDWAC recommendations, which urged revising the agency's methodology for granting variances from drinking water standards, providing additional financial support for small systems, and implementing a variety of system-level strategies to make it easier for small systems to comply with drinking water standards.

Specifically, EPA is asking for input on the agency's small system variance policy, financial assistance through the drinking water SRF, and system capacity development and operator training, which can make community drinking water systems more efficient. Additionally, the agency is asking for suggestions on other policies that could be modified or developed to meet the budget language's goal, Barr said.

With the SRF, EPA is asking states to consider how best to target indirect subsidies such as set asides for local assistance, state program management and small system technical assistance. EPA is also asking states to consider the use of direct subsidies, such as reduced interest rates and principal forgiveness, and how to optimize the SRF's role within the context of other programs in the state and within the context of system size and ownership type.

On system capacity, EPA is asking what additional measures the agency can take to assist small systems in improving technical, managerial and financial capacity to plan for, achieve and maintain compliance with drinking water standards. Specifically, the agency wants to know if EPA can play a greater role in educating communities about tools and resources, including partnership options, said Mindy Eisenberg, associate chief of the drinking water protection branch. EPA also wants to know what is the responsibility of water systems to ensure their sustainability.

EPA drinking water office staff plan to develop proposals for several options during the summer and present them to the head of the agency's Office of Water and EPA Administrator Lisa Jackson, who will determine which options are pursued, Eric Burneson, chief of the target and analysis branch, said. The outcome could be revised policies or new guidance better explaining existing policies, he said.

Small drinking water systems, defined as serving populations less than 10,000 people, represent nearly 90 percent of the nation's drinking water systems, although they serve less than 20 percent of the country's population. One-third of small systems serve less than 100 people, and another third serve communities of 100-500 people, Daniel Olson of the targeting and analysis branch said at the May 20 meeting.

The cost for providing treated water can be up to twice as much for very small systems -- under 100 people -- compared to systems serving over 500,000 people, Barr said. For example, the estimated household cost to comply with EPA's arsenic rule is over $300 a year for systems serving 100 people or less and over $150 a year for systems serving between 101 and 500 people, she said. For systems over 10,000 people, the cost is less than $50 per year.

SDWA allows EPA and states to grant variances to small systems that cannot afford to comply with a drinking water standards by allowing the systems to identify variance technologies that achieve the maximum reduction that is affordable and are protective of public health.

SDWA notes that the variance technology might "not achieve compliance with the maximum contaminant level [MCL] or treatment technique requirement of such regulation," a point that Olson said shows Congress clearly considered that levels of contaminants above the MCL can be protective.

But EPA has never granted any variances, in part because the agency has never been able to identify an appropriate technology. "Variance technologies are just not available," Olson said. "We've been scratching our heads" trying to figure out how to actually use the variance provisions, he said.

Several states have also precluded the use of variances in their drinking water regulations, with a Delaware drinking water official saying at the meeting that it is just too complicated to attempt to grant a variance.

EPA's small system variance policy compares cumulative costs for households to an affordability threshold of approximately $1,100 or 2.5 percent of the median household income (MHI). Under this formula, EPA has found all drinking water regulations to be affordable for small systems, but Congress as part of the FY02 appropriations process required EPA to re-evaluate its methodology.

NDWAC in 2003 recommended changing the affordability threshold to $440 or 1 percent of MHI, a level that was approximately two times the current water bill. NDWAC also urged EPA to compare the threshold against the incremental cost of each new rule.

But NDWAC also said variances should only be pursued after all other alternatives are considered. Alternatives include financial support strategies to make financial assistance more readily available, such as increasing the number of loans for small and disadvantaged communities, better targeting SRF money to the most needy systems,

adopting a low-income water assistance program, providing additional funding beyond the current SRF for small systems to adopt cooperative strategies and encouraging states to establish disadvantaged community programs.

Additionally, NDWAC urged EPA to consider regulatory changes to allow the use of system-delivered bottled water. Several stakeholders at the May 20 meeting urged EPA to look to the use of supplier-provided bottled water as a solution, at least in the short term, for small systems to meet drinking water standards, especially if the contaminant of concern does pose a dermal or inhalation risk.

EPA in 2006 proposed revising its variance policy, asking for comment on both plans to change the affordability threshold and whether a variance technology is protective of public health if the concentration of the target contaminant is no more than three times the MCL.

A host of state groups, environmentalists, consumer groups and most drinking water utilities opposed the proposed revisions. Rural water groups and communities supported the proposed changes.

Commentors raised concerns that it would create a two-tiered standard where rural and poor communities drink the most heavily contaminated water and could cause problems for enforcing cleanup laws that often rely on MCLs to set cleanup standards.

Commentors also criticized EPA's failure to include NDWAC's recommended affordability threshold of 1 percent of MHI. EPA's proposal asked for comment on three thresholds ranging from 0.25 percent of MHI to 0.75 percent of MHI. But EPA's Barr said the agency is now considering the 1 percent threshold.

At the stakeholder meeting, groups re-iterated their positions from 2006, with National Rural Water Association officials arguing that being out of compliance with drinking water standards does not necessarily mean the water is unsafe to drink.

HAZARDOUS WASTE

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EPA plans land sale (*Albany Times Union*)

Albany,NY
Proceeds from former paper company site would pay cleanup costs
By LARRY RULISON, Business writer
Click byline for more stories by writer.
First published: Thursday, May 28, 2009

GREENWICH -- The U.S. Environmental Protection Agency wants to sell the old Stevens & Thompson Paper Co. site here to pay for hazardous material cleanup costs. Last week, the U.S. Attorney's Office in Albany filed a lawsuit on behalf of the EPA against the current and former owners of the 25-acre site that overlooks the Battenkill River.
The EPA is trying to recover $500,000 in cleanup costs and has proposed selling the site as a way to reimburse the government.
The property, located on County Route 53, has had several different owners. Stevens and Thompson operated the mill from 1982 to 1996 when it was purchased by American Tissue of Long Island.
American Tissue filed for bankruptcy and closed the mill five years later.

During a bankruptcy auction for American Tissue held in 2002, a California company called St. Regis Investment Group LLC bought the property for $1.4 million. The company was affiliated with Paper Source Converting & Manufacturing Inc. of Vernon, Calif., the lawsuit states.

Three years later, an EPA inspection of the site found "numerous 300-gallon containers of chemicals, some of which were leaking," as well as more than 100 drums of hazardous substances, hundreds of containers of laboratory chemicals and asbestos.

In 2005, St. Regis sold the site to an Alaskan company called United Fibers LLC for $800,000 after it had "aborted" plans to remove the hazardous waste, the lawsuit states.

The EPA lawsuit names St. Regis, Paper Source and United Fibers as defendants. It claims that United Fibers was liquidated in 2007, although it says that a person named Yuliana Thio is the owner. Thio could not be reached for comment.

Reached by telephone on Wednesday, Paper Source President Jacob Khobian said that he has nothing to do with the site. He also said that St. Regis doesn't exist anymore.

"I sold the site to a recycling company," Khobian said. "It was another company I sold it to."

An EPA spokesman said the agency cleaned the site several years ago and typically refers such cases to the Department of Justice to seek compensation from the owners.

The suit claims that Khobian had "initially cooperated" with the agency to remove some of the waste but had informed the EPA in August 2005 that St. Regis could no longer afford the cleanup.

Two months later, the land was sold to United Fibers, according to a deed filed as an exhibit to the complaint.

Larry Rulison can be reached at 454-5504 or by e-mail at lrulison@timesunion.com.

Bay Area activists demand protection for Tohono O'odham lands (*Indian Country Today*)

May 28, 2009
Originally printed at http://www.indiancountrytoday.com/national/45845587.html
SAN FRANCISCO – More than 850 miles from where a Mexican company has renewed its proposal for a commercial hazardous waste landfill near a sacred site, activists demanded the United States Environmental Protection Agency take action.
"Protect sacred sites. No dump on O'odham land," a small group of mostly young Latino and Native American protestors chanted May 6 as they marched nearly a mile from the Mexican consulate in the Mission District to the EPA building downtown.

Simultaneous protests took place in Arizona and Mexico, organized by the environmental group Greenaction and the O'odham Rights Coalition, which was founded by ceremonial and traditional leaders of the O'odham in Mexico and the U.S. in direct response to the landfill proposal near the ceremonial site of Quitovac and O'odham villages on both sides of the border.

The dump proposed by the Mexican company Centro de Gestión Integral de Residuos would be a few miles southwest of the Sonora, Mexico border with Arizona. CEGIR recently renewed its attempt to win approval of the proposal, which has been rejected twice by the municipality of Sonoyta.

If built, up to 45,000 tons of industrial waste would be dumped in the Sonoran site annually, threatening O'odham communities and their cultural practices, sacred sites and health, according to the coalition.

The group has organized demonstrations in front of the Mexican Consulates in Phoenix, Tucson and San Francisco for several years in hopes of protecting sites including the

Quitovac spring and pond, one of the most sacred sites for the O'odham, whose lands once stretched from northern Sonora to south-central Arizona.

Despite the border wall being built across their lands, further encroaching on tribal unity and sovereignty, "the O'odham lands continue to be part of O'odham lives," Ofelia Rivas, O'odham tribal member and spokesperson for the O'odham Rights Coalition said. "The O'odham will continue to uphold their mandate to protect and maintain the songs and stories of our Mother Earth."

The O'odham have held an annual ceremony at the Quitovac spring and pond since their people were created. At protests in Quitovac, protestors have blocked the highway and sung traditional songs in ceremony.

Mexico's Ministry of the Environment and Natural Resources (SEMARNAT) quietly approved plans for a landfill near Quitovac in 2005 apparently without notifying the U.S., despite the 1983 La Paz Agreement requiring notification and discussion regarding hazardous waste facilities within 100 kilometers of the border.

The San Francisco protestors represented local communities deeply affected by pollution and environmental hazards and racism, including Bay View Hunters Point, the most polluted area of San Francisco with the largest African-American population.

Other protestors came from People Organized in Defense of the Earth and her Resources, which works with mostly Latino communities and young people in southern regions of the city to demand better air quality, less transportation pollution, the cleanup of power plants and better access to health services.

Some held signs in Spanish, "Justicia Para El Pueblo," or "Justice for the Village."

"The government should in no way contaminate anybody – we are all human and we all deserve a clean environment," said PODER member Raul Barrera, 17, whose family is from Veracruz and Oaxaca, Mexico.

An 18-year-old Yaqui woman, Madeline Elenes, spoke afterward and expressed rage at the proposed dump and the border wall being built across tribal lands. “We are being divided because of these borders!”

She said much of her family lives in neighboring villages to the O’odham and they are harassed when they attempt to cross the border to attend ceremonies. The recent war on drugs in Mexico and across the border has further “militarized” the region.

Bradley Angel, executive director of Greenaction, said the U.S. government should exercise its right to comment on projects close to the border. He said it has largely failed to stress the threat to O’odham and other communities and sacred sites with this proposal.

A few EPA officials came outside and told Marie Harrison, Greenaction environmental justice and green energy community organizer, that they planned to speak to SEMARNAT about the issue.

Angel continued to speak to the protestors through a megaphone.

“The reason we’re here is because the U.S. government is almost as guilty as the Mexican government in this project,” he said, as some nearby EPA employees scoffed. “What?!” one man exclaimed before walking away.

The U.S. EPA sent a letter to Greenaction in July 2008 notifying them that SEMARNAT had halted its plans to permit the toxic dump at Quitovac. But in December 2008, CEGIR resubmitted its plans.

On March 28, a gathering of indigenous activists and environmentalists in Quitovac created a resolution to “oppose and stop for once and for all” the hazardous waste landfill proposed near the O’odham sacred site.

“The O’odham know that regardless of what environmental and cultural protection laws would be implemented and enforced for this project, the effects of hazardous chemicals will have a detrimental and injurious effect on the human and biological environment of

the region and a devastating effect on O'odham culture, tradition and sacred sites," the resolution read.

It also called on the U.S. government to "exercise its environmental justice and trust responsibility to speak out in defense of the culture and sacred sites of O'odham who are U.S. citizens whose spiritual well-being would be devastated."

Participants agreed upon May 6 as an international day of protest to bring attention to the issue. That day in front of the EPA building, Angel said Mexican consulate officials in San Francisco had also promised to contact the Mexican environmental ministry.

But he said the protestors would not let up until the proposal is dropped and indigenous people, including the O'odham, the Gila River and Colorado Indian communities and others, are consulted in the future regarding proposals on sacred sites and tribal lands.

"We'll be back, we'll be back," the protestors chanted before leaving.

EPA: West Chester site has been dumping grounds since '30s (*Hamilton Journal News*)

Hamilton, Ohio
Land owner indicted by Butler County grand jury for illegal disposal of hazardous waste.
By Dave Greber
Staff Writer
Updated 11:57 PM Wednesday, May 27, 2009

When Ray Skinner II allowed two Fairfield businessmen to rid themselves of hazardous materials by dumping more than 100 tons of leaded glass on his property, the local resident was doing so just feet from a former Superfund site, authorities say.

The former Skinner Landfill in the 8700 block of Cincinnati-Dayton Road contained hazardous waste dumped there since the mid-1930s, according to documents obtained from the U.S. Environmental Protection Agency.

Albert Skinner accepted a variety of wastes, including hazardous chemicals, from 1934 until 1990, EPA documents state.

A fire in 1976 lead Ohio EPA officials to investigate the site, and officials found that Albert Skinner had covered a nearby lagoon with demolition debris in an attempt to hinder the investigation.

Trenches in the lagoon revealed black and orange liquids and a number of barrels of waste, documents state.

The site was placed on the National Priorities List in 1982, and was prohibited from accepting additional materials eight years later. Clean-up was complete by 2001.

Just six years later, Ray Skinner II would begin accepting additional hazardous waste on his property, authorities say, which is bordered on one side by the East Fork of the Mill Creek.

Tests conducted on the creek and other surrounding areas showed no immediate contamination had taken place, although the threat of such was serious enough that remediation was a necessity, EPA documents state.

Contractors found 77 cubic yard cardboard containers and one “supersack” of crushed computer and other lead-tainted glass located along the fence of the closed Skinner landfill.

A packing slip alerted authorities the rapidly deteriorating containers came from Tri State Computers, which became Tri-E Technologies, formerly of Fairfield.

“We believe the lead stayed within the boundaries (of the site),” said Kathy Clayton, on-scene coordinator with the EPA.

Ray Skinner could not be reached for comment. However, his son, Jesse, said late last week it was doubtful his father knew what was being dumped on the property.

“Every time we see someone who’s down there (at the dump site), dad would chase them down,” Jesse Skinner said.

“So I don’t think it was anything deliberate.”

State officials believed otherwise, and a Butler County grand jury agreed, handing down indictments on Ray Skinner May 20 for illegal disposal of hazardous waste, illegal storage of hazardous waste and criminal endangering.

Ray Skinner is also facing unrelated drug charges, including two counts of aggravated trafficking in drugs and permitting drug abuse, for allegedly selling the prescription drug Fentanyl from the property off Cincinnati-Dayton Road across the street from Union Elementary.

The severity of the drug charges resulted from the proximity of the school, West Chester Twp. police said.

Skinner is due before Butler County Common Pleas Court Judge Noah Powers Thursday, May 28. The Ohio Attorney General's Office is prosecuting the case.

Published: 05.28.2009

Hazardous-waste lawsuit nears settlement (*Arizona Daily Star*)

ARIZONA DAILY STAR
A subsidiary of Freeport McMoRan Copper & Gold has agreed to pay $825,000 to settle a federal lawsuit citing the company for release of hazardous substances at a mining site about 32 miles southwest of Casa Grande.
The lawsuit by the U.S. Department of the Interior and the Tohono O'odham Nation was filed against the Cyprus Tohono Corp. with the proposed settlement on Tuesday in U.S. District Court in Tucson.
A spokesman for Freeport-McMoRan declined to comment beyond the consent decree filed Tuesday. The company did not admit any liability as part of the settlement, which will fund restoration projects.
The Cyprus Tohono Mine is a Superfund site on land leased from the Tohono O'odham Nation by Cyprus Tohono Corp.
Copper mining on the site began in the 1880s and continues today. Cyprus Tohono Corp. began mining there in 1987.
The settlement will be subject to public comment for 30 days and reviewed by the U.S. Justice Department before going to a judge for final approval.
In 2006, the Environmental Protection Agency announced that it had reached an agreement with Cyprus Tohono Corp. requiring the company to clean up a portion of the mine site, near the community of North Komelik.
The EPA said at the time that it had found high levels of sulfate and uranium in the area. It said contamination from evaporation ponds and mill tailings were believed to have contributed to groundwater contamination of an aquifer that was previously the sole source of drinking water for North Komelik.

MINING

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Dueling projects both use stimulus money (*Associated Press*)

Story also appeared: *ABC KTKA 49 News*

Story by The Associated Press
9:03 a.m. Wednesday, May 27, 2009

Federal taxpayers may pay twice to rebuild a stretch of highway in southeast Kansas.

The Environmental Protection Agency has approved spending up to $25 million in federal stimulus dollars to clean up contaminated mining sites in Cherokee County and Jasper County, Mo.

Trucks working on the project will use a road between Crestline and the Missouri state line called old Highway 96. EPA officials say those trucks may damage the road and the contractor will have to pay for the damage.

Meanwhile, the Kansas Department of Transportation has awarded Cherokee County $760,000 in stimulus money to resurface the same stretch of Highway 96.

County and federal officials say the double payment can't be avoided because the stimulus money must be spent immediately. That also means the two projects may occur at the same time.

PESTICIDES

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Which is healthier: Local produce, or veggies that are certified organic? (*Knoxville News Sentinel*)

By Rebecca Williams
Thursday, May 28, 2009
Chad Greene/Special to the News Sentinel
Cindy Nielsen shops at the Farragut Farmers' Market on May 23. Nielsen said she typically visits two farmers' markets every week, on the lookout for produce grown without chemical pesticides.
Ever wonder about pesticide residue on that peach you've bitten into? Check out an environmental group's "Dirty Dozen" and "Clean 15" rankings of types of produce

ET organic farms: West Wind Farms, Rocky Top Organic Vineyard and Winery, Rockford, Tenn., Snow's Farm Fresh Produce, Vonore, Tenn, Skipping Rock Dairy, Philadelphia, Tenn.
More on Shady Grove Farms in Lancing, Tenn., where Jeff Price doesn't add any chemical pesticides or fertilizers — but he also is not very motivated to become "certified organic"
UT Extension facts about getting certified
On a typical summer Saturday morning, Cindy Nielsen of West Knoxville is up early and off to shop at farmers' markets.

"Because I love to cook and eat a lot of vegetables, I want them to taste as good as I can. Ideally, I would grow my own vegetables. But who has time to weed the garden?" Nielsen said.

So she typically visits two farmers' markets every week, on the lookout for those grown without chemical pesticides.

"Probably the most important thing to me is I need healthy foods for my family," said Nielsen. "I don't like the idea of pesticides in their food."

Meanwhile, Oak Ridge resident Laurie Bowles looks for certified organic produce in grocery stores.

"Apples are the one thing I really want to buy organic," said Bowles, who often shops at Earth Fare in Knoxville or Kroger in Oak Ridge. "There's a list of the foods that have the most pesticides, and I try to buy those organic."

Bowles has never been to a local farmers' market, mostly because she says grocery stores are more convenient. And partly, because she's concerned about what chemicals might be on the produce.

"I guess I just don't know. If they say they're not using anything, you don't know if it's the truth," Bowles said. "At least at (the grocery store), I assume they have a process they go through to say their stuff's organic."

Nielsen and Bowles demonstrate the struggle that consumers face in trying to make healthy choices based on sometimes conflicting information. Both are knowledgeable, savvy shoppers - but they've reached different conclusions about how to pick their produce.

Consumer debate: Is organic food healthier?

The organic labeling process that Bowles refers to would be the U.S. Department of Agriculture's Federal Organic Program. Foods labeled "USDA Certified Organic" have been through a certification process to show they're grown without chemical pesticides and fertilizers, among other things.

While East Tennessee has an abundance of local produce every summer, only 23 Tennessee farmers are USDA certified organic, according to the University of Tennessee's Institute of Agriculture, and only a handful are near Knoxville.

So, chances are you won't see USDA certified organic produce at a Saturday morning farmers' market.

Many farmers say they use organic methods of farming, but they're just not certified because it's expensive and requires a lot of paperwork.

Whether or not that's important is up to consumers, said Annette Wszelaki, a University of Tennessee plant science professor and commercial vegetable extension specialist who educates farmers about organic production methods.

"It's not a black and white thing that (certified organic) is better," Wszelaki said.

Dozens of health studies have shown that people who eat at least five servings of fruits and vegetables per day, whether or not they're organically grown, have lower incidences of heart disease, obesity and many other health problems.

According to the USDA, there is no proof that certified organic foods are more nutritious - or that they don't contain harmful substances. In 2006, the U.S. Food and Drug Administration traced an E. coli outbreak to organic, pre-washed spinach. And in 2008, the FDA found salmonella in test samples of organic sesame seeds.

The U.S. Environmental Protection Agency cites laboratory studies as showing that some pesticides can cause health problems such as birth defects, nerve damage and cancer, depending on a person's exposure, which is why it sets allowable limits of pesticide levels in foods.

The risk of exposure to pesticides is probably much higher for farmers who use the chemicals daily, and that is a common argument supporting organic agriculture. However, even organic farmers are allowed to use 38 chemicals - many plant-based but still toxic - under the Federal Organic Program.

"If they stop using chemical pesticides but are using organic pesticides, and they're not really embracing the sustainable farming methods of building up the soil and protecting the ecosystem, it's not better," Wszelaki said.

Know your local farmer - but ask questions

Apart from health concerns, there are environmental issues. Which farming and consumer shopping practices are best for the planet?

Some people wonder about "food miles," the distance a food travels from farm to plate, as an environmental factor.

"If you're getting your organics from California and it's shipped here, it's not better for the environment," said Wszelaki.

Dave Weston of Oak Ridge agrees. He stood in line recently at the Oak Ridge Farmers' Market with his wife, Jen, and their three young children. They bought beef from Morgan County that was grass-fed, with no additional hormones or antibiotics. But it was not certified organic.

"She'll get certified organics from the grocery store," Dave Westen said of his wife. "But I prefer local. I work for DOE (U.S. Department of Energy), so I know the amount of energy it takes to bring food from California over here, has a huge impact environmentally."

Some say the solution to the shopper's dilemma is to buy local, but ask questions.

"I ask them if they use chemical pesticides," Nielsen said. "Last week, I asked a farmer how he raised his chickens.

"You get to know your farmer. It's like finding a good dentist," said Nielsen, who is a dental hygienist. "You get to know him personally, you know if he has integrity. You either trust him or you don't. This is the opportunity to know who grew your food.

"And that's really part of the joy of going to a farmers' market. It's more than shopping for food. It's the personal element. I get to know the farmers. I know where the food is coming from."

Rebecca D. Williams is a freelance contributor to the News Sentinel.

Still no viable alternatives for methyl bromide (*Santa Cruz Sentinel*)

By Cassandra Brooks
Posted: 05/28/2009 01:30:37 AM PDT
Four years have passed since methyl bromide was phased out nationally, but farmers say there still is no economically viable alternative for use on California strawberries. Methyl bromide is a highly effective, but toxic, pest and herbicide applied to California strawberry fields. In 2005 it was nationally phased out by the Montreal Protocol, an international treaty for eliminating ozone-depleting chemicals. Research and government agencies have poured millions of dollars into finding alternatives, but nothing works quite as well for mass-produced strawberries, according to many farmers. Thus, year after year, California berry growers receive exemptions to the protocol and continue using methyl bromide.

More than 70 percent of strawberry cropland is fumigated with a methyl bromide chloropicrin combination, according to Santa Cruz County Agricultural Commissioner Ken Corbishley.

Chemical fumigants, like methyl bromide, are pumped into the soil to suppress the growth of weeds and pests.

Methyl bromide is to strawberries what fuel is to cars or water is to plants, growers say.

While berry growers cover the fields with plastic to contain the chemicals, 50-95 percent of the substance eventually dissipates into the atmosphere and depletes the ozone, according to the Environmental Protection Agency. Those living and working in close proximity with methyl bromide may suffer nerve and respiratory damage because the highly regulated chemical is also a potential occupational carcinogen, according to the U.S. Department of Labor.

Last year stiff new federal pesticide rules were added calling for buffer zones of 25 feet to a half-mile, depending on factors such as application size and method and emission control measures. Local growers said they complied before the rules were announced.

Anti-pesticide and community activists groups said the new requirements would protect the health of rural residents; local growers said state regulations are at least as stringent.

The Montreal Protocol called for a national phaseout in 2005, but gave California strawberry growers an extension until last year to find alternatives. They continue to receive extensions.

They've had no luck so far.

"All of the alternatives, actual or proposed, are substantially less effective than the MBCP combination," said Doug Shaw, a strawberry researcher at UC Davis.

Strawberries grown with alternative fumigants yield up to 35 percent less and none of them control weeds, Shaw said. Those using alternatives in commercial applications are seeing the emergence of new diseases, he said.

"It is certainly possible to grow strawberries with no fumigants," Shaw said. "You just get half the yield with lower fruit quality."

Half the yield won't meet market demands, since 87 percent of strawberries grown in the United States come from California.

Berry growers will continue to get exemptions until good alternatives are found and Corbishley and others aren't sure when that will be.

But this isn't for lack of trying, he said.

The California Strawberry Commission has funded more than $12 million in research for methyl bromide substitutes.

"A variety of things have been proposed, but many are still restricted to research use and not approved by the EPA," Corbishley said.

Telone is one alternative in the works that is registered for use in strawberries, but the material isn't as good as methyl bromide, he said.

Researchers also have looked at solarization, steaming the soil, and using soil microbes to help benefit and strengthen the plant, Corbishley said.

"There aren't any alternatives that we can use as a total replacement," said strawberry grower Edward Ortega, who is also a former Santa Cruz County Farm Bureau president. "However we do use alternatives in rotation with methyl bromide, therefore reducing the amount, but not completely eliminating it."

Ortega is hopeful alternatives will become available some day, but being hopeful doesn't work at the farm level, he said.

"We need to know that years from now we will have something we can use," Ortega said. "We can't make long-term plans on hope."

What's on your lawn? (*Seacoastline, com*)

By Jeanné McCartin
May 28, 2009 6:00 AM
I was being all "small-talk and smiley" at a recent art opening when a woman, an eco-artist, came up and told me she'd cut out a recent House Detective column on dryer sheets and circulated it at work. We chatted a while; two people on the same page. This woman asked if I'd read anything on one of the new products being touted on television of late — Preen.

Funny she asked, I said. Just that day I'd seen one for the product and wondered what chemical was being spread on lawns, promising to kill weeds for months. Anyway, she proceeded to tell me some things she'd heard about it. And yes, it was scary.

That — of course — sent me cruisin' the World Wide Web. There were hundreds of sites posting reasons to pour it on the lawn. It took due diligence to find the cautions — quite serious ones.

We'll start with its key ingredient, touch on some of its high points and end with some source sites — you just might want those. The key ingredient of this herbicide and other similar products is Trifluralin, which inhibits root development by interrupting early developmental cell division (mitosis). It's used on crops, cotton, sugar beet, soft fruit, veggies and others, and private gardens.

It is highly toxic to fish and aquatic organisms, some salmon reliant areas require warning labels — no argument there.

It can cause skin sensitization and inhalation may cause irritation of the lining of the mouth, throat or lungs, headaches, dizziness and collapse. Ingested, trifluralin can cause nausea, cramps and vomiting. It may irritate eyes.

Are your kids playing in that yard?

Sprayed weeks ago and feeling safe?

Chew on this. It has a half-life of 126 to 190 days and is capable of long-range transport. Residues are reported in the atmosphere of remote, non-use regions according to a "Pesticides News" (No. 52) article. "Scientists found traces of trifluralin in the Canadian Arctic ...; believed to be from Asia, probably China, in 1991."

This poses the questions, exactly what are our chances of organic gardening in the future? And what about the neighbors' use?

It also transports itself into homes and becomes part of the dust cycle.

Trifluralin is classified by the Environmental Protection Agency (EPA) as Group C, possible human carcinogen. (Information on whether basic tests to identify chemical hazards have been conducted on this chemical is not available in U.S. EPA's 1998 hazard data availability study).

Cancer schmancer — right? Can't blink an eye without hearing that warning today. It's like — "Well, hey, too much steak can give me cancer."

The rub here friends, steak is getting you — the use of this may get our kids, not to mention the rest of us, and the salmon of course.

So if cancer doesn't get you going how about this? Trifluralin is a probable endocrine disrupter. The "Scorecard, the Pollutant Information Site" lists it as a possible developmental toxicant (adverse effects on developing child). It has been demonstrated it can cause reproductive effects, kidney damage, liver damage, sensitivity and irritation. It is likely an immunotoxicity.

Let's see: It kills aquatic animals, potentially causes cancer, has the half-life of Voldermort — in a world without Harry Potter — and there's that disrupter thing. Oh, and a number of weeds are now resistant to trifluralin, including those in U.S. cotton crops.

Products — not just Preen — we use on the lawn are some of the most hazardous to find their way into our homes. Their purpose is killing insects and weeds; can you imagine that doesn't come with some liability?

But — tada! — there are healthier alternatives! I leave you with source sites and a wish for red roses, and a healthy life.

ALTERNATIVES

www.oaecwater.org/education/salmon-safe-pesticide-awareness-campaign/alternatives

www.govlink.org/hazwaste/house/yard

SOURCES

www.scorecard.org

www.kwiaht.org;
www.kwiaht.org/Education/WaterQuality/HerbicidesPesticides/assets/Toxicity

www.oaecwater.org/watershed

www.govlink.org/hazwaste

House Detective Jeanné McCartin can be reached at maskmakernh@gmail.com.

Wednesday, May 27, 2009

EPA requires buffer zones in new fumigant rules (*Capital Press)*

Salem,OR
Mitch Lies
Capital Press
Wednesday, May 27, 2009
Fumigant users will need to establish buffer zones around treated fields beginning in 2011 under new safety measures for soil fumigants released Wednesday, May 27, by the federal Environmental Protection Agency.

The new regulations come several months after the agency unveiled plans to establish the buffers. The buffers were roundly opposed by agricultural producers fearful their use of fumigants would be restricted.

"With new restrictions, we're allowing the continued use of fumigant pesticides without risking human health and the environment," EPA Administrator Lisa P. Jackson said in a prepared statement. "Full transparency and the best science shaped a plan to protect the economic interests of agricultural communities and the public health of farmworkers and consumers."

Fumigant labels will contain buffer requirements ranging from 25 feet to more than one-quarter mile by 2011.

A fact sheet released by the EPA May 27 stated fumigant applications near sites designated as "difficult to evacuate" will require buffer zones of greater than one-quarter mile unless the site is not occupied during the application and for a 36-hour period after the application.

Difficult-to-evacuate sites include schools, daycare centers, nursing homes, hospitals and prisons.

Buffer zone distances will be based on tables on product labels.

The new labels also will require applicators to inform handlers and others who work in the buffers about health effects associated with fumigants and protective equipment available.

New posting requirements and beefed-up training programs for farmworkers and applicators also are included in the safety measures.

Fumigants covered in the new requirements include chloropicrin, dazomet, metam sodium/potassium and methyl bromide.

POLITICAL

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Sotomayor's Appellate Opinions Are Unpredictable, Lawyers and Scholars Say (*New York Times*)

May 28, 2009 Thursday
Late Edition - Final
Section A; Column 0; National Desk; Pg. 16
By JOHN SCHWARTZ
In the decade she has served on the Second Circuit Court of Appeals -- the busiest appellate court for business and financial matters in the nation -- Judge Sonia Sotomayor has authored some 150 civil and business cases and voted on hundreds

more. But many lawyers and scholars who have examined her record closely say that her opinions in this field are unpredictable, and do not put her clearly in a pro- or anti-business camp.

In a 2006 property rights case, she upheld a town's effort to take private property for redevelopment. But in 2002, she supported property rights in a case involving impounded cars.

A 2006 case in which she allowed class-action lawsuits against Merrill Lynch suggested to some business lawyers that she was amenable to lawsuits against big corporations. But in a 2006 securities case against the same company, she voted with the majority in refusing to allow a class to be formed.

"It's impossible to look at these decisions and say, oh, all of these results clearly reflect a pre-existing, across the board one way or another," said Andrew J. Pincus, an lawyer who has argued many commercial cases before the Supreme Court.

Some conservatives have pointed to individual opinions and asserted that they show dire times ahead for business if Judge Sotomayor is confirmed. Michael Greve, an American Enterprise Institute scholar, writing in National Review Online, placed Judge Sotomayor "among the most aggressively pro-plaintiff, anti-business appellate judges in the country."

But others who have examined Judge Sotomayor's work say the opinions reveal a practical streak. "She does seem to take every one as it comes," Mr. Pincus said, an approach he compared to that of Justice David H. Souter. He said she issues business opinions that hew closely to the precedents of her circuit and of the Supreme Court.

There is no single factor that businesses look for in a jurist, though in general the financial world would like to see fewer lawsuits. So a tendency to allow suits against businesses to go forward is a worrying sign to pro-business interests, said Jonathan Adler, a law professor and director of the Center for Business Law and Regulation at Case Western Reserve University School of Law in Cleveland. But he cited a few cases that might raise red flags for the financial world, including these:

Riverkeeper v. **E.P.A.**, a 2007 case in which Judge Sotomayor ruled that the **Environmental Protection Agency** should not have weighed costs against environmental benefits in requiring water intake structures for power plants that protect fish. The Supreme Court overruled that decision in April by a vote of 6 to 3.

In a securities case, Judge Sotomayor interpreted a 1998 federal law intended to limit class-action lawsuits in a way that allowed such suits. In 2006, the Supreme Court reversed Judge Sotomayor's opinion in the case, Merrill Lynch v. Dabit, by a vote of 8 to 0, and archly called the logic allowing the exemption "odd, to say the least."

In Malesko v. Correctional Services, Judge Sotomayor found that a legal theory that

allows plaintiffs to sue the government over misconduct could be applied to a private company operating under a government contract. The Supreme Court reversed the ruling by a vote of 5 to 4.

And in a key property-rights case, Didden v. Village of Port Chester, Judge Sotomayor took part in a brief unsigned order from the Second Circuit in 2006. The order, which followed the Supreme Court's major property-taking decision in Kelo v. City of New London, supported a town's effort to seize property for the use of a developer. Richard A. Epstein, a conservative legal scholar at the University of Chicago, wrote in Forbes magazine that "American business should shudder in its boots if Judge Sotomayor takes this attitude to the Supreme Court."

Other legal scholars argue, however, that for any case that conservatives deplore, there is a counterexample. For example, Joseph A. Grundfest, a former commissioner of the Securities and Exchange Commission, contrasted the Merrill Lynch case with a similar one in which Judge Sotomayor voted on the company's side. Taken together, he said, the two cases suggest that "this judge can't be neatly pigeonholed as pro-plaintiff or pro-defendant in securities litigation matters."

Ilya Somin, an assistant professor of law at George Mason University who has written critically about the decision in the property-rights case, said Judge Sotomayor "does deserve some substantial credit" for a 2002 case in which she struck down New York City's policy of seizing vehicles in certain offenses.

Some of the attacks against the judge's business rulings turn a complex legal record into a caricature, said Walter K. Olson, a senior fellow at the Manhattan Institute, a conservative organization, and the editor of a blog, Overlawyered.com. While expressing some qualms about Judge Sotomayor's views, Mr. Olson said "she will not be as liberal as many of the Republicans are saying -- but no one could be that liberal, even if they tried."

Jill E. Fisch, a professor at the University of Pennsylvania Law School and an expert in securities regulation, suggested that in such areas of specialization, Judge Sotomayor's opinions tend to be "fairly technical and restrained," but without the flair of a jurist who feels deeply one way or another about the topic.

"I don't see this as one of her core interests," she said, suggesting that in such cases the judge might "look at the letter of the law, and follow the leadership of those who have more passion for those questions."

Politics has become a poor predictor in business law, said Thomas H. Dupree Jr., a lawyer who has argued cases before Judge Sotomayor and who served in the Justice Department in the administration of President George W. Bush. The Supreme Court has largely "de-politicized" many business cases, he said, pointing to the contentious issue of punitive damages, opposed by business. Recent theories of constitutional restrictions on punitive damages have arisen from the more liberal wing of the court, even though

the rulings protect business. In such an unpredictable environment, he suggested, Judge Sotomayor might fit right in.

SUPERFUND
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Brooklyn gas supplier National Grid may owe most for Superfund cleanup of Gowanus Canal (*New York Daily News*)

BY Erin Durkin
DAILY NEWS WRITER
Thursday, May 28th 2009, 4:00 AM
The Gowanus Canal. Brooklyn's gas supplier could end up paying the biggest part of a Superfund cleanup of the Gowanus Canal, a top federal official said this week.
Brooklyn's gas supplier could end up paying the biggest part of a Superfund cleanup of the Gowanus Canal, a top federal official said this week.
National Grid, the company that bought KeySpan in 2007, must clean up after three gas plants that dumped coal tar and other chemicals into the canal for decades, Superfund director Walter Mugdan told a crowd at a packed meeting Tuesday night.
"The single largest or most dominant [responsible party] in the Gowanus Canal is likely to be the National Grid company," Mugdan said. "They have probably the largest contribution of hazardous contaminants to the canal."
But the gas company, which has acknowledged that the plants caused pollution in the canal, disagreed with Mugdan's comments.

"We believe it is far too early in the process to identify or rank the potentially responsible parties on the Gowanus Canal," said National Grid spokeswoman Karen Young, adding the company was "disappointed" by Mugdan's remarks.

"National Grid accepts responsibility for its fair share of the cleanup," she wrote. "But National Grid is not alone here. ... We look forward to working with the regulators to identify and then bring other contributors to thetable."

While contaminants at many hazardous waste sites are measured in parts per million, levels of coal tar over four parts per hundred - a much higher concentration - were found in sediments at the bottom of the canal. The highest levels were found near the shuttered gas plants.

The three plants along the canal - the Citizens, Fulton, and Metropolitan gas plants - produced light and cooking gas from coal from the 1860s through the early 1960s.

After extracting the gas, "the stuff that was left over, they didn't at that point have any particular use for, so they basically dumped it," Mugdan told the Daily News.

National Grid is already under orders from the state to clean up the land where the plants operated. Developer Hudson Companies is slated to build 770 apartments on one 5-acre site, known as Public Place.

If the Environmental Protection Agency goes forward with its controversial plan to make the Gowanus a Superfund site, a cleanup could cost $300 million to $400 million.

Mugdan said there could be 50 to 150 companies - such as cement plants, tanneries and oil refineries - that also are responsible for the canal pollution, but emphasized that was "strictly a guess."

Thursday, May 28, 2009Last Update: 5:02 AM PT

Tribe Tells Copper Company to Clean Up (*Courthouse News Service*)

By TIM HULL
TUCSON (CN) - The Tohono O'odham Nation sued Cyprus Tohono Corp. in Federal Court, saying the copper mining company despoiled tribal lands and resources. The tribe says Cyprus released hazardous materials at its 10,500-acre site near the small reservation community of North Komelik, about 32 miles southwest of Casa Grande.

Cyprus Tohono took over the mine in 1987, the latest in a long line of mining companies that have worked the area since 1880.

The mine has already been identified as a Superfund site, and in 2006 the Environmental Protection Agency made the company clean up two evaporation ponds and a tailing impoundment that had contaminated North Komelik's groundwater, according to EPA documents.

The EPA is still investigating the site, the tribe says.

The Tohono O'odham, formerly known as Papago, are the second-largest tribe in the nation, and the only one that occupies their aboriginal homeland and has never been at war with the U.S. government. Their 3 million acre reservation west of Tucson also is the nation's second-largest, after the Navajos'. Tohono O'odham means the Desert People.

Superfund will clean up mess in Sweet Home The man at the heart of the air pollution controversy will go to court again in August (*Register Guard*)

By Mark Baker
The Register-Guard
Posted to Web: Wednesday, May 27, 2009 03:10PM
Appeared in print: Thursday, May 28, 2009, page A8
ALBANY — Eugene businessman and developer Dan Desler appeared in Linn County Circuit Court on Wednesday on felony asbestos air pollution and other related charges,

but Judge Glen Baisinger granted a continuance of the case until Aug. 3, a request made in cooperation by deputy district attorney Heidi Sternhagen and Desler's attorney, Michael Vergamini of Eugene.
Meanwhile, a federal official said Wednesday it's "urgent" that a cleanup of Desler's asbestos-contaminated former mill property in Sweet Home begin soon, and that the work will be done this summer under the federal Superfund program.

Desler, 65, was arrested May 11 on felony air pollution charges after a months-long investigation by the Oregon State Police and U.S. Environmental Protection Agency.

Desler and his nonprofit foundation, Western States Land Reliance Trust, are charged with seven felony counts of first-degree unlawful air pollution, three misdemeanor counts of second-degree unlawful air pollution, a felony count of supplying false information to the Oregon Department of Environmental Quality and a felony count of reckless endangerment, all related to asbestos at the Sweet Home mill site that is owned by the foundation.

The charges stem from Desler's demolition of some of the old mill buildings, between May 2007 and February 2008, that spread asbestos around the property, according to the DEQ.

Dan Heister of the EPA's Emergency Response Unit in Portland has visited the Sweet Home property at least twice now, most recently on Tuesday when he took more samples and did another walk-through with Desler, Heister said.

Heister said he confirmed the presence in roofing material of "friable" asbestos, meaning the asbestos is of a type that can be reduced to fine particles that can become airborne. There also is asbestos in concrete rubble on the site, Heister said.

The "friability" of the asbestos is low to medium-low, he said. Asbestos has long been linked to serious lung diseases.

The mill was constructed in the mid-1930s, Heister said, and the original roof contained concrete-asbestos shingles. Willamette Industries, or possibly another previous owner of the mill, put asbestos-containing tar shingles over the original roof, Heister said.

Desler told him that he didn't realize the original layer was on the roof prior to demolition, Heister said.

"What we want to do is get it cleaned up this summer," Heister added. "This is an urgent matter, but it's not something where asbestos is blowing loose."

Desler asked Tuesday if he could have an asbestos abatement contractor cover piles of the friable asbestos before cleanup, and Heister told him "by all means," he said.

Heister declined to reveal the potential costs of a cleanup. Desler told The Register-Guard last month that it could cost $250,000.

“At this point, it doesn’t seem that Mr. Desler has the money,” Heister said. EPA Superfund money likely will pay for the cleanup this summer, he said. “And then attorneys can sort it out,” Heister said. The Superfund program is funded by a nationwide tax on chemical companies and other industrial materials producers. Often in Superfund cases, the federal government tracks back the history of ownership of a site in search of potentially responsible parties with deep pockets. Willamette Industries donated the mill property, which sits near the Santiam River on the east side of Sweet Home, to Desler’s trust in 2001. Subsequently, Willamette Industries was bought by Weyerhaeuser Co.

For the cleanup, contractors will not spend time sorting through the rubble to pick out asbestos, Heister said. Rather, tons of demolished concrete and brick will be gathered up, wetted down with water, and hauled to the Coffin Butte Landfill in Corvallis. Picking through the material to find only those pieces with asbestos could take two years, Heister said. “I don’t have time,” he said. “There is a lot of material there, and it will be expensive,” he added.

The asbestos should have been removed before any demolition was done, Heister said.

“This was done horribly wrong, and it’s going to cost a lot (to clean up), because of the way (the demolition) was done,” he said.

The cleanup will not extend to tearing down half-demolished buildings, Heister said. Those will be left.

In 2007, Desler hired a man named Charles Corp to demolish the buildings, according to a Linn County grand jury indictment. But Corp did not know the site contained asbestos, according to Sternhagen, thus the felony reckless endangerment charge against Desler.

Unlawful air pollution is a felony that could be resolved through fines and cleanup, or possibly result in a prison sentence, according to Sternhagen. She and DEQ officials have said criminal charges were brought because of Desler’s egregious conduct and the extent of demolition and noncompliance.

Desler has said he contacted the DEQ immediately upon discovering on-site asbestos during the demolition, and hired an abatement contractor, but then ran out of money. The DEQ says Desler already knew that the mill complex had asbestos, because of a fire in another building there in 2004 that released asbestos.

In a separate case involving the DEQ, Desler, his foundation, and two of his businesses were fined $192,000 by the DEQ in December for creating two illegal garbage dumps with thousands of tons of waste plastics and waste shredded fiber hauled from

cardboard factories in Albany and Springfield. The material should have been hauled to a permitted landfill, according to the DEQ. One of the garbage dumps is on the foundation property in town, and the other is on Desler-owned property on Highway 20 about four miles west of Sweet Home. The DEQ is seeking to collect the fine by placing liens on various properties Desler, his foundation and his companies own.

TOXICS

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May 28, 2009

Cleaning Up Baby Products (*New York Times*)

By ABBY ELLIN

IN March, the Campaign for Safe Cosmetics reported finding formaldehyde and 1,4-dioxane, a trace contaminant of some chemicals used in cosmetics, detergents and shampoos, in 55 children's personal-care products. The chemicals are listed as probable human carcinogens by the Environmental Protection Agency. Seventeen of them — including Johnson & Johnson's Baby Shampoo — contained both chemicals.

Last month, Senator Kirsten E. Gillibrand announced legislation called the "Safe Baby Products Act," asking for the Food and Drug Administration to investigate the chemicals in children's toiletries. "As a mother, and as a parent, when I read the list of these products, I was highly concerned because many of the products on this list were literally in my bathroom," she said in a conference call.

Trevor Butterworth, the editor of Stats.org, had reservations about the report. "When you look at the extremely low levels the report found, it turns out that we are exposed to these chemicals every day in food, air and even in shower water, all without apparent ill effect," he said in an e-mail message. "The research linking these chemicals to cancer is based on ingesting or inhaling (but not absorbing) huge quantities in industrial or laboratory settings — and even then, the links are weak."

In a statement, Johnson & Johnson, which manufactures many of the items tested, said, "All our products meet or exceed the regulatory requirements in every country where they are sold."

Sunscreen Protects Skin, but Does It Burn the Planet? (*Washington Post*)

May 28, 2009 Thursday
Every Edition
HOME; Pg. H02
Prince George's County
BY Nina Shen Rastogi

How green is sunscreen? I just spent the weekend frolicking on the beach, slathered in sunscreen. By protecting myself from the elements, am I doing any harm to the elements? What effect does my Coppertone have on the planet?

Most of us are aware by now that our medicines, soaps and cosmetics wind up in the environment, where they have the potential to wreak havoc on plants and wildlife. Although sunscreen hasn't generated as much concern as, say, birth control drugs, scientists have begun to look more closely at the issue in the past few years. However, there's still a lot we don't know.

To figure out how a particular sunscreen might affect the environment, you have to know its active ingredients. That is more complicated than you might think: Most UV-protection creams sold in the United States contain some combination of as many as 17 FDA-approved active ingredients. Two of those, zinc oxide and titanium dioxide, are minerals; the rest are carbon-based chemicals such as octinoxate, oxybenzone and octisalate, each of which might go by a number of different names.

Both classes of ingredients bring their own health worries. Concerns over the minerals focus on the increasing presence of new nano-formulations of zinc oxide and titanium dioxide. Though studies suggest that these tiny particles are better at blocking UV rays than are their larger counterparts, and though a number of studies have shown that they don't penetrate healthy skin, many skeptics say not enough research has been done to substantiate safety claims. Certain chemical ingredients, on the other hand, may penetrate the skin and act as endocrine disrupters, affecting users' hormones and reproductive functions.

Human health and planetary health aren't the same thing, but they are related: Any mineral or chemical that might be harmful to humans could damage wildlife and destabilize ecosystems. Though the studies aren't exhaustive, researchers have found chemical UV filters in lakes, oceans and rivers around the world, with the highest concentrations found near wastewater treatment plants. (Tracing mineral compounds to sunscreens is more difficult, because it's hard to tell which are naturally occurring and which were synthetically produced; even nano-size particles could be products of natural erosion.)

The accumulation of both kinds of UV filters in the water is troubling to some toxicologists because of their potential to build up inside the cells of fish and other marine life. A series of studies conducted in Switzerland found two of these commonly used chemicals inside fish living in rivers and lakes, though the reports didn't indicate that the animals' overall health was suffering.

One chemical analyzed in the Swiss studies was 4-methylbenzylidene camphor, or 4-MBC. It has been the focus of much international attention because of its potential as an endocrine disrupter: In studies of rats, it has been shown to affect birth weight and survival rates. 4-MBC isn't approved as an active ingredient in the United States; however, the Environmental Working Group, a nonprofit advocacy organization, has

found the chemical in three sunscreens, listed as an "inactive" ingredient (and also in a handful of men's deodorants).

Fewer data are available on the major UV filters used in the United States. Researchers at the University of California at Riverside did test the effects of one common ingredient, oxybenzone, on two fish species. They found that it diminished reproductive abilities, but only at concentrations much higher than those observed in suspected areas of contamination in California and New York.

Similarly, according to an Italian study that received a lot of attention last year, a few widely used sunscreen ingredients (oxybenzone, octinoxate and the common preservative butylparaben) triggered viral infections in the algae that nourish coral reefs, causing the corals to "bleach" and die. Some critics have pointed out that the coral samples in the study were kept in incubators; in real life, the sunscreen presumably would be diluted as the water circulated.

In the wake of those studies -- and, it seems, out of a general sense that minerals are more "natural" than chemicals -- many green-minded folks suggest switching from chemical sunscreens to the zinc or titanium varieties. But those haven't been proved 100 percent safe for our ecosystems, either. Indeed -- in lab conditions, at least -- they've been shown to be toxic to zebra fish and potentially harmful to rainbow trout. Some kinds of titanium dioxide nano-particles might have harmful effects on algae.

There's also the production of sunscreen to worry about. The mining and processing of minerals is resource-intensive and environmentally taxing. Creating titanium dioxide can result in large amounts of iron sulfate waste or smaller amounts of the more hazardous iron chloride waste. And manufacturing the nano-size versions may require plenty of extra energy plus more purifying solvent, which generates significant amounts of waste that may be hazardous, depending on the solvent used.

It's hard to tell exactly how the chemicals stack up in terms of production, because manufacturers tend to be tight-lipped about their proprietary formulations. (As an industry, though, metal mining releases more than twice the amount of toxic chemicals as the chemicals industry, according to the **EPA.**)

In the absence of better data, then, the Lantern agrees with researchers who conducted a literature review on the topic of UV filters in 2007 and concluded that, while the field deserves further study, "the present state of knowledge is incomplete and insufficient to impose 'environmental protection' measures" on sunscreens.

In the meantime, there are plenty of ways to protect your skin at the beach while going a little easier on the Coppertone. Wear a hat or a caftan and find yourself a beach umbrella. If you're feeling brave, you could always try one of those Darth Vader-style sunshades so popular with the women of Asia.

And remember: The stuff that washes off your body isn't the only sunscreen waste you

need to worry about. Most dermatologists recommend using a shot glass-size application each time you lotion up, which means you could end up with another empty plastic tube every few times you go to the beach.

AK-Polluted-ditch-cleanup-planned-project-to-remove-soil-with-PCBs-near-airdock (*Akron Beacon Journal*)

Ohio
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STATE AND REGIONAL NEWS
20090528-AK-Polluted-ditch-cleanup-planned-project-to-remove-soil-with-PCBs-near-airdock-0528
Polluted ditch cleanup planned; project to remove soil with PCBs near airdock

By The Akron Beacon Journal, Ohio
May 28--Lockheed Martin is preparing to clean up contaminated sediment and soils from a drainage ditch in southeast Akron.

The $8 million voluntary cleanup will remove soils and sediments from Haley's Ditch near the former Goodyear Airdock.

About 1,800 feet of the ditch are polluted with polychlorinated biphenyls (PCBs) that washed off the airdock.

The structure was built in 1929 using material coated with a fire-retardant substance that contains PCBs. Dust particles fell from the building to the ground and rain washed it into Haley's Ditch.

PCBs -- a class of 209 oil-based chemicals used primarily as coolants and lubricants in electrical equipment -- were banned in the late 1970s because of health concerns.

Exposure to PCBs can cause cancer, liver damage, skin irritation and reproductive and developmental problems.

The Haley's Ditch project must still be approved by the U.S. **Environmental Protection Agency.** An application was filed last January with the agency.

Lockheed Martin is holding an informal public meeting on its plans on June 4. The meeting will be from 5 to 8 p.m. at the Ellet Community Center, 2449 Wedgewood Dr.

The company and its contractors intend to minimize the project's impact on neighbors. Truck traffic and noise will be the two biggest problems.

About 1,000 truckloads will be removed from the ditch from Triplett Boulevard on the south to near the intersection of Archwood Avenue and Seiberling Street on the north.

The work will affect about five acres that are now fenced off. It will require the removal of 600 cubic yards of sediments and 10,000 cubic yards of soils. Up to three feet of soil will be removed along the ditch, along with most trees and vegetation.

Less-contaminated soils will be hauled to American Landfill in southern Stark County. More-contaminated soil will be shipped to EQ Landfill in Belleville, Mich.

About 20 trucks per day will leave the site.

Lockheed Martin has permission for the cleanup from affected landowners along the ditch.

The excavated soils will be replaced by clean soils and a meandering stream will be created after the work is complete, the company said in a 12-page publication it has prepared on the project.

The work could get under way in June or July, if final approval comes soon from federal and state agencies, and will continue until late fall, the company said.

Additional testing will be conducted to assure that all the contamination is removed, and those results will be submitted to the U.S. and Ohio **EPAs.**

The highest contamination levels found in Haley's Ditch were 50 times higher than **EPA** action levels, the company said.

Ditch samples from north of Archwood Avenue showed only low levels of contamination that do not require removal.

The health threat is low because the biggest risk would be to someone who would eat the PCB-laced soil from the ditch, an unlikely scenario, Lockheed Martin said.

From 2005-2008, Lockheed Martin collected more than 500 soil and sediment samples from 150 locations along Haley's Ditch.

The **EPA** requires a cleanup if PCB levels exceed 1 milligram per kilogram. That is equal to 1 part in 1 million.

Lockheed Martin says that's equal to one teaspoon of dirt in a 12-ton dump truck or one car in a bumper-to-bumper line stretching from Cleveland to San Francisco.

The company became aware of the contamination in Haley's Ditch in 2003 and has been working with the U.S. **EPA,** Ohio **EPA** and the city of Akron to address the problem.

Lockheed Martin, with 650 workers in Akron, assumed ownership of the airdock in 1997 when it acquired portions of Loral Corp., which had owned the building since 1987 when it purchased assets of Goodyear Aerospace Corp.

In 2006, the Summit County Port Authority assumed ownership of the airdock and leases the building to Lockheed Martin.

The airdock -- it is bigger than seven football fields -- was designed to build lighter-than-air ships including the famous Goodyear blimp.

Lockheed Martin has installed a rubber membrane over the airdock's roof, coated the interior of the building, replaced siding on the lower part of the building, replaced rain gutters and installed filters over storm drain openings to reduce future risks from the airdock.

The company continues to operate the airdock under an agreement with and under supervision of the federal **EPA.** It is working with the Ohio **EPA** on cleanup plans.

For more information, check out http://www.lockheedmartin.com/aboutus/energy_environment/community_solutions/akron-oh.html.

A public file is also available at the Ellet Branch of the Akron-Summit County Public Library, 2470 E. Market St.

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WATER

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EPA Told Insurance Policies Inadequate To Manage CO2 Storage Risks (*Inside EPA*)

As EPA grapples with thorny liability issues in preparation for a proposed drinking water rule to address geologic storage (GS) of carbon dioxide (CO2), electric utility officials and insurance brokers warned agency staff at a recent stakeholder meeting that long-term instruments -- such as surety bonds that guarantee contract performance -- rather than shorter term insurance policies are a better approach to manage “post closure” liability risks of carbon storage sites.

The issue of what policies to adopt to manage GS liability risks is becoming increasingly important as Congress negotiates climate change legislation that is expected to dramatically expand the amount of carbon stored underground through carbon capture and sequestration (CCS) technologies adopted by coal-fired power plants, with a potential commensurate expansion of EPA legal authority over carbon storage liability matters.

Given the legal complexity and significance of the liability issues CCS raises, EPA headquarters staff has been holding “Webcasts” to seek the advice of stakeholders on critical aspects of its CO2 sequestration rule. EPA is working to finalize its July 15 proposed rule -- due out in 2010 or 2011 -- that will create a new class of underground injection control wells to be regulated under the Safe Drinking Water Act.

The agency’s first Webcast, held on April 28, focused on the potential of using trust funds, letters of credit, and surety bonds as mechanisms to best ensure cleanup of GS wells in the event of groundwater contamination or to properly manage well closure and monitoring in the event of a company bankruptcy.

EPA advisors and regional staff urged the agency during the first Webcast to be wary of financial assurance requirements that could make it difficult for EPA to collect funds from companies liable for contamination resulting from CCS -- and to provide clear guidance on contract language that could make it easier for EPA to collect money in the event of contamination or company bankruptcy.

The agency’s second Webcast, held May 20, explored the potential for insurance policies to fill that role, with EPA staff asking representatives from Edison Electric Institute (EEI) -- representing major investor-owned electric utilities -- major insurance company representatives, and others about their views on the issue.

The insurance brokers and electric utility officials participating in the May 20 discussion warned EPA staff that insurance policies will be “problematic” for managing liability risks for the 50 years that CO2 GS projects must be monitored after the project has been completed, “post closure.” Because insurance companies may fail in 50 years, or policies will not last so long, the officials suggested that surety bonds or other instruments would be better suited for the job.

While stakeholders said insurance policies would be appropriate for the operational phase of the projects -- during which the CO2 is being injected and the well is being capped -- insurance policies are not well-suited for the 50-year post-closure period, in

which the owner would be required to monitor the site and would be liable for problems that might arise.

Certain insurance companies might not be around 50 years from now, said Peter Mavraganis, with the leading insurance brokerage firm Marsh. “Insurance becomes a little bit problematic” in that sense, he said. Furthermore, he said it would be difficult to secure an insurance policy that lasts 50 years and, even if an owner were to find a shorter-term policy, there would be little or no assurance the policy could be renewed.

EEI’s Karen Obenshain concurred with Mavraganis, arguing that insurance policies would work well for the operational phase of the project, but would pose problems for the lengthy post-closure period. Because of this timing issue, they argued that surety bonds, forfeiture bonds or other instruments would be more appropriate.

EPA staff, who stressed that they were not making policy with the Webcasts but were gathering feedback from affected stakeholders, for the most part asked questions and did not offer opinions on this recommendation.

Increasing your outdoor water efficiency (*Lexington Minuteman*)

By Judy Otto/Special to the Minuteman
Thu May 28, 2009, 05:56 AM EDT
Lexington - New homes built in Lexington will soon be subject new Environmental Protection Agency (EPA) specifications for water-efficient single-family new homes. However, The Lexington League of Women Voters encourages all homeowners to implement water conservation outdoors, now.
Landscape wisely
Among the EPA’s outdoor water-efficiency criteria is that Turfgrass shall not exceed 40 percent of the landscapable area. Here are some ways to lessen your turf area.

· Learn to love your moss. In Japan, moss is cultivated for its natural beauty, its ability to flourish in shade and in acidic soil, and its cushiony feel underfoot. In the U.S., we actually have chemicals to kill it so that we try, endlessly, to grow grass in shade.

· Xeriscape your yard. That word is a combination of landscape and the Greek word “xeros” (dry) and is a system for saving water in landscaped areas.

There are seven basic principles in this method: water conservation, soil improvement, limited turf, appropriate plants, mulch, irrigation using soaker hoses and drip irrigation, and maintenance.

· Use natural landscaping. Using native plants is another way to conserve water in your yard. Because native plants have evolved and adapted to local conditions over

thousands of years, they are vigorous and hardy. Once established, they require no irrigation or fertilization and are resistant to most pests and diseases.

Even easier, if you can release yourself from the need for a manicured yard, is wildscape gardening — developing a landscape that attracts wildlife such as birds and fox. Wildscaping often requires less water than the equivalent amount of turf because the plants are native species.

The National Wildlife Federation (NWF) encourages wildscaping for these reasons:

1. It's fun. Watching wildlife in action can be fun and relaxing for everyone. Your habitat may attract beautiful songbirds, butterflies, frogs, and other interesting wildlife for viewing from your very own window.

2. It enhances curb appeal. Replacing grass lawns with native wildflowers, shrubs, and trees will increase the beauty of your property and provide a nurturing refuge for wildlife.

3. It brings wildlife home. Restoring habitats where commercial and residential development have degraded natural ecosystems can be your way of giving back to wildlife.

4. It's eco-friendly. Gardening practices that help wildlife, like reducing the use of chemicals, conserving energy and water, and composting also help to improve air, water and soil quality.

5. It builds community. Gardening for wildlife can help you share your love of wildlife with your neighbors and help them get involved in creating a home for wildlife.

In fact, you can apply to have your yard certified as a NWF Certified Wildlife Habitat, and display a durable plaque in your yard or on a tree for all to see.

Harvest rainwater

Residential irrigation can account for 40 percent of domestic water consumption in a given municipality.

Irrigation water can be free if you use rain barrels to capture rainwater from your roof.

Precipitation in New England is typically 3 to 4 inches per month, and one inch of rain on a 1,000-square-foot roof yields 623 gallons of water. This will be an even more impressive figure if you calculate the savings on your water bill. Rainwater contains no fluorides or chlorine and this soft, warm, oxygen-filled rainwater is perfect for watering the garden.

To find rain barrels, Google that term and you'll find a myriad of choices, ranging from recycled pickle barrels to those that look like terra cotta, to old oak barrels. You can even make your own rain barrels with these instructions.

The Lexington Department of Public Works (DPW) provides residents with 55-gallon recycled barrels at a discount. Call Lexington DPW Operations at 781-861-2757 to see these barrels.

Water your plants, not the air

Soaker hoses, which lie flat on the ground and are slightly buried under the soil or mulch, allow water to seep directly into the soil and deliver water at the root zone of plants. Soaker hoses work by slowly releasing small amounts of water over a longer period of time. By releasing water slowly, more water can soak deeper into the soil and less is wasted through the evaporation, overspray, and runoff than when using sprinklers.

You can also avoid having to move sprinklers or watering by hand, save money by using less water, and avoid plant diseases caused by water on the leaves.

Soaker hoses are great to use for the first season of newly planted trees or shrubs. After that, these plants, especially if native, are usually satisfied with rainfall.

You can also connect a soaker hose to a rain barrel but you must raise the rain barrel on a platform such as cement blocks so that gravity helps the rainwater get to your garden.

Think big

If you have several and/or large gardens, or are ready to try greywater use as described in a former article, 500-gallon barrels are available from the same company that supplies Lexington's DPW with water barrels for residents to purchase.

Companies supply ready-made cisterns that can be buried in the ground. Before our era of abundance, when homes were built cisterns were also constructed in the ground to store water for household needs. Pumps can be installed in the newer ones to deliver the water where you need it.

Judy Otto is a member of the Lexington chapter of the League of Women Voters.

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