



Correspondence Management System

Control Number: AX-12-000-6469

Printing Date: April 11, 2012 02:52:12



Citizen Information

Citizen/Originator: Gauthe, Sharon S.

Organization: Interfaith Sponsoring Committee
Address: 406 West Second Street, Thibodaux, LA 70301

Juhasz, Antonia

Organization: N/A
Address: 2059 Market Street, San Francisco, CA 94144-1335

Battle, Colette Pinchon

Organization: Gulf Coast Center for Law & Policy Moving Forward Gulf Coast, Incorporated
Address: 620 Oak Harbor Boulevard, Slidell, LA 70458

Sarthou, Cynthia

Organization: Gulf Restoration Network
Address: Post Office Box 2245, 338 Baronna Street, New Orleans, LA 70112

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|--------------------------|---|--------------------------|--------------|
| Control Number: | AX-12-000-6469 | Alternate Number: | N/A |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | Apr 25, 2012 | # of Extensions: | 0 |
| Letter Date: | Apr 10, 2012 | Received Date: | Apr 10, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | DX-Direct Reply | Signature Date: | N/A |
| File Code: | 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic. | | |
| Subject: | Daily Reading File-Creating a Gulf of Mexico Regional Citizens' Advisory Council | | |
| Instructions: | DX-Respond directly to this citizen's questions, statements, or concerns | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | OEAE - Office of External Affairs and Environmental Education R4 - Region 4 -- Immediate Office R6 - Region 6 -- Immediate Office | | |

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|----------------------------|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | GCERTF | Apr 11, 2012 | Apr 25, 2012 | N/A |
| Instruction: N/A | | | | | |

Administrator Lisa Jackson
Chair, Gulf of Mexico Ecosystem
Restoration Task Force
Environmental Protection Agency
Washington, D.C.

RECEIVED
2012 APR 10 AM 10:23

OFFICE OF THE
EXECUTIVE SECRETARIAT

Re: Creating a Gulf of Mexico Regional Citizens' Advisory Council

Dear Administrator Jackson,

We, the undersigned, are writing to express our support for the creation of a Gulf of Mexico Regional Citizens' Advisory Council (GMRCAC) to help inform future oil and gas operations. This Council will give impacted communities a much-needed voice in energy industry decisions that directly affect their lives, livelihoods, and environment. Gulf Coast citizens have firsthand experiences in these areas, and have valuable information and ideas to share with regulators and industry. For example, a Gulf of Mexico RCAC would have drawn attention to the inadequate spill response plans that included saving the infamous Gulf walrus.

As you know, the Oil Spill Commission recommended the formation of just such a council to support ongoing local involvement in spill planning and response in the Gulf. Last week (March 14, 2012) it was announced that the commission is regrouping to issue a report card on implementation of their safety recommendations. Given this announcement and with the two-year memorial of the disaster only weeks away, now is the time for the Administration to implement this key recommendation, and we ask for your support and leadership to make this a reality.

The GMRCAC would be funded by the oil industry and would have the capability to fully and effectively participate in monitoring of the regulatory process governing oil and gas exploration and development in the Gulf of Mexico. Specifically, the GMRCAC would:

1. Recommend mechanisms to strengthen efforts to prevent spills and better respond to spills; ensure the safety of any dispersant application, community training, and appropriate protective health measures;
2. Provide recommendations for strengthening regulations and provide oversight of exploration, development, production, and transportation of oil and gas in the Gulf of Mexico;
3. Independently monitor the impact of oil and gas exploration and development on the marine and coastal environments.

In the aftermath of the Exxon Valdez spill, Congress established the Prince William Sound Regional Citizens' Advisory Committee to provide a needed layer of scrutiny. By fighting

complacency and maintaining vigilance, it has proven to be one of the most important vehicles for preventing and responding to oil spills in Alaska.

As in the Deepwater Horizon spill, Alaska was woefully unprepared to respond quickly to the Exxon Valdez spill. Even former oil executives like Mark Swanson, who now serves on the Prince William Sound RCAC, recognize that it is critical for the people with the most to lose be engaged and stay engaged. Thanks to the formation of the Prince William Sound Regional Citizen's Council, Alaskans are ready to respond to any future incidents.

Some major accomplishments of the Alaskan RCAC's have included:

- Addressing public questions and concerns about oil spill risks and spill prevention measures.
- Supporting the creation of response strategies to protect vulnerable coastal areas from spills.
- Advising the U.S. Congress on double-hull requirements for oil tankers.
- Funding research that resulted in vapor controls on tankers to limit the release of dangerous fumes.
- Funding buoys that collect data for modeling the path of spilled oil.
- Helping to establish a tanker escort system with tug boats to monitor conditions and assist tankers.

In addition to efforts to secure BP fines and penalties to restore the Gulf, we also feel adequate steps must be taken to protect the Gulf and our communities from future oil disasters, and ensure a better response to accidents and spills as we fulfill our role as America's Energy Coast. The creation of a Gulf of Mexico Regional Citizens Advisory Council would be a step in that direction.

Your consideration of this request and your support for the timely establishment of the GMRCAC is important to us. We would appreciate the opportunity to meet with you to discuss this further. Please contact us at michelle@healthygulf.org or (504) 525-1528.

Sincerely,

Cynthia Sarthou, Executive Director
Gulf Restoration Network

Sharon S. Gauthé, BISCO Director
Interfaith Sponsoring Committee (BISCO)
BISCO (Bayou Interfaith Shared Community Organizing)

Antonia Juhasz
author, Black Tide: the Devastating Impact of the Gulf
Oil Spill (Wiley 2011)
San Francisco, CA

Colette Pichon Battle
Director/Attorney
Gulf Coast Center for Law & Policy
Moving Forward Gulf Coast, Inc.

For a full list of signers please visit www.gulffuture.org



Correspondence Management System

Control Number: AX-12-000-6498

Printing Date: April 11, 2012 08:51:49



Citizen Information

Citizen/Originator: Brune, Michael

Organization: Sierra Club
Address: 85 Second Street, 2nd Floor, San Francisco, CA 94105

Cohen, Armond

Organization: Clean Air Task Force
Address: 18 Tremont Street, Boston, MA 02108

Krupp, Fred

Organization: Environmental Defense
Address: 257 Park Avenue South, New York, NY 10010

Beinecke, Frances G

Organization: Natural Resources Defense Council
Address: 1200 New York Ave NW, Washington, DC 20005

Alt, Margie

Organization: Environment America
Address: 218 D Street, SE 2nd Floor, Washington, DC 20003

Ellis-Lamkins, Phaedra

Organization: Green For All
Address: 1611 Telegraph Avenue, Oakland, CA 94612

Karpinski, Gene

Organization: League of Conservation Voters Education Fund
Address: 1920 L N.W., Washington, D.C. 20038

Thomasson, Catherine

Organization: Physicians for Social Responsibility
Address: 1875 Connecticut Avenue, NW #1012, Washington, DC 20009

Wendelgass, Robert

Organization: Pennsylvania Clean Water Action
Address: 1420 Walnut Street, Philadelphia, PA 19102

Van Noppen, Trip

Organization: Earthjustice
Address: 426 17th Street, 6th Floor, Oakland, CA 94612

Krill, Jennifer

Organization: Earthworks
Address: 1612 K Street NW, Washington, DC 20006

Clark, Jamie Rappaport Clark

Organization: Defenders of Wildlife
Address: 1130 17th Street NW, Washington, DC 20036

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6498

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

**American Rivers * Clean Air Task Force * Clean Water Action * Defenders of Wildlife *
 Earthjustice * Earthworks * Environment America * Environmental Defense Fund *
 Green For All * League of Conservation Voters * Natural Resources Defense Council *
 Physicians for Social Responsibility * Sierra Club**

April 9, 2012

Valerie Jarrett
 Senior Advisor to the President
 The White House
 Washington, DC 20500

Re: EPA's Proposed Emissions Standards for Natural Gas Production and Transmission

Dear Ms. Jarrett:

In his State of the Union Address, President Obama committed to developing shale gas resources "without putting the health and safety of our citizens at risk." We deeply appreciate the President's efforts to implement this commitment.

In his Blueprint for a Secure Energy Future (Mar. 30, 2011), the President charged the Secretary of Energy's Advisory Board with identifying "consensus recommended advice to the agencies on practices for shale extraction to ensure the protection of public health and the environment."

The Advisory Board's Natural Gas Subcommittee, made up of a balanced group of industry and environmental experts, responded to the President's charge by identifying the Environmental Protection Agency's proposed air pollution standards as a "critical step forward" in their Second Ninety Day Report (Nov. 18, 2011). They called for these standards to be further strengthened and finalized as soon as possible.

The Clean Air Act standards for oil and gas production currently under OMB review would be a major step towards fulfilling the President's commitment and the advisory committee's recommendations. All of the measures needed under the standards are common sense, in common use already, cost-effective, and necessary to protect the public.

Without these rules, there will be no federal standards limiting air pollution from hydraulically fractured natural gas wells such as shale gas wells. But these wells and other sources in this sector release very large amounts of dangerous air pollution – pollutants that can cause cancer, that form ozone smog, and that contribute to climate change. This pollution is a threat to our children, our communities and our planet. Unless EPA takes action, these health threats will continue and indeed will dramatically increase as the gas drilling boom continues and moves into new areas of our country.

The limited federal performance standards that exist for new sources in the natural gas sector cover only natural gas processing plants and are more than a quarter-century old. They critically need updating and modernizing. The revised standards that EPA has proposed will cut air pollution from this sector by about 25 percent.

Rather than imposing costs on industry, the new standards as a whole actually make the industry money, because in many instances they result in the recovery of natural gas that would otherwise have leaked into the air. When that recovered gas is sold, the resulting revenue stream greatly offsets or, in many cases, more than pays for the costs of compliance. Additionally, EPA estimates that the new standards will create nearly 3,000 jobs.

The heart of the new standards is the requirement to capture the whoosh of pollution from newly fracked and refracked natural gas wells using portable tanks on trucks. This "green completion" technology will capture hundreds of thousands of tons of smog-forming emissions annually, along with millions of tons of methane.

Green completions have been required in Colorado and Wyoming for several years and oil and gas production has increased in those states, which demonstrates that the federal standards will not slow down domestic natural gas production. Further, the proposed standards will have no impact on oil production or gasoline prices, because the green completions requirement is for natural gas production.

Officials from Ohio, Pennsylvania, Colorado, New York, the National Association of Clean Air Agencies, and key public health groups are among the many experts who support these common sense standards.

Additionally, all government and private forecasters project an increase in natural gas use for generating electricity. EPA has just proposed carbon pollution standards consistent with that forecast. Without limits on dangerous air pollution where natural gas is produced, the public health protections provided by the new power plant standards will be undermined.

The American Petroleum Institute (API) and other industry organizations which have pressured EPA to exempt the sources of nearly all the air pollution from the standards have made unsupportable claims about the cost and impact of these standards. In the attachment to this letter, we respond to the most important misinformation contained in the most recent API comments.

Finally, while this letter focuses primarily on the importance of green completions for hydraulically fractured natural gas wells, it is important to note that we support all of the positive steps forward made by the proposed standards, which must not be weakened. These common sense standards are the single most important step the

President can take this year to reduce the health and environmental consequences of the natural gas boom.

Sincerely,

Michael Brune
Executive Director
Sierra Club

Catherine Thomasson, MD
Executive Director
Physicians for Social Responsibility

Armond Cohen
Executive Director
Clean Air Task Force

Wm. Robert Irvin
President
American Rivers

Fred Krupp
President
Environmental Defense Fund

Robert Wendelgass
President & CEO
Clean Water Action

Frances Beinecke
President
Natural Resources Defense Council

Jennifer Krill
Executive Director
Earthworks

Margie Alt
Executive Director
Environment America

Trip Van Noppen
President
Earthjustice

Phaedra Ellis-Lamkins
CEO
Green For All

Jamie Rappaport Clark
President and CEO
Defenders of Wildlife

Gene Karpinski
President
League of Conservation Voters

cc:

L. Jackson, EPA
C. Sunstein, OIRA
H. Zichal, WH EOP
G. McCarthy, EPA
J. McCabe, EPA
S. Page, EPA
P. Tsirigotis, EPA
D. Mancini, OIRA
C. Higgins, OIRA



Correspondence Management System

Control Number: AX-12-000-6539

Printing Date: April 11, 2012 10:05:46



Citizen Information

Citizen/Originator: Yost, Paul A

Organization: National Association of Manufacturers
Address: 1331 Pennsylvania Avenue, NW, Washington, DC 20004

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6539 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Apr 10, 2012 Received Date: Apr 10, 2012
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: EML (E-Mail) Priority Code: Normal
Signature: SNR-Signature Not Required Signature Date: N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File-Proposal to restrict confidentiality claims for chemical identities in health and safety studies for new chemicals
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|------------|---------------|
| (b) (6) Personal Privacy | OEX | OCSPP | Apr 11, 2012 |
| Zelma Taylor | OCSPP | OCSPP-OPPT | Apr 11, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|---------------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OCSPP | Apr 11, 2012 |
| Zelma Taylor | OCSPP | Forwarded control to OCSPP-OPPT | Apr 11, 2012 |



Paul A. Yost

Vice President

Energy and Resources Policy

April 10, 2012

The Honorable Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
Eisenhower Executive Office Building
1650 Pennsylvania Avenue, NW
Washington, DC 20500

Dear Administrator Sunstein:

The National Association of Manufacturers (NAM), the largest manufacturing association in the United States, is extremely concerned with the Environmental Protection Agency's (EPA) proposal to restrict confidentiality claims for chemical identities in health and safety studies for new chemicals.

The NAM represents over 13,000 small, medium and large manufacturers in every industrial sector and in all 50 states. We are the leading voice for the manufacturing economy in Washington, D.C. and the leading advocate for a policy agenda that helps manufacturers create millions of high-wage jobs in the United States. Two-thirds of NAM members are small businesses, which serve as the engine for job growth.

The NAM believes that trade secret protection is crucial to U.S. manufacturing competitiveness. Unfortunately, the EPA's new interpretation of a 1983 Premanufacturing Notice (PMN) regulation will require chemical manufacturers to disclose chemical identities in health and safety studies in a manner that will compromise trade secrets. Previously, manufacturers were able to use the generic name for the chemical in the PMN.

The EPA's actions will make it difficult for chemical manufacturers to innovate and develop new products if chemical identities are readily available to their competitors. It is disconcerting that the EPA would mandate that manufacturers hand over trade secrets that have been achieved through heavy investment in research. As our economy struggles to recover from the last recession, the EPA continues to pile on more overreaching regulations that hurt manufacturers' competitiveness and keep them from expanding and creating jobs. Though this action is specifically aimed at the chemical sector, it will cause great uncertainty for other manufacturing sectors that rely on Confidential Business Information (CBI) protections in other environmental statutes.

Leading Innovation. Creating Opportunity. Pursuing Progress.

The NAM and its members are committed to enhancing the health and safety information provided to the EPA on chemicals in commerce. We support the current practice of submitters identifying PMN chemicals via generic, structurally-descriptive names. The EPA's proposed amendments are unworkable, and we respectfully request the rule be revisited to prevent severe economic consequences in the manufacturing sector.

Sincerely,

A handwritten signature in black ink, appearing to read 'Paul A. Yost', with a long horizontal line extending to the right.

Paul A. Yost
Vice President, Energy & Resources Policy
National Association of Manufacturers

cc: Environmental Protection Agency Administrator Lisa Jackson, Acting Administrator for the Office of Chemical Safety and Pollution Prevention Jim Jones



Correspondence Management System

Control Number: AX-12-000-6571

Printing Date: April 12, 2012 03:43:07



Citizen Information

Citizen/Originator: DeTro, Jim

Organization: Okanogan County Board of Commissioners, Commissioner District 3
Address: 123 Fifth Avenue North, Okanogan, WA 98840

Lampe, Andrew

Organization: Okanogan County Board of Commissioners, Commissioner District 1
Address: 123 Fifth Avenue North, Okanogan, WA 98840

Hover, Don

Organization: Okanogan County Board of Commissioners, Commissioner District 2
Address: 123 Fifth Avenue North, Okanogan, WA 98840

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6571 **Alternate Number:** N/A
Status: Pending **Closed Date:** N/A
Due Date: Apr 25, 2012 **# of Extensions:** 0
Letter Date: Apr 3, 2012 **Received Date:** Apr 11, 2012
Addressee: AD-Administrator **Addressee Org:** EPA
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: DX-Direct Reply **Signature Date:** N/A
File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Response to the recent announcement that the Environmental Protection Agency and the Army Corp of Engineers has sent the "Waters of the U.S." guidance to the White House Office of Management and Budget for final review.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: NOTE: Send a separate letter to each recipient.
CC: OCFO - OCFO -- Immediate Office
OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 11, 2012 | Apr 25, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |
| Wanda Fields | OW | OW-OWOW | Apr 11, 2012 | Apr 25, 2012 | N/A |
| Instruction: N/A | | | | | |

4/11 DAT



OKANOGAN COUNTY

Board of Commissioners

Andrew Lampe
Commissioner District 1
Don (Bud) Hover
Commissioner District 2
Jim Detro
Commissioner District 3
Laleña Johns
Clerk of the Board

April 3, 2012

Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave NW
Washington D.C. 20460

2012 APR 11 AM 10:08
OFFICE OF THE
EXECUTIVE SECRETARY
RECEIVED

Dear Director Jackson,

This letter is in response to the recent announcement that the Environmental Protection Agency and the Army Corp of Engineers has sent the "Waters of the U.S." guidance to the White House Office of Management and Budget for final review. We fundamentally disagree with the policies and legal interpretations espoused in this document. We believe these legal interpretations and policies are without constitutional hence legal foundation and further believe the act of sending them forward for review violates the United States Code. We will cover these points in the remainder of our letter.

The EPA has failed to cooperate with local agencies/ governments as required by 33 U.S.C. 1251 Clean Water Act. The act further directs your agency to cooperate with, amongst others, municipalities as you develop programs and policies. Okanogan County is on record as requesting you coordinate your policy creation and implementation with us as a local unit of government. We sent correspondence to that effect on September 16, 2008 in response to your announcement that you intended to incorporate federal global warming/climate change policies into local land use planning. You responded to this letter by informing us that the EPA had no such intention and was not working on any policy level documents. It appears that you are now attempting to achieve the same exact end through a different tactic. We again insist that your agency meet with us to discuss the intent of this guidance document and the impacts it will have on local government and the citizens we serve. We ask that you suspend any effort to implement your guidelines and arrange to meet with us in the month of April 2012.

The EPA has failed to properly evaluate the impacts of these guidelines as required by 42 U.S.C. 4321 National Environmental Policy Act (NEPA). NEPA directs that major federal actions be reviewed in accordance with the requirements of the act and, amongst other requirements, that the study be conducted in cooperation with state and local governments. The mere announcement that these policies are under consideration and then quickly sending them to the White House for final review does not comply with either the letter or spirit of the law. It is ironic that we must make this case since the EPA is the statutory

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509.422.7100

123 Fifth Avenue N. * Room 150 * Okanogan * Washington * 98840
TTY/Voice use 800.833.6388

Fax
509.422.7106

watchdog for the National Environmental Policy Act. We ask, if you proceed at all, that you send the document submitted to the Office of Management and Budget out for public review in accordance with NEPA.

The Clean Water Act recognizes the authority of the states over water by the specific language it contains. It is clear the intent of the Clean Water Act restricts your jurisdiction to "navigable waters" rather than all surface waters. Recent Supreme Court rulings support this interpretation.

We question the authority of the EPA to extend federal authority over the surface waters of any state and the subsequent, and we believe intentional, consequence of extending federal authority over local land use decisions. Legal arguments aside we are greatly concerned the assertion of federal authority over local permitting processes will do nothing to improve project review.

As we pointed out in our September 16, 2008 correspondence the insertion of federal jurisdiction into local land use planning and permitting will do nothing to gain greater protection for the environment. Our concern is that it will impair our ability to protect our valuable natural resources. The local processes authorized by state law are crafted to require land use applications undergo review that identifies impacts and conditions proportionate to the scope of the project. As it is the wrangling over state versus local authority can create diversion from the intent of these processes which is to avoid unnecessary damage to our natural environment and at the same time promote the economic vitality so important to us all. By adding another layer of government oversight you are doing nothing to gain either thoroughness or efficiency. Based on our experience we fear that your efforts will only increase the complexity of project review and in the end the true victim will be the natural environment and our own quality of life.

In summary:

We ask that you meet with us during the month of April 2012 to discuss this policy document. We ask that you be prepared to share with us in specific terms any analysis you have conducted regarding the impacts the "Waters of the U.S." document will have on the economies of local municipalities and the on-going dedication of public resources necessary for your agency to implement these policies.

We ask that you respond to us in writing regarding your legal analysis that supports sending the "Waters of the U.S." document in for final review especially in light of the recent Supreme Court Rulings.

After fulfilling our two preceding requests, in the event you insist on moving forward, we ask that you put the "Waters of the U.S." out for public review and prepare an Environmental Impact Statement in accordance with NEPA.

This is an issue of critical importance to local governments throughout the nation. It is our intention to work with the Washington Association of Counties and the National Association of Counties to encourage county governments throughout America to request meetings with you and your personnel so you can hear firsthand the concerns of these local elected

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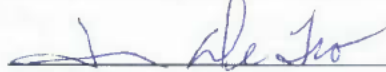
Fax
509.422.7106

officials. The magnitude of what you propose is worthy of the resources necessary for you to comply with these requests in accordance with congressional mandate found in the United States Code.

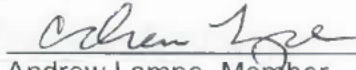
We anticipate your timely response and look forward to working with your agency on this important issue.

Sincerely,

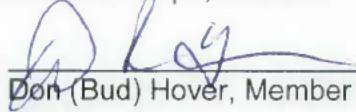
BOARD OF COUNTY COMMISSIONERS
OKANOGAN, WASHINGTON



Jim DeTro, Chairman



Andrew Lampe, Member



Don (Bud) Hover, Member

Cc: Dennis McLerran, Director, EPA Region 10 1200 Sixth Ave Suite 900, Seattle WA 98101
Ryan Yates, Associate Legislative Director for Public Lands, National Association of Counties
Eric Johnson, Executive Director, Washington State Association of Counties

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Nancy Sutley, Chair
Council on Environmental Quality
722 Jackson Place NW
Washington, DC 20506

April 11, 2012

Petition to Develop Guidelines for Federal Land Management Agencies to Prevent Further Spread of White-Nose Syndrome, a Disease Threatening North American Bat Species

Dear Chairwoman Sutley:

On behalf of the Center for Biological Diversity and its more than 350,000 members and online activists, we respectfully petition you to direct federal land management agencies to develop and adopt regulations for the management of caves to stop further spread of white-nose syndrome. In a wildlife crisis of unprecedented proportions, this newly emergent fungal disease has devastated bat populations across the northeastern U.S. and is spreading west. The U.S. Fish and Wildlife Service estimates that close to 7 million bats have died from white-nose syndrome in just five years. To date, the disease has affected six species in 20 states and four Canadian provinces. The loss of the insect-control services provided by millions of bats has the potential to cost American farmers billions of dollars. In a statement last week, Fish and Wildlife Service director, Dan Ashe, put it simply: "Bats are crucial to our nation's ecosystems and our economy."

Despite the severity of the crisis presented by white-nose syndrome, the response from federal land management agencies has been inconsistent and in many cases lackluster. In the eastern U.S., where the disease has already spread, most federal land agencies have enacted strict cave closures to slow human transmission of the bat-killing fungus. However, only a smattering of jurisdictions in the western U.S., where there is greatest risk of further spread, have passed protective regulations. Consistent regulations, including administrative closures of caves with bats, decontamination requirements for those people entering caves, and surveys to identify and recognize significant cave resources, are badly needed to prevent further spread of white-nose syndrome.

We seek your support and oversight in the case of this urgent environmental matter, and file this petition under the Administrative Procedure Act. In the event that your office chooses to deny our petition, we ask for timely notification, per the specifications of the APA, which states that "[p]rompt notice shall be given of the denial in whole or in part of a written application, petition, or other request of an interested person made in connection with any agency proceeding."¹

¹ 5 U.S.C. § 555(e)

The threat of white-nose syndrome

White-nose syndrome is the “worst wildlife health crisis in memory.”² Named for the fuzzy, white substance that sometimes appears on sickened bats’ muzzles, white-nose syndrome is caused by a fungus previously unknown to science aptly named *Geomyces destructans*. Afflicting bats while they hibernate in caves and mines, the disease has caused regional mortality rates of 70 percent to nearly 100 percent. Multiple native bat species are at risk, and some may not persist in the future without human assistance. The disease first appeared in upstate New York in late winter 2006. Today it is confirmed in 19 states and four provinces,³ and suspected in another state—a vast zone of infection stretching from Nova Scotia to Oklahoma. Scientists believe it is only a matter of time before the disease afflicts bats from coast to coast.

The threat of this bat disease is not confined to natural systems alone. American farmers depend on the free pest control services of insect-eating bats. Loss of bats in North America could result in between \$3.7 billion and \$53 billion in annual agricultural losses⁴ and increased environmental impacts from additional pesticide use on crops. This winter, new reports of white-nose syndrome in Alabama, Missouri and other parts of the Midwest confirm the disease is well established in the American heartland and spreading.

The need for cave management

Although the exact mechanisms for spread of white-nose syndrome are not fully understood, there is strong evidence that humans visiting caves spread the disease and are likely responsible for its introduction to North America. A recent study confirms that the fungus that causes white-nose syndrome originated in Europe.⁵ European bats suffer few ill effects from the fungus, which was discovered in Europe after the advent of white-nose syndrome in North America.⁶ In contrast, North American bats have little resistance to the disease. Evidence that humans were the cause of the introduction of this novel organism from Europe includes the fact that bats do not migrate across the Atlantic Ocean;⁷ no other animals are known to travel such long distances and also access caves as part of their life history; the fungus can grow on many different organic materials and will adhere to clothing and gear taken into an infected site; and the disease was first documented at a heavily visited commercial cave in upstate New York.⁸ Although the disease is also spread among bats, all of the above evidence indicates it was introduced by people, specifically people who visited a cave or caves in Europe and then North America.⁹

² “About white-nose syndrome,” U.S. Fish and Wildlife Service White-nose syndrome web page. Accessed March 27, 2012. <http://www.fws.gov/WhiteNoseSyndrome/about.html>

³ <http://www.whitenosesyndrome.org/news/north-american-bat-death-toll-exceeds-55-million-white-nose-syndrome>

⁴ Boyles, J.G., P.M. Cryan, G.F. McCracken and T.H. Kunz. 2011. “Economic importance of bats in agriculture.” *Science* 332 (6025): 41-42, DOI: 10.1126/science.1201366 (Available at <http://www.fort.usgs.gov/Products/Publications/23069a/23069a.pdf>).

⁵ “Fungus behind white nose syndrome, killer of millions of bats in N. America, came from Europe,” *Washington Post*, April 9, 2012. Available at http://www.washingtonpost.com/national/energy-environment/fungus-behind-white-nose-syndrome-killer-of-millions-of-bats-in-n-america-came-from-europe/2012/04/09/gIQA1z1L6S_story.html. Accessed April 10, 2012.

⁶ Blehert, D.S., J.M. Lorch, A.E. Ballman, P.M.Cryan, and C.U. Meteyer. 2011. Bat white-nose syndrome in North America. *Microbe* 6 (6): 267-273; Puechmaille, S.J. et al. 2011. Pan-European distribution of white-nose syndrome fungus (*Geomyces destructans*) not associated with mass mortality. *PLOS ONE* 6(4): e19167. doi:10.1371/journal.pone.0019167.

⁷ Castle, K.T. and P. M. Cryan. 2010. White-nose syndrome in bats. : A primer for resource managers. *ParkScience* 27(1) . Accessed 05 April 2012 from <http://www.nature.nps.gov/ParkScience/index.cfm?ArticleID=395>.

⁸ Cave advisory, March 26, 2009. U.S., Fish and Wildlife Service. Available at: <http://www.fws.gov/WhiteNoseSyndrome/caveadvisory.html>

⁹ “Bats do not naturally migrate between Europe and North America, so if *G. destructans* was recently introduced to the United States, it is highly unlikely that it arrived here on the wings of a bat without human assistance... The fact that the same fungus exists on two continents provides compelling evidence of long-distance, human-assisted spread.” Castle and Cryan 2010, *ibid*.

The above evidence also indicates people are a likely source of further spread to new areas beyond the dispersal distance of bats, raising concern for the western United States and other regions. Already, the disease has shown patterns of spread that suggest humans are furthering the reach of the disease in North America. After its initial documentation in New York in 2006, the disease moved rapidly and discontinuously from New York and New England to the southern Appalachians by 2008. Moreover, records kept by caving groups show that cavers had visited the two different regions during this period.¹⁰ In 2010, the bat-killing fungus showed up on a bat in a cave in western Oklahoma, over 900 miles from the closest known white-nose syndrome site. The known migration distances of bats do not exceed a few hundred miles.¹¹ These events provide strong evidence that humans are continuing to spread the disease to new areas.

Given the likelihood of anthropogenic spread of white-nose syndrome, particularly over long distances, it is essential that land management agencies take immediate action to prevent its further spread. In support of this conclusion, Dr. Jonathan Sleeman, director of the U.S. Geologic Survey's National Wildlife Health Center, the leading research center on white-nose syndrome, concluded in 2011: "It is always important epidemiologically to focus on preventable actions and the emphasis on control of human assisted transmission by the use of universal precautions seems to be a good 1st step."¹²

Accordingly, many land management agencies have taken action to stop further spread, including closing caves, requiring decontamination procedures and prohibiting the use of clothing or gear from infected areas. These actions, however, have been largely limited to the eastern half of the U.S., and elsewhere they are spotty and inconsistent. In particular, federal land units in the best position to prevent or at least slow the disease's spread have not, for the most part, taken any meaningful action to minimize risk of human transport of the white-nose fungus. The land units in the best position to take meaningful action to slow the disease's spread are located in regions **outside** the current, known white-nose syndrome zone, including the Southwest, Northern Rocky Mountains, Pacific Northwest, Pacific Southwest and Intermountain West.

In contrast, most federal land units within regions already afflicted with white-nose syndrome (the East, Midwest, and South) have closed caves to all but essential access since the spring of 2009. A number of state agencies in the eastern U.S. have also closed publicly owned caves since the advent of white-nose syndrome in North America. The Center strongly supports these actions and believes they are necessary to slow spread of the disease both out of and within the East. Several factors have made the effort to stop the disease in the East problematic, however.

¹⁰ Cave advisory, 2009, *ibid.* "The discontinuous nature of the rapid spread of WNS, especially to the most recently discovered sites in West Virginia and Virginia, suggests that something other than bat-to-bat transmission is contributing to the spread of WNS. The potential for the human-assisted spread of WNS is further supported by the fact that many of the recently affected sites are also popular destinations for recreational cavers, while many bat hibernacula in less-popular or inaccessible caves between the newly affected caves and those affected in 2008 remain unaffected. Records of caver movements also reveal a connection between sites in these affected regions, additionally suggestive of a link to human activity."

¹¹ Gardner, J. E. and Cook, E. A. (2002). Seasonal and geographic distribution and quantification of potential summer habitat. In *The Indiana bat: biology and management of an endangered species*: 9-20. Kurta, A. and Kennedy, J. (Eds). Austin, TX: Bat Conservation International; Tuttle, M.D. (1976). Population ecology of the gray bat (*Myotis grisescens*): Philopatry, timing and patterns of movement, weight loss during migration and seasonal adaptive strategies. *Occ. Pap. Mus. Nat. Hist., Univ. Kans.*, 54: 1-38.

¹² White nose syndrome, bats - North America: comment. Jonathan Sleeman, MRCVS Center Director USGS, National Wildlife Health Center. Accessed March 27, 2012. <http://beta.promedmail.org/direct.php?id=20111001.2963>

These factors include the disease's origination in the East; a lack of understanding regarding the disease's cause and mechanisms of spread early in the history of the epidemic; a limited proportion of public lands, and thus limited government ability to control human access to most caves; and the fact that bats themselves can gradually spread the disease.

In the western U.S., however, where the disease has not yet taken hold, there is a real opportunity to stop further spread of the disease with swift action. The federal government controls significant portions of every western state, ranging from nearly 30 percent in Montana to over 84 percent in Nevada. Thus, rather than waiting for white-nose syndrome to move west before taking action, it is imperative federal land managers take assertive and coordinated action now, to gain the best possible chance of preventing the western spread of the lethal bat disease.

The inconsistent nature of the federal land managing agencies' response to white-nose syndrome is well illustrated by the contrasting status of federal lands overseen by the U.S. Forest Service in Colorado, versus those managed by the Bureau of Land Management (BLM). After a suspect case of white-nose syndrome was reported in western Oklahoma in the spring of 2010, Region 2 of the Forest Service, which borders Oklahoma, enacted a region-wide cave closure in July of the same year. These lands include national forests and grasslands in Colorado, Kansas, Nebraska, South Dakota and Wyoming. The Colorado BLM, in contrast, still has not prepared a state-wide white-nose syndrome/cave management plan and has closed no caves as a precaution against the spread of the bat disease. In fact, in 2011, the BLM granted a permit for group tours associated with the annual convention of the National Speleological Society, held last year in Glenwood Springs, Colorado. The Colorado Division of Wildlife had recommended in its scoping comments to the BLM that permits not be granted for two of the caves, as they were documented bat hibernacula. Nonetheless, not only did the BLM grant the permits for the tours in these caves, the agency violated its own cave management plan for one of the sites by allowing more group visits than stipulated in the plan. The BLM ignored a request by the Center to enact emergency cave closures on Colorado BLM lands to protect them from an anticipated spike in usage associated with the national caving convention. In contrast, the Forest Service also granted permits for cave tours associated with the convention, but unlike the BLM, selected caves that were deemed not to harbor bats. In addition, an already-in-place, region-wide cave closure on national forest lands provided further safeguard for bat hibernating and roosting sites on Forest Service land during the convention.

Elsewhere in the western states, the federal response to white-nose syndrome has been extremely variable and inconsistent. For example, federal land managers in the Pacific Northwest have done extensive planning in advance of white-nose syndrome, but have largely eschewed cave closure as a tool for reducing the risk of fungal transport. In New Mexico, the Forest Service, BLM, National Park Service and the New Mexico Department of Fish and Game collaborated on a white-nose syndrome plan that included closures of approximately two dozen important bat caves. However, many more caves in New Mexico await inventory before the agencies consider further closures. For the most part, caves on BLM and Forest Service lands in Nevada, Utah, Arizona, California, Idaho, and Montana remain open to recreationists.

In January 2011, the Center issued a report on the status of western federal land cave closures and other efforts to respond to the threat of white-nose syndrome spreading to the West. At that time, we wrote:

The limited extent of closures in the West to date leaves bat caves and mines on the vast majority of federal public lands open and vulnerable to the inadvertent transmission of WNS by people. These federal jurisdictions include the remaining regions of the U.S. Forest Service in the lower 48 (Southwestern, Northern, Intermountain, Pacific Northwest and Pacific Southwest); and virtually all Bureau of Land Management lands. The National Park Service has kept its popular show caves open in both the East and West, and appears to have few plans to alter this approach.¹³

More than a year later, virtually nothing has changed with regard to additional cave closures or other measures on the ground to prevent the human transmission of white-nose syndrome into the western U.S. Most western federal land managers have squandered another precious year that could have been used to implement closures, institute decontamination requirements, and inventory cave and bat resources. Given the ongoing rapid rate of spread, with white-nose syndrome now officially west of the Mississippi, as of April 2, 2012, and the continuing high mortality of bat populations, this inaction on the part of public land stewards is irresponsible and inexcusable.

White-nose syndrome presents a new, gravely urgent reason for federal land managers to directly grapple with long-standing issues surrounding human use of vulnerable cave habitat. For decades, scientists have cited human disturbance of bats in their hibernating and roosting sites as a leading threat to bat populations.¹⁴ Human disturbance, both inadvertent and deliberate, is responsible for the complete disappearance of certain bat species in parts of their former ranges.¹⁵ With white-nose syndrome, the need to protect vulnerable bat habitat from unnecessary entry and disturbance, as well as potential disease transmission, is more pressing than ever.

A glaring gap remains in the federal government's response to white-nose syndrome, an unprecedented wildlife epidemic. Cave closures on eastern federal lands, and limited closures in the West (the Forest Service's Rocky Mountain Region, most National Park Service units, and approximately two dozen caves in New Mexico) have been important, but to date, the federal government has failed to take the actions **most likely** to make a difference in the spread of the disease across the continent. Until a more aggressive, comprehensive and consistent approach is taken by western federal land managers, the federal government itself must be held responsible for any future outbreaks of white-nose syndrome that appear on western federal lands.

¹³ Center for Biological Diversity (2011). Bats, white-nose syndrome, and federal cave and mine closures. Available at: http://www.biologicaldiversity.org/campaigns/bat_crisis_white-nose_syndrome/pdfs/bat_report_jan2011.pdf

¹⁴ E.g. "Human use [of caves] for both recreational and scientific activities is a well known culprit leading to the decline of bat populations." Cave Ecology. USGS/ Colorado Plateau Research Station. Available at: <http://sbcs.wr.usgs.gov/cprs/research/projects/caves/threats.asp>. Accessed April 6, 2012.

¹⁵ Piaggio, A. 2005. *Corynorhinus townsendii*. Townsend's Big-Eared Bat. Species Account. Updated at the 2005 Portland Biennial Meeting of the Western Bat Working Group. Available at http://www.wbwg.org/species_accounts.

The need and basis for Council on Environmental Quality oversight

The halting and inconsistent response of federal agencies to white-nose syndrome, even five years after the crisis became widely known, calls out for leadership, initiative, and clear guidance at a higher level of government. The U.S. Fish and Wildlife Service, which is the main federal agency charged with managing wildlife, has closed access to caves on national wildlife refuges and last year, finally released a national plan for white-nose syndrome. These are important steps toward addressing the threat of white-nose syndrome, but the Fish and Wildlife Service lacks the authority to compel the primary land management agencies in the West, namely the Forest Service and BLM, to enact closures and other measures necessary to stem the further spread of the disease. Executive level action on the part of the Council on Environmental Quality (CEQ) is clearly required.

The basis for the CEQ's engagement with the white-nose syndrome issue lies in its essential function as overseer of the nation's environmental policy. The purpose of the National Environmental Policy Act, the CEQ's charter law, is, in part, to promote "efforts which will prevent or eliminate damage to the environment and biosphere and stimulate the health and welfare of man."¹⁶ The loss of a substantial portion of the nation's insect-eating bat fauna to an exotic, invasive pathogen is undoubtedly an environmental calamity, with serious implications for the biosphere as well as various human enterprises. The charge of the CEQ, as representative of the executive branch of federal government, is to use "all practicable means, consistent with other essential considerations of national policy, to improve and coordinate Federal plans, functions, programs, and resources..."¹⁷ This role perfectly positions the CEQ to address the widespread biological crisis of white-nose syndrome through facilitation of coordinated action among federal agencies.

The authority of the CEQ to guide and promote adherence to the policies set forth in Section 101 of NEPA may be manifested in a variety of ways, as delineated in Section 204. Relevant to our request regarding white-nose syndrome, these avenues for action include:

...review and appraise the various programs and activities of the Federal Government in the light of the policy set forth in title I of this Act for the purpose of determining the extent to which such programs and activities are contributing to the achievement of such policy, and to make recommendations to the President with respect thereto¹⁸;

...conduct investigations, studies, surveys, research, and analyses relating to ecological systems and environmental quality¹⁹

and

¹⁶ 42 U.S.C. § 4321

¹⁷ 42 USC § 4331(b)

¹⁸ 42 USC § 4344(3)

¹⁹ 42 USC § 4344(5)

...document and define changes in the natural environment, including the plant and animal systems, and to accumulate necessary data and other information for a continuing analysis of these changes or trends and an interpretation of their underlying causes.²⁰

CEQ oversight of the federal white-nose syndrome response will enable the federal government to appraise how well it is responding thus far to the disease threat; to better coordinate implementation of the national white-nose syndrome plan; and to hasten the collection of data and information vital to development of potential treatments and more efficacious methods of controlling disease spread. Most importantly, it increases the likelihood the federal response to white-nose syndrome will actually diminish the harm caused by the disease, including slowing its spread, determining its cause, finding effective treatments, minimizing other harms to bats, and supporting recovery of species in the aftermath of the bat epidemic.

Management recommendations

Because of the severe threat posed by white-nose syndrome and the lack of a comprehensive and coordinated response, we petition CEQ to direct federal land management agencies to begin planning processes to enact regulations to stop the further spread of white-nose syndrome, including full compliance with NEPA. Specifically, CEQ should direct federal agencies to develop and enact regulations that will restrict non-essential human access to caves and abandoned mines utilized by bats, and require U.S. Fish and Wildlife Service white-nose syndrome decontamination protocols be followed by any persons entering caves and abandoned mines on federal lands, wherever agencies still allow access to occur.

Both the U.S. Fish and Wildlife Service and the USGS National Wildlife Health Center have strongly recommended restricting access to caves with hibernating bats, including in areas not yet affected by white-nose syndrome, and using decontamination procedures. The U.S. Fish and Wildlife Service issued a Cave Advisory in March 2009, that recommends “cavers avoid all caves and mines containing hibernating bats (hibernacula), even in states where WNS is not known to occur...”²¹ The Service’s latest decontamination protocol states:

“In order to effectively reduce the risk for human transfer of G.d., it is imperative that everyone follow these decontamination procedures any time you plan cave visits. Under no circumstances should clothing, footwear or gear that was used in a WNS-affected state or region be used in a WNS-unaffected state or region.”²²

Likewise, a bulletin produced by the USGS states:

“...infested caves and mines are potential sources for disease spread by humans that enter these sites and come into contact with fungal spores... standard procedures known as universal precautions can be implemented to reduce disease transmission and spread (Thrusfield, 2005; USDA National Animal Health Emergency Management System

²⁰ 42 USC § 4344(6)

²¹ Cave advisory, March 26, 2009. . <http://www.fws.gov/WhiteNoseSyndrome/caveadvisory.html>. Emphasis added.

²² White-nose syndrome decontamination protocols, February 2, 2011. Emphasis added. Accessed March 27, 2012. <http://www.fws.gov/WhiteNoseSyndrome/cavers.html>

Guidelines: Biosecurity). These standard disease management procedures as applied to WNS include **decontamination procedures, equipment restrictions, and limitation of access to contaminated environments**. The primary objective for implementing universal precautions is to prevent human-assisted movements of pathogens to unaffected locations....²³

Thus, the two federal agencies taking the lead on addressing the threat posed by white-nose syndrome recommend cave avoidance and decontamination procedures to avoid human transport of the white-nose fungus. The positions of these two agencies on the potential for human spread and the threat it poses to bats clearly demonstrate the need for comprehensive regulations across federal lands.

We further ask that CEQ direct agencies to conduct cave inventories on federal lands with the goal of identifying bat hibernating and roosting sites on federal lands. We ask that the federal agencies provide to CEQ cost estimates and timeframes for execution of such inventories. The purpose of the bat cave inventories is to help agencies focus now and in the future on the most important, vulnerable, or otherwise high-priority sites for protective measures for bats, potentially including: administrative closure, installation of bat-friendly gates, outreach and education efforts, law enforcement, and other actions.

Finally, we request that CEQ direct federal land agencies to identify and designate significant caves on the basis of use and occupation by bat species, per the provisions of the Federal Cave Resources Protection Act²⁴ and associated departmental regulations. Under Forest Service/USDA regulations, criteria for significant cave designation include "...seasonal or yearlong habitat for organisms or animals, or contains species or subspecies of flora or fauna native to caves, or are sensitive to disturbance, or are found on State or Federal sensitive, threatened, or endangered species lists."²⁵ Department of Interior regulations utilize virtually identical language to describe criteria for cave designation based on biotic features.²⁶ Criteria include "...seasonal or yearlong habitat for organisms or animals, or contains species or subspecies of flora or fauna that are native to caves, or are sensitive to disturbance, or are found on State or Federal sensitive, threatened, or endangered species lists."

Other actions

We further urge CEQ to convene a meeting of agency directors in order to foster coordination and cooperation in addressing the bat epidemic among the various federal land, wildlife, research, and agriculture agencies. The lack of top-level leadership and communication about the bat crisis among all relevant agencies has hampered progress on the white-nose syndrome response. A convening of agency leaders will facilitate development of the kind of consistency, coordination, and goal-sharing we are seeking with the various requests made in this petition. In a meeting with the director of the U.S. Fish and Wildlife Service, we learned that no such

²³ Ibid. Emphasis added.

²⁴ 16 U.S.C. §§4301

²⁵ 36 CFR § 290.3 (c) (1)

²⁶ 43 CFR §37.11 (e)(1)

director-level meeting of relevant federal agencies has occurred on white-nose syndrome, but that the director believes such a meeting would be useful.

We ask CEQ to require federal agencies to give additional consideration to how proposed activities may affect bat species, both listed and unlisted, when reviewing their actions under NEPA. It is crucial that federal agencies avoid additional harm to bats, either from direct impact or disruption of habitat. Surviving bat populations need to be as robust as possible in order to provide a better chance of recovery in the future. For example, the federally endangered Indiana bat (*Myotis sodalis*) has declined 72 percent in the northeastern United States over the last several years due to white-nose syndrome.²⁷ The disease is now becoming well-established in the Midwest, the core range of the species, and is likely to significantly reduce the total population of Indiana bats over the next few years. The species' habitat is found on federal lands stretching from New England to Missouri, and the bats are at risk from federal activities ranging from national forest logging and federally funded highway construction, to FERC-permitted energy pipelines.

Federal agencies need to consider impacts to Indiana bats and other white-nose syndrome impacted species early in their environmental analyses. Such action would help agencies to avoid unnecessary conflict due to a failure to understand and integrate the rapidly changing status of bat populations into their planning. Where WNS is or may soon be affecting bat species, especially listed species, CEQ should formulate guidance instructing agencies to prepare complete environmental impact statements (EISs), not mere environmental assessments (EAs). EAs frequently fail to capture the effects of agency actions on bats already being impacted by WNS. For example, the Shawnee National Forest recently suggested preparation of an EA for a proposed land exchange but failed to adequately describe impacts to listed Indiana bats during scoping.²⁸ The Monongahela and Ozark National Forests have both recently proposed timber sales that will affect Indiana bats.²⁹ On the Monongahela sale, an EA was written and impacts to Indiana bats were not properly assessed. In scoping on the Ozark sale, an EA is proposed and, again, impacts to Indiana bats are not properly addressed. If NEPA analysis continues systematically to fail to capture impacts to WNS-affected species, we would expect the Environmental Protection Agency or FWS to formally register their concerns.³⁰ Your assistance in assuring that bat issues are raised early and adequately in proposals with the potential to affect bat habitat and/or white-nose-syndrome affected species will help minimize harms to the human environment, and improve the chances that bats will remain significant providers of insect-control services in both natural and agricultural landscapes.

Finally, we request that CEQ staff meet with us at your earliest convenience to discuss the issues and appeals for action in this petition. We would appreciate the opportunity to answer your questions and provide further background on the truly unprecedented wildlife crisis that white-nose syndrome has precipitated.

²⁷ Turner, G.G., D.M. Reeder, and J.T.H. Coleman. 2011. A five-year assessment of mortality and geographic spread of white-nose syndrome in North American bats and a look to the future. *Bat Research News*, 52(2): 13-27.

²⁸ "A Land-for-Land Exchange between American Land Holdings of Illinois, LLC and the Shawnee National Forest." Proposed Action, Shawnee National Forest, December 2011.

²⁹ Monongahela National Forest, Upper Greenbrier North Final EA and FONSI, March 5, 2012; Ozark National Forest, Indiana Bat Habitat Restoration Project Scoping Notice, March 8, 2012.

³⁰ See 42 U.S.C. § 7609(a) and 40 C.F.R. § 1504, respectively.

Although bats are often unfairly maligned and misunderstood animals, they play a key role as the major predators of night-flying insects in North America. The future of our bat species and their freely provided, nontoxic pest-control services depends directly on whether government's actions today are swift, coordinated, and efficient, or whether they continue to bog down from a dearth of top-level commitment and communication among our land, wildlife, and agriculture agencies.

We call on your help, Ms. Sutley, to assist the Administration's top natural resource appointees in coming together in a consistent, coordinated, and productive fashion, while such action still has the chance to make a difference.

Thank you so much. We look forward to your response.

Sincerely,



Mollie Matteson, Conservation Advocate



Bill Snape, Senior Counsel

Cc:

Dan Ashe, Director, U.S. Fish and Wildlife Service

Lisa Jackson, Administrator, Environmental Protection Agency



Correspondence Management System

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Citizen Information

Citizen/Originator: Mull, Stephen D.

Organization: United States Department of State
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Constituent: N/A

Committee: N/A Sub-Committee: N/A

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Lead Information

Lead Author: N/A

Lead Assignments:

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S/ES 201206317
United States Department of State

Washington, D.C. 20520

April 10, 2012

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MEMORANDUM FOR BRIAN P. MCKEON
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "S.D. Mull".

Stephen D. Mull
Executive Secretary

Attachments:
As stated.

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April 10, 2012

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

- Apr 9* Visit of President Rousseff of Brazil to Washington
- Apr 9* U.S.-Brazil Partnership for the 21st Century Conference, Washington
- Apr 9* Visit of Foreign Minister Reynders of Belgium to Washington
- Apr 9* Department of Energy's Peaceful Uses of Nuclear Technology Meeting, Washington
- Apr 9-10* U.S.-China Ten Year Framework on Energy and Environment, Washington
- Apr 10-12* Visit of Foreign Minister Gamba of Japan to Washington
- Apr 10-12 Visit of Defense Minister Salman bin Abdul Aziz of Saudi Arabia to Washington
- Apr 10-13 Visit of Vice President Namadi Sambo of Nigeria to Washington
- Apr 11 National Assembly Elections in the Republic of Korea
- Apr 11* Visit of Deputy Prime Minister Teo Chee Hean of Singapore to Washington
- Apr 11* U.S.-China Investment Forum, Washington
- Apr 11-12* G-8 Foreign Ministerial Meeting, Washington

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- Apr 11-14 Young Atlanticist Summit, Bratislava
- Apr 12* White House Conference on Connecting the Americas, Washington
- Apr 12* Visit of Foreign Minister Lavrov of Russia to Washington
- Apr 12-13 7th Annual Global Security Forum (GLOBSEC), Bratislava
- Apr 13 Summit of the Americas Foreign Ministerial Meeting, Cartagena
- Apr 13-19 Visit of Secretary of State Clinton to Colombia, Brazil and Belgium
- Apr 14-15 6th Summit of the Americas, Cartagena
- Apr 14-15 East Asia Low Carbon Growth Partnership, Tokyo
- Apr 14-17 Visit of Secretary of the Interior Salazar to Brazil

LOOKING AHEAD

- Apr 16 Presidential Elections in Timor-Leste—2nd Round (if necessary)
- Apr 16 Ministerial Global Partnership Dialogue Meeting, Brasilia
- Apr 16-17 Visit of Secretary of Health and Human Services Sebelius to Haiti
- Apr 16-17 U.S.-Jordan Strategic and Political Reform Dialogue, Amman
- Apr 16-18 World Economic Forum on Latin America, Puerto Vallarta
- Apr 17 Friends of the Syrian People Sanctions Working Group Meeting, Paris
- Apr 17-18 Annual Open Government Partnership (OGP) Conference, Brasilia

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Apr 17-18 Visit of Secretary of Defense Panetta to Belgium

Apr 17-19 World Travel & Tourism Council's 12th Global Summit, Tokyo

Apr 18-19 Joint NATO Foreign and Defense Ministerial Meeting, Brussels

Apr 18-19 Clean Energy Ministerial, London

Apr 20-22* G-20 Finance Ministers and Central Bank Governors Meeting, Washington

Apr 20-22* World Bank Group/International Monetary Fund Spring Meeting, Washington

Apr 20-26 UN Conference on Trade and Development (UNCTAD) XIII Ministerial Conference/World Investment Forum, Doha

Apr 22 Presidential Elections in France-1st Round

Apr 22 Presidential Elections in Guinea-Bissau-2nd Round

Apr 23 Nordic-Baltic-U.S. Cooperation Summit, Vilnius

Apr 23-24* Visit of Foreign Minister Martinez of El Salvador to Washington

Apr 23-25 World Summit of Nobel Peace Laureates 2012, Chicago

Apr 23-25* Visit of Prime Minister Gilauri of Georgia to Washington

Apr 23-27 Visit of Secretary of Defense Panetta to Colombia, Brazil and Chile

Apr 25* Visit of Foreign Minister Sikorski of Poland to Washington

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Apr 25-28* Visit of Prime Minister Berisha of Albania to Washington

Apr 26* The Secretary of State's Forum on Investing with Impact, Washington

Apr 29 (T) Presidential Elections in Mali-1st Round

Apr 29 or May 6 Parliamentary Elections in Greece (Snap)

Apr 29-May 2* Visit of Foreign Minister del Rosario and Defense Minister Gazmin of the Philippines to Washington

Apr 30* U.S.-Philippines 2+2 Ministerial-Level Dialogue, Washington

Apr 30* Visit of Prime Minister Noda of Japan to Washington

Apr 30-May 11 Nuclear Nonproliferation Treaty Preparatory Committee Meeting, Vienna

May 1 U.S.-China Science & Technology Cooperation Joint Committee Meeting, Beijing

May 2 U.S.-China Innovation Dialogue Joint Committee Meeting, Beijing

May 2 U.S.-China Strategic Security Dialogue, Beijing

May 3-4 U.S.-China Strategic and Economic Dialogue, Beijing

May 3-4 U.S.-China Consultations on People-to-People Exchange, Beijing

May 4 Presidential and Parliamentary Elections in Palestinian Authority

May 4 Parliamentary Elections in Iran-2nd Round

May 6 Presidential Elections in France-2nd Round

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5

May 6 Parliamentary Elections in Armenia

May 6 Parliamentary Elections in Lesotho

May 6 Presidential (Round 1) and Parliamentary Elections in Serbia

May 7 Parliamentary Elections in Syria

May 7-9 International Export Control Conference, Portoroz

May 9-10* U.S. Leadership Conference on International Disability Rights, Washington

May 9-11 World Economic Forum on Africa, Addis Ababa

May 10 Parliamentary Elections in Algeria

May 11-13 5th Lennart Meri Conference, Tallinn

May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast

May 13 (T) Presidential Elections in Mali-2nd Round

May 14-15 Arctic Council Deputy Foreign Ministers Meeting, Stockholm

May 14-15 U.S.-Indonesia Science and Technology Joint Commission Meeting, Jakarta

May 14-18* Visit of Foreign Minister Wunna Maung Lwin of Burma to Washington

May 15-25 UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn

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May 17-20* Visit of Prime Minister Najib of Malaysia to Washington

May 18* Visit of Foreign Minister Peiris of Sri Lanka to Washington

May 18-19 2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London

May 18-19 G-8 Summit, Camp David

May 18-21 Young Atlanticist Chicago Summit, Chicago

May 20 Presidential Elections in the Dominican Republic

May 20 10th Anniversary of Independence of Timor-Leste

May 20 Presidential Inauguration in Taiwan

May 20-21 NATO Summit, Chicago

May 20-Jun 5 Asia-Pacific Economic Cooperation (APEC) 2nd Senior Officials Meeting (SOM2) and Related Meetings, Kazan

May 21 (T) U.S.-Saudi Arabia Joint Coordination Committee on Infrastructure Protection (JCCIP), Riyadh

May 21-23 5th Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju

May 21-24 2nd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur

May 21-26 65th Session, World Health Organization (WHO) World Health Assembly, Geneva

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May 22-26 Visit of Secretary of Transportation LaHood to Indonesia

May 23 Presidential Elections in Egypt—1st Round

May 23 Friends of Yemen Meeting, Riyadh

May 23-24 Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris

May 24* Visit of Foreign Minister McCully of New Zealand to Washington

May 25-26 6th Pacific Island Leaders (PALM 6) Meeting, Nago City

May 26 National Elections in Lesotho

May 28-30 3rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro

May 30-31 Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan

May 30-Jun 1 World Economic Forum on East Asia, Bangkok

May 31-Jun 1 African Development Bank Annual Meeting, Arusha

May 31-Jun 2 2012 Wroclaw Global Forum, Wroclaw

Jun TBD Parliamentary Elections in Timor-Leste

Jun TBD Parliamentary Elections in Mongolia

Jun 1-3 Shangri-la Dialogue, Singapore

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Jun 3-5 Organization of American States (OAS) General Assembly,
Cochabamba

Jun 4-5 Asia-Pacific Economic Cooperation (APEC) Trade Ministerial
Meeting, Kazan

Jun 4-6 World Economic Forum on Europe, the Middle East, North Africa
and Central Asia, Istanbul

Jun 4-8 International Atomic Energy Agency (IAEA) Board of Governors
Meeting, Vienna

Jun 4-8 25th World Gas Conference: "Gas: Sustaining Future Global
Growth," Kuala Lumpur

Jun 7 Global Counterterrorism Forum (GCTF) Coordinating Committee
Meeting, Istanbul

Jun 10 Legislative Elections in France-1st Round

Jun 12* U.S.-India Higher Education Dialogue, Washington

Jun 14 Kabul Ministerial Conference on the Istanbul Process, Kabul

Jun 14* (T) U.S.-Thailand Strategic Dialogue, Washington

Jun 14*(T) Visit of Foreign Minister Surapong of Thailand to Washington

Jun 16 Presidential Elections in Egypt-2nd Round

Jun 17 Legislative Elections in France-2nd Round

Jun 18-19 G-20 Leaders Summit, Los Cabos

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Jun 18-19* 2012 African Growth Opportunity Act (AGOA) Forum, Washington

Jun 18-20 IAEA International Experts' Meeting on Enhancing Transparency and Communication Effectiveness in the Event of a Nuclear or Radiological Emergency, Vienna

Jun 18-Jul 6 20th Session of the Human Rights Council, Geneva

Jun 20 (T) Parliamentary Elections in Libya

Jun 20-22 UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro

Jun 20-23 U.S.-Africa Business Convention, Cincinnati

Jun 21 National Constitutional Assembly Elections in Libya

Jun 21* U.S.-Portugal Standing Bilateral Commission, Washington

Jun 24-25 Asia-Pacific Economic Cooperation (APEC) 10th Energy Ministerial Meeting, St. Petersburg

Jun 25-Jul 5 36th World Heritage Committee Meeting, St. Petersburg

Jun 26-28 Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg

Jun 28-29* P-5 Conference on Verification, Transparency and Confidence-Building, Washington

Jun 30 Presidential Elections in Iceland

Jul 1 Parliamentary Elections in Senegal

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Jul 1 Presidential and Legislative Elections in Mexico

Jul 1 Parliamentary Elections in Mali-1st Round

Jul 2-27 Arms Trade Treaty (ATT) Conference, New York

Jul 8 Tokyo Development Coordination Conference for Afghanistan,
Tokyo

Jul 9-10 Community of Democracies Governing Council Meeting, Ulaanbaatar

Jul 9-13 East Asia Summit Foreign Ministers Meeting, 19th Annual
Association of Southeast Asian Nations (ASEAN)
Regional Forum, Lower Mekong and Friends of the
Lower Mekong Ministers' Meeting, Phnom Penh

Jul 13-15 U.S.-China Sub-National Cooperation Event—National Governors
Association (NGA) Annual Conference, Williamsburg

Jul 16* American Australian Leadership Dialogue (AALD), Washington

Jul 16-19 3rd Meeting of the Asia-Pacific Economic Cooperation (APEC)
Business Advisory Council (ABAC), Ho Chi Minh City

Jul 22 Parliamentary Elections in Mali-2nd Round

Jul 22-27* AIDS 2012 XIX, International AIDS Conference, Washington

Jul 25* 2nd Global Diaspora Forum, Washington

Jul 27-Aug 12 XXX Summer Olympic Games, London

Aug 3 Asia-Pacific Economic Cooperation (APEC) Small and Medium
Enterprise Ministerial Meeting, St. Petersburg

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SENSITIVE BUT UNCLASSIFIED

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| | |
|--------------|---|
| Aug 6-8 | Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg |
| Aug 27-31 | Pacific Islands Forum Meetings, Cook Islands |
| Aug 29-Sep 9 | Paralympic Games, London |
| Aug 30 | Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow |
| Sept TBD | Australia-U.S. Ministerial (AUSMIN), Australia |
| Sept 2-9 | Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok |
| Sept 4-7 | 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok |
| Sept 6-15 | International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju |
| Sep 10-14 | International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna |
| Sept 10-28 | 21 st Session of the Human Rights Council, Geneva |
| Sept 11-13 | Annual Meeting of the New Champions, Tianjin |
| Sept 14* | U.S.-Indonesia Joint Commission Meeting, Washington |
| Sept 14* | Visit of Foreign Minister Natalegawa of Indonesia to Washington |
| Sept 17-21 | International Atomic Energy Agency (IAEA) General Conference, Vienna |

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| | |
|----------------|--|
| Sept 24 | International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna |
| Sept 24-28 | United Nations General Assembly High-Level Week, New York |
| Sept 24-Oct 15 | 25 th Universal Postal Union Congress, Doha |
| Oct 1-19 | 11 th Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad |
| Oct 7 | Presidential Elections in Venezuela |
| Oct 8 | Presidential Elections in Slovenia |
| Oct 12-14 | World Bank Group/International Monetary Fund Annual Meeting, Tokyo |
| Oct 24-28 | Americas Competitiveness Forum/Pathways to Prosperity Ministerial, Cali |
| Oct 28 | Parliamentary Elections in Ukraine |
| Oct 30-Nov 1* | G-8 Roma-Lyon Group (RLG) Meeting, Washington |
| Nov 6-8 | India Economic Summit, New Delhi |
| Nov 6-9 | 7 th Annual Internet Governance Forum (IGF), Baku |
| Nov 7-10 | 15 th International Anti-Corruption Conference (IACC), Brasilia |
| Nov 17 | Presidential and Parliamentary Elections in Sierra Leone |

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SENSITIVE BUT UNCLASSIFIED

13

- Nov 18-20 (T) 21st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh
- Nov 27-Dec 7 18th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar
- Nov 29-30 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna
- Dec 6-7 Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin
- Dec 15-17 Fukushima Ministerial Conference on Nuclear Safety, Fukushima Prefecture
- Dec 19 Presidential Elections in the Republic of Korea

2013

- Mar 4 Presidential and Parliamentary in Kenya-1st Round

* = Taking place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at sarkiss@state.sgov.gov or sarkiss@state.gov.

SENSITIVE BUT UNCLASSIFIED



Correspondence Management System

Control Number: AX-12-000-6645

Printing Date: April 12, 2012 03:59:33



Citizen Information

Citizen/Originator: Gerard, Jack N

Organization: American Petroleum Institute
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Cauthen, Khary

Organization: American Petroleum Institute
Address: 1220 L Street, N.W., Washington, DC 20005-4070

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|--------------------------|---|--------------------------|--------------|
| Control Number: | AX-12-000-6645 | Alternate Number: | N/A |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | Apr 26, 2012 | # of Extensions: | 0 |
| Letter Date: | Apr 12, 2012 | Received Date: | Apr 12, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | DX-Direct Reply | Signature Date: | N/A |
| File Code: | 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic. | | |
| Subject: | Daily Reading File - New Source Performance Standards for the Oil and Gas Sector | | |
| Instructions: | DX-Respond directly to this citizen's questions, statements, or concerns | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | OEAE - Office of External Affairs and Environmental Education | | |

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 12, 2012 | Apr 26, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History



Jack N. Gerard
President and Chief Executive
Officer

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USA
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April 12, 2011

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW
Washington, DC 20460

Re: New Source Performance Standards for the Oil and Gas Sector

Dear Administrator Jackson:

API and its member companies have urged EPA to improve the final rule to ensure it is both achievable and environmentally beneficial. API does not oppose the rule if changes can be made to ensure it can be reasonably implemented to avoid negative impacts to domestic oil and gas production and job creation. Now that EPA has obtained a short extension of the deadline for completing this rule, we would like to reiterate two important points.

I. NSPS requires consideration of cost in the selection of control measures.

In our comments on the proposed rule, we explained that, when the VOC content of gas is low, control measures (such as reduced emissions completions, or RECs) achieve very little VOC emissions reduction and are extraordinarily expensive (i.e., not cost-effective). Therefore, imposing control measures on low-VOC gas is not practicable and cannot be justified under the Clean Air Act.

EPA's cost analysis for the proposed rule assumed a fixed gas VOC content of about 18% by weight, which clearly is substantially higher than the VOC content of gas from many of the shale gas formations currently under development around the country. Our analysis shows that the estimated cost of control measures that EPA developed in support of the proposed rule was unrealistically low. For example, EPA's cost estimate for RECs did not take into account the time needed to transport needed equipment to a site and to set up the equipment once it arrives on site.

As a result of high VOC content and low equipment cost assumptions, EPA concluded that control measures, such as RECs, could be cost-effectively implemented at all affected facilities when, in fact, they can not. When applying the cost-effectiveness criteria EPA has routinely used in prior NSPS rules, control measures are not cost-effective unless the VOC content of the gas is 10% or higher.

In addition, even assuming EPA's cost estimates are correct, RECs still would not be cost-effective for a vast number of oil and gas productions sites. For example, we explained in our comments that the average VOC content of gas from coal bed methane wells is close to zero. Using EPA's own REC cost estimates, assumptions about the VOC reductions achieved, and the value of methane that would be captured, the net cost effectiveness of VOC control would still be hundreds of

thousands of dollars per ton of VOC reduced. This is plainly not cost-effective.

EPA does not have unlimited authority under § 111. EPA may regulate only to the extent that its rule can be justified under the prescribed statutory factors. A rule that applies without regard to VOC content is beyond EPA's authority.

II. A phase-in period for reduced emissions completions is needed.

In our comments on the proposed rule, we explained that a phase-in period will be needed to assure successful implementation of the new REC requirement where it will apply. We pointed out that about 25,000 new wells are completed each year and that there are approximately 300 REC sets currently in use in the industry. Assuming each REC set can be used to complete 25 wells per year, this means that about 1000 new REC sets will be needed to ensure that the rule can be implemented without unreasonably delaying new well development. In addition, many existing REC sets likely will need to be retrofitted to meet the new standards. This means that all 300 existing sets will not be immediately available upon the effective date of the rule. For these reasons, the REC requirement should become effective two years after the rule is issued.

If EPA requires immediate compliance with the REC requirement, the rule will cause substantial delays in most oil and gas development projects. Not only is this bad energy and economic policy, such an outcome is not supported by the law (e.g., a standard that cannot be met by most affected sources plainly cannot be shown to be achievable). This situation can and should be avoided by providing a two-year phase-in period for the REC requirement.

While this letter focuses on the REC requirements, similar situations apply to storage vessels and pneumatic controllers. A VOC applicability limit and phase-in period should be included for these two affected sources as well.

Thank you for the opportunity to submit these supplemental comments. Please feel free to contact me if you have questions or need additional information.

Sincerely,



Jack Gerard
President and CEO
American Petroleum Institute



Correspondence Management System

Control Number: AX-12-000-6646

Printing Date: April 12, 2012 02:59:43



Citizen Information

Citizen/Originator: Zients, Jeffrey D

Organization: Office of Management and Budget
Address: 725 17th St., NW, Washington, DC 20503

White, Arnette C

Organization: Executive Office of the President, Office of Management Budget
Address: 725 17th Street, N.W., Washington, DC 20503

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|--------------------------|---|--------------------------|--------------|
| Control Number: | AX-12-000-6646 | Alternate Number: | N/A |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | Jun 26, 2012 | # of Extensions: | 0 |
| Letter Date: | Apr 12, 2012 | Received Date: | Apr 12, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | EML (E-Mail) | Priority Code: | Normal |
| Signature: | DX-Direct Reply | Signature Date: | N/A |
| File Code: | 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic. | | |
| Subject: | Daily Reading File - Reducing Improper Payments through the "Do Not Pay List" | | |
| Instructions: | DX-Respond directly to this citizen's questions, statements, or concerns | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | OARM - OARM -- Immediate Office | | |

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|----------------------------|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OCFO | Apr 12, 2012 | Jun 26, 2012 | N/A |
| Instruction: N/A | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D. C. 20503

April 12, 2012

M-12-11

MEMORANDUM FOR THE HEADS OF EXECUTIVE DEPARTMENTS AND AGENCIES

FROM: Jeffrey D. Zients
Acting Director

SUBJECT: Reducing Improper Payments through the "Do Not Pay List"

In November 2009, in Executive Order 13250 on *Reducing Improper Payments*,¹ the President emphasized that "[w]hen the Federal Government makes payments to individuals and businesses as program beneficiaries, grantees, or contractors, or on behalf of program beneficiaries, it must make every effort to confirm that the right recipient is receiving the right payment for the right reason at the right time." Accordingly, the President directed Federal agencies to identify "ways in which information sharing may improve eligibility verification and prepayment scrutiny." The President further reinforced the importance of reducing payment errors, and recovering improperly paid amounts, in his Memorandum of March 2010 on *Finding and Recapturing Improper Payments*.²

Building on these initiatives, the President in June 2010 issued the Memorandum on *Enhancing Payment Accuracy Through a "Do Not Pay List"*,³ in which he underscored that:

"While identifying and recapturing improper payments is important, prevention of payment errors before they occur should be the first priority in protecting taxpayer resources from waste, fraud, and abuse. In those cases where data available to agencies clearly shows that a potential recipient of a Federal payment is ineligible for it, subsequent payment to that recipient is unacceptable. We must ensure that such payments are not made."

To that end, the President directed agencies to "review current pre-payment and pre-award procedures and ensure that a thorough review of available databases with relevant information on eligibility occurs before the release of any Federal funds." So as "to ensure that only eligible recipients receive Government benefits or payments," the President directed the establishment of a "single point of entry" through which agencies would access relevant data – in a network of databases to be collectively known as the "Do Not Pay List" – before determining eligibility for a benefit, grant or contract award, or other federal funding.

¹ Executive Order 13250 of November 20, 2009 (74 Fed. Reg. 62201; November 25, 2009).

² Memorandum of March 10, 2010 (75 Fed. Reg. 12119; March 15, 2010).

³ Memorandum of June 18, 2010 (75 Fed. Reg. 35953; June 23, 2010).

This memorandum directs each agency to develop the agency's plan for using the Do Not Pay solution for pre-payment eligibility reviews. As outlined below, each agency shall submit a draft of its plan to the Office of Management and Budget (OMB) **by no later than June 30, 2012.**

In response to the President's June 2010 directive, the Federal Government has worked aggressively to develop tools that will enable the centralized, detailed review of relevant databases envisioned as part of the "Do Not Pay List." As a first step, agencies reviewed internal controls and processes surrounding its existing pre-payment and pre-award procedures and databases monitored pursuant to those procedures. Building on these reviews, OMB and the Department of the Treasury (Treasury) have established the Do Not Pay solution, available for use by all agencies. The Do Not Pay solution is comprised of two components geared toward reducing improper payments:

- A web-based, single-entry access portal that enables agencies to access the data sources identified in the June 2010 Memorandum (including the Death Master File, the Excluded Parties List System, Treasury's Debt Check Database, and the List of Excluded Individuals and Entities). In addition, Treasury will continue to add other high-value data sources to the portal.
- Data Analytics Services that utilize additional data sources which are not available through the Portal. These include Treasury's Office of Foreign Assets Control List, zip code data, prison information, and several privately available sources. The sources are augmented by advanced data analytic activities for identifying trends, risks, and patterns of behavior that may warrant further review by the agency.

In addition, the Recovery Accountability and Transparency Board (RATB) established the Recovery Operations Center to leverage cutting-edge forensic technology to prevent fraud and waste in Recovery Act programs. The RATB is currently conducting pilot programs with Federal agencies to expand this platform into a system called "Fast Alert" that would be a central portal for agencies to perform eligibility checks on Federal awards and prevent improper payments. Moreover, in its recent report to the President, the Government Accountability and Transparency Board (GATB) recommended the Federal Government develop a centralized fraud framework to track and oversee Federal spending.

These initiatives represent critical progress in implementing the President's June 2010 Memorandum that called for the establishment of a "Do Not Pay List," as well as the President's directive under Executive Order 13576 on *Delivering an Efficient, Effective, and Accountable Government* to "advance efforts to detect and remediate fraud, waste, and abuse in Federal programs." The next step must be for the Federal Government to integrate these solutions into a cohesive "single point of entry" that all agencies can use. To advance this integration process, Federal agencies must take immediate steps to use the centralized solutions that are already in place for pre-payment eligibility reviews.

Therefore, **by no later than June 30, 2012,** the Chief Financial Officer (CFO) of each Federal agency (or the accountable official for improper payments and program integrity, under

Executive Order 13520) shall submit to OMB the draft of the agency's plan for using these centralized solutions. OMB will work closely with agencies in reviewing the draft plans and will provide comments **by no later than July 31, 2012**. The agency shall then finalize its plan, and submit a copy of it to OMB, **by no later August 31, 2012**.

In its plan, each agency must address the process and timetable by which the agency will reach agreement with Treasury on its use of the Do Not Pay solution in order to continue progress in complying with the President's directive. The plan can also provide, as an interim step, for the agency's possible piloting of the Fast Alert solution.

Attached to this memorandum are instructions and a sample template for agency plan submissions. Agencies should submit their draft and final plans via email to Mike Wetklow (mwetklow@omb.eop.gov), who is the Chief of the Accountability, Performance, and Reporting Branch within OMB's Office of Federal Financial Management (OFFM). Mr. Wetklow and OFFM staff can also respond to questions that your agency may have about this memorandum.

In addition, while the agency plans should be based on the existing legal framework of statutes and regulations (to enable the immediate implementation of the plans), agencies are encouraged to submit to OMB – for OMB and interagency consideration – suggestions for possible revisions to statutes or regulations that could have the potential to improve the Federal Government's ability to access data or develop and use central solutions for pre-payment eligibility reviews. As these suggestions will be considered on a separate, parallel track, an agency should submit them to OMB separately from the agency's submissions of its draft and final plans.

Finally, contracting officers shall continue to use the Federal Awardee Performance and Integrity Information System (FAPIIS) to establish whether a contractor has the integrity and business ethics to receive a federal contract, in accordance with applicable statutes and regulations. To the extent that additional information provided by the Do Not Pay solution is helpful to contracting officers, in their efforts to ensure that the Federal Government does business with responsible parties, contracting officers are encouraged (but not required) to review the Do Not Pay solution for this purpose. The agency's Chief Acquisition Officer shall work with its CFO (or the other relevant official who is accountable for complying with the President's "Do Not Pay List" directive) to evaluate the extent to which the information provided by the Do Not Pay solution can assist contracting officers as a complement to FAPIIS. Acquisition officials are encouraged to periodically review the Do Not Pay solution to determine if the information provided would be useful in the agency's acquisition process.

We appreciate your assistance in this matter.

Attachment



Correspondence Management System

Control Number: AX-12-000-6624

Printing Date: April 13, 2012 03:13:38



Citizen Information

Citizen/Originator: Hutchison, Jim

Organization: University of Oregon
Address: 1253 University of Oregon, Eugene, OR 97403

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6624 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: Apr 27, 2012 # of Extensions: 0
 Letter Date: Apr 11, 2012 Received Date: Apr 12, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
 Subject: Daily Reading File - Cancellation of the Solicitations for the EPA Centers
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education
 R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | ORD | Apr 13, 2012 | Apr 27, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |
| Harita Rao | ORD | ORD-NCER | Apr 13, 2012 | Apr 27, 2012 | N/A |
| Instruction: N/A | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

Message Information

Date 04/11/2012 02:30 PM
From Jim Hutchison <hutch@uoregon.edu>
To Lek Kadeli/DC/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA
cc
Subject FW: EPA Center Solicitations

RECEIVED
2012 APR 12 AM 10:56

OFFICE OF THE
EXECUTIVE SECRETARY

Message Body

Dear Mr. Kadeli and Administrator Jackson,

A number of us in the green chemistry community are trying to make sense of the cancelation of the solicitations for the EPA Centers. Given the many hours so many of us put into preparing applications and the Administration's commitment to transparency, the meaningless line of explanation provided by Kelly is an inadequate response. This response does not seem genuine in that the solicitation was in preparation and review for well over a year. There was plenty of time to "explore these research areas". I asked Kelly for additional information and pointed out that this lack of a credible response is not transparent and puts EPA at risk. In addition, given the sudden cancelation and lack of open communication, it is very difficult to believe that the RFA will, in fact, be re-issued. Kelly has not responded to my request for further information.

I think the research community deserves more clear communication about why this happened at the last minute, after so many had committed significant human and financial resources to the program. The longer it takes for this communication to occur, the worse it looks for the agency. If there is a concrete reason for this action, it would seem it should be easy to communicate.

In addition, a strong commitment to re-issuing the solicitation in a form that is not a significant departure from the current direction should be communicated if it is indeed that case. Without such communication, or if this is not the case, the research community should express its displeasure with this decision.

Please communicate with us about what happened and what we can expect for the path forward.

Best regards,
Jim

--
Jim Hutchison
Lokey-Harrington Chair in Chemistry
University of Oregon

----- Forwarded Message

From: Kelly Widener <Widener.Kelly@epamail.epa.gov>
Date: Mon, 9 Apr 2012 17:11:41 -0400



Correspondence Management System

Control Number: AX-12-000-6641

Printing Date: April 13, 2012 03:22:02



Citizen Information

Citizen/Originator: Lodato, Larry V.

Organization: Boone County Community & Economic Development Corporation
Address: One Avenue C. Building, Madison, WV 25130

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6641 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: Apr 27, 2012 # of Extensions: 0
 Letter Date: Apr 6, 2012 Received Date: Apr 12, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- Expression of deep concern about the "war against coal" by USEPA
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OAR - Office of Air and Radiation -- Immediate Office
 OEAE - Office of External Affairs and Environmental Education
 OSBP - Office of Small Business Programs

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | R3 | Apr 13, 2012 | Apr 27, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|-----------|--------|--------|------|
|-----------|--------|--------|------|

Open Letter to EPA Administrator Lisa Jackson:
End the War on Coal and be Mindful of Jobs and Economic Impacts

April 6, 2012

The Honorable Lisa Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

OFFICE OF THE
EXECUTIVE SECRETARY

2012 APR 12 AM 10:39

RECEIVED

Dear Administrator Jackson:

As organizations responsible for generating economic and employment opportunities in the southern region of West Virginia, this joint letter is designed to express our deep concerns about the political strategy being taken by the United States Environmental Protection Agency (EPA). That strategy, simply put, is one that is a war against coal, and one that will wreak havoc and result in economic devastation on our communities.

For more than two years the EPA has been undertaking a number of regulatory actions that are posing challenges on coal production and coal use, particularly in Central Appalachia. These include a "review" of hundreds of coal mining permits, new air regulations that will cause the closure of coal-fired electric power generation stations and the recent unprecedented revocation of a coal mining permit for Arch Coal's Spruce Mine in Logan/Mingo Counties.

Our organizations also want to express our displeasure to EPA's continued and protracted review process of coal mining permits and the uncertainty and anxiety that this is causing on workers, their families and businesses of all kinds. What happens with these permits will affect thousands of good-paying jobs and millions and millions in state and local tax revenues. It also will affect the viability of thousands of small businesses, many of which are core to this region's employment and economic stability.

Moreover, our organizations are dismayed by the EPA's apparent disinterest in considering the economic and employment impacts of its regulatory policies and actions. There seems to be a genuine callousness toward the economic well-being of coal communities and their residents. This is a rather perplexing viewpoint, given how good jobs and incomes are needed if there is to be the proper environment for personal health, growth and advancement.

Lastly, we would like to state for the record that there are positive impacts from surface mining activities. Nearly all of our communities have benefited from the redevelopment of post-mine-land use areas in our state. Examples of redevelopment of post-mine land use areas include:

- A proposed \$3 billion coal-to-liquids plant in Mingo County
- A \$500 million national Boy Scout high-adventure camp in Fayette County
- A location for a possible multi-billion-dollar ethane plant in Kanawha County
- The Hatfield-McCoy Trail System (largest in the eastern U.S.)
- Graded sections for a major new highway being constructed through southern W.Va.

- A regional headquarters in Boone County that employs 120 people and provides \$100,000 in county taxes
- A \$225 million federal prison in McDowell County
- Chief Logan Lodge and Conference Center in Logan County
- Locations for new recreation facilities:
 - Twisted Gun golf course in Mingo County
 - A new zip-line adventure park in Raleigh County
 - Beckley YMCA soccer complex
- Locations for new public buildings/facilities (schools, jails, airport)

Our organizations respectfully request that EPA change its views about coal, end the war on coal and finalize the agency's permit reviews. We also implore the agency to take a balanced approach and consider all economic impacts as it continues with its regulatory actions related to coal production and use. EPA needs to provide coal companies, and the miners they employ, with a transparent regulatory process that is based on natural science instead of political science, and one that balances environmental protection with job preservation and economic well-being in our region.

Sincerely:

Boone County Economic Development Authority *Larry v. L. Lantz, director*

Charleston Area Alliance

Corridor G Regional Development Authority

Lincoln County Economic Development Authority

Logan County Economic Development Authority

McDowell County Economic Development Authority

Development Authority of Mercer County

New River Gorge Regional Development Authority

Wyoming County Economic Development Authority

cc: Governor Earl Ray Tomblin
W.Va. Congressional Delegation



Correspondence Management System

Control Number: AX-12-000-6649

Printing Date: April 13, 2012 02:45:35



Citizen Information

Citizen/Originator: Goodin, Amanda

Organization: Earthjustice

Address: 705 Second Avenue, Seattle, WA 98104-1711

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6649

Alternate Number: 7934 4130 7560

Status: Pending

Closed Date: N/A

Due Date: Apr 27, 2012

of Extensions: 0

Letter Date: Apr 11, 2012

Received Date: Apr 12, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- Petition to EPA requesting immediate action under Marine Protection, Research and Sanctuaries Act and Toxic Substances Control Act to protect human health and the environment from Navy's SINKEX program

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OCSPP - OCSPP - Immediate Office
OEAE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 13, 2012 | Apr 27, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History



April 11, 2012

*Via Email, Followed by
Overnight Mail*

Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

RE: Petition to Protect Human Health and the Environment From Risks Associated
With the Navy's Sinking Exercise Program (SINKEX)

Dear Administrator Jackson:

Please find enclosed a petition to EPA requesting immediate action under the Marine Protection, Research and Sanctuaries Act and the Toxic Substances Control Act to protect human health and the environment from risks associated with the U.S. Navy's sinking exercise program (SINKEX), submitted by Earthjustice on behalf of the Basel Action Network, Sierra Club, and the Center for Biological Diversity. We appreciate your prompt attention to the issues raised and we look forward to working with EPA on this important matter.

Sincerely,

Amanda W. Goodin
*Counsel for Basel Action Network, Sierra Club
and Center for Biological Diversity*

Enclosure

cc: Leslie M. Hill
U.S. Department of Justice
Environment & Natural Resources Division
Environmental Defense Section
601 D. Street N.W., Suite 8000
Washington, D.C. 20004

PETITION TO EPA: REQUEST FOR ACTION

The Basel Action Network, Sierra Club, and Center for Biological Diversity petition the U.S. Environmental Protection Agency (EPA) to take immediate action to protect human health and the marine environment from polychlorinated biphenyls (PCBs) that leach from ships sunk through the Navy's sinking exercise (SINKEX) program as required by the Marine Protection, Research and Sanctuaries Act (MPRSA)¹ and the Toxic Substances Control Act (TSCA).² Specifically, pursuant to the petition provisions of the Administrative Procedure Act³ and TSCA,⁴ the Basel Action Network, Sierra Club, and Center for Biological Diversity request that EPA amend the existing MPRSA permit for SINKEX or, in the alternative, enact TSCA rules:

- 1. Effective immediately, requiring all PCB-contaminated materials in concentrations of 50 parts per million or greater to be removed from SINKEX vessels prior to sinking;**
- 2. Requiring all PCB-contaminated materials in concentrations of less than 50 parts per million to be removed from SINKEX vessels prior to sinking to the maximum extent practicable; and**
- 3. Requiring additional studies to determine whether PCB-contaminated materials in concentrations of less than 50 parts per million constitute "trace" contaminants, such that their dumping will not cause undesirable effects including the possibility of bioaccumulation. Such additional studies should include the most recent data on the toxicity, persistence, and bioaccumulation of PCBs and should include monitoring at multiple recent sink sites. Studies should also assess the releases of other potentially hazardous pollutants into the marine environment from the SINKEX program including heavy metals, asbestos and radioactive substances.**

¹ 33 U.S.C. §§ 1401–45.

² 15 U.S.C. §§ 2601–92.

³ 5 U.S.C. § 553(e).

⁴ 15 U.S.C. § 2620(a).



Correspondence Management System

Control Number: AX-12-000-6655

Printing Date: April 13, 2012 05:09:59



Citizen Information

Citizen/Originator: Hayward, Ashton J.

Organization: City of Pensacola Florida

Address: 222 West Main Street, Post Office Box 12910, Pensacola, FL 32521

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6655

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Apr 26, 2012

of Extensions: 0

Letter Date: Apr 9, 2012

Received Date: Apr 12, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: Division Director, R4-SFD

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File-Escambia Wood Treating Company Site, Pensacola, Florida

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: ASSIGNED TO SUPERFUND

CC: Brigid Lowery - OSWER-CPA

Kecia Thornton - OSWER

Michelle Crews - OSWER

OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OSWER - OSWER -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--|--------|------------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | R4 | Apr 12, 2012 | Apr 26, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |
| Julia Mooney | R4 | R4-SFD | Apr 12, 2012 | Apr 26, 2012 | N/A |
| Instruction: R4-DD-Please prepare response for Division Director's signature. When signed, originating office should mail original and any cc's. Please hand-carry or email signed copy of response to Julia Mooney, OCIR for close-out of control. If any questions, contact Julia at X28302. THANKS. | | | | | |
| Claudette Dorsey | R4-SFD | R4-SFD-SRB | Apr 13, 2012 | Apr 24, 2012 | N/A |
| Instruction: Prepare response for SFD Director's signature | | | | | |

DAILY READING FILE



City of
Pensacola

*America's First Settlement
Established 1559*

ASHTON J. HAYWARD
Mayor

April 9, 2012

The Honorable Rick Scott – VIA HAND DELIVERY
Governor of the State of Florida
The Capitol
400 S Monroe Street
Tallahassee, FL 32399-0001

Administrator Lisa P. Jackson – VIA U.S.MAIL
U.S. Environmental Protection Agency
USEPA Headquarters
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

RE: Escambia Wood Treating Company Site, Pensacola, Florida

Dear Governor Scott and Administrator Jackson:

On behalf of the City of Pensacola ("City") and its citizens, I find it necessary to directly communicate with you regarding the contemplated transaction involving the Escambia Wood Treating Site ("ETC"). I will attempt to be as brief as possible.

The following are job estimates for the re-development of ETC (by: The HAAS Center, at the University of West Florida ("UWF")):

| | |
|------------------------------------|-----------------------------------|
| Economic Impact After Three Years: | 391 employees at 20% developed |
| Economic Impact After Seven Years: | 1,371 employees at 80% developed |
| Economic Impact After Ten Years: | 1,714 employees at 100% developed |

Four years have now passed since the City began working hand-in-hand with the Environmental Protection Agency ("EPA"), the Florida Department of Environmental Protection ("DEP"), and Escambia County ("County") to facilitate the transfer and development of what is locally known as the "Mount Dioxin" site into a viable, regional railhead development. The group goal has always been to transition the ownership of the property to the local government with proper institutional controls. The local government would then lead the development effort and transition the site from one of the worst Superfund sites in our Nation's history, into a positive, job-producing development. In the spring of 2011, the local government responsibility for the development transitioned from the County to the City. After that transition, I personally gave you assurances that the re-development of ETC was a top priority and consideration for future ownership or use of the property would be City and State jobs, not cash. As I explain below, we continue to fulfill our commitment, but our short term plans and long term goals are threatened. Thus, this letter is a direct transmittal of a new offer to EPA or the City's most-recent counteroffer to the State.

Background and Update of Recent Efforts

Since becoming the lead local government last spring, the City has assembled an ETC project team and has expended over \$250K in planning, environmental due diligence, and legal analyses to facilitate the project. I have heard estimates that the

County has an additional \$1 million invested in the project. We understand and appreciate that EPA has funded approximately \$68 million in ETC clean-up and citizen relocation costs and the State has co-funded approximately \$5 million. I believe it is fair to say that all of these ongoing expenditures are material to our respective budgets. EPA and the State incurred clean-up costs because a viable responsible party has never been identified for the ETC site. ETC soil contamination was not removed, but was placed in a buried seventeen acre retention cell in the middle of the site ("Cell"). Principally due to the historical wood treating operations and large-scale soil disturbance activities during remediation and Cell construction, much of the site's remaining fifty-two (69 total acres less the 17 acre Cell) acres of surface area have documented levels of residual contamination, thus the need for recorded future use controls restricting use to commercial/industrial activities and the long term maintenance of the ETC site. EPA is currently removing leachate from the Cell, treating it on-site, and then discharging the treated process water back into the soil. The contaminated groundwater plume from the site continues to migrate offsite and has entered the recreational waters of Bayou Texar. The groundwater plume and the old Escambia Treating Company are the subjects of an ongoing class action lawsuit. ETC is bordered to the south by the Agrico Superfund site and it is documented that the ETC groundwater plume underlies part of the Agrico site property. Needless to say, all of this information would be available to all prospective transferees/tenants of the development parcels.

The following is a summary of recent events:

- On September 1, 2011, the City provided EPA with a requested letter containing comments related to a draft operations and maintenance plan for ETC ("O&M") and expressing concerns over the City's exposure to unknown and uncertain O&M costs. The City also suggested that DEP accept responsibility for the first five years of O&M cost and the City would accept the responsibility beginning in year six.
- On September 23, 2011, the City provided DEP with a requested letter of interest ("LOI") to accept title to the site properties contingent on the development of an acceptable O&M plan and other conditions. The letter also informed DEP and EPA that the City had a prospective tenant and a transfer of the property to the City needed to occur by March 2012.
- On October 21, 2011, DEP sent an email to City representatives and others indicating that EPA would be issuing correspondence to the effect that EPA would rely on DEP to transfer the ETC properties to the City (rather than directly). In prior conversations with DEP representatives, the City was told that this was how it needed to be done (a transfer thru DEP).
- Around October 26, 2011, Counsel for DEP Division of Public Lands ("Lands") became involved in the transfer process as announced in an email to the City.
- On November 10, 2011, Counsel for Lands sent an email to City representatives indicating that it was targeting the January 18, 2012, Cabinet meeting for inclusion of the transfer agenda item.
- On November 14, 2011, Counsel for Lands sent an email to City representatives indicating that the City's LOI appeared sufficient.
- On December 12, 2011, Counsel for Lands sent an email to the City's outside counsel with a draft Trustee agenda item which contained a staff recommendation that the ETC site be transferred at no cost to the City. It also seemed to indicate that DEP was in favor of a direct transfer of title to the ETC site from EPA to the City.
- On December 19, 2011, DEP (Waste Section) sent an email to the stakeholders containing an updated to-do list. The list indicated that the transfer would not be on the January Trustee agenda and the question of whether the State should seek consideration from the City was raised.
- On January 5, 2012, DEP sent an email stating that there were some issues with the State's acquisition of the property related to transferring the property at no costs.
- On February 9, 2012, Lands' staff confirmed that transfer of the ETC site would not occur for \$1.00 and that the City would need to conduct an appraisal to determine the value of the land.
- On February 10, 2012, DEP Secretary Vineyard verbally communicated to a City representative that DEP would require an appraisal of the ETC site properties.
- On February 16, 2012, Lands' staff sent an email to City representatives indicating that the City should fund and directly contract for the appraisal from an approved list of appraisers provided by Lands. Lands indicated in a follow-up call with the City's outside counsel that they have no budgeted funds for such an appraisal.
- On February 16, 2012, the City's outside counsel sent Lands an email indicating the City's agreement to directly fund and contract for the appraisal.
- On February 17, 2012, the City's outside counsel sent DEP and EPA comprehensive comments on the latest draft O&M plan.
- On February 28, 2012, the appraiser, DEP representatives and the City's environmental consultant met at ETC for a site tour. Part of the tour including a viewing of the on-site leachate treatment system and related on-site infiltration system to dispose of the process water from the system. The attendees also discussed that annual O&M costs for the site were estimated by EPA to be \$50,000.

- On March 8, 2012, the County, for nominal consideration, transferred the City a fifteen acre outparcel to the ETC site. The parcel has significant highway frontage and a portion of the Cell is located on the back of the parcel. It is a key parcel to any potential development of the ETC site.
- Around March 10, 2012, the appraiser delivered the appraisal to Lands. The appraisal was for \$1.18 million. The appraiser's cover letter was dated March 8th and the appraisal was dated February 28th. The appraisal was performed under the "extraordinary assumption that the land requires no operations or maintenance plan..." among other conditions placed on the appraiser by DEP without the City's knowledge. Shortly thereafter, the appraisal was re-issued and revised down to \$1.165 million and indicated that: "It was also based on the extraordinary assumption that the operations and maintenance activities and costs associated with the environmental clean-up of the site would not transfer with the land. One other extraordinary assumption was that a "No Further Actions" letter had been issued by the EPA and DEP." (emphasis added). Again, these conditions were communicated and placed on the appraiser without the City's knowledge.
- On March 16, 2012, Lands sent the City an email stating that its asking price for the ETC site parcels was \$1.165 million.

During the course of the above events, the City had been in negotiation with DEP regarding a comprehensive agreement entitled the Memorandum of Agreement ("*MOA*"). The MOA envelops the O&M plan and sets out the responsibility for the O&M plan and related cost. Although the State already has an agreement with EPA to assume all future costs and responsibilities for the ETC O&M plan, in the MOA, DEP requires the City to assume all of the State's responsibilities in "perpetuity" as a condition to title transfer from the Trustees. Under the MOA, the City's O&M responsibilities commence at time of title transfer. The O&M plan is not as comprehensive as the MOA. In other words, under the MOA, the City will ultimately take responsibility for the remaining leachate problem, all aspects of the containment Cell, and decades of groundwater monitoring, in "perpetuity."

At its expense, the City re-contracted with the same appraiser and asked him to again re-issue the appraisal but without the extraordinary assumption that there were no O&M costs encumbering this site. The appraiser was instructed to utilize EPA's \$50K annual cost estimate. For comparison purposes, DEP and the City are aware that in the last five year reporting cycle for the adjacent Agrico Superfund site, its annual O&M costs ranged from \$109K to \$153K. The appraisal returned a value of \$25,000 for the ETC site properties when taking into consideration the O&M costs. This was without any change to the other aspects of the prior appraisal and without utilizing the recent sale of the County parcel as a comparable (which would only further reduce the appraised value of ETC).

Price Negotiations with Lands

On April 3 and April 4, 2012, the City's project team and DEP (Division of Waste and Division of Lands representatives) met in Tallahassee to discuss and negotiate a final O&M plan, MOA, and other consideration for the property. As a backdrop, EPA had announced that it was prepared to transfer, for nominal consideration, ownership of the properties comprising the site (approximately 69 acres). The City has been desperately trying to encourage DEP to put this transaction on the Trustee agenda and consummate this transaction because we have a prospective anchor tenant for a portion of the site that needs to break ground this spring or seek an alternative location in South Alabama. The following is a summary of negotiations with Lands:

- Lands offered to sell the site to the City for \$1.165 million conditioned upon the City accepting the full O&M and MOA responsibilities. Additionally, Lands added that they wanted the City to assume the State's full responsibility under the State Superfund Contract with EPA for co-payment of remedial costs (capped at \$250K per year effective July 2012). Lands refused to reduce the value of the property for O&M or the State's co-pay. Finally, Lands announced that it was prepared to immediately put the site out for open bid.
- The City counter-offered to pay the State the full appraisal value of \$25,000, accept the O&M and MOA in acceptable final form.
- Lands counter-offered to sell the site to the City for \$1.112 million, stating that they reduced the price for two years of what they believed the annual O&M costs would be (\$26,500).
- On April 4th Lands gave the City a written offer with a break down of the \$26,500 estimate. On April 6th, the City emailed Lands an annual O&M breakdown showing estimated costs of \$75,951. Lands responded via email that they revised their estimate to \$40,464.

The City of Pensacola's Alternative Offer and Counter Offer

There a few things that seem clear to me and my project team: 1) the City is not a responsible party for ETC and does not owe the State clean-up costs (or any sum beyond the true value of the property); 2) in this situation, Lands has taken some actions that affect the outcome of the valuation process while ignoring their own documented precedent of reducing value by clean-up costs; 3) Lands' staff are agents of the Trustees attempting to negotiate the sale of property they have no

current ownership of or control over; 4) Lands is attempting to profit from a simultaneous transaction involving donated property; 5) it is not certain that DEP has Trustee-delegated authority to accept ownership of an active Superfund site; 6) although the State may have an obligation to accept title to the site, EPA may bypass the State per the attached 2004 EPA Memorandum; and 7) the most expeditious way to move the common goal of development and jobs creation forward is a direct transfer from EPA to the City. The bottom line is that all of this is supposed to be about jobs creation, not a quick profit or an attempt to recover cost. On behalf of the City, I submit the following alternative offer to EPA or a counter-offer to the State for your individual consideration and response.

To EPA:

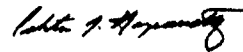
1. EPA transfers the ETC site properties directly to the City of Pensacola. The City agrees to accept responsibility for O&M plan costs and responsibilities; the MOA would be modified to include U.S./EPA as a party with appropriate terms and conditions; subject to O&M plan and MOA in acceptable final form; subject to City Council approval; time is of the essence. This scenario would be beneficial to the State and more timely, based on the record.

To the State of Florida:

1. The Trustees approve the acquisition of the ETC site properties from EPA. The Trustees sell the ETC site properties to the City of Pensacola for the consideration of \$1.165 million. O&M plan costs, responsibilities and liabilities to remain with the State as specified in the \$1.165 million appraisal; City will accept responsibility for mowing areas as they come under development; subject to an acceptable real estate contract with the State (including all other related obligatory or closing related documents); subject to the City's receipt of an acceptable "no further action letter" as specified in the existing appraisal; subject to acceptable or no conditions placed on the transaction by the Trustees; subject to City Council approval; subject to standard funds availability clause; time is of the essence.

I would sincerely appreciate a preliminary, written or verbal response from EPA by close of business on Friday, April 13, 2012. I would sincerely appreciate a written response from the State by close of business on Friday, April 13, 2012. I am grateful to both of you for our working relationship, your time and your consideration of why I believe this direct communication was necessary to keep this collaborative project moving forward in the spirit that it began.

Sincerely,



Ashton J. Hayward
Mayor

Enclosure: 2004 EPA Memorandum

CC: The Honorable Pam Bondi, Attorney General, State of Florida
The Honorable Jeff Atwater, Chief Financial Officer, State of Florida
The Honorable Adam Putnam, Commissioner, State of Florida
Secretary Herschel T. Vinyard, Jr., Florida Department of Environmental Protection
Deputy Secretary Al Dougherty, DEP Division of Recreation and Parks, State Lands and Cabinet Affairs
Erik Spalvins, Region 4, U.S. Environmental Protection Agency
File



Correspondence Management System

Control Number: AX-12-000-6668

Printing Date: April 13, 2012 03:25:51



Citizen Information

Citizen/Originator: Fuller, Lee O.

Organization: Independent Petroleum Association of America
Address: 1201 15th Street, N.W., Washington, DC 20005

Kellogg, Matthew B.

Organization: Independent Petroleum Association of America
Address: 1201 15th Street, N.W., Washington, DC 20005

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|--------------------------|--|--------------------------|--------------|
| Control Number: | AX-12-000-6668 | Alternate Number: | N/A |
| Status: | For Your Information | Closed Date: | N/A |
| Due Date: | N/A | # of Extensions: | 0 |
| Letter Date: | Apr 12, 2012 | Received Date: | Apr 13, 2012 |
| Addressee: | Valerie Jarrett | Addressee Org: | White House |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | SNR-Signature Not Required | Signature Date: | N/A |
| File Code: | 401_127_a General Correspondence Files Record copy | | |
| Subject: | Daily Reading File- EPA Rule to regulate New Source Performance Standards, NSPS Rule would jeopardize natural gas development operations and risk jobs of hundreds of thousands of Americans | | |
| Instructions: | For Your Information -- No action required | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | OCIR - Office of Congressional and Intergovernmental Relations OEAE - Office of External Affairs and Environmental Education OP - Office of Policy | | |

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

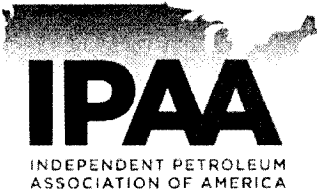
Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 13, 2012 |

History



Submitted via email

April 12, 2012

Valerie Jarrett
Senior Advisor to the President
The White House
Washington, DC 20500

Dear Ms. Jarrett:

The Office of Information and Regulatory Affairs (OIRA) is currently reviewing a proposed rulemaking document submitted by the Environmental Protection Agency (EPA) with regard to its authority under the Clean Air Act (CAA) to regulate New Source Performance Standards and National Emission Standards for Hazardous Air Pollutants for the Oil and Gas Sector (NSPS rule). We understand that EPA is subject to a court order requiring the final rule to be signed by April 17, 2012.

The Independent Petroleum Association of America (IPAA) represents thousands of independent oil and natural gas explorers and producers, as well as the service and supply industries that support their efforts that will be the most significantly affected by the proposed actions. EPA's proposed rules would expand regulations for oil and natural gas production, processing, transmission, and storage, while simultaneously imposing the first-ever federal air standards for all natural gas wells that are hydraulically fractured. Due to the expansive nature of these rules, hundreds of thousands of American natural gas development operations could be affected and, as such, risk the jobs of hundreds of thousands of Americans whose livelihoods are dependent on the ability to explore for, and produce, oil and natural gas in the United States.

IPAA has worked with EPA regarding the NSPS rule to balance the environmental benefits EPA seeks to achieve with the economic livelihood of America's independent oil and natural gas producers. EPA engaged IPAA in the fall of 2011 to discuss its concerns with the NSPS rule on small operators. IPAA again met with EPA, including officials from the Office of Air and Radiation, on March 23, 2012, to discuss the disproportionate impact on small operators and the

unworkability of the NSPS rule. Moreover, IPAA met with OIRA for an EO12866 meeting on April 2, 2012 to articulate its concerns regarding the impact the NSPS rulemaking on small operators and job creation.

A significant element of the proposed rulemaking appears to be targeted toward larger natural gas wells, with horizontal legs. Nevertheless, the rule would apply to *all natural gas wells that are fractured* – including smaller vertical well operations that do not have the same emissions profile as their larger counterparts with horizontal components. To make the rule more scientifically sound, IPAA would encourage EPA to delay the implementation of the NSPS rule until new data could be collected and a more thorough cost benefit analysis for the emission completions requirements could be undertaken. In the alternative, IPAA would encourage EPA to exempt natural gas wells without horizontal legs (i.e. vertical wells) from the NSPS rulemaking. Similarly, IPAA supports proposals to limit the application of the rule to wells meeting a minimum threshold of volatile organic compounds (VOC); however, this modification would not fully address the vertical well issue.

1. **Delay the NSPS rulemaking until accurate data is collected.** IPAA is concerned with the foundational data EPA has used to calculate emission estimates from natural gas producing wells. These estimates are based on producer-reported data via the EPA Natural Gas Star program, which compiled information on the volume of gas recovered by the practice of “green completions” from a very limited number of wells. This information has been misused and led EPA to erroneously conclude that when “green completions” are not performed, or when flaring is not legally required, methane is otherwise vented into the atmosphere.

The use of flawed data has led to grossly overestimated emissions and has ultimately resulted in a distortion of the agency’s required cost-benefit analysis. Reports have shown that, in some cases, EPA overstated emissions estimates by over 1,400 percent. When these numbers are corrected, EPA’s proposed requirements grossly fail its own cost-effectiveness standards. As such IPAA would encourage the postponement of the NSPS rulemaking until accurate data is collected.

2. **Exempt vertical wells from the NSPS rulemaking.** EPA’s definition of a natural gas well applies its NSPS requirements to any natural gas well completion that uses hydraulic fracturing. The sweep of this definition would capture natural gas well completions that include only a vertical component and wells with both vertical and horizontal components. However, it is clear that in developing its basis for its reduced emissions completion (REC) or “green completion” technology, EPA bases its determinations on well completions with horizontal legs. Yet, EPA would require the same controls for vertical wells drilled by smaller companies where the emissions would be far less. Moreover, not all fractured wells use the same technology. As IPAA details in its comments to the proposed rule, many wells are fractured using a nitrogen based process that is not consistent with the REC technology and would prevent these wells from being developed.

Many of America's independent oil and natural gas producers are small businesses that drill only vertical wells and operate marginal wells/oil fields because of the capital requirements for large horizontal operations. As such, EPA's NSPS for the oil and gas industry would have a disproportional and detrimental impact on these independent oil and natural gas producers since these independents would not be able to afford the technologies necessary to satisfy such onerous requirements. The average Independent has been in business for 26 years and employs 11 full-time and three part-time employees. In total, America's independent oil and natural gas producers supported 2.1 million jobs in the United States in 2010.

3. **Threshold for application of REC regulation.** IPAA supports using a minimum threshold for the REC regulation to provide for a cost effective application of the rule.

Similar issues arise with regard to the NSPS on storage vessels. The NSPS applies to oil and condensate storage tanks and present both issues associated with the impact on small businesses – particularly with regard to regulations being applied to “modified” tanks and associated with the underlying data to justify action. Compounding these aspects is EPA's decision to propose a performance based requirement of a 95 percent reduction in emissions. While the proposal is cast as a NSPS, it would also apply if a facility is considered to be modified. EPA has attempted to simplify the determination of whether a facility is subject to the regulation by using a throughput basis – 20 barrels/day for crude oil and one barrel/day for condensate. While simpler, the throughput approach is not technically sound or supported by the data. However, it can result in substantial exposure consequences for marginal well operators.

Storage tank capacity must be designed to manage production when a production site is initiated. Over time, production from wells decline. As a well field develops, additional wells are piped to common storage tanks in a tank battery. This basic tank battery system remains in place as existing wells decline and are plugged, as new wells are drilled and begin production, and as existing wells are reworked to increase production. An average marginal well in the United States produces about 2 barrels/day. When a well is reworked, its production may increase to 4 or 5 barrels/day for six or eight months before declining back to its prior flow rate. Even though EPA bases its throughput thresholds on an annual average of daily production, clearly, the consequences of normal well field development could result in a storage tank being under the threshold for one year, over the threshold the next year and below again the year after. Under the proposed NSPS, exceeding the threshold would require equipping the tank with a vapor recovery unit (VRU) or flaring system that would no longer be required by the time it was in place.

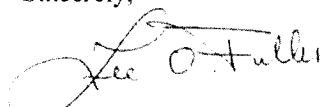
IPAA believes that sources should have the ability to estimate VOC emissions from storage tanks rather than be constrained to a throughput based process. If EPA continues to pursue a throughput based approach, it needs to recognize that a more sophisticated approach should be developed. A critical action that EPA needs to take is addressing the issue of applying its regulations to existing tanks. It needs to develop an approach that does not create an unreasonable burden on existing production,

particularly marginal well operations, resulting from short term increases in production. Nearly eighty percent of the oil wells in the United States are marginal wells (i.e. wells that produce less than 15 barrels of oil per day). Moreover, marginal wells produce twenty percent of oil in the United States. The current rulemaking risks shutting in twenty percent of domestic production since the technology requirements envisioned under the rule would not be economical for marginal well operations. Consequently, IPAA recommends that EPA withdraw the current proposal, develop better emissions assessments and subsequently revisit the technology requirements.

IPAA's comments in the docket further detail its concerns regarding the data underlying the NSPS rule as well as the disproportionate impact the NSPS rulemaking would have on small, independent oil and natural gas producers. In short, this rulemaking could eliminate thousands of small producers from the marketplace – producers who only have the financial means to drill a limited number of vertical wells each year – thereby risking tens of thousands of American jobs. Simply put, the proposed NSPS does not meet the requirement of the Clean Air Act that it is "...a standard for emissions of air pollutants which reflects the degree of emission limitation achievable through the application of the best system of emission reduction which (taking into account the cost of achieving such reduction and any nonair quality health and environmental impact and energy requirements) the Administrator determines has been adequately demonstrated." On the points described above the technology is neither cost effective nor adequately demonstrated.

IPAA appreciates your attention to this rulemaking and your efforts to balance small business viability with the environment. Should you have any questions please feel free to contact me at 202.857.4731.

Sincerely,



Lee O. Fuller
Vice President of Government Relations
Independent Petroleum Association of America

CC: L. Jackson, EPA
C. Sunstein, OIRA
J. Weiss, OIRA
G. McCarthy, EPA
D. Mancini, OIRA
P. Tsirigotis, EPA
B. Moore, EPA



Correspondence Management System

Control Number: AX-12-000-6669

Printing Date: April 13, 2012 01:01:36



Citizen Information

Citizen/Originator: Powers, Trey G.

Organization: Texas Mining and Reclamation Association
Address: 100 Congress Avenue, Austin, TX 78701

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6669 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: Apr 30, 2012 # of Extensions: 0
Letter Date: Apr 12, 2012 Received Date: Apr 13, 2012
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: FAX (Facsimile) Priority Code: Normal
Signature: AA-OW-Assistant Administrator - Signature Date: N/A

OW

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Concern regarding the EPA's lack of action in reviewing and issuing aquifer exemption permits for uranium mining operations in Texas

Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW

Instruction Note: N/A

General Notes: N/A

CC: Brigid Lowery - OSWER-CPA
Kecia Thornton - OSWER
Michelle Crews - OSWER
OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
OSWER - OSWER -- Immediate Office
OW - Office of Water -- Immediate Office
R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 13, 2012 | Apr 30, 2012 | N/A |
| Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW | | | | | |

Supporting Information

Supporting Author: N/A



April 12, 2012

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

On behalf of the Texas Mining and Reclamation Association (TMRA), I am writing to express our concern regarding the U.S. Environmental Protection Agency's (EPA) lack of action in reviewing and issuing aquifer exemption permits for uranium mining operations in Texas.

TMRA is an industry trade association representing over a hundred companies actively involved in the mining of numerous minerals, including uranium. As the collective "voice" of uranium mining in Texas, we are asking that EPA regulatory decisions be made consistent with applicable laws and regulations and in a timely manner. This has not been the case regarding EPA Region 6's consideration of aquifer exemptions in Texas.

The Region 6 Office appears to be operating under a different standard for evaluating aquifer exemptions than the criteria clearly outlined in EPA Guidance 34 and utilized in other EPA regions. Despite the fact the Region 6 Office has previously granted more than 30 aquifer exemptions in Texas using these standards, they appear to be intentionally delaying action on an aquifer exemption request in Goliad County and an extension of an aquifer exemption in Duval County.

The EPA Region 6 Office should not be able to unilaterally impose new criteria (future modeling) that are not supported by existing EPA regulations or guidance. Rather, they should follow the same clear guidelines as other EPA regions when evaluating proposed aquifer exemptions. The Texas Commission on Environmental Quality has expressed their opposition to this unprecedented action directly with the EPA Region 6 Office (enclosed letter dated August 23, 2011) and has still not received a response. This type of inaction and regulatory uncertainty is unwarranted and damaging.

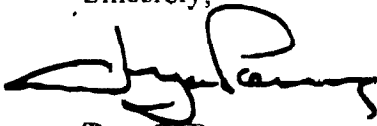
We sincerely request your assistance to resolve this significant impediment to economic growth and energy independence. The U.S. supply of uranium is a vital part of a

Administrator Lisa P. Jackson
April 12, 2012
Page 2

diversified energy portfolio and possessing the ability to produce uranium domestically is critical to that effort.

Thank you in advance for your attention to, and assistance with, this matter. Please let me know if I can provide further information.

Sincerely,

A handwritten signature in black ink, appearing to read 'Trey Powers', written in a cursive style.

Trey G. Powers
Executive Director

cc: The Honorable Kay Bailey Hutchison
The Honorable John Cornyn
The Honorable Ruben Hinojosa
The Honorable Henry Cuellar

Enclosure: TCEQ Letter to Miguel Flores, U. S. EPA Region 6 Office – August 23, 2011



Correspondence Management System

Control Number: AX-12-000-6695

Printing Date: April 13, 2012 03:43:06



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Correspondence Management System

Control Number: AX-12-000-6695

Printing Date: April 13, 2012 03:43:06



Organization: BC Children's Hospital - Simon Fraser University
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Warner, John C.

Organization: Warner Babcock Institute for Green Chemistry
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Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6695

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Apr 30, 2012

of Extensions: 0

Letter Date: Apr 12, 2012

Received Date: Apr 13, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Open Letter Concerning the Green Chemistry Center Grants from 21 Scientists

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A



Correspondence Management System

Control Number: AX-12-000-6695

Printing Date: April 13, 2012 03:43:06



General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | ORD | Apr 13, 2012 | Apr 30, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|--------------------------|--------|---------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Assign ORD as lead office | Apr 13, 2012 |

Comments

| Commentator | Comment | Date |
|------------------|---------|------|
| No Record Found. | | |



Institute for Green Science
Department of Chemistry
Carnegie Mellon University
4400 Fifth Avenue
Pittsburgh, PA 15213
United States

April 12, 2012

Administrator Lisa P. Jackson
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Dear Administrator Jackson,

We are writing to express our gratitude to you and to Acting Assistant Administrator Lek Kadeli for pledging on Twitter to reissue "the green chemistry RFAs in Summer 2012". Of course, we remain deeply concerned about what form the re-issued RFAs will take. Most importantly, it's critical that the new RFAs will properly support the national development of green chemistry.

We the undersigned were dismayed to learn recently that the USEPA had cancelled the RFAs for the Centers for Sustainable Molecular Design and the Centers for Material Life Cycle Safety. Your Agency spent a year discussing how to construct the RFA, then published the solicitation with a three-month deadline, and then withdrew it with three weeks left to the deadline. The EPA gave as the only explanation that, "we determined it was necessary to further explore these research areas". This was more than a little difficult to comprehend.

Many of us have been working for months to compete for a Center for Sustainable Molecular Design. We feel sure that other groups around the country were doing likewise. But then came the cancellations. Regardless of which teams might eventually have been funded, we feel sure that all our colleagues were as delighted as we were to have had the chance to compete. We viewed your RFAs as Agency acknowledgements of green chemistry's profound and self-evident significance to the wellbeing of future generations, to the pursuit of a peaceful and prosperous world, and to the long-term economic vitality of the chemical enterprise. Again we hope that whatever prompted the withdrawal, the Agency remains committed to green chemistry. The disappointment and relief of the last several days have conveyed a particular clarity of vision. In the spirit of this lucidity, first let us express our admiration of your EPA's record of

leadership on so many fronts. Second, let us look to the future. We believe that EPA support of the novel health, environmental and chemical R&D partnerships that green chemistry so uniquely engenders will propel the Agency to further major successes. Extramural green chemistry teams partnered with intramural EPA leaders will bring solutions to the world for numerous problems of toxic substances that will work effectively as never before for health, for the environment and for the economy. These projected achievements once realized will inspire confidence in people everywhere in the fundamental goodness of America and of its EPA. So again, we wait in the hopeful expectation that the new RFAs will properly support green chemistry.

Our proposed Center for Sustainable Molecular Design has been conceived precisely to support and inspire the mission of the EPA. We have such confidence in the impressive talents of our competing colleagues that we believe you will ultimately find it hard to choose among the many meritorious proposals you will undoubtedly receive. Our own proposal involves a deep collaboration among green, analytical and theoretical chemists, cell biologists, environmental health scientists, chemical engineers, higher organism ecotoxicologists and water purification scientists. It was focused on avoiding endocrine disruptors, the family of toxicants that produce low dose adverse effects. We have been working with private seed money to build the collaboration for over three years.

In conclusion, thank you once again for assuring the community that you will reissue the RFAs in summer. Please ensure that green chemistry is genuinely supported and show your trust in the outstanding interdisciplinary community that is green chemistry today by soliciting grants rather than trying to control the research through cooperative agreements—for certain, the community wants to cooperate with your Agency, but a cooperation willingly given will likely be far more effective. Regardless of whichever particular teams win your support, we all will have reason to rejoice that the EPA will be investing in reason, foresight, wisdom and world-class technical talent for a more sustainable world.

Sincerely yours,

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web: www.toxipedia.org - Connecting Science and People
web: www.ipmopedia.org - Connecting Gardeners and Experts
web: www.wltox.org - World Library of Toxicology
web: www.wanmec.org - Washington Nuclear Museum and Educational Center
web: www.healthyworldtheater.org - Healthy World Theater (HWT)
web: www.healthyworldpress.org - Healthy World Press (HWP)
twitter: <http://twitter.com/toxipedia> - follow our daily tweet

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http://www.warnerbabcock.com/about_wbi/contact_us.asp

cc: Lek Kadeli, Acting Assistant Administrator, Office of Research and Development, USEPA



Correspondence Management System

Control Number: AX-12-000-6696

Printing Date: April 13, 2012 03:22:19



Citizen Information

Citizen/Originator: Jacko, Norman

Organization: Pedro Bay Village Corporation
Address: 1500 West 33rd Avenue, Anchorage, AK 99503

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6696 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: Apr 27, 2012 # of Extensions: 0
 Letter Date: Apr 12, 2012 Received Date: Apr 13, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Pedro Bay Viillage Corporation's concerning the 404c Process
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: Region 10, in the response letter, please mention the Administrator's visit to Bristol Bay on July 28, 2010. Thank you.
 CC: Noah Dubin - OEX
 OEAE - Office of External Affairs and Environmental Education
 OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | R10 | Apr 13, 2012 | Apr 27, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|-----------|--------|--------|------|
|-----------|--------|--------|------|

April 6, 2012

The Honorable Lisa Jackson
Administrator, U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Administrator Jackson:

I write today on behalf of Pedro Bay Village Corporation, a village corporation with lands on the Northeastern shore of Iliamna Lake. While we have many concerns about the proposed Pebble Mine project, we have equal concerns about the actions underway by The Environmental Protection Agency via the Bristol Bay Watershed Assessment and pending request to invoke the 404(c) without benefit of a permit application. As a result of the federally established Alaska Native Claims Settlement Act (ANCSA), we have a fiduciary responsibility to our people and our shareholders to fully understand any potential economic activity on or near our lands before rendering judgment.

Many in other parts of the country do not understand the challenges our people face. Our population continues to decline because of the lack of jobs and extremely high costs of everything from basic electricity to a gallon of milk. Of particular concern to Pedro Bay is we recently lost state funding for our school due to enrollment falling below the minimum requirement for funding. This is devastating for a village such as ours and something that could take years to correct, if ever. Our young people need to know that they will have jobs or opportunity for them. Those fortunate enough to go to college have very little to bring them back. For these and many other reasons, we must know more about economic options before we determine our position. We value our culture and we value the salmon that return every year. But we must also have a cash economy for our communities to thrive.

Taking a premature action under the 404(c) before the agency has a permit in front of it could cause us economic harm. We also do not know the long term impact such a step could have on our lands which were granted under ANCSA for the purpose of securing economic opportunity for our people. We have many concerns about the all of the current activity being undertaken by the EPA because of the potential detrimental impacts it could have on our shareholders.

We know that some have expressed opposition to Pebble for a range of reasons yet we worry that decisions are being made without the EPA receiving a complete picture. We note the example of your trip to Alaska where you visited Dillingham but not the communities closest to the project. Several have sought a direct audience with you to convey the challenges facing our shareholders but have not been able to secure an appointment with you. Your staff has met with us and some have traveled to our region which we acknowledge and appreciate. However, we do believe it directly incumbent upon you to get the full picture before making such a monumental and precedent setting decision to hear from the people closest to the proposed development.

We have lived in this area for generations and have a deep understanding of the land. We will not accept a project that will harm our way of life. We ask that you come see this for yourself or invite us to meet with you in Washington, D.C.

In conclusion, any action under the Clean Water Act is clearly premature at this time. On behalf of my village corporation, I respectfully urge that the request to use the 404c process be rejected at this time and that all work on the watershed assessment be suspended until the developer has defined a project and been afforded the opportunity to initiate the federal permitting process. We will then have the opportunity to fully evaluate the opportunity, the environmental issues, and make an informed decision about the project.

Respectfully,



Norm Jacko, President

Cc: Dennis McLerran, Region X Administrator, US EPA; The Honorable Sean Parnell, Governor of Alaska; The Honorable Don Young; The Honorable Mark Begich; The Honorable Lisa Murkowski; Marcia Coombes, EPA Alaska Office



Correspondence Management System

Control Number: AX-12-000-6700

Printing Date: April 13, 2012 03:31:30



Citizen Information

Citizen/Originator: Vogel, Elder

Organization: Senate of Pennsylvania

Address: Senate Box 203047 The State Capitol, Harrisburg, PA 17120-3047

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6700

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: Apr 27, 2012

of Extensions: 0

Letter Date: Apr 5, 2012

Received Date: Apr 13, 2012

Addressee: Jacob Lew

Addressee Org: White House

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OW-Assistant Administrator -Signature Date: N/A

OW

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- Classifying forest roads as "point sources" will limit forest owners from implementing necessary conservation efforts and make forests unaffordable to manage

Instructions: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 13, 2012 | Apr 27, 2012 | N/A |
| Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

SENATOR
ELDER VOGEL, JR.
47TH SENATORIAL DISTRICT

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THE STATE CAPITOL
HARRISBURG, PA 17120-3047
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FAX (717) 772-2756

□ 301 CENTRAL BUILDING
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FAX (724) 773-7384



Senate of Pennsylvania

April 5, 2012

Mr. Jacob Lew
White House Chief of Staff
1600 Pennsylvania Avenue
Washington, DC 20500

Dear Mr. Lew:

In May 2011, the U.S. Ninth Circuit Court of Appeals issued a final ruling declaring that forest roads are “point sources” that require a discharge permit under the Clean Water Act (CWA). For the past 35 years, forest roads have been classified as “non-point sources” under the CWA, a precedent that has now been erroneously overturned by the Circuit Court.

Classifying forest roads as “point sources” will require special discharge permits for hundreds of culverts and ditches located on thousands of acres of forestland. Expensive permit processes will limit forest owners from implementing necessary conservation efforts and will make forests unaffordable to manage, ultimately putting private forest owners out of business. The negative economic impacts alone will be detrimental to forest owners and citizens alike.

The plan that has been in use by the Environmental Protection Agency for the past 35 years allows for the forest managers to utilize Best Management Practices (BMPs) to control runoff and avoid pollution of rivers and streams in the most effective way. Pennsylvania forest owners, with the help of the Department of Conservation and Natural Resources and the Bureau of Forestry, have ensured long-term health and productivity of the state’s forests and have worked to conserve native plant life. By making forest roads “point sources,” all effort and ability to promote proper conservation will be eradicated due to unnecessary costs.

COMMITTEES

AGRICULTURE & RURAL AFFAIRS, CHAIR
LOCAL GOVERNMENT, VICE CHAIR
AGING & YOUTH
ENVIRONMENTAL RESOURCES & ENERGY
URBAN AFFAIRS & HOUSING
MAJORITY POLICY

OFFICE OF THE
EXECUTIVE SECRETARIAT

2012 APR 13 AM 10:45

RECEIVED

April 9, 2012
Page 2

I urge you to defend the EPA's longstanding treatment of forestry as "non-point sources" under the CWA, and to please ask the U.S. Supreme Court to review the U.S. Ninth Circuit Court of Appeals decision.

Sincerely,



Senator Elder Vogel, Jr.
47th Senatorial District

EV/klm

CC: Senator Robert Casey
Senator Patrick Toomey
Administrator Lisa Jackson

DAILY READING FILE

Christine Todd Whitman

April 3, 2012

The Hon. Lisa Jackson, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C.

Dear Administrator Jackson,

I was interested to read the recent media accounts of the recommendation by the National Environmental Justice Advisory Council (NEJAC) regarding the prevention of chemical disasters at U.S. chemical facilities. I know this is an issue about which we both care very deeply.

In their letter the NEJAC recommended that:

EPA use its authority under the 1990 Clean Air Act section 112 (r), to reduce or eliminate these catastrophic risks, where feasible, by issuing new rules and guidance to fully implement the general duty clause. This action would reduce the danger and imminent threat that chemical plants, chemical manufacturing, and the transport and storage of hazardous chemicals pose to environmental justice and all communities.

I thought it might be helpful to you to know that shortly after the terrorist attacks of September 11, 2001, the EPA seriously considered using section 112 (r) to extend the Agency's existing responsibility for the prevention of accidental releases to include releases caused deliberately.

After careful consideration, I decided that our best alternative was to pursue legislative action to achieve this goal. We felt that enacting a specific law to specifically address the use of the general duty clause was the preferable course of action, since it would likely eliminate, or at least reduce, the potential of a challenge in the courts.

After more than a year of effort working with other departments and agencies and various stakeholders to craft a bill, which included language encouraging the use of inherently safer technologies, the White House decided not to submit the legislation we had drafted. I believed that this decision undermined EPA's ability to carry out its assignment as the lead federal agency in protecting the chemical industry and hazardous materials sector, as provided under the National Strategy for Homeland Security issued in July 2002. I subsequently requested that EPA be relieved of that assignment.

Administrator Jackson

Page 2

Although temporary security legislation was eventually enacted in 2006, it is extremely limited. For example, it actually bars the Department of Homeland Security (DHS) from requiring and particular security measures including chemical hazard reduction. It also exempts thousands of chemical facilities, including all water treatment plants and hundreds of other potentially high-risk facilities, such as refineries located on navigable waters. Since 2009 the EPA and the DHS have asked Congress for authority to implement hazard reduction and eliminate these wholesale exemptions but Congress has failed to act on those requests.

Fortunately, I am advised that the 1990 CAA's authority has not been changed or amended on this subject. The authority we proposed using in our 2002 proposal was the same as the NEJAC is now proposing, section 112(r)(1) of the CAA. It contains an enforceable "general duty" clause that obligates chemical facilities handling the most dangerous chemicals to prevent potentially catastrophic releases to surrounding communities. Facilities with the largest quantities of the most dangerous chemicals (such as poison gases) should assess their operations to identify safer cost-effective processes that will reduce or eliminate hazards in the event of a terrorist attack or accident. This has never been required and today hundreds of these facilities continue to put millions of Americans at risk.

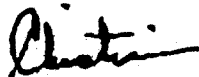
It is well established that safer cost-effective alternatives are widely available. In 2009 the Clorox Company announced plans to convert all of their U.S. facilities. And within 90 days after the 9/11 attacks Washington, D.C.'s wastewater treatment plant converted from chlorine gas to safer liquid bleach. Unfortunately there is still no national program to assess the feasibility or to require the use of safer alternatives at the highest risk facilities.

In 2003 the Government Accountability Office (GAO) concluded that the EPA could *"interpret the Clean Air Act's general duty clause to address chemical facility security from terrorism... According to EPA, it would not have to make any regulatory changes as it currently implements the general duty clause through guidance. Thus, EPA could revise its existing guidance or issue new guidance to include managing the risk of terrorism as within owners and operators' responsibility under the general duty clause."*

Accordingly, I therefore fully support the implementation of the NEJAC recommendations and any other authorities you can apply to reduce these hazards before a tragedy of historic proportions occurs.

Thank you for your commitment to protecting the safety and health of the American people.

Sincerely,





Correspondence Management System

Control Number: AX-12-000-6745

Printing Date: April 16, 2012 04:01:37



Citizen Information

Citizen/Originator: **Baugh, Don**

Organization: Chesapeake Bay Foundation

Address: Philip Merrill Environmental Center 6 Herndon Avenue, Annapolis, MD 21403

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6745

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

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of Extensions: 0

Letter Date: Apr 13, 2012

Received Date: Apr 16, 2012

Addressee: POTUS-President of the United States

Addressee Org: White House

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- Letter to President Obama thanking him for convening first-ever White House Summit on Environmental Education

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEI - Office of Environmental Information - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OEAE | Apr 16, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OEAE | Apr 16, 2012 |

April 13, 2012

President Barack Obama
The White House
Washington, D.C. 20500

Dear Mr. President:

We commend you for convening the first-ever White House Summit on Environmental Education. It could not be more timely or crucial, in light of the drastic and deeply disappointing cuts proposed in the Fiscal 2013 budget for environmental education programs at EPA, NOAA and NSF.

This summit offers a unique opportunity to develop a new, cohesive, coordinated environmental literacy policy across the Federal government – one that advances not only environmental stewardship, but ensures that all our citizens, and particularly our youth, are prepared with basic knowledge about the environment, energy, and the natural world to succeed in a 21st century workforce and economy. Last year, the No Child Left Inside Coalition—a broad-based coalition comprised of 2,200 environmental, educational, business, health, faith-based, outdoor recreation and other organizations from all 50 states – along with many of our partners from the business community, environmental organizations, and Members of Congress, called on you to issue an executive order to do just that.

We recommended that you create a President’s Council on Environmental Literacy co-chaired by Secretaries Duncan and Salazar, with EPA Administrator Jackson and other Cabinet and Sub-cabinet officials, and task them with undertaking a comprehensive assessment of current formal and informal environmental education programs and activities carried out by the Federal government with the goal of developing and submitting to you a thorough and coordinated plan and strategy to promote the education, job skill training, health, and well-being of America’s youth and adults through formal and informal environmental education.

We also recommended that an advisory panel of stakeholders be established to review, provide advice, and make recommendations to the Council in the development of the assessments, plans, and strategies. Next week’s Summit on Environmental Education provides the opportunity to move forward with these recommendations.

Such a coordinated environmental literacy policy would help to:

- advance your Administration’s environmental stewardship, energy, STEM education, workforce development, and health care goals.
- ensure that existing environmental, natural resource, conservation, outdoor, and energy education programs at the Federal level function efficiently in a systematic manner and get the “biggest bang for the buck.”
- support the efforts of some 40 States which are now in the process of developing and implementing environmental literacy plans while preserving states’ authority to determine their environmental education curriculum.
- achieve your Administration’s goals of reconnecting Americans to the great outdoors and raising a healthier generation of citizens.

- ensure that environmental education programs – both formal and informal –reach the greatest number of our youth and citizens of all ages, regardless of their income, race, ethnic or language background, or disability status.

We hope and trust that a coordinated policy developed by an interagency council, with the assistance of stakeholders, will lead to a new vision for environmental education – a vision that addresses the woefully inadequate Federal support for environmental education and results in profound positive impacts on the environmental literacy of our nation’s youth and citizens for generations to come.

Your consideration of and leadership on this matter is greatly appreciated.

Signed,

National Organizations:

| | |
|---|--|
| American Camp Association | National Aquarium |
| American Forest Foundation | National Project for Excellence in Environmental Education |
| American Recreation Coalition | National Recreation and Park Association |
| American Society of Landscape Architects | Second Nature, Inc |
| Association of Fish and Wildlife Agencies | ShapingYouth.org |
| Children & Nature Network | Student Conservation Association |
| Earth Force Inc. | The American Horticultural Society |
| Greening Youth Foundation | The Ocean Project |
| Hip Investor | The TAKE ACTION Network |
| International Wildlife Refuge Alliance | |
| Izaak Walton League of America | |

Regional, State, and Local Organizations:

| | |
|---|--|
| Adventure Sports Center International | Bear Creek Watershed Education Partners |
| Agape Center for Environmental Education | Bedford County Learning Academy |
| Aldo Leopold Nature Center | Bergen Community College |
| Alice Ferguson Foundation | Mathematics Department |
| Alliance for New Jersey Education | Bergen County Zoo |
| Alliance for Sustainable Colorado | Big Brothers Big Sisters of Central Ohio |
| Alliance for the Great Lakes | Biodiversity Project |
| Altogether Outdoors Summer Camps | Birdsong Nature Center |
| Anne Arundel County Public Schools | Bosque Ecosystem Monitoring Program |
| Antioch University New England | Brickyard Educational Farm |
| Arizona Association for Environmental Education | Brooklyn Urban Garder Charter School |
| Arkansas Forestry Association | Burlington County Division of Parks |
| Education Foundation | Buttonwood Park Zoo |
| Arkansas Wildlife Federation | Cacapon Institute |
| Aududon Naturalist Society | Camp BayouOutdoor Learning Center |
| Avon Community School Corporation | Camp Falcon |

| | |
|---|---|
| Camp Joy | Eastern PA Coalition for Abandoned |
| Camp Pemigewassatt | Mine Reclamation |
| Caretakers of the Environment International | Ecological Teaching and Learning Program of |
| Cary Institute of Ecosystem Studies | Lesley University |
| Cascades Raptor Center | Environment Education Connections of |
| Catalina Environmental Leadership Program | South Dakota |
| Cellular Optimization | Environmental Community Outreach Association |
| Center for Chesapeake Communities | Environmental Education Association of Alabama |
| Center for Ecoliteracy | Environmental Education Association of Illinois |
| Center for Environmental Education, | Environmental Education Association of |
| Murray State University | New Mexico |
| Center for Environmental Sustainability, | Environmental Education Association of Oregon |
| Youngstown State University | Environmental Youth Education Services |
| Cheley Colorado Camps | Epworth Day School |
| Chesapeake Bay Foundation | Father Nature Restorative Landscaping LLC |
| Chesapeake Bay Trust | Forest Preserve District on Will County |
| Chicago Zoological Society/Brookline Zoo | Fortune Lake Camp |
| Children, Youth and Environments | Friends of Herring Run Parks |
| Center for Research and Design | Friends of Outdoor School |
| Choose Outdoors | Friends of the Cumberland Trail State Park |
| Clark County School District | Friends of the Nanticoke River |
| Clean Ocean Action | Governors State University Division of Education |
| Cleveland Museum of Natural History | Great Basin Outdoor School |
| Columbia Gorge Ecology Institute | Great Smoky Mountains Institute at Tremont |
| Colorado Alliance for Environmental Education | Green Ambassador |
| Colorado Association for Recycling | Green Map System |
| Colorado Outdoor Education Center | Green Mountain and Finger Lakes National Forest |
| Colorado Trout Unlimited | growingSOUL |
| Columbia Springs | Gulf of Maine Institute |
| Connecticut Outdoor and Environmental | Hackensack Riverkeeper |
| Education Association | Hawaii Environmental Education Alliance |
| Conservation Federation of Missouri | Hawaii Island School Garden Network-The Kohala Center |
| Conserve Wildlife Foundation of New Jersey | Hazel Outdoor Discovery Center |
| Curious by Nature School | Hillside Elementary School |
| Delaware Museum of Natural History | Hilton Pond Center for Piedmont Natural History |
| Delaware Nature Society | HoWL Inc. |
| Discovery Southeast | Hudson River Sloop Clearwater |
| District of Columbia Environmental Education | Idaho Environmental Education Association |
| Consortium | Illinois Science Teachers Association |
| Douglas-Hart Nature Center | Illinois Science Teachers Association Region 6 |
| Earth Care | Illinois/Indiana Sea Grant |
| EARTHSCOPE | Institute for Research in Science Teaching at |
| Earth-Seeds Project | SUNY Fredonia |
| East Bay Environmental Education Network | Iowa Conservation Education Coalition |

Johnson State College Environmental & Health Sciences Dept
Kendall County Outdoor Education Center
Kentucky Environmental Education Council
Klamath Outdoor Science School
Lehigh Environmental Initiative, Lehigh University
Linda Loring Nature Foundation
Loma Vista Farm
Long Island Nature Collaborative for Kids of The Early Years Institute
Louisiana Environmental Education Association
Maine Earth Institute
Maine Project WET
Malama Learning Center
Mary Baldwin College
Maryland Coastal Bays Program
Maryland Ornithological Society
Maryland Trout in the Classroom
Mass Audubon
Massachusetts Environmental Education Society
Metro Council
Minnesota Association for Environmental Education
Mississippi Geographic Alliance at University of Mississippi
Mohonk Preserve
Montclair State University New Jersey School of Conservation
Montgomery County Outdoor Education Association
Mother Nurture
Mountain Mama, Inc.
Mountainside Education and Enrichment
Mud Pie Planet
Nature by the Yard
Nature Connections
Nature's Turn
Neapl Landscape Architecture and Planning LLC
New Hampshire Lakes Association
New Hampshire Sierra Club
New Jersey Audubon
NYC Soil & Water Conservation District
Nick's Organic Farm
Novato Charter School
NYU Wallerstein Collaborative for
Urban Environmental Education
Oklahoma Environmental Education Coordinating Committee
Oswego School District
Outside North Shore
Pacific American Foundation
Paddlesports Industry Foundation
Payne County Audubon Society
Peace Valley Nature Center
Pennsylvania Association of Environmental Educators
Pettit Preserve
Pfeiffer Nature Center
Pickering Creek Audubon Center
Pinnacle Sports
Plant Underground
Point Bonita YMCA
Poricy Park Conservancy
Portland Trails School Ground Greening Coalition
Prairie Hope
Red Oak Nature Center
Red Rocks Community College
Rhode Island Environmental Education Association
Rhode Island Families in Nature
River Edge Farm
Riverbend Environmental Education Center
Roger Williams Park Zoo
Sabin/Schellenberg Center
Sammy Sturgeon Program
Save Nick's Organic Farm
Save the Bay, Narragansett Bay
Saving Birds Thru Habitat
SEWEE Association
Shadowcliff Lodge and Conference Center
Shaver's Creek Environmental Center
Sierra Nevada Journeys
Southern Oregon Environmental Education Leaders
Stansbury Park Project
Swansons North Fork Environmental Education Center
Teatown Lake Reserve
Tennessee Aquarium
Texas Association for Environmental Education
The Abeona Group

The Acorn Group/Acorn Naturalists
The Ark Kids Early Learning Center
The Evergreen Heritage Center Foundation
The Franklin Schools
The Greening of Detroit
The James and Anne Robinson Foundation
The Leave No Child Inside Central Ohio Collaborative
The Little Nature Museum Inc
The Network for New Jersey's Afterschool
Communities
The Wild Child LLC
The Willow School
Thorne Nature Experience
Thunder Hill Park Alliance
Tom Sawyer Camps
Touch of Nature Environmental Center
Trailside Nature and Science Center
Transition Berkeley
Transition Habitat Conservancy
Trees New York
UCCR Web of Life Field School
University of Iowa School of the Wild
University of New Haven Department of
Biology & Environmental Sciences
Utah Society for Environmental Education
Vermont Commons School
Walking Mountains Science Center
Wells Resources
Wetlands Institute
Wild Bear Mountain Ecology Center
Wildcat Glades Conservation & Audubon Center
Wilderness Adventure at Eagle Landing
Wildlands Restoration Volunteers
Wisconsin Environmental Education Association
Woodbury County Conservation Board
Woodbury County Conservation Foundation
Wyoming Association for Environmental Education
YMCA Camp Jones Gulch
YMCA of Lincoln
YMCA of San Francisco
Zoo Atlanta
"e" inc

Cc: EPA Administrator Lisa Jackson
Secretary of Education Arne Duncan,
Secretary of the Interior Ken Salazar,
Council for Environmental Quality Chair Nancy Sutley
Secretary of Commerce John Bryson



Correspondence Management System

Control Number: AX-12-000-6751

Printing Date: April 16, 2012 03:55:42



Citizen Information

Citizen/Originator: Nolen, Janice E.

Organization: American Lung Association

Address: 1301 Pennsylvania Avenue, NW, Washington, DC 20004-1725

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6751

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Status: For Your Information

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of Extensions: 0

Letter Date: Apr 13, 2012

Received Date: Apr 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Letter to President Obama re: Oil and Gas Sector Air Emissions

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 16, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OAR | Apr 16, 2012 |

Comments

Message Information

Date 04/13/2012 06:25 PM
From Janice Nolen <Janice.Nolen@lung.org>
To LisaP Jackson/DC/USEPA/US@EPA; Bob Perciasepe/DC/USEPA/US@EPA;
Gina McCarthy/DC/USEPA/US@EPA; Janet McCabe/DC/USEPA/US@EPA
cc Steve Page/RTP/USEPA/US@EPA
Subject FW: Letter to President Obama re: Oil and Gas Sector Air Emissions

Message Body

Madame Administrator:

We just sent this letter to President Obama in support of strong rules for New Source Performance Standards and National Emissions Standards for Hazardous Air Pollutants for the Oil and Natural Gas Sector. We wanted to share a copy of this with you. We will be sharing this with OMB OIRA during our meeting on Monday.

If you have questions, please let me know.

Thank you,
Janice Nolen

Janice E. Nolen | Assistant Vice President, National Policy and Advocacy

American Lung Association

National Headquarters
1301 Pennsylvania Avenue, NW, Suite 800
Washington, DC 20004-1725
P 202.785.3355 | C 202.486.0285 | F 202.452.1805
Janice.Nolen@Lung.org | www.Lung.org



From: Lyndsay Moseley
Sent: Friday, April 13, 2012 6:10 PM
To: president@whitehouse.gov
Cc: Zichal, Heather R.; 'Patel, Rohan (Rohan_Patel@ceq.eop.gov)'; Gregory_S._Nelson@who.eop.gov; 'Ganesan.Arvin@epamail.epa.gov'
Subject: Letter to President Obama re: Oil and Gas Sector Air Emissions

American Lung Association **American Thoracic Society Asthma and Allergy Foundation of America** **Health Care Without Harm** **National Association of County and City Health Officials**

April 13, 2012

President Barack Obama
The White House
Washington, DC 20502

Dear President Obama:

When the U.S. Environmental Protection Agency (EPA) proposed important safeguards to address harmful air pollution emitted from the production, processing, transmission and storage from the oil and natural gas industry, we and other leading medical and public health organizations applauded and urged strengthening changes. We urge you to stand strong against requests to weaken or delay the rule with loopholes and exemptions that would have dangerous impacts on public health.

The cleanup of air pollution from oil and natural gas wells is necessary and appropriate given EPA's charge under the Clean Air Act to protect public health from dangerous air pollution with a margin of safety. EPA's proposed standards are an important step towards reducing threats to public health from expanding oil and gas development and they are urgently needed as oil and natural gas production expands.

As professional health and medical organizations, we see irrefutable evidence of serious damage to human health from air pollutants emitted during oil and natural gas production, including sulfur dioxide, nitrogen oxide, and volatile organic compounds (VOCs), including air toxics such as benzene and formaldehyde, as well as increasing levels of ozone and particulate matter. These pollutants can worsen asthma, cause heart attacks, and harm the circulatory, respiratory, nervous, and other essential and vital life systems. They are also linked to cancer, developmental disorders, and even premature death. People most at risk of harm from breathing these air pollutants are depending on you to adopt these standards, including: infants, children and teenagers; older adults; pregnant women; people with asthma and other lung diseases; people with cardiovascular disease; diabetics; people with low incomes; and healthy adults who work or exercise outdoors. President Barack Obama April 13, 2012 Page 2 of 2

Natural gas production is expanding into highly populated areas of the country. The growth in oil and gas development across the nation means that many more people may be at risk from these pollutants unless EPA can provide strong, effective standards for reducing emissions of these pollutants. The adoption of the safeguards against air pollution from oil and natural gas production, as required under the Clean Air Act, will protect the public from life-threatening pollution. Limiting emissions from oil and natural gas production will yield tremendous benefits and significantly reduce adverse health effects.

The nation needs the EPA to strengthen the oil and natural gas standards to effectively protect the health of those most at risk. The standards must be strengthened to keep up with the

expansions and the new technology in the oil and gas industry. Your administration has a historic and momentous opportunity to clean the air of notoriously harmful pollutants that endanger human health.

We trust that you will resist last-minute pressure tactics from polluters seeking delays, loopholes and exemptions and reject any efforts to weaken these important public health safeguards.

Sincerely,

Charles D. Connor, JD
President and CEO
American Lung Association

Stephen C. Crane, PhD, MPH
Executive Director
American Thoracic Society

William McLin, M.Ed
President and CEO
Asthma and Allergy Foundation of America

Robert M. Pestronk, MPH Executive Director
National Association of County and City Health Officials

Gary Cohen
Executive Director
Health Care Without Harm

Lyndsay F. Moseley | Director of Advocacy, Healthy Air Campaign

American Lung Association
National Headquarters
1301 Pennsylvania Ave. NW, Ste. 800
Washington, DC 20004
Phone: 202-481-7668

Lyndsay.Moseley@Lung.org | www.Lung.org



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Citizen Information

Citizen/Originator: Slattery, Britt

Organization: Maryland Department of Natural Resources Chesapeake and Coastal Service

Address: 580 Taylor Avenue, E-2, Annapolis, MD 21401

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6753 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Apr 13, 2012 Received Date: Apr 16, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File - Summit on Environmental Education
 Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OEAE | Apr 16, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OEAE | Apr 16, 2012 |

Comments



Martin O'Malley, Governor
Anthony G. Brown, Lt. Governor
John R. Griffin, Secretary
Joseph P. Gill, Deputy Secretary

April 13, 2012

President Barack Obama
The White House
Washington, D.C. 20500

Dear President Obama:

We commend you for convening the first-ever White House Summit on Environmental Education.

This summit offers a unique opportunity to develop a new, cohesive, coordinated environmental literacy policy across the Federal government – one that advances not only environmental stewardship, but ensures that all our citizens, and particularly our youth, are prepared with basic knowledge about the environment, energy, and the natural world to succeed in a 21st century workforce and economy. We desperately need to reconnect our youth with the natural world given all the values our outdoor places provide to children.

Last year, the No Child Left Inside Coalition—a broad-based coalition comprised of 2,200 environmental, educational, business, health, faith-based, outdoor recreation and other organizations from all 50 states –along with many of our partners from the business community, environmental organizations, and Members of Congress, called on you to issue an executive order to do just that.

We recommended that you create a President's Council on Environmental Literacy co-chaired by Secretaries Duncan and Salazar, comprised of EPA other Cabinet and Sub-cabinet officials, and task them with undertaking a comprehensive assessment of current formal and informal environmental education programs and activities carried out by the Federal government.

The goal should be to develop and submit to you a thorough and coordinated plan and strategy to promote the education, job skill training, health, and well-being of America's youth and adults through formal and informal environmental education, and quality structured and unstructured outdoor experiences.

We also recommended that an advisory panel of stakeholders, including states, be established to review, provide advice, and make recommendations to the Council in the development of the assessments, plans, and strategies. Next week's Summit on Environmental Education provides the opportunity to move forward with these recommendations.

Such a coordinated environmental literacy policy would help to:

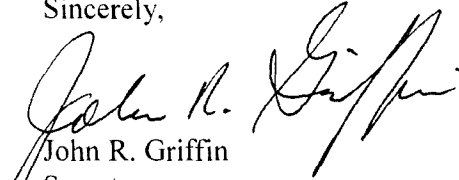
- Advance your Administration's environmental stewardship, energy, STEM education, workforce development, and health care goals.

- Ensure that existing environmental, natural resource, conservation, outdoor, and energy education programs at the Federal level function efficiently in a systematic manner and get the “biggest bang for the buck.”
- Support the efforts of some 40 states which are now in the process of developing and implementing environmental literacy plans while preserving states’ authority to determine their environmental education curriculum.
- I am proud to say that under the leadership of your ally and friend, Governor Martin O’Malley, Maryland was the first state to establish an environmental literacy high school graduation requirement coupled with a variety of programs and initiatives to reconnect our youth with the outdoors.
- Achieve your Administration’s goals of getting Americans out into our great outdoors and raising a healthier generation of citizens.
- Ensure that environmental education programs – both formal and informal – reach the greatest number of our youth and citizens of all ages, regardless of their income, race, ethnic or language background, or disability status.

We hope and trust that a coordinated policy developed by an interagency council, with the assistance of stakeholders, will lead to a new vision for environmental education – a vision that results in profound positive impacts on the environmental literacy of our nation’s youth and citizens for generations to come.

Your consideration of and leadership on this matter is greatly appreciated.

Sincerely,



John R. Griffin
Secretary

cc: The Honorable Martin O’Malley

District Office:

- 220 North Broad Street
Carlinville, IL 62626
Phone: (217) 854-4441
Fax: (217) 854-5311
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Springfield Office:

- 303 Stratton Building
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Springfield, IL 62706
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Jacksonville, IL 62650
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Fax: (217) 245-0051
E-mail: senatorsamjax@frontier.com

Illinois State Senate
WM. SAM McCANN
STATE SENATOR • 49th DISTRICT

April 10, 2012

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Ariel Rios Building, 1200 Pennsylvania Avenue, NW
Washington, D.C. 20460

REC'D
2012 APR 16 PM 1:06
OFFICE OF THE
CLERK OF THE
ILLINOIS SENATE

Dear Administrator Jackson:

I am a strong supporter of coal production as coal is still a major fuel for the world's electric plants. Therefore, I sponsored Senate Resolution 437 in the Illinois State Senate where it was unanimously adopted on March 29, 2012. Enclosed is a copy of this important Resolution.

Senate Resolution 437 urges the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the President's Council on Environmental Quality, the Illinois Congressional Delegation, and other State government officials to support coal production and the jobs, economic growth, and energy security provided by coal mining by fixing a regulatory system that is frustrating these vital objectives.

Thank you for your attention and consideration in this essential matter.

Sincerely,

A handwritten signature in black ink that reads "Sam McCann".

Sam McCann
State Senator

Enclosure

STATE OF ILLINOIS
NINETY-SEVENTH GENERAL ASSEMBLY
SENATE

Senate Resolution No. 437

Offered by Senator Sam McCann

WHEREAS, The links between coal production, economic growth, prosperity, and energy security are unbreakable; and

WHEREAS, Coal is the main source of energy throughout the world, provides half of the electricity used in the United States, and is a considerable amount of the electricity generated in the midwest and Illinois; and

WHEREAS, The Illinois Coal Association reports that of all the states, Illinois has the largest reported bituminous coal resources with almost 25% of our nation's reserves; coal bearing rocks underlie about 65% of Illinois (36,806 out of a total of 56,500 square miles), including all or parts of at least 86 of the 102 counties in the State; and

WHEREAS, According to the Illinois State Geological Survey (ISGS), there are 100 billion tons of recoverable coal beneath the surface of Illinois, enough coal to meet the country's need for coal for the next 100 years; there is more energy content in

the coal in Illinois than in the oil in Saudi Arabia and Kuwait combined; and

WHEREAS, The industry that mines coal is a highly mechanized one; at the start of 2008, there were 17 mines operating in central and southern Illinois; the bulk of these mines are operated by leading companies in American coal mining; Illinois coal mines produced 32.4 million tons of coal in 2007; and

WHEREAS, Coal mine lands are being restored, as part of the reclamation process, to meet ongoing, economic, recreational, educational, transportation, and housing needs of local communities and the State; and

WHEREAS, The backlog of permit approvals and the lack of transparency in the federal permitting process are jeopardizing jobs, economic opportunity, and coal production throughout Illinois and the region; therefore, be it

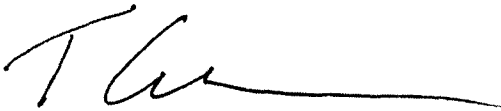
RESOLVED, BY THE SENATE OF THE NINETY-SEVENTH GENERAL ASSEMBLY OF THE STATE OF ILLINOIS, that the Illinois General Assembly call upon the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the President's Council on Environmental Quality, and the Illinois congressional delegation and other State government officials to support coal production and the jobs, economic growth, and energy security provided by coal mining by fixing a regulatory system that is frustrating these vital objectives; and be it further

RESOLVED, That a suitable copy of this resolution be sent to the head of the U.S. Army Corps of Engineers, the U.S. Environmental Protection Agency, the President's Council on Environmental Quality, and the members of the Illinois congressional delegation.

Adopted by the Senate, March 29, 2012.



President of the Senate



Secretary of the Senate



Correspondence Management System

Control Number: AX-12-000-6804

Printing Date: April 16, 2012 04:27:35



Citizen Information

Citizen/Originator: Stevens, Gary

Organization: Alaska State Legislature
Address: State Capitol, Juneau, AK 99801-1182

Hoffman, Lyman

Organization: Alaska State Legislature
Address: State Capitol, Juneau, AK 99801-1182

Austerman, Alan

Organization: Alaska State Legislature
Address: State Capitol, Room 204, Juneau, AK 99801

Edgmon, Bryce

Organization: Alaska State Legislature
Address: State Capitol, Juneau, AK 99801-1182

Constituent: N/A

Committee: N/A **Sub-Committee:** N/A

Control Information

| | | | |
|--------------------------|---|--------------------------|--------------|
| Control Number: | AX-12-000-6804 | Alternate Number: | N/A |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | Apr 30, 2012 | # of Extensions: | 0 |
| Letter Date: | Mar 16, 2012 | Received Date: | Apr 16, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | RA-R10-Regional Administrator - Region 10 | Signature Date: | N/A |
| File Code: | 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic. | | |
| Subject: | Daily Reading File- Writing to express support for Bristol Bay Watershed Assessment | | |
| Instructions: | RA-R10-Prepare draft response for signature by the Regional Administrator for Region 10 | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | OCIR - Office of Congressional and Intergovernmental Relations OW - Office of Water -- Immediate Office | | |

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | R10 | Apr 16, 2012 | Apr 30, 2012 | N/A |
| Instruction: RA-R10-Prepare draft response for signature by the Regional Administrator for Region 10 | | | | | |

Supporting Information



Official Business

Alaska State Legislature

State Capitol
Juneau, AK 99801-1182

The Honorable Lisa Jackson, Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

April 13, 2012

Dear Administrator Jackson,

We write to reiterate our support for the Environmental Protection Agency's Bristol Bay Watershed Assessment, and we would like to express our approval for the scrupulousness EPA has brought to its work in the region. In particular, we commend the agency for having consulted regularly and at length with federal, state, and tribal stakeholders; for holding public meetings in several locations in the region; and for providing frequent, detailed updates over the many months that the assessment has been underway.

Your agency should be praised for its timely response to the concerns of the region's residents and many additional stakeholders. We are gratified EPA recognized that the Bristol Bay watershed warrants particular attention and analysis, and we encourage the agency to continue its work on the assessment.

Please find the enclosed copy of our previous letter, dated March 16th, 2011, affirming our support for EPA's undertaking.

Sincerely,

Handwritten signature of Senator Gary Stevens in black ink.

Senator Gary Stevens
Senate District R

Handwritten signature of Senator Lyman Hoffman in black ink.

Senator Lyman Hoffman
Senate District S

Handwritten signature of Representative Alan Austerman in black ink.

Representative Alan Austerman
House District 36

Handwritten signature of Representative Bryce Edgmon in black ink.

Representative Bryce Edgmon
House District 37

ALASKA STATE LEGISLATURE

Senator Gary Stevens
President of the Senate
Senator Lyman F. Hoffman
Co-Chair Senate Finance



Representative Alan Austerman
House Majority Leader
Representative Bryce Edgmon
Member House Finance

State Capitol
Juneau, Alaska, 99801

March 16, 2011

The Honorable Lisa Jackson, Administrator
Environmental Protection Agency
1200 Pennsylvania Ave. NW
Washington DC 20460

Dear Administrator Jackson,

We are writing to you to express our support for your agency's Bristol Bay Watershed Assessment. As you know, the Bristol Bay region of Alaska and the high quality waters of its lake, river and stream systems produce and sustain high value wild runs of Sockeye, King, and Coho salmon. These wild salmon returning to Bristol Bay number in the tens of millions each year, supporting and sustaining Alaska's richest commercial fishery. These salmon runs are central to the subsistence lifestyle and diverse Native cultures of the Bristol Bay region. Furthermore, Bristol Bay's salmon producing lake and river systems, especially the Mulchatna and Nushagak River drainages as well as the Iliamna Lake and Kvichak River system, support and sustain an unsurpassed highly valuable fishery for salmon, rainbow trout, char, and grayling.

Because low grade high volume metallic bearing sulfide rock formations in the Bristol Bay watershed have attracted interests in developing mega-scale industrial development projects which may pose substantial long-term risks to the water quantity and quality and biological health of the Nushagak/Mulchatna and Iliamna/Kvichak systems, we are very concerned that these areas be proactively protected. Health and safety risks can put the valuable sustainable wild salmon runs at risk. Diversion, dewatering, and impoundment of free flowing streams in the headwaters area will be necessary to build roads, facilities, and provide water for potential mining operations. The risk these activities would pose to the local economy and lifestyle greatly concern the vast majority of residents in the Bristol Bay region.


We are aware that local residents, fishing interests, tribes, and the Bristol Bay Native Corporation within the Bristol Bay region have asked that the Environmental Protection Agency review the suitability of the Nushagak/Mulchatna and Iliamna/Kvichak headwaters area for dredge and fill permits pursuant to section 404(c) of the Clean Water Act. We see the agency's watershed assessment process as a prudent first step in responding to the concerns of the regions local and indigenous people.

Thus, we are in full support of the Environmental Protection Agency's decision to conduct a thorough scientific review of the unique geologic, hydrologic, and environmental resources of the headwaters area, pursuant to

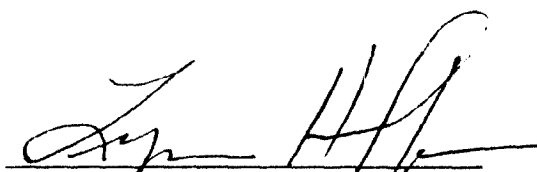
its authority under the Clean Water Act, to determine if dredge and fill activities necessary to develop industrial projects which may be massive in scale will cause unacceptable adverse impacts to water quantity and quality or expose the sustainable salmon and fishery resources in the headwater area and adjoining lakes, rivers or streams to unacceptable risks of significant loss or damage. If this scientific inquiry reveals that development and operation of a large scale open pit mine, disposal of billions of tons of acid-generating waste rock, and other impacts on water quantity and quality are likely to have unacceptable adverse impacts or expose the salmon and other fishing resources to unacceptable risks of significant loss or damage, the agency should designate the headwaters pursuant to section 404(c) as unsuitable for large scale potentially toxic dredge and fill permits. We believe that after this scientific review, EPA will have the information they need to make informed decisions, and would like these decisions to be proactive, so as to provide certainty for all parties as the permitting process moves forward.

Again, we thank you and your staff for your attention on this matter. You have our support.


Sincerely,



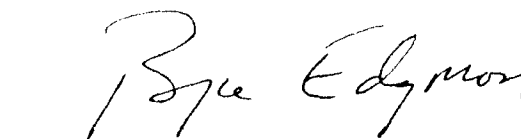
Senator Gary Stevens



Senator Lyman Hoffman



Representative Alan Austerman



Representative Bryce Edgmon



Correspondence Management System

Control Number: AX-12-000-6789

Printing Date: April 18, 2012 11:01:33



Citizen Information

Citizen/Originator: Lei, Wayne

Organization: International Sustainable Development Foundation

Address: 227 Southwest Pine, Portland, OR 97204

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6789

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 9, 2012

Received Date: Apr 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File -Thanks to the EPA for its recent award to Develop Two Standards for Environmentally Preferable Electronic Products

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OCSP | Apr 18, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Control Created | Apr 17, 2012 |
| (b) (6) Personal Privacy | OEX | Forward control to OCSP | Apr 18, 2012 |

Comments



**International
Sustainable Development
Foundation**

Board of Directors

Wayne Lei, Ph.D., Chair
Portland General Electric

William Blosser
CH2M Hill

Walter Evans III, JD
Schwabe Williamson and Wyatt

Sandra Shotwell, Ph.D.
Alta Biomedical Group LLC

Kent Snyder, JD
Snyder and Associates

Dave Albrecht, JD
Concordia University

227 SW Pine, Suite 220
Portland, OR 97204
Phone: 503-279-9383

April 9, 2012

Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N. W.
Mail Code: 1101A
Washington, DC 20460

RECEIVED
2012 APR 16 PM 1:08

OFFICE OF THE
EXECUTIVE SECRETARIAT

Dear Administrator Jackson:

The Board of Directors of the International Sustainable Development Foundation (ISDF) extends thanks to the EPA for its recent award to Develop Two Standards for Environmentally Preferable Electronic Products (Grant # 83515101). We're pleased to join with EPA in this important work, the results of which will allow purchasers to select products based on their environmental performance.

ISDF through its program the Green Electronics Council, previously received assistance from EPA to develop the first such environmental standard, IEEE 1680.1, for personal computer products. That standard was implemented via the EPEAT system in 2006, which has achieved remarkable success. Some 411 million EPEAT registered greener electronic products were sold during EPEAT's first five years. Those sales led to a reduction of 78.6 million megawatt hours of electricity, elimination of 320,000 metric tons of hazardous waste and many other environmental benefits. Today, EPEAT is used by hundreds of companies, universities and government agencies in dozens of countries. We are pleased to have made significant contributions to development of the standards and the launch of EPEAT.

The International Sustainable Development Foundation accelerates sustainable development locally and internationally based on nature's design principles. It achieves results through cooperation among governments, businesses, universities, research institutions and non-governmental organizations. We're pleased to continue carrying out this mission in cooperation with the U.S. Environmental Protection Agency.

This latest award allows us to continue the work of defining environmental leadership for the electronics industry and developing standards that move them along that journey. Thank you again for the award. We appreciate the trust EPA has placed in us and look forward to our continuing collaboration.

Sincerely,

Wayne Lei
Chair, Board of Directors

cc: Members of Oregon Congressional Delegation
Beth Anderson, EPA Project Officer



Correspondence Management System

Control Number: AX-12-000-6802

Printing Date: April 18, 2012 03:04:48



Citizen Information

Citizen/Originator: Douglass, Gus R

Organization: State of West Virginia Department of Agriculture

Address: State Capitol, 1900 Kanawha Boulevard East, Charleston, WV 25305

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6802

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 2, 2012

of Extensions: 0

Letter Date: Apr 2, 2012

Received Date: Apr 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AD-Administrator

Signature Date: N/A

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File -Proposed rules that would mandate carbon capture and storage technology be used by all power plants.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: Lawrence Elworth - AO-IO

OAR-OAP - Office of Atmospheric Programs

OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|-----------|----------------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 18, 2012 | May 2, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |
| Gloria Hammond | OAR | OAR-OAQPS | Apr 18, 2012 | Apr 30, 2012 | N/A |
| Instruction: DX - DIRECT REPLY - - PREPARE RESPONSE FOR THE SIGNATURE OF THE DIVISION DIRECTOR. | | | | | |
| Sherry Russell | OAR-OAQPS | OAR-OAQPS-SPPD | Apr 18, 2012 | Apr 27, 2012 | N/A |
| Instruction: AA-OAR-OAQPS-Prepare Draft response for Steve Page's signature | | | | | |



STATE OF WEST VIRGINIA
DEPARTMENT OF AGRICULTURE
CHARLESTON 25305

RECEIVED
2012 APR 16 PM 1:09
OFFICE OF THE
EXECUTIVE SECRETARIAL

GUS R. DOUGLASS
COMMISSIONER

April 2, 2012

Lisa Jackson, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Avenue, NW, Mail Code: 1101A
Washington, D.C. 20460

Dear Ms. Jackson:

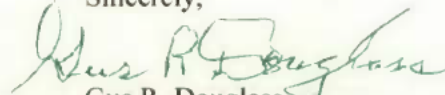
I want to refer and comment on a recent news release (attached) from West Virginia Governor Earl Ray Tomblin regarding the Environmental Protection Agency's (EPA) proposed rules that would mandate carbon capture and storage technology be used by all power plants. I concur with Governor Tomblin that the proposed regulation will have dire repercussions for the coal industry by reducing jobs and state revenue, and increasing energy costs for the citizens of West Virginia.

This echoes my concerns about EPA's attack on agriculture and the animal industry with the new nutrient management requirements and water quality mandates for the farm industry. I have also attached a copy of an editorial by Matt Monroe, Assistant Director-Environmental Programs for the West Virginia Department of Agriculture, which sums up our frustration and that of the agriculture industry in trying to meet unrealistic goals mandated by the EPA - goals set without the benefit of true fact.

Our approach is to utilize educational programs and find solutions for real environmental challenges; to look at real water quality impact as assessed by a real time water quality monitoring program. We do not base our efforts on quotas for enforcement actions and predictions made by computer models.

Federal and state agencies must reach a medium that allows farmers to produce a sustainable living and be good stewards of the land and water without over-regulation. My staff and I welcome the opportunity to meet with you and discuss these issues.

Sincerely,


Gus R. Douglass
Commissioner

GRD:rlg

Attachments

c: Honorable Earl Ray Tomblin, Governor, State of West Virginia
West Virginia Senate Agriculture Committee
West Virginia House Agriculture Committee



Correspondence Management System

Control Number: AX-12-000-6840

Printing Date: April 18, 2012 01:32:30



Citizen Information

Citizen/Originator: Conroy, Cecile M.

Organization: International Brotherhood of Boilermakers
Address: 1750 New York Avenue, NW, Washington, DC 20006

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6840 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: May 3, 2012 # of Extensions: 0
 Letter Date: Apr 16, 2012 Received Date: Apr 18, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: EML (E-Mail) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File - Petition for Reconsideration of "National Emission Standards for Hazardous Air Pollutants from Coal-and Oil-Fired Electric Utility Steam Generating Units," Final Rule, 77 Fed. Reg. 9304 (February 16, 2012); Docket ID. EPA-HQ-OAR-2009-0234.

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|-------------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 18, 2012 | May 3, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

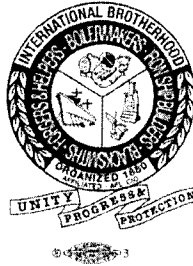
History

| Action By | Office | Action | Date |
|-----------|--------|--------|------|
|-----------|--------|--------|------|

International Brotherhood of
BOILERMAKERS • IRON SHIP BUILDERS

1750 New York Ave., NW, Suite 335
Washington, DC 20006

BRIDGET MARTIN
SPECIAL ASSISTANT TO THE INTERNATIONAL PRESIDENT
DIRECTOR OF POLITICAL AFFAIRS
bmartin@boilermakers.org



BLACKSMITHS • FORGERS & HELPERS

202-756-2868
FAX: 202-756-2869

CECILE M. CONROY
DIRECTOR OF LEGISLATIVE AFFAIRS
GOVERNMENT AFFAIRS DEPARTMENT
cconroy@boilermakers.org

April 16, 2012

Office of the Administrator
U.S. Environmental Protection Agency
Ariel Rios Federal Building, Room 3000
1200 Pennsylvania Avenue, NW
Washington, DC 20460
Via e-mail and hard copy

Ref.: Petition for Reconsideration of "National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units," Final Rule, 77 Fed. Reg. 9304 (February 16, 2012); Docket ID. EPA-HQ-OAR-2009-0234.

The International Brotherhood of Boilermakers represent over 70,000 highly skilled workers in construction, shipbuilding, manufacturing, mining and emergency medical services industries throughout the United States and Canada. Members are responsible for building new electric generating units (EGUs) and installing complex pollution control equipment that will be used to comply with the National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units. The Boilermakers respectfully submit the enclosed petition to reconsider the Environmental Protection Agency's National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units," published at 77 Fed. Reg. 9304 (February 16, 2012); Docket ID. No. EPA-HQ-OAR-2009-0234.

Thank you for your consideration of this petition. Please let us know if you have any questions.

Sincerely,

Cecile M. Conroy
Director, Legislative Affairs
e-mail: cconroy@boilermakers.org
phone: (202) 756-2868

Enclosure

cc: Newton B. Jones, International President
Gina McCarthy, EPA - AAOAR
Patricia Embrey, EPA - AAGC - ARLO
Bob Wayland, EPA - OAQPS
Bill Maxwell, EPA - OAQPS



Correspondence Management System

Control Number: AX-12-000-6881

Printing Date: April 18, 2012 02:38:38



Citizen Information

Citizen/Originator: Williams, Aaron S

Organization: The Peace Corps
Address: 1111 20th Street, NW, Washington, DC 20526

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6881 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: May 2, 2012 # of Extensions: 0
Letter Date: Apr 5, 2012 Received Date: Apr 17, 2012
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: LTR (Letter) Priority Code: Normal
Signature: DX-Direct Reply Signature Date: N/A
File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: Daily Reading File- Seeking support as Peace Corps would like to promote the expanded Peace Corps Response Program at EPA
Instructions: AD-Prepare draft response for the Administrator's signature
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
OITA - Office of International and Tribal Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--------------------------|--------|----------|---------------|-------------|---------------|
| (b) (6) Personal Privacy | OEX | OARM | Apr 18, 2012 | May 2, 2012 | N/A |
| Instruction: N/A | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|-----------|--------|--------|------|
|-----------|--------|--------|------|

THE DIRECTOR OF THE PEACE CORPS
WASHINGTON, D.C.

April 5, 2012

2012 APR 17 AM 11:15

OFFICE OF THE
EXECUTIVE SECRETARY

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington, DC 20460

Dear Ms. Jackson:

Lisa:
I am most appreciative of your considerable interest in and support of the mission of the Peace Corps, and I am pleased that our two agencies are working in partnership to promote better environmental practices. I would like to draw your attention to the expanded Peace Corps Response program and how the program's expansion presents opportunities for a greater number of Environmental Protection Agency (EPA) employees.

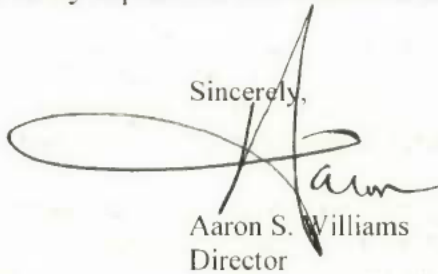
As you may know, Peace Corps Response provides qualified professionals the opportunity to serve in rewarding, short-term assignments, in various programs around the world. Until this year, Peace Corps Response service was limited to those who had served previously as Peace Corps Volunteers. In January, we announced that Americans with at least 10 years of work experience and required language skills would be allowed to apply to the program. The enclosed press release and fact sheet will provide you with additional information on the expanded Peace Corps Response program.

The Peace Corps would like to promote the expanded Peace Corps Response program at the EPA. As you well know, EPA employees have unique skills that are in high demand from the countries in which we place Volunteers. These employees would also benefit from the field experience that the Peace Corps offers upon resuming their duties at the EPA. Additionally, we cannot underestimate the benefits that the EPA would realize, in terms of esprit de corps and gratitude for the professional development opportunity.

Therefore, I am seeking your support as we promote the expanded Peace Corps Response program at the EPA. While Peace Corps Response Volunteers cannot be detailed or paid as federal employees during service, federal agencies can provide an unpaid leave of absence, and it is up to the individual office manager/supervisor to grant such leave. Any assistance that you could provide by way of promoting this program within the EPA would be greatly appreciated.

Thank you for your consideration of my request and best wishes for continued success at the EPA.

Sincerely,



Aaron S. Williams
Director

Enclosures

*Dear Lisa:
Thank you for your tremendous support of the Peace Corps
Regards, Aaron*



Correspondence Management System

Control Number: AX-12-000-6882

Printing Date: April 18, 2012 02:22:05



Citizen Information

Citizen/Originator: Hatter, Steven D.

Organization: State of Alaska, Department of Transportation and Public Facilities, Office of the Commissioner

Address: 4111 Aviation Avenue, P.O. Box 196900, Anchorage, AK 99619-6900

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6882

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 2, 2012

of Extensions: 0

Letter Date: Apr 11, 2012

Received Date: Apr 17, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: AA-OW-Assistant Administrator -**Signature Date:** N/A
OW

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Opposition to EPA's proposed ban on the chemical urea as an airfield pavement deicer

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAE - Office of External Affairs and Environmental Education
R10 - Region 10 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|------------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 18, 2012 | May 2, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |
| Diane Jones-Coleman | OW | OW-OST | Apr 18, 2012 | Apr 30, 2012 | N/A |
| Instruction: AA-OW-Prepare draft response for signature by the Assistant Administrator for OW | | | | | |
| Kendra Forde | OW-OST | OW-OST-EAD | Apr 18, 2012 | Apr 26, 2012 | N/A |
| Instruction: N/A | | | | | |

Supporting Information

STATE OF ALASKA

DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES OFFICE OF THE COMMISSIONER

SEAN PARNELL, GOVERNOR

4111 Aviation Avenue
P.O. Box 196900
ANCHORAGE, ALASKA 99619-6900

PHONE: (907) 269-0730
FAX: (907) 269-0489
WEB: dot.state.ak.us

April 11, 2012

The Honorable Cass R. Sunstein
Administrator
Office of Information and Regulatory Affairs
Office of Management and Budget
1650 Pennsylvania Ave, N.W.
Washington, DC 20503

The Honorable Lisa P. Jackson
Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

RE: Opposition to EPA's proposed ban on the chemical urea as an airfield pavement deicer.
(Docket ID # EPA-HQ-OW-2004-0038)

Dear Administrators Sunstein and Jackson:

The State of Alaska, Department of Transportation and Public Facilities (DOT&PF) opposes the U.S. Environmental Protection Agency's (EPA's) proposed ban on the use of urea as an airfield pavement deicer and requests a reconsideration of the proposal to ban urea, a waiver and/or a compliance alternative.

REQUESTED ACTION

We request reconsideration on the proposed ban on urea or a waiver to the ban on Alaska airports. At a minimum, DOT&PF requests that the final rule maintain the option in the NPRM to allow airports to continue using urea if they agree to a compliance alternative to monitor all runway outfalls to demonstrate compliance with a future proposed ammonia limit.

DOT&PF submitted the following previous comments on docket EPA-HQ-OW-2004-0038: 1) Anchorage International Airport submitted comments on February 23, 2010, and 2) the DOT&PF Statewide Environmental Manager submitted comments on February 26, 2010. In this letter, the DOT&PF would like to expand on these comments.

The following six DOT&PF airports appear to meet or exceed EPA's proposed threshold for use of urea as a deicing agent at airport with more than 1,000 annual jet departures:

1. Anchorage International Airport
2. Bethel Airport
3. Deadhorse Airport
4. Fairbanks International Airport
5. Kotzebue Airport
6. Nome Airport

"Get Alaska Moving through service and infrastructure."

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Of the above six airports only Anchorage International, Fairbanks International and Deadhorse airports are connected to the contiguous road system. Anchorage and Fairbanks are urban centers, while Deadhorse serves the North Slope oil field development complex.

Bethel, Kotzebue and Nome airports are not connected to the contiguous road system. These three airports serve as remote regional hub airports for additional small surrounding Native Alaskan villages. These remote regional hub airports provide the only means of all-year access to their respective regions of Alaska for large aircraft. There is no road access and only seasonal water based access to these regions of Alaska.

All six of these airports currently use urea extensively. A ban of urea for these six airports will adversely affect DOT&PF.

EPA's Notice of Proposed Rulemaking identified potassium acetate (E36) as a widely used substitute product for urea. E36 is distributed/shipped in liquid form only, and therefore more expensive to barge by ship to Alaska. However, cost is not the only factor when replacing urea with E36.

DOT&PF has the following concerns about substituting E36 for urea in airfield pavement deicing:

Safety Impacts: Due to the wide variation in temperature and snow load, most of the above airports currently use a combination of solid urea, liquid urea and E36. While liquid urea and E36 work well as anti-icing agents for light accumulation of snow and ice, solid urea is more effective when used for deicing activities during heavy accumulations of packed snow and ice. The effectiveness of E36 is limited in arctic temperatures below -20 degrees F (-29 degrees C). Having the ability to use solid urea in these climatic conditions is important for maintaining safe operating conditions at our airports. It may be possible to use NAAC (anhydrous sodium acetate) as an alternative replacement for solid urea in temperatures above 0 degrees F (-18 degrees C). However, NAAC costs over \$3,000 per ton, which is substantially more expensive than urea or E36.

Deicing Chemical Supply Alternatives: It is important to maintain the availability of deicing alternatives in the event of a supply disruption. In 2008 a long strike at potash mines in Canada led to a severe shortage of potassium acetate, the key component of E36. This potassium acetate shortage required airports to develop contingency plans for the use of alternative deicing chemicals.

Cost Impacts: If the DOT&PF was to convert all current urea usage these six airports to E36, the cost increase differential would be significant. For example, Anchorage International Airport currently uses 1,348.65 tons of urea annually at a cost of \$681.30 per ton. If E36 at a cost of \$1,320 per ton was substituted for urea, the cost increase per ton would be \$638.70, a 94% cost increase. The total cost increase for substituting E36 for urea at only Anchorage International would be \$861,382 annually for this one airport.

Shipping either urea or E36 to our remote locations in Bethel, Nome and Kotzebue is more expensive than delivery to Anchorage International, due to increased transportation costs. The

April 11, 2012

average per ton cost at these locations is \$1,075 for urea, compared to \$1,728 for E36, a 61% cost increase.

E36 Storage Capacity: In addition, to the increased cost of liquid E36, it will also be necessary to acquire adequate storage tanks to contain a winter's supply of E36 at Alaska airports where winter resupply by road or marine barge is not practicable. This will include Bethel, Kotzebue and Nome airports. Acquiring adequate funding through the Legislature for these additional tanks will require time to work through the budget cycles.

We appreciate your consideration of this request. Please contact me if you have questions regarding our request.

Sincerely



Steven D. Hatter
Deputy Commissioner- Aviation

cc: U.S. Senator Lisa Murkowski
U.S. Senator Mark Begich
U.S. Congressman Don Young
DOT&PF Commissioner Marc Luiken



Correspondence Management System

Control Number: AX-12-000-6897

Printing Date: April 18, 2012 09:52:30



Citizen Information

Citizen/Originator: Rendon, Bruce R.

Organization: Michigan House of Representatives

Address: P.O. Box 30014, Lansing, MI 48909

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6897

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 9, 2012

Received Date: Apr 16, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Deeply concerned with the May 2011, Ninth Circuit Court of Appeals ruling which overturned decades of established EPA policy on forest logging roads

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations

OEAEE - Office of External Affairs and Environmental Education

OGC - Office of General Counsel -- Immediate Office

OW - Office of Water -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | R5 | Apr 18, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-----------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to R5 | Apr 18, 2012 |



103RD DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-3817
FAX: (517) 373-5495
E-MAIL: brucerendon@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

BRUCE R. RENDON
STATE REPRESENTATIVE

April 9, 2012

Mr. Jacob Lew
White House Chief of Staff
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Lew:

I am State Representative Bruce Rendon; I represent the 103rd District in Michigan. I am deeply concerned with the May 2011, Ninth Circuit Court of Appeals ruling which overturned decades of established Environmental Protection Agency (EPA) policy on forest logging roads. The ruling maintains that drainage pipes and storm water ditches on tens of thousands of logging roads should be treated as if they were 'point source' discharges, similar to industrial plants or factories.

The State of Michigan has over 19 million acres of public and private forests making it the 5th largest amount of timber acreage in the nation. These forests contribute to over 74 thousand jobs and \$2.5 billion to the state GDP. The court ruling does nothing to actually improve water quality, and only creates an unnecessary burden for landowners and timber operators. With EPA's guidance, the Michigan Department of Natural Resources has done an upstanding job overseeing sustainable forest management for large and small forest owners for years. In fact, a study done at North Carolina State University show that total costs in the Lake States could range from \$100 million to over \$1 billion. The Ninth Circuit ruling creates a new and unnecessary regulation that dismisses scientific and practical evidence of successful forest management, and opens the door for special interest litigation on each new "point source."

The Ninth Circuit Court decision is a major threat to jobs and investment in Michigan and cannot be left to stand. I urge you to defend the EPA's longstanding practice of defining forestry management and forest roads as 'nonpoint' sources. Defining forest roads as 'point' sources for silvicultural activities would negatively impact jobs and the

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economy in our state. Please urge the Solicitor General to recommend the Supreme Court reviews this issue. I also urge you to encourage Congress to pass permanent legislation to preserve the EPA's existing rules and prevent further litigation.

Thank you for your consideration.

Respectfully in service,

A handwritten signature in black ink that reads "Bruce R. Rendon". The signature is written in a cursive, flowing style.

Bruce Rendon
Michigan State Representative

cc: John Bryson, Secretary, Department of Commerce
Lisa Jackson, Administrator, EPA
Karen Mills, Administrator, SBA
Kenneth Salazar, Secretary, Department of the Interior
Nancy Sutley, Chair, CEQ
Thomas Tidwell, Chief, US Forest Service
Thomas Vilsack, Secretary, Department of Agriculture
Michigan Congressional Delegation



Correspondence Management System

Control Number: AX-12-000-6925

Printing Date: April 18, 2012 03:13:11



Citizen Information

Citizen/Originator: LaFontaine, Andrea

Organization: Michigan House of Representatives

Address: State Capitol, Post Office Box 30014, Lansing, MI 43309-7514

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6925

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 10, 2012

Received Date: Apr 18, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Ninth Circuit Court of Appeals ruling regarding policy on forest logging roads.

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 18, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-----------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to R5 | Apr 18, 2012 |
| (b) (6) Personal Privacy | OEX | Control Taken Over | Apr 18, 2012 |
| (b) (6) Personal Privacy | OEX | Forward control to OW | Apr 18, 2012 |
| Diane Jones- | OW | Forwarded control to OW-OWM | Apr 18, 2012 |

DAILY READING FILE



32ND DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-8931
FAX: (517) 373-8857
E-MAIL: andrealafontaine@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

ANDREA LAFONTAINE

STATE REPRESENTATIVE

COMMITTEES:
AGRICULTURE
INSURANCE
LOCAL, INTERGOVERNMENTAL,
AND REGIONAL AFFAIRS

Tuesday, April 10, 2012

Mr. Jacob Lew
White House Chief of Staff
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Lew:

I am a State Representative in Michigan representing the 32nd District. I am deeply concerned with the May 2011, Ninth Circuit Court of Appeals ruling which overturned decades of established Environmental Protection Agency (EPA) policy on forest logging roads. The ruling maintains that drainage pipes and storm water ditches on tens of thousands of logging roads should be treated as if they were 'point source' discharges, similar to industrial plants or factories.

The State of Michigan has over 19 million acres of public and private forests making it the 5th largest amount of timber acreage in the nation. These forests contribute to over 74 thousand jobs and \$2.5 billion to the state GDP. The court ruling does nothing to actually improve water quality, and only creates an unnecessary burden for landowners and timber operators. With EPA's guidance, the Michigan Department of Natural Resources has done an upstanding job overseeing sustainable forest management for large and small forest owners for years. In fact, a study done at North Carolina State University show that total costs in the Lake States could range from \$100 million to over \$1 billion. The Ninth Circuit ruling creates a new and unnecessary regulation that dismisses scientific and practical evidence of successful forest management, and opens the door for special interest litigation on each new "point source."

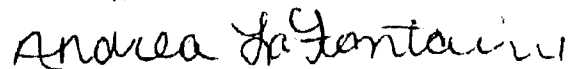
The Ninth Circuit Court decision is a major threat to jobs and investment in Michigan and cannot be left to stand. I urge you to defend the EPA's longstanding practice of defining forestry management and forest roads as 'nonpoint' sources. Defining forest roads as 'point'

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EXECUTIVE SECRETARIAT

sources for silvicultural activities would negatively impact jobs and the economy in our state. Please urge the Solicitor General to recommend the Supreme Court reviews this issue. I also urge you to encourage Congress to pass permanent legislation to preserve the EPA's existing rules and prevent further litigation.

Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Andrea LaFontaine". The signature is written in a cursive, flowing style.

Andrea LaFontaine, State Representative
Michigan House of Representatives

cc: John Bryson, Secretary, Department of Commerce
Lisa Jackson, Administrator, EPA
Karen Mills, Administrator, SBA
Kenneth Salazar, Secretary, Department of the Interior
Nancy Sutley, Chair, CEQ
Thomas Tidwell, Chief, US Forest Service
Thomas Vilsack, Secretary, Department of Agriculture
Michigan Congressional Delegation



Correspondence Management System

Control Number: AX-12-000-6891

Printing Date: April 18, 2012 03:03:35



Citizen Information

Citizen/Originator: Fertel, Marvin S.

Organization: Nuclear Energy Institute

Address: 1776 I Street NW, Washington, DC 20006-3708

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6891

Alternate Number: N/A

Status: Pending

Closed Date: N/A

Due Date: May 2, 2012

of Extensions: 0

Letter Date: Apr 12, 2012

Received Date: Apr 17, 2012

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: DX-Direct Reply

Signature Date: N/A

File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.

Subject: Daily Reading File- NEI expression of concern about Region 6 decision on aquifer exemption requests

Instructions: DX-Respond directly to this citizen's questions, statements, or concerns

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OP - Office of Policy

R6 - Region 6 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--|--------|----------|---------------|-------------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 18, 2012 | May 2, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|-----------|--------|--------|------|
|-----------|--------|--------|------|



NUCLEAR ENERGY INSTITUTE

Marvin S. Fertel
PRESIDENT AND CHIEF EXECUTIVE OFFICER

April 12, 2012

The Honorable Bob Perciasepe
Deputy Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, NW
Washington, DC 20460

REC
2012 APR 17 AM 11:15
OFFICE OF THE
EXECUTIVE SECRETARY

Subject: EPA Region 6 Decision on Goliad County, Texas, Uranium Mining Project Aquifer Exemption Application

Dear Deputy Administrator Perciasepe:

The Nuclear Energy Institute (NEI)¹ would like to express our concern about a recent decision by the Region 6 office of the U.S. Environmental Protection Agency (EPA), which we understand that you are currently reviewing. NEI believes that EPA Region 6's departure from established EPA guidelines for reviewing aquifer exemption requests will have a prohibitive effect on domestic mining operations and a significant adverse impact on our industry's ability to source uranium domestically.

We respectfully ask that you review the EPA Region 6 decision to ensure that Region 6 evaluates projects based on existing guidelines and regulations. We are very concerned that the new standards unilaterally imposed by Region 6 will jeopardize future uranium mining in the State of Texas and limit the potential of one of our most promising domestic supplies of uranium. We also ask that you reaffirm with other EPA regional offices their obligation to follow existing EPA guidelines and regulations regarding aquifer exemptions.

¹ NEI is responsible for establishing unified nuclear industry policy on matters affecting the nuclear energy industry, including regulatory, financial, technical and legislative issues. NEI members include all companies licensed to operate commercial nuclear power plants in the United States, nuclear plant designers, major architect/engineering firms, fuel fabrication facilities, materials licensees and other organizations and individuals involved in the nuclear energy industry.

Nuclear energy is America's largest source of clean, reliable, baseload electricity, producing no greenhouse gases or air pollutants during operations. Currently, nuclear power plants produce nearly 20 percent of U.S. electricity and nearly three-quarters of our emission-free generation.

Unfortunately, recent decisions by EPA's Region 6 office could have a prohibitive effect on efforts to expand the domestic uranium industry. The Region 6 office is attempting to apply a new standard to evaluate uranium projects—one neither supported by EPA guidance nor precedent in Region 6 or other EPA Regions. The issue relates to the approval of an aquifer exemption, one of the final steps in the permitting process.

The EPA guidelines for approving aquifer exemptions were previously used to approve more than 30 projects in Texas over the past 30 years. Yet, the Region 6 office recently decided to apply its own new standard to a uranium mining project in Goliad County, Texas, effectively stopping it from going forward.

*Guidance for Review and Approval of State Underground Injection Control Programs and Revisions to Approved State Programs, GWPB Guidance #34,*² is clear regarding evaluation of requests to exempt aquifers from drinking water protections so that mining projects can proceed: (1) the exempted area does not currently serve as a source of drinking water and (2) it cannot now, and will not in the future, serve as a source of drinking water because of the presence of minerals or hydrocarbons expected to be commercially producible. To demonstrate that a particular area meets these requirements, applicants must, respectively, (1) perform a water well survey covering the exempted area and a buffer of one-quarter mile from the exempted area's boundary, and (2) provide a history of mineral production in the area.

In the case of the Goliad County, Texas, uranium mining project, EPA Region 6 is requiring modeling analysis in addition to a well survey and history—a unilateral departure from the established EPA guidance. Moreover, the requested modeling is not defined, and Region 6 says that it will review whatever modeling results are submitted to determine if more modeling is needed, creating an open-ended regulatory process.³ In this way, the EPA Region 6 process introduces considerable uncertainty into well-known guidance.

The new standards unilaterally imposed by EPA Region 6 will jeopardize future uranium mining in Texas and limit the potential of one of this country's most promising domestic supplies of uranium. Moreover, this effect will be compounded if one or more additional EPA regional

² From Victor J. Kimm, Director, Office of Drinking Water (WH-550) to Water Division Directors, Regions I-X, effective July 5, 1984, especially *Attachment 3, Guidelines for Reviewing Aquifer Exemption Requests*.

³ Letter from Miguel I. Flores, Director, Water Quality Protection Division, U.S. Environmental Protection Agency, Region 6, to Susan Jablonski, Director, Radioactive Materials Division, Texas Commission on Environmental Quality, RE: Application to Exempt a Portion of the Goliad Formation, Goliad County, July 1, 2011.

The Honorable Bob Perciasepe
April 12, 2012
Page 3


offices unilaterally decide to impose their own evaluation criteria counter to established EPA guidance.

The nuclear industry believes that the result will be a serious and unnecessary impediment to expanding the domestic uranium industry. The overall result will adversely impact U.S. mining operations and unnecessarily restrict domestic job creation.

In conclusion, we respectfully ask that you review the EPA Region 6 decision to ensure that Region 6 evaluates projects based on existing guidelines and regulations. We also ask that you reaffirm with other EPA regional offices their obligation to follow existing EPA guidelines and regulations regarding aquifer exemptions.

If you have any questions, please feel free to contact me directly, or William Skaff on the NEI staff (at 202.739.8036 or wgs@nei.org).

Sincerely,



Marvin S. Fertel

c. Lisa Jackson
Administrator, U.S. Environmental Protection Agency



Correspondence Management System

Control Number: AX-12-000-6910

Printing Date: April 18, 2012 03:27:05



Citizen Information

Citizen/Originator: Chavez, Anna Maria

Organization: Girl Scouts of America

Address: 420 Fifth Avenue, New York, NY 10018-2798

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6910

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 10, 2012

Received Date: Apr 18, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Thank you letter from the Girl Scouts of the USA

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: N/A

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OEAE | Apr 18, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OEAE | Apr 18, 2012 |

Comments

girl scouts



RECEIVED
2012 APR 17 PM 2:48
OFFICE OF THE
EXECUTIVE SECRETARY

April 10, 2012

Administrator Lisa Jackson
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Ave. NW
Washington, DC 20004

Dear Administrator Jackson,

Girl Scouts of the USA
420 Fifth Avenue
New York, NY 10018-2798
T 212 852 5000 F 212 852 6517

**Office of the National President
and the Chief Executive Officer**

On behalf of Girl Scouts of the USA, our 112 councils throughout the country and our 3.2 million members nationwide, thank you for the opportunity to meet to discuss our shared initiatives with the Environmental Protection Agency. I appreciate your support for the Girl Scout Forever Green project and look forward to continuing our work together.

For 100 years, Girl Scouts has empowered and educated girls throughout the country and around the world. As we celebrate our centennial year, we will use this unique moment to declare 2012 the *Year of the Girl!* In celebration of girls, we recognize their leadership potential and commit to promote gender-balanced leadership in the workplace and communities across the country.

I look forward to future conversations about how we can collaborate and find ways to achieve our mutual goal of environmental stewardship. Thank you for your leadership and for being an outstanding champion of Girl Scouting.

Sincerely,

A handwritten signature in blue ink that reads "Anna Maria Chávez".

Anna Maria Chávez
Chief Executive Officer

Girl Scouting builds girls of courage, confidence, and character,
who make the world a better place.



Correspondence Management System

Control Number: AX-12-000-6977

Printing Date: April 18, 2012 03:41:15



Citizen Information

Citizen/Originator: Data, J. Randall

Organization: Babcock & Wilcox Power Generation Group
Address: 20 South Van Buren Avenue, Post Office Box 351, Barberton, OH 44203-0351

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6977 Alternate Number: N/A
Status: Pending Closed Date: N/A
Due Date: May 2, 2012 # of Extensions: 0
Letter Date: Apr 16, 2012 Received Date: Apr 18, 2012
Addressee: AD-Administrator Addressee Org: EPA
Contact Type: LTR (Letter) Priority Code: Normal
Signature: DX-Direct Reply Signature Date: N/A
File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
Subject: Daily Reading File - Mercury & Air Toxics Standards Rule
Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
Instruction Note: N/A
General Notes: N/A
CC: OEAE - Office of External Affairs and Environmental Education
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|-------------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 18, 2012 | May 2, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|-----------|--------|--------|------|
|-----------|--------|--------|------|



babcock & wilcox power generation group

▶ 20 south van buren avenue ▶ p.o. box 351 ▶ barberton, oh 44203-0351 usa
▶ phone 330.860.2612 ▶ fax 330.860.1057 ▶ www.babcock.com

J. Randall Data
President & Chief Operating Officer

April 16, 2012

Administrator Lisa P. Jackson
U.S. Environmental Protection Agency
Room 300, Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(jackson.lisa@epa.gov)

Assistant Administrator Gina McCarthy
U.S. Environmental Protection Agency
Office of Air and Radiation
Ariel Rios Building, Mail Code 6101A
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460
(mccarthy.gina@epa.gov)

RE: Request for Partial Reconsideration of EPA's *National Emission Standards for Hazardous Air Pollutants from Coal- and Oil-Fired Electric Utility Steam Generating Units*, 77 Fed. Reg. 9,304 (February 16, 2012) (Docket No. EPA-HQ-OAR-2009-0234) (Mercury and Air Toxics Standards Rule ("MATS Rule" or "Rule"))

Dear Administrator Jackson and Assistant Administrator McCarthy:

As a leading supplier of HAPs emissions control equipment as well as emissions monitoring systems for the US electric utility industry, Babcock & Wilcox Power Generation Group, Inc. (B&W) asserts that the particulate matter (PM), HCl and mercury emission limits established for new units are not measurable with sufficient accuracy for reliable control of the emissions reduction systems and sustainable long term emissions compliance. The extractive sampling techniques used in the ICR to establish the emission limits are not amenable to use for real-time process control. The ability to continuously and accurately measure emissions at levels below the regulatory limit is necessary to provide electric utility generators with an operating margin to assure compliance. To maintain a 30-day rolling average emissions level, the operating set points for control of the emissions reduction systems must typically be 20 to 30% below the limit, which further challenges the application of proven continuous emissions monitoring systems (CEMS). The current state of the art CEMS technologies available and referenced in the MATS rule are not capable of measuring emissions levels needed to comply with the new unit limits.

Continuous Emissions Monitoring

A comparison of MATS emission limits for new electric generating units with the capabilities of proven CEMS technologies follows.

| MATS Pollutant | PM | | | Hg | | | HCl | | |
|-------------------|-------------------------|--------|-------------------------------|----------------|--------|----------------------------------|----------------|------|-------------------------------|
| | Emission Limit (Note 1) | | CEMS Detection Limit (Note 2) | Emission Limit | | CEMS Detection Limit (Notes 4,5) | Emission Limit | | CEMS Detection Limit (Note 3) |
| Unit Type | lbs/MWh | mg/scm | mg/scm | lbs/GWh | µg/scm | µg/scm | lbs/GWh | ppmv | ppmv |
| Coal >8300 Btu/hr | 0.007 | 1.2 | 0.75 | 0.0002 | 0.034 | 0.1 | 0.4 | 0.04 | 0.79 |
| Coal <8300 Btu/lb | 0.007 | 1.2 | 0.75 | 0.04 | 6.84 | 0.1 | 0.4 | 0.04 | 0.79 |
| IGCC | 0.07 | 12.1 | 0.75 | 0.003 | 0.61 | 0.1 | 2 | 0.19 | 0.79 |
| Cont. Oil | 0.07 | NA | 0.75 | 0.0001 | 0.018 | 0.1 | 0.4 | 0.04 | 0.79 |
| Solid Oil | 0.02 | 3.4 | 0.75 | 0.002 | 0.343 | 0.1 | 0.4 | 0.04 | 0.79 |

NOTES:

1. Conversion of lb/MWh or lb/GWh to mg/scm or µg/scm basis assumes a new unit heat rate of 9500 BTU/kWh
2. Reference –Detection Limit of 0.75 mg/scm is from SIRA Certificate Sira MC 040039/01 renewed 2009 for SICK FWE200 (light scattering – wet stack extractive) and 101. SIRA Certification of SICK SP100 PM (light scattering – dry stack) monitor shows a measurement uncertainty of 0.39 mg/scm. (<http://www.siraenvironmental.com/UserDocs/mcerts/MCERTSCertifiedProductsCEMS.pdf>)
3. Reference – SIRA measurement uncertainties for NEO LaserGas (TDL) 0.2 mg/Nm³ or 0.13 ppm. ABB FTIR-NT (FTIR analyzer) is 1.18 mg/Nm³ or 0.79 ppm. Sick-Mailhak MCS-100 is 0.58 ppm. The MATS limits are based on FTIR technology for HCl.
4. Based on mercury CEMS continuous measurement (not Hg Sorbent trap).
5. Mercury CEMS have a detection limit of 0.1 µg but a MATS daily drift specification of 1.0 µg and a relative accuracy requirement of 1.0 µg. So the noise of the instrument is between 0.1-1.0 µg.

Particulate Matter (PM)

The MATS PM limit for new coal-fired units is above, but close to, the analytical accuracy of a PM CEMS. These PM emission rates are very close to the detection limit of current PM CEMS technology.

Mercury

Compliance with the MATS mercury emissions limit may be demonstrated using either a mercury CEMS or mercury sorbent trap. Currently available mercury CEMS have an accuracy limit of between 0.1 to 1.0 $\mu\text{g}/\text{scm}$. The MATS emission limit for new non low rank virgin coal-fired electric generating units (0.0002 lb/GWh) is equivalent to a concentration in the flue gas of approximately 0.034 $\mu\text{g}/\text{scm}$. This low emission limit effectively eliminates the use of mercury CEMS technology for demonstration of continuous compliance for new units. Mercury sorbent trap systems may be used for compliance demonstration. However, this approach does not provide any continuous feedback for process control. In fact, sorbent trap sampling durations as long as 14 days are permitted and may be necessary to collect adequate mercury for analysis. This delay in feedback makes optimization of the emissions control system impractical.

Mercury CEMS are well proven in utility boiler applications at mercury levels above 0.5 to 1.0 $\mu\text{g}/\text{scm}$. A mercury emissions limit equivalent to a concentration of 0.5 to 1.0 $\mu\text{g}/\text{scm}$ in the flue gas can be monitored with mercury CEMS which provides a more practical means for compliance demonstration and process control. Industry efforts to explore and establish the feasibility of long term mercury CEMS emission measurement and variability of same at flue gas mercury levels below 0.5 $\mu\text{g}/\text{scm}$ should be encouraged and supported by the US EPA. This information is necessary to determine what emission level is sustainable long term and what levels of "noise" can be expected in the measurements.

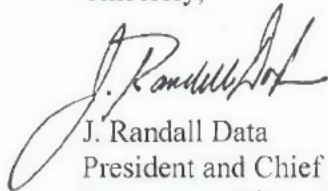
HCl

The MATS HCl limits are well below the accuracy of any available CEMS technologies. Thus continuous monitoring for compliance is not a realistic option. Quarterly testing using Method 26A may be used for compliance demonstration, but this method provides no performance feedback for process control and optimization. The new coal-fired boiler emission limit is very close to the noise of the reference method. B&W estimates the method detection limit for Method 26A as 0.02 ppmv HCl in the flue gas based on the analytical detection limit for HCl of 0.2 $\mu\text{g}/\text{ml}$ published for the reference test method. The MATS limit for new, non low-rank virgin coal units is equivalent to approximately of 0.04 ppmv HCl. In practice, at only two times the method detection limit, this HCl emission level is too low to measure reliably. A practical limit based on the use of HCl CEMS technology would be equivalent to a concentration of HCl in the flue gas above 0.1 ppmv.

As a technology supplier, B&W must assess the combined risks of equipment performance and emissions measurement in establishing the performance guarantees necessary for new electric generating unit projects to secure financing and move forward. The current MATS limits for PM, mercury and HCl for new, non low-rank virgin coal generating units present significant challenges to

the electric utility industry. B&W respectfully requests EPA to consider a partial reconsideration of the MATS rule to reflect emission limits which may be reliably measured using CEMS technology for both compliance and emissions reduction process control.

Sincerely,



J. Randall Data
President and Chief Operating Officer
Babcock & Wilcox Power Generation Group



Correspondence Management System

Control Number: AX-12-000-6978

Printing Date: April 19, 2012 11:33:59



Citizen Information

Citizen/Originator: Kee, Ed

Organization: State of Delaware Department of Agriculture
Address: 2320 South DuPont Highway, Dover, DE 19901

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6978 Alternate Number: N/A
 Status: Pending Closed Date: N/A
 Due Date: May 3, 2012 # of Extensions: 0
 Letter Date: Apr 9, 2012 Received Date: Apr 18, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel.
 Subject: Daily Reading File - Support for Agricultural Certainty
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education
 R3 - Region 3 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|------------------|---------------|-------------|---------------|
| (b) (6) Personal Privacy | OEX | Lawrence Elworth | Apr 18, 2012 | May 3, 2012 | N/A |
| Instruction: AD-Prepare draft response for the Administrator's signature | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|--------------------------|--------|---------------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Assign Lawrence Elworth as lead | Apr 18, 2012 |

APR 18 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

STATE OF DELAWARE
DEPARTMENT OF AGRICULTURE
2320 SOUTH DUPONT HIGHWAY
DOVER, DELAWARE 19901
dda.delaware.gov

ED KEE
SECRETARY
E. AUSTIN SHORT
DEPUTY SECRETARY

TELEPHONE (302) 698-4500
TOLL FREE (800) 282-8685
FAX (302) 697-6287

April 9, 2012

Dear Secretary Vilsack and Administrator Jackson:

This Department and our state environmental agency have been exploring the potential of "Agricultural Certainty". As you know, Certainty is a voluntary approach to provide assurances to farmers or groups of farmers so they may conduct business in a predictable regulatory setting for a prescribed time period in exchange for their implementation of additional best management practices and/or adjusting operational approaches to achieve enhanced environmental benefits.

Over the past several months, we have had discussions with representatives of the USDA and the EPA. We have also hosted two workshops to define and refine the Certainty concept with, first, our peers in Chesapeake Bay states and, at a second meeting, with representatives from the Non-Government Organizations from the agriculture spheres and the environmentalists' spheres at the same time. At the conclusion of these exploratory efforts, we have decided to pursue the Ag Certainty concept further.

We will seek significant stakeholder input to identify programmatic elements that make sense for our agricultural community, to determine levels of positive environmental impacts from those programs, and to discern thresholds of implementation that warrant recognition for certainty. We view Certainty as one of the many possible methods of helping us achieve the needed environmental improvements required in our Watershed Implementation Plans. This program development effort will result in a significant amount of work. Perhaps an even greater workload for the States will occur if certainty programs become reality.

As we embark on this process, we need assurance from the USDA and the EPA of your sincere interest and support for Certainty programs. We ask each of your agencies to participate as partners in the program development stage over the next few months. At the end of the program development process, we will also seek assurance that 1) USDA and EPA will support the program with available financial and programmatic resources; 2) that EPA will fully recognize the validity of this program in the context of the Chesapeake Bay TMDL and the Delaware Watershed Implementation Plan; and 3) that Certainty Program participants in compliance with their agreements will not be subject to additional federal water quality standards for the term of the currently valid agreement. We want to ensure that the investment of time and energy that we and stakeholders in Delaware put into designing and implementing a certainty program will be supported by USDA and EPA.

We see the potential benefit of Agricultural Certainty, as do our agricultural and environmental constituencies. We look forward to your input, your support and your reply to our initial request for support.

We also need to know if your agencies are prepared to support the program upon implementation, subject to review of our certainty programs. We look forward to your reply.

Sincerely,

A handwritten signature in black ink that reads "Ed Kee". The signature is written in a cursive style with a large, stylized "E" and "K".

Ed Kee
Secretary

Cc: Ann Mills
Larry Elworth



Correspondence Management System

Control Number: AX-12-000-7022

Printing Date: April 19, 2012 04:14:22



Citizen Information

Citizen/Originator: Ferguson, Martin

Organization: N/A

Address: PO Box 6022, Parliament House, Canberra Act 2600

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7022

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 2, 2012

Received Date: Apr 18, 2012

Addressee: DA-Deputy Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- Thank you for meeting with me during my visit to Washington, DC on January 18, 2012

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OAR - Office of Air and Radiation -- Immediate Office

OITA - Office of International and Tribal Affairs

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OEAE | Apr 19, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OEAE | Apr 19, 2012 |

Comments



THE HON MARTIN FERGUSON AM MP
MINISTER FOR RESOURCES AND ENERGY
MINISTER FOR TOURISM

RECEIVED
2012 APR 18 PM 12:15

OFFICE OF THE
EXECUTIVE SECRETARIAT

PO BOX 6022
PARLIAMENT HOUSE
CANBERRA ACT 2600

- 2 APR 2012

B12/337

Mr Robert Perciasepe
Deputy Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, NW
Washington DC
UNITED STATES OF AMERICA

Dear Mr Perciasepe

Thank you for meeting with me during my visit to Washington DC on 18 January 2012.

I greatly appreciated the opportunity to discuss carbon emissions and the environmental concerns associated with the unconventional gas industries in both Australia and the US. It was interesting to hear about the operation of the EPA's Clean Air and Clean Water Acts and US activities in the unconventional gas and hydraulic fracturing space.

I would welcome the opportunity for agencies in Australia and the US to learn from our respective experiences to support the development of leading practice regulatory regimes in the unconventional gas sector.

Our nations share a strong and complementary bilateral relationship, strengthened by our strong ties and mutual concerns in the resources and energy sector.

Thank you once again for taking the time to meet with me.

Yours sincerely

Martin Ferguson



Correspondence Management System

Control Number: AX-12-000-7025

Printing Date: April 19, 2012 08:05:50



Citizen Information

Citizen/Originator: Gilbert, Jud

Organization: Michigan House of Representatives

Address: P.O. Box 30014, Lansing, MI 48909

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7025

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 12, 2012

Received Date: Apr 18, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - Deeply concerned with the May 2011, Ninth Circuit Court of Appeals ruling which overturned decades of established EPA policy on forest logging roads

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCIR - Office of Congressional and Intergovernmental Relations
OEAEE - Office of External Affairs and Environmental Education
OGC - Office of General Counsel -- Immediate Office
R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 19, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-----------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OW | Apr 19, 2012 |



81ST DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-1790
FAX: (517) 373-9983
E-MAIL: judgilbert@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

JUD GILBERT
STATE REPRESENTATIVE

COMMITTEES:
TAX POLICY, CHAIR
COMMERCE
JUDICIARY

April 12, 2012

Mr. Jacob Lew
White House Chief of Staff
1600 Pennsylvania Avenue NW
Washington, DC 20500

Dear Mr. Lew:

I am State Representative Jud Gilbert in Michigan representing the 81st District. I am deeply concerned with the May 2011, Ninth Circuit Court of Appeals ruling which overturned decades of established Environmental Protection Agency (EPA) policy on forest logging roads. The ruling maintains that drainage pipes and storm water ditches on tens of thousands of logging roads should be treated as if they were 'point source' discharges, similar to industrial plants or factories.

The State of Michigan has over 19 million acres of public and private forests making it the 5th largest amount of timber acreage in the nation. These forests contribute to over 74 thousand jobs and \$2.5 billion to the state GDP. The court ruling does nothing to actually improve water quality, and only creates an unnecessary burden for landowners and timber operators. With EPA's guidance, the Michigan Department of Natural Resources has done an upstanding job overseeing sustainable forest management for large and small forest owners for years. In fact, a study done at North Carolina State University show that total costs in the Lake States could range from \$100 million to over \$1 billion. The Ninth Circuit ruling creates a new and unnecessary regulation that dismisses scientific and practical evidence of successful forest management, and opens the door for special interest litigation on each new "point source."

EXECUTIVE SECRETARIAT

2012 APR 18 PM 12:15

RE



81ST DISTRICT
STATE CAPITOL
P.O. BOX 30014
LANSING, MI 48909-7514
PHONE: (517) 373-1790
FAX: (517) 373-9983
E-MAIL: judgilbert@house.mi.gov

MICHIGAN HOUSE OF REPRESENTATIVES

JUD GILBERT
STATE REPRESENTATIVE

COMMITTEES:
TAX POLICY, CHAIR
COMMERCE
JUDICIARY

The Ninth Circuit Court decision is a major threat to jobs and investment in Michigan and cannot be left to stand. I urge you to defend the EPA's longstanding practice of defining forestry management and forest roads as 'nonpoint' sources. Defining forest roads as 'point' sources for silvicultural activities would negatively impact jobs and the economy in our state. Please urge the Solicitor General to recommend the Supreme Court reviews this issue. I also urge you to encourage Congress to pass permanent legislation to preserve the EPA's existing rules and prevent further litigation.

Thank you for your consideration.

Sincerely,

Jud Gilbert
Michigan House of Representatives
District 81

cc: John Bryson, Secretary, Department of Commerce
Lisa Jackson, Administrator, EPA
Karen Mills, Administrator, SBA
Kenneth Salazar, Secretary, Department of the Interior
Nancy Sutley, Chair, CEQ
Thomas Tidwell, Chief, US Forest Service
Thomas Vilsack, Secretary, Department of Agriculture
Michigan Congressional Delegation



Correspondence Management System

Control Number: AX-12-000-7031

Printing Date: April 19, 2012 01:58:01



Citizen Information

Citizen/Originator: Keane, Lawrence G

Organization: National Shooting Sports Foundation, Inc.
Address: 11 Mile Hill Road, Newtown, CT 06470-2359

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7031 Alternate Number: 70073020000080054686
 Status: Pending Closed Date: N/A
 Due Date: May 3, 2012 # of Extensions: 0
 Letter Date: Apr 5, 2012 Received Date: Apr 19, 2012
 Addressee: AD-Administrator Addressee Org: EPA
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: DX-Direct Reply Signature Date: N/A
 File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.
 Subject: Daily Reading File - Rulemaking to Regulate Lead Bullets and Shot Under the Toxic Substances Control Act
 Instructions: DX-Respond directly to this citizen's questions, statements, or concerns
 Instruction Note: N/A
 General Notes: N/A
 CC: OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|-------------|---------------|
| (b) (6) Personal Privacy | OEX | OCSPP | Apr 19, 2012 | May 3, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-----------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Assign OCSPP as lead office | Apr 19, 2012 |

4/19 11:7 37 AT

DAILY READING FILE



NATIONAL SHOOTING SPORTS FOUNDATION, INC.

11 Mile Hill Road • Newtown, CT 06470-2359 • Tel (203) 426-1320 • Fax (203) 426-7182 • www.nssf.org

LAWRENCE G. KEANE
SENIOR VICE PRESIDENT
& GENERAL COUNSEL

April 5, 2012

Lisa P. Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20004

REC-11
2012 APR 18 AM 10:47
OFFICE OF THE
EXECUTIVE SECRETARY

RE: March 13, 2012 Petition Submitted by the Center For Biological Diversity *et al.* For Rulemaking to Regulate Lead Bullets and Shot Under the Toxic Substances Control Act ("TSCA")

Dear Administrator Jackson:

The National Shooting Sports Foundation ("NSSF"), the trade association for the firearm, ammunition, hunting, and shooting sports industry, urges you to deny the above-referenced rulemaking petition requesting the U.S. Environmental Protection Agency ("EPA") to ban the use of traditional ammunition made with lead-core components in hunting and shooting sports under Section 6 of TSCA. Though the petition claims to narrow the scope of the ban, it does not change the fact that the EPA has no jurisdiction over ammunition.¹ The NSSF opposes *any* regulation that would threaten the right of America's sportsmen and gun owners to use ammunition of their choice and function as a vehicle for gun control as Petitioners seek to do through their petition.

This petition is the third time a Center For Biological Diversity-led coalition has tried to ban lead ammunition. The Center For Biological Diversity ("CBD") filed its first petition on August 3, 2010 seeking a total nationwide ban on the manufacture, processing and distribution in commerce of lead shot, bullets, and fishing sinkers ("2010 Petition").² The NSSF opposed the 2010 Petition by submitting comments to the EPA refuting CBD's claims that the EPA had authority to regulate lead ammunition.³ (See, **Exhibit A**). On August 27, 2010, the EPA correctly denied the ammunition part of the 2010 Petition on the grounds that the agency did not have authority to regulate the production and distribution

¹ It should be noted that the Petitioners in their current petition specifically request the EPA to exclude from regulation under TSCA lead ammunition used for military and law enforcement purposes. No such military or law enforcement exemption is found in their 2010 Petition. By now excluding military and law enforcement, the Petitioners all but admit that the 2010 Petition was overbroad.

² Petition to the EPA to Ban Lead Shot, Bullets, and Fishing Sinkers Under TSCA, Posted Aug. 24, 2010, Docket ID: EPA-HQ-OPPT-2010-0681

³ Comment Submitted by Lawrence G. Keane, SVP and General Counsel, NSSF, Posted Sept. 10, 2010, Docket ID: EPA-HQ-OPPT-2010-0681-0512

of lead shot and bullets under TSCA.⁴ (See, **Exhibit B**). Following the denial, the CBD made a second attempt to compel issuance of the ammunition lead ban by filing a federal lawsuit against the EPA. The lawsuit was dismissed as to the ammunition ban on September 29, 2011, but is still pending with respect to lead fishing sinkers. Center For Biological Diversity v. Jackson, 815 F.Supp.2d 85 (D.D.C. Sept. 29, 2011). (See, **Exhibit C**).

The NSSF opposes the CBD's current petition to regulate lead bullets and shot used in hunting and shooting sports for the same reasons it opposed the CBD's 2010 Petition to regulate the production and distribution of lead shot and bullets. The NSSF refers the EPA to **Exhibit A** to review these reasons.

Regardless of the alleged differences between the current petition and the 2010 Petition, the Petitioners still fail to establish that the EPA has authority under TSCA to regulate lead shot and bullets. This time, the Petitioners argue that "the plain language of TSCA, as well as the Senate and House reports on the legislative history and intent of TSCA" somehow now confirms that the EPA can regulate lead shot and bullets.

Petitioners either do not understand the basic canons of statutory interpretation or intentionally ignore them in order to defeat the purpose of TSCA and advance their anti-hunting and anti-gun agenda. It is a well-settled principal of statutory interpretation that "[i]f the intent of Congress is clear, that is the end of the matter." Chevron U.S.A., Inc. v. National Resources Defense Council, 467 U.S. 837, 842 (1984). "If, however ... the statute is silent or ambiguous with respect to the specific issue, [the second step]... is whether the agency's answer is based on a permissible construction of the statute." Id. at 843.

The EPA should deny the current petition under step one of the *Chevron* analysis. Congress expressly excluded from the definition of "chemical substances" "any article the sale of which is subject to the tax imposed by section 4181 of the Internal Revenue Code of 1986," commonly known as the firearms and ammunition excise tax ("FAET"). 15 U.S.C. §2602(2)(B)(v). Because finished shells and cartridges are subject to the FAET, it follows that all of the components used to create the finished ammunition are effectively taxed by the FAET. The regulations implementing section 4181 make clear that the tax imposed on articles such as firearms, shells and cartridges is intended to encompass the value of their component parts. See, 27 C.F.R. §53.61(b)(2). The EPA supported this understanding in its own brief in Center For Biological Diversity v. Jackson:

To read Section 2602(2)(B)(v) otherwise would violate the basic canons of statutory interpretation that a provision should not be interpreted to be meaningless. (citation omitted). Section 2602(2)(B)(v) must have the result of removing some substance or group of substances from TSCA regulation. An interpretation of this statutory exemption to exclude only firearms, cartridges, and shells *themselves* would nevertheless allow EPA to regulate those articles indirectly simply by regulating their major components, thus completely circumventing the intended purpose and effect of Congress's exclusion.

⁴ Letter to Petitioner Denying the Lead Shot and Bullets Portion of the Petition, Posted Aug. 31, 2010, Docket ID: EPA-HQ-OPPT-2010-0681-0005; See also, 75 Fed. Reg. 58,377 (September 24, 2010). The EPA subsequently rejected the fishing tackle portion of the petition on November 4, 2010 on the grounds that the petition did not demonstrate that a national ban on lead in fishing gear was necessary to protect against unreasonable risk of injury to health or the environment, as required by TSCA. See, Docket ID: EPA-HQ-OPPT-2010-0681-6668.

See, EPA’s Partial Mot. to Dismiss For Lack of Jurisdiction Under Rule 12(B)(1) and Failure to State a Claim Under Rule 12(B)(6) at 11-12, Center For Biological Diversity. (**Exhibit D**).

Since “Congress has directly spoken to the . . . issue,” no further analysis is necessary. Chevron at 842. EPA has no jurisdiction under TSCA to regulate traditional ammunition, and Petitioners’ attempt to use TSCA as a gun control statute must be rejected.

Should the EPA believe that Congress has not directly addressed the issue of whether TSCA can be used to regulate traditional ammunition, under the second step of Chevron, the EPA should defer to its own well-reasoned and longstanding interpretation of the statute and not to unclear and dubious legislative history. Petitioners claim that TSCA’s legislative history gives the EPA authority to regulate the lead components of traditional ammunition. Petitioners’ reading of the legislative history is incorrect. When TSCA was enacted in 1976, essentially the only substance available at that time to manufacture shot and bullets was lead. It is unreasonable to conclude that when Congress created the ammunition exemption in TSCA and made it clear that TSCA should not “be used as a vehicle for gun control,” that it intended that the EPA would nonetheless have the authority to use TSCA to effectively ban the only domestically-manufactured traditional ammunition available at the time of passage.

Plaintiffs also read too much significance into the Congressional committee statement that the TSCA provision “does not exclude from regulation under the bill chemical components of ammunition....” If read as the Petitioners suggest— to allow the regulation of shot and bullets even though TSCA expressly prohibits the regulation of ammunition (e.g., shells and cartridges)— that statement would effectively eliminate the statutory language that it is meant to interpret. Furthermore, as the EPA itself expressed in its brief in Center For Biological Diversity v. Jackson:

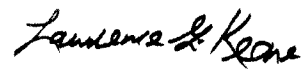
[M]ost people would probably not consider shot and bullets to be “chemicals,” rendering it unclear whether the Committee meant that EPA could regulate the integral component parts of ammunition, or simply to emphasize EPA’s general authority to regulate chemicals that might also be used as constituents of ammunition. By contrast, what [the EPA does] know, and what is borne out by the plain text of TSCA, is that Congress sought to prevent the use of TSCA as a means of gun control. Given that intent, the legislative history cited by [the Petitioners] provides only a feeble basis for recognizing an implicit exception to section 2502(2)(B)(v) that is not apparent from the text itself: a judicial rule that EPA may in fact regulate essential components of firearms and ammunition.

See, Reply in Support of EPA’s Partial Mot. To Dismiss For Lack of Jurisdiction Under Rule 12(B)(1) and Failure to State a Claim Under Rule 12(B)(6) at 18-19, Center For Biological Diversity. (**Exhibit E**).

Accordingly, Petitioners’ effort to force EPA to use TSCA to ban the use of ammunition made with lead-core components in hunting and shooting sports is contrary to the plain text of TSCA, the reasonable interpretations of TSCA by EPA (as well as the Internal Revenue Service and the Alcohol and the Tobacco Tax and Trade Bureau), and common sense. The EPA should promptly deny the petition because the Agency has no authority to regulate either the finished product— shells and cartridges— or their component parts— lead-containing shot and bullets.

We are standing by to help EPA in any way in considering this petition. We would welcome the opportunity to discuss this with you further and to provide EPA with additional information, which might assist the Agency in considering the petition.

Sincerely,

A handwritten signature in black ink that reads "Lawrence G. Keane". The signature is written in a cursive style with a large, prominent 'L' and 'K'.

Lawrence G. Keane

Enclosures



Correspondence Management System

Control Number: AX-12-000-7044

Printing Date: April 19, 2012 01:27:07



Citizen Information

Citizen/Originator: Mull, Stephen D.

Organization: United States Department of State
Address: 2201 C Street, NW, Washington, DC 20520

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7044 Alternate Number: N/A
Status: For Your Information Closed Date: N/A
Due Date: N/A # of Extensions: 0
Letter Date: Apr 16, 2012 Received Date: Apr 19, 2012
Addressee: OEX-Director - OEX Addressee Org: EPA
Contact Type: EML (E-Mail) Priority Code: Normal
Signature: SNR-Signature Not Required Signature Date: N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File National Security Affairs April 13, 2012- March 4, 2013
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Noah Dubin - OEX
OEAEE - Office of External Affairs and Environmental Education
OHS - Office of Homeland Security

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OITA | Apr 19, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-------------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to OITA | Apr 19, 2012 |

Comments



S/ES 201206788

United States Department of State

Washington, D.C. 20520

April 16, 2012

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MEMORANDUM FOR BRIAN P. MCKEON
EXECUTIVE SECRETARY
NATIONAL SECURITY STAFF

SUBJECT: National Security Affairs Calendar

The National Security Affairs Calendar for the upcoming months is attached.

A handwritten signature in black ink, appearing to read "SDM", written in a stylized, cursive script.

Stephen D. Mull
Executive Secretary

Attachment:
As stated.

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April 16, 2012

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NATIONAL SECURITY AFFAIRS CALENDAR

ONGOING EVENTS

Apr 13-19 Visit of Secretary of State Clinton to Colombia, Brazil and Belgium

Apr 14-17 Visit of Secretary of the Interior Salazar to Brazil

Apr 16 Presidential Elections in Timor-Leste—2nd Round (if necessary)

Apr 16 Ministerial Global Partnership Dialogue Meeting, Brasilia

Apr 16-17 Visit of Secretary of Health and Human Services Sebelius to Haiti

Apr 16-17 U.S.-Jordan Strategic and Political Reform Dialogue, Amman

Apr 16-18 World Economic Forum on Latin America, Puerto Vallarta

Apr 16-18* Global Philanthropy Forum 2012 Annual Conference, Washington

Apr 17 Friends of the Syrian People Sanctions Working Group Meeting, Paris

Apr 17-18 Annual Open Government Partnership (OGP) Conference, Brasilia

Apr 17-18 Visit of Secretary of Defense Panetta to Belgium

Apr 17-19 World Travel & Tourism Council's 12th Global Summit, Tokyo

Apr 18* U.S.-Azerbaijan Economic Partnership Commission Dialogue, Washington

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- Apr 18-19 Joint NATO Foreign and Defense Ministerial Meeting, Brussels
- Apr 18-19 Clean Energy Ministerial, London
- Apr 20-22* G-20 Finance Ministers and Central Bank Governors Meeting, Washington
- Apr 20-22* World Bank Group/International Monetary Fund Spring Meeting, Washington
- Apr 20-26 UN Conference on Trade and Development (UNCTAD) XIII Ministerial Conference/World Investment Forum, Doha
- Apr 22 Presidential Elections in France-1st Round
- Apr 22 Presidential Elections in Guinea-Bissau-2nd Round

LOOKING AHEAD

- Apr 23 Nordic-Baltic-U.S. Cooperation Summit, Vilnius
- Apr 23-24* Visit of Foreign Minister Martinez of El Salvador to Washington
- Apr 23-25 World Summit of Nobel Peace Laureates 2012, Chicago
- Apr 23-25* Visit of Prime Minister Gilauri of Georgia to Washington
- Apr 23-27 Visit of Secretary of Defense Panetta to Colombia, Brazil and Chile
- Apr 24* Visit of Foreign Minister Carr of Australia to Washington
- Apr 24* Visit of Prime Minister Stuart of Barbados to Washington
- Apr 25* Visit of Foreign Minister Sikorski of Poland to Washington

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Apr 25-28* Visit of Prime Minister Berisha of Albania to Washington

Apr 26* The Secretary of State's Forum on Investing with Impact, Washington

Apr 29 (T) Presidential Elections in Mali-1st Round

Apr 29-May 2* Visit of Foreign Minister del Rosario and Defense Minister Gazmin of the Philippines to Washington

Apr 30* U.S.-Philippines 2+2 Ministerial-Level Dialogue, Washington

Apr 30* Visit of Prime Minister Noda of Japan to Washington

Apr 30-May 11 Nuclear Nonproliferation Treaty Preparatory Committee Meeting, Vienna

May 1 31st Meeting of States Parties to the International Convention on Civil and Political Rights, New York

May 1 U.S.-China Science & Technology Cooperation Joint Committee Meeting, Beijing

May 2 U.S.-China Innovation Dialogue Joint Committee Meeting, Beijing

May 2 U.S.-China Strategic Security Dialogue, Beijing

May 2-3* 2012 International Education Summit on the Occasion of the G-8, Washington

May 3-4 U.S.-China Strategic and Economic Dialogue, Beijing

May 3-4 U.S.-China Consultations on People-to-People Exchange, Beijing

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May 4 Presidential and Parliamentary Elections in Palestinian Authority

May 4 Parliamentary Elections in Iran-2nd Round

May 6 Presidential Elections in France-2nd Round

May 6 Parliamentary Elections in Greece (Snap)

May 6 Parliamentary Elections in Armenia

May 6 Parliamentary Elections in Lesotho

May 6 Presidential (Round 1) and Parliamentary Elections in Serbia

May 7 Parliamentary Elections in Syria

May 8 42nd Washington Conference on the Americas, Washington

May 7-9 International Export Control Conference, Portoroz

May 9-10* U.S. Leadership Conference on International Disability Rights, Washington

May 9-11 World Economic Forum on Africa, Addis Ababa

May 10 Parliamentary Elections in Algeria

May 11-13 5th Lennart Meri Conference, Tallinn

May 12-Aug 12 Expo 2012 Yeosu Korea: The Living Ocean and Coast

May 13 (T) Presidential Elections in Mali-2nd Round

May 14-15 Arctic Council Deputy Foreign Ministers Meeting, Stockholm

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May 14-15 U.S.-Indonesia Science and Technology Joint Commission Meeting, Jakarta

May 14-18* Visit of Foreign Minister Wunna Maung Lwin of Burma to Washington

May 15-25 UN Framework Convention on Climate Change (UNFCCC) Meetings of Subsidiary Bodies and Ad-Hoc Working Groups, Bonn

May 17-18 Visit of Foreign Minister Zarifi of Tajikistan to Washington

May 17-20* Visit of Prime Minister Najib of Malaysia to Washington

May 18* Visit of Foreign Minister Peiris of Sri Lanka to Washington

May 18-19 2012 European Bank for Reconstruction and Development (EBRD) Annual Meeting, London

May 18-19 G-8 Summit, Camp David

May 18-21 Young Atlanticist Chicago Summit, Chicago

May 20 Presidential Elections in the Dominican Republic

May 20 10th Anniversary of Independence of Timor-Leste

May 20 Presidential Inauguration in Taiwan

May 20-21 NATO Summit, Chicago

May 20-Jun 5 Asia-Pacific Economic Cooperation (APEC) 2nd Senior Officials Meeting (SOM2) and Related Meetings, Kazan

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- May 21 (T) U.S.-Saudi Arabia Joint Coordination Committee on Infrastructure Protection (JCCIP), Riyadh
- May 21-23 5th Asia-Pacific Economic Cooperation (APEC) Education Ministerial, Gyeongju
- May 21-24 2nd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Kuala Lumpur
- May 21-26 65th Session, World Health Organization (WHO) World Health Assembly, Geneva
- May 22-26 Visit of Secretary of Transportation LaHood to Indonesia
- May 23 Presidential Elections in Egypt—1st Round
- May 23 Friends of Yemen Meeting, Riyadh
- May 23-24 Organization for Economic Cooperation and Development (OECD) Ministerial Meeting, Paris
- May 24* Visit of Foreign Minister McCully of New Zealand to Washington
- May 25-26 6th Pacific Island Leaders (PALM 6) Meeting, Nago City
- May 26 National Elections in Lesotho
- May 28-30 3rd Preparatory Committee Meeting on UN Conference on Sustainable Development, Rio de Janeiro
- May 30-31 Asia-Pacific Economic Cooperation (APEC) Food Security Ministerial Meeting, Kazan
- May 30-Jun 1 World Economic Forum on East Asia, Bangkok

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|--------------|---|
| May 31-Jun 1 | African Development Bank Annual Meeting, Arusha |
| May 31-Jun 2 | 2012 Wroclaw Global Forum, Wroclaw |
| Jun TBD | Parliamentary Elections in Timor-Leste |
| Jun TBD | Parliamentary Elections in Mongolia |
| Jun 1-3 | Shangri-la Dialogue, Singapore |
| Jun 3-5 | Organization of American States (OAS) General Assembly, Cochabamba |
| Jun 4-5 | Asia-Pacific Economic Cooperation (APEC) Trade Ministerial Meeting, Kazan |
| Jun 4-6 | World Economic Forum on Europe, the Middle East, North Africa and Central Asia, Istanbul |
| Jun 4-8 | International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna |
| Jun 4-8 | 25 th World Gas Conference: "Gas: Sustaining Future Global Growth," Kuala Lumpur |
| Jun 7-8 | Global Counterterrorism Forum (GCTF) Coordinating Committee Meeting, Istanbul |
| Jun 10 | Legislative Elections in France-1 st Round |
| Jun 12* | U.S.-India Higher Education Dialogue, Washington |
| Jun 14 | Kabul Ministerial Conference on the Istanbul Process, Kabul |

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| Jun 14* (T) | U.S.-Thailand Strategic Dialogue, Washington |
| Jun 14*(T) | Visit of Foreign Minister Surapong of Thailand to Washington |
| Jun 16 | Presidential Elections in Egypt-2 nd Round |
| Jun 17 | Legislative Elections in France-2 nd Round |
| Jun 18-19 | G-20 Leaders Summit, Los Cabos |
| Jun 18-19* | 2012 African Growth Opportunity Act (AGOA) Forum, Washington |
| Jun 18-20 | IAEA International Experts' Meeting on Enhancing Transparency and Communication Effectiveness in the Event of a Nuclear or Radiological Emergency, Vienna |
| Jun 18-Jul 6 | 20 th Session of the Human Rights Council, Geneva |
| Jun 20 (T) | Parliamentary Elections in Libya |
| Jun 20-22 | UN Conference on Sustainable Development (UNCSD) or Rio + 20, Rio de Janeiro |
| Jun 20-23 | U.S.-Africa Business Convention, Cincinnati |
| Jun 21 | National Constitutional Assembly Elections in Libya |
| Jun 21* | U.S.-Portugal Standing Bilateral Commission, Washington |
| Jun 24-25 | Asia-Pacific Economic Cooperation (APEC) 10 th Energy Ministerial Meeting, St. Petersburg |
| Jun 25-Jul 5 | 36 th World Heritage Committee Meeting, St. Petersburg |

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Jun 26-28 Asia-Pacific Economic Cooperation (APEC) Women and the Economy Summit, St. Petersburg

Jun 28-29* P-5 Conference on Verification, Transparency and Confidence-Building, Washington

Jun 30 Presidential Elections in Iceland

Jul 1 Parliamentary Elections in Senegal

Jul 1 Presidential and Legislative Elections in Mexico

Jul 1 Parliamentary Elections in Mali-1st Round

Jul 2-27 Arms Trade Treaty (ATT) Conference, New York

Jul 8 Tokyo Development Coordination Conference for Afghanistan, Tokyo

Jul 9-10 Community of Democracies Governing Council Meeting, Ulaanbaatar

Jul 9-13 East Asia Summit Foreign Ministers Meeting, 19th Annual Association of Southeast Asian Nations (ASEAN) Regional Forum, Lower Mekong and Friends of the Lower Mekong Ministers' Meeting, Phnom Penh

Jul 13-15 U.S.-China Sub-National Cooperation Event—National Governors Association (NGA) Annual Conference, Williamsburg

Jul 16* American Australian Leadership Dialogue (AALD), Washington

Jul 16-19 3rd Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Ho Chi Minh City

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|---------------|---|
| Jul 17-19 | Inaugural Meeting of the Organization of American States (OAS) Second Hemispheric Forum: "Women's Citizenship and Democracy," Santo Domingo |
| Jul 22 | Parliamentary Elections in Mali-2 nd Round |
| Jul 22-27* | AIDS 2012 XIX, International AIDS Conference, Washington |
| Jul 25* | 2 nd Global Diaspora Forum, Washington |
| Jul 27-Aug 12 | XXX Summer Olympic Games, London |
| Aug 3 | Asia-Pacific Economic Cooperation (APEC) Small and Medium Enterprise Ministerial Meeting, St. Petersburg |
| Aug 6-8 | Asia-Pacific Economic Cooperation (APEC) Telecommunications and Information Ministerial Meeting, St. Petersburg |
| Aug 27-31 | Pacific Islands Forum Meetings, Cook Islands |
| Aug 29-Sep 9 | Paralympic Games, London |
| Aug 30 | Asia-Pacific Economic Cooperation (APEC) Finance Ministerial Meeting, Moscow |
| Sept TBD | Australia-U.S. Ministerial (AUSMIN), Australia |
| Sept 2-9 | Asia-Pacific Economic Cooperation (APEC) Summit, Vladivostok |
| Sept 4-7 | 4th Meeting of the Asia-Pacific Economic Cooperation (APEC) Business Advisory Council (ABAC), Vladivostok |

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Sept 6-15 International Union of Conservation of Nature and Natural Resources (IUCN) World Conservation Congress, Jeju

Sep 10-14 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Sept 10-28 21st Session of the Human Rights Council, Geneva

Sept 11-13 Annual Meeting of the New Champions, Tianjin

Sept 14* U.S.-Indonesia Joint Commission Meeting, Washington

Sept 14* Visit of Foreign Minister Natalegawa of Indonesia to Washington

Sept 17-21 International Atomic Energy Agency (IAEA) General Conference, Vienna

Sept 24 International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna

Sept 24-28 United Nations General Assembly High-Level Week, New York

Sept 24-Oct 15 25th Universal Postal Union Congress, Doha

Oct 1-19 11th Meeting of the Conference of Parties to the Convention on Biological Diversity, Hyderabad

Oct 7 Presidential Elections in Venezuela

Oct 8 Presidential Elections in Slovenia

Oct 12-14 World Bank Group/International Monetary Fund Annual Meeting, Tokyo

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|---------------|---|
| Oct 24-28 | Americas Competitiveness Forum/Pathways to Prosperity Ministerial, Cali |
| Oct 28 | Parliamentary Elections in Ukraine |
| Oct 30-Nov 1* | G-8 Roma-Lyon Group (RLG) Meeting, Washington |
| Nov 6-8 | India Economic Summit, New Delhi |
| Nov 6-9 | 7 th Annual Internet Governance Forum (IGF), Baku |
| Nov 7-10 | 15 th International Anti-Corruption Conference (IACC), Brasilia |
| Nov 17 | Presidential and Parliamentary Elections in Sierra Leone |
| Nov 18-20 (T) | 21 st Annual Association of Southeast Asian Nations (ASEAN) Summit, Phnom Penh |
| Nov 27-Dec 7 | 18 th Session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC) and the 8 th Session of the Conference of the Parties Serving as a Meeting of the Parties (CMP 8) to the Kyoto Protocol, Qatar |
| Nov 29-30 | International Atomic Energy Agency (IAEA) Board of Governors Meeting, Vienna |
| Dec 6-7 | Organization for Security and Cooperation in Europe (OSCE) Ministerial, Dublin |
| Dec 15-17 | Fukushima Ministerial Conference on Nuclear Safety, Fukushima Prefecture |
| Dec 19 | Presidential Elections in the Republic of Korea |

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2013

Mar 4 Presidential and Parliamentary in Kenya-1st Round

* = Taking place in Washington

(T) = Tentative

TBD = To Be Determined

For additions/updates/corrections/changes: Please e-mail Saadia Sarkis at sarkiss@state.gov or sarkiss@state.gov.



Correspondence Management System

Control Number: AX-12-000-5987

Printing Date: April 02, 2012 03:03:56



Citizen Information

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Organization: Center for Progressive Reform
Address: 455 Massachusetts Avenue, NW #150-513, Washington, DC 20001

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|------------------------|---|--------------------------|--------------|
| Control Number: | AX-12-000-5987 | Alternate Number: | 898696395311 |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | Apr 17, 2012 | # of Extensions: | 0 |
| Letter Date: | Mar 29, 2012 | Received Date: | Apr 2, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | AA-OITA-Assistant Administrator - OITA | Signature Date: | N/A |

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - North American Commission for Environmental Cooperation

Instructions: AA-OITA-Prepare draft response for signature by the Assistant Administrator for OITA

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education
OFACMO - Office of Federal Advisory

Lead Information



Correspondence Management System

Control Number: AX-12-000-5987

Printing Date: April 02, 2012 03:03:56



Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OITA | Apr 2, 2012 | Apr 17, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

| Action By | Office | Action | Date |
|--------------------------|--------|---|-------------|
| (b) (6) Personal Privacy | OEX | Assign OITA as lead office | Apr 2, 2012 |
| (b) (6) Personal Privacy | OEX | Changed File Code 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other per | Apr 2, 2012 |
| (b) (6) Personal Privacy | OEX | Changed Signature DX-Direct Reply AA-OITA-Assistant Administrator - OITA | Apr 2, 2012 |
| (b) (6) Personal Privacy | OEX | Changed Instruction DX-Respond directly to this citizen's questions, statements, or concerns AA-OITA-Prepare draft response for | Apr 2, 2012 |

Comments

| Commentator | Comment | Date |
|------------------|---------|------|
| No Record Found. | | |

March 29, 2012

Board of Directors

John Applegate
Robert Glicksman
David Hunter
Thomas McGarity
Catherine O'Neill
Amy Sinden
Sidney Shapiro
Rena Steinzor

Lisa P. Jackson
Administrator
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Mail Code 1101A
Washington, D.C. 20460

Re: North American Commission for Environmental Cooperation

Advisory Council

Patricia Bauman
Frances Beinecke
Eula Bingham
W. Thompson Comerford, Jr.
Sally Greenberg
John Passacantando
Henry Waxman
Robert Weissman

Dear Administrator Jackson:

We are writing to express our concern over U.S. policy towards the Commission for Environmental Cooperation (CEC), the regional organization created by the North American Agreement on Environmental Cooperation (NAAEC). Specifically, we believe the Commission's centerpiece, its innovative citizen submissions procedure, is in danger.

As you know, the NAAEC is the path-breaking environmental side agreement to NAFTA, negotiated by the Clinton Administration after Bill Clinton pledged during his 1992 campaign to approve NAFTA only after adding labor and environmental protections. The NAAEC has become the model for the environmental chapters of every subsequent U.S. free trade agreement. These provisions are critical to ensuring that the increased trade resulting from the free trade agreements contributes to environmental protection and sustainable development.

Perhaps the most important of these provisions are the procedures allowing individuals and groups to submit claims of failure to effectively enforce domestic laws. These submissions may, if certain requirements are met, result in investigative reports that shed light on a problem. The CEC procedure, the prototype for the others, has proved its worth many times over. Since the NAAEC entered into force in 1995, it has received 79 submissions and the CEC Secretariat has produced 15 reports. Outside observers have documented that the reports have led to real improvements in policy. The procedure is particularly popular in Mexico, where it provides an important avenue for those affected by environmental harm to raise their voices and be heard.

For the procedure to continue to be successful, it must receive support from the NAFTA governments, including in particular the United States. The CEC Council, composed of you and your counterparts in Canada and Mexico (or your designees) has the authority under the NAAEC to decide, by a two-thirds vote, whether to approve Secretariat recommendations for reports. For most of the history of the CEC, the Council made these decisions fairly quickly. From 1996 to 2004, the Council considered 16 recommendations and took, on average, about five months to make its decision.



In recent years, however, the Council has failed to make these decisions in a reasonable time. The trend began during the second term of the Bush Administration. In those four years, the average length of time for the Council to decide whether to approve Secretariat requests to prepare reports shot up to nearly two years. Shockingly, the trend has become worse – much worse – during the Obama Administration. When President Obama took office, three Secretariat recommendations for reports were pending. Over three years later, only one of those recommendations has been acted upon. The other two still await decision almost four and five years, respectively, after the Secretariat informed the Council that they warranted investigation.

These delays are beyond all reason. Unfortunately, they are part of a larger pattern. The Council has also delayed publishing the reports after they have been completed by the Secretariat, and has not always cooperated with the Secretariat at other stages in the submissions procedure. The result is an enormous increase in the time it takes for the CEC to produce a report on a submission. The three reports currently being prepared by the Secretariat (including one on mercury emissions from power plants in the United States) concern submissions filed in 2003 and 2004 – over *seven years* ago.

In addition to these delays, the Council's decisions have sometimes undermined the procedure. For example, the Council has often authorized reports only after narrowing their scope so much that the Secretariat cannot examine the problem highlighted by the submission. In fact, the only Council approval of a Secretariat recommendation in the last three years narrowed the scope so drastically that the submitters abandoned their request. The Council has also prevented the CEC's Joint Public Advisory Committee, composed of citizens from all three countries, from following up reports to see whether they have been effective.

EPA's National Advisory Committee on the CEC, which is composed of members from academia, business, and non-profit groups, has repeatedly and unanimously expressed its frustration over these actions. In response, EPA has minimized the problems and suggested that, in any event, there is little it can do in the face of Canadian and Mexican resistance.

This is simply unacceptable. It ignores Executive Order 12915 (1994), which commits the United States to approving "to the greatest extent practicable" Secretariat requests for authority to prepare investigative reports on submissions. Of equal importance, it ignores the U.S. experience with the CEC during the Clinton and early Bush Administrations. When the United States has strongly supported the CEC submissions procedure, then it has shown its ability to convince the other governments to support it as well. In June 2001, for example, the Council came together to agree that the Council and Secretariat would make their best efforts to ensure that the entire procedure, from initial filing to final report, would take no more than two years.

We understand that EPA is currently working with the other governments at the staff level to review the submissions procedure. We ask that you instruct EPA officials to make clear that the United States (a) will insist on **timely decisions** (including immediate decisions on the two pending Secretariat requests) as part of a concerted effort to return to the prior two-year commitment, (b) will **always support Council approval** of Secretariat requests without drastically narrowing their scope, and (c) will encourage rather than oppose efforts by the Joint Public Advisory Committee to **follow up reports**.

The CEC submissions procedure is the crown jewel of the structure established by the United States over the last twenty years to build environmental protection into trade agreements. In keeping with its general commitment to making environmental policy more transparent and responsive to the concerns of those directly affected by it, the Obama Administration should make strengthening the submissions procedure a high priority.

Sincerely,

Rebecca Bratspies
Member Scholar, Center for
Progressive Reform
Professor of Law, City
University of New York
School of Law

Carmen G. Gonzalez
Member Scholar, Center for
Progressive Reform
Professor of Law, Seattle
University School of Law

David Hunter
Member Scholar, Center for
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Member Scholar, Center for
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of Richmond School of Law

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Member Scholar, Center for
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Chris Wold
Member Scholar, Center for
Progressive Reform
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Correspondence Management System

Control Number: AX-12-000-5995

Printing Date: April 02, 2012 03:08:11



Citizen Information

Citizen/Originator: Bradley, Jim

Organization: Toronto Ontario Ministry of the Environment
Address: 77 Wellesley Street West, 11th Floor, Toronto M7A 2T5

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|-----------------|---|-------------------|-------------|
| Control Number: | AX-12-000-5995 | Alternate Number: | N/A |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | Apr 16, 2012 | # of Extensions: | 0 |
| Letter Date: | Mar 29, 2012 | Received Date: | Apr 2, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | AA-OITA-Assistant Administrator - OITA | Signature Date: | N/A |

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File- addressing noise emissions originating from a source located in River Rouge, Michigan that impact residents in the City of Windsor

Instructions: AA-OITA-Prepare draft response for signature by the Assistant Administrator for OITA

Instruction Note: N/A

General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

OITA - Office of International and Tribal Affairs

OW - Office of Water -- Immediate Office

R5 - Region 5 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|--------------------------|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | R5 | Apr 2, 2012 | Apr 16, 2012 | N/A |
| Instruction: N/A | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|------------------|--------|----------|---------------|
| No Record Found. | | | |

History

Ministry of the Environment

Office of the Minister

77 Wellesley Street West
11th Floor, Ferguson Block
Toronto ON M7A 2T5
Tel.: 416-314-6790
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Ministère de l'Environnement

Bureau du ministre

77, rue Wellesley Ouest
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ENV1283MC-2012-587

March 29, 2012

Ms. Lisa P. Jackson
Administrator
United States Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington DC 20460
U.S.A.

Dear Ms. Jackson:

I am writing to request your assistance in addressing ongoing and problematic vibrations and a "low hum" noise originating from a source located in River Rouge, Michigan. The emissions have impacted a significant number of residents in the City of Windsor and surrounding area for more than a year. On February 23, 2012, 22,000 people participated in a municipally led town hall teleconference.

I am requesting your assistance as the State of Michigan has stated they are not responsible for dealing with noise complaints. I understand that accountability for this cross-border noise pollution has been devolved to Michigan municipalities. River Rouge, Michigan is the apparent source of the vibration and noise emissions. Despite initial assurances from the City of River Rouge that it would look into the matter, no action has been taken by the municipality to date and there is no indication that the municipality plans to take action in the future. Meanwhile thousands of Canadians are continuing to suffer the consequences of these noise and vibration emissions from the United States.

Since March 2011, the Ontario Ministry of the Environment has received nearly 500 complaints about vibrations and hum noises impacting residents in the Windsor area. Throughout the spring of 2011, Natural Resources Canada received inquiries about earthquake activity in the Windsor area. In each case, the seismograms recorded by the Canadian National Seismograph Network were checked and no evidence of earthquake activity was found.

In response to my ministry's request for assistance, Natural Resources Canada installed short-period seismometers in the Windsor area (during the period of June 14 - August 25, 2011). The data was analyzed by Natural Resources Canada and the subsequent report concluded that the noise is acoustic in nature (not a vibration) with its source originating in an area of approximately one square kilometre in the immediate vicinity of Zug Island in the City of River Rouge, Michigan.

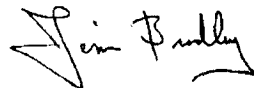
Ms. Lisa P. Jackson
Page 2.

Ministry staff has been working closely with a number of local, provincial, state and federal agencies on both sides of the border to address this matter. Summary complainant information has been shared with the Michigan Department of Environmental Quality and the City of River Rouge and its consultant. Given that the source of the vibrations is located in the State of Michigan, my ministry's role is to ensure the provision of assistance to the state and/or federal agencies responsible for the actions necessary to mitigate the vibration and noise impacts.

I strongly encourage your agency's engagement with this issue to ensure that actions are taken toward a resolution. For additional information, you may wish to contact my ministry's District Manager, Mr. Michael Moroney, at 519-842-5604.

Thank you for your consideration of this matter.

Yours sincerely,



Jim Bradley
Minister

c: The Honourable Peter Kent, MP
Minister of the Environment (Canada)

The Honourable Dwight Duncan, MPP
Windsor-Tecumseh

Ms. Teresa Piruzza, MPP
Windsor West

His Worship Eddie Francis, Mayor
City of Windsor

Mr. Al Maghnieh, Councillor
City of Windsor



Correspondence Management System

Control Number: AX-12-000-5998

Printing Date: April 02, 2012 04:48:11



Citizen Information

Citizen/Originator: Ancel, Devorah

Organization: Sierra Club
Address: 85 Second Street, 2nd Floor, San Francisco, CA 94105

Mastrototaro, Jill

Organization: Sierra Club
Address: 716 Adams Street, New Orleans, LA 70118

Constituent: N/A
Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-5998 **Alternate Number:** N/A
Status: For Your Information **Closed Date:** N/A
Due Date: N/A **# of Extensions:** 0
Letter Date: Mar 26, 2012 **Received Date:** Apr 2, 2012
Addressee: Ignacia S. Moreno **Addressee Org:** United States Department of Justice
Contact Type: LTR (Letter) **Priority Code:** Normal
Signature: SNR-Signature Not Required **Signature Date:** N/A
File Code: 401_127_a General Correspondence Files Record copy
Subject: Daily Reading File- Sierra Club comments on consent decree between US and MOEX
Offshore 2007 LLC resolving portion of claims
Instructions: For Your Information -- No action required
Instruction Note: N/A
General Notes: N/A
CC: Linda Huffman - OECA
OEAEE - Office of External Affairs and Environmental Education
OECA - OECA -- Immediate Office
OGC - Office of General Counsel -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | GCERTF | Apr 2, 2012 |

History

Message Information

Date 03/30/2012 01:47 PM
From David Abell <david.abell@sierraclub.org>
To LisaP Jackson/DC/USEPA/US@EPA
cc Devorah Ancel <devorah.ancel@sierraclub.org>
Subject In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL 2179, D.J. Ref. 90-5-1-1-10026

RECEIVED
2012 APR -2 AM 10:52
OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Body

Dear Ms. Jackson,

Attached, please find the Sierra Club's comments on the consent decree between the United States and MOEX, LLC (In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL 2179, D.J. Ref. 90-5-1-1-10026). Sierra Club urges this administration to take strong, unprecedented action to ensure that the ecosystems and the communities of the Gulf of Mexico are fully compensated for the injuries arising out of the Deepwater Horizon oil disaster.

Thank you for your consideration.

David Abell
Paralegal
Sierra Club Environmental Law Program
85 Second St., 2nd Floor
San Francisco, CA 94105
(415) 977-5764
(415) 977-5793 fax



david.abell@sierraclub.org Sierra Club_MOEX Settlement_Public Comment_Mar 26 2012.pdf

OEX Processing Information

Processed Date:
Processed By
PO Office Category:

Message Count



March 26, 2012

Ignacia S. Moreno, Assistant Attorney General
Environment and Natural Resources Division
U.S. Department of Justice
P.O. Box 7611
Washington, DC 20044-7611
pubcomment-ees.enrd@usdoj.gov

RE: In Re: Oil Spill by the Oil Rig "Deepwater Horizon" in the Gulf of Mexico, on April 20, 2010, MDL 2179, D.J. Ref. 90-5-1-1-10026

Dear Assistant Attorney General Moreno:

The Sierra Club appreciates the opportunity to provide comments on the consent decree between the United States and MOEX Offshore 2007 LLC, resolving a portion of claims in the MDL No. 2179 case, as published in the *Federal Register* on February 24, 2012.

Sierra Club represents tens of thousands of members and supporters along the Gulf Coast whose lives, communities, and, in some cases, livelihoods, have been adversely impacted by the Deepwater Horizon oil disaster. It is of paramount importance to our members and supporters that any settlement between the United States, MOEX, BP and the other responsible parties, serve as both a mechanism for comprehensive restoration of the region's natural resources, and as a deterrent to prevent future oil spill disasters in the Gulf of Mexico and off our nation's coasts.

The consent decree between the United States and MOEX requires MOEX to pay \$70 million in civil penalties, of which \$45 million will be deposited into the federal Oil Spill Liability Trust Fund and \$25 million will be distributed to the five Gulf of Mexico states. The consent decree also establishes Supplemental Environmental Projects (SEPs) totaling \$20 million for the purposes of land acquisition and habitat protection also distributed among Gulf of Mexico states.

For Sierra Club members and communities across the Gulf of Mexico, the consent decree between the United States and MOEX is an initial step towards recovery, and one small piece of the larger resolution of a wide array of claims that the federal and state governments have against BP and other responsible parties. Standing alone, the approach in the MOEX consent decree is not adequate to make the people or the environment of the Gulf whole; nor can it be used as a model for any potential settlements that may occur between the United States and BP or any other responsible party.

Importantly, allocation of penalty funds to the Gulf states without stipulating any direction, restriction, or mechanism for accountability as to how those funds may be spent could result in those funds being used for purposes that do not advance or are inconsistent with restoring environmental injuries resulting from the Deepwater Horizon oil blowout or the long-term recovery of the Gulf's ecosystem and its affected communities. As described in more detail below, we urge the Department of Justice to resolve these concerns in the final consent decree. In addition, while the use of SEPs for land acquisition in this instance is appropriate as one type of compensatory action or mitigation, this approach would not, by itself, be sufficient if it were proposed as the primary tool for future consent decrees arising out of the Deepwater Horizon disaster.

Moreover, this consent decree, which requires a total payout of \$90 million, does not reflect the total damages – both known and unknown – incurred by the Gulf's waters and resources. Nor does this figure reflect even 10% of potential damages – the proportion of interest that MOEX held in the Macondo well. Indeed, any future settlement with BP and the other Defendants must reflect the magnitude of the responsible parties' egregious behavior that led to the disaster and must be commensurate with the extent of the injuries to the Gulf of Mexico. As such, any future consent decree must require the responsible parties to pay maximum civil and criminal fines under the Clean Water Act and other statutes, including the Endangered Species Act, Marine Mammal Protection Act, Migratory Bird Treaty Act, Outer Continental Shelf Lands Act, and Alternative Fines Act to deter reckless behavior that could lead to another disaster.

Although the consent decree between the United States and MOEX does not resolve natural resource damages claims under the Oil Pollution Act, any potential settlement with those claims must require the responsible parties to pay damages that ensure comprehensive restoration of the Gulf of Mexico's ecosystem. Any potential settlement between the United States and the other responsible parties also presents a key opportunity to implement the recommendations of the President's Oil Spill Commission and the Gulf Coast Ecosystem Restoration Task Force as well as the lessons learned from other oil spill settlements such as the 1991 Exxon Valdez consent decree.¹

¹ The Federal Bureau of Ocean Energy Management, Regulation and Enforcement and the Coast Guard Joint Investigation Team report was released in fall 2011. The report discloses the "gross negligence" of

We urge the parties to take the following approach to overall resolution of the ongoing case against BP and other responsible parties. The following key actions must be incorporated and implemented into any potential settlement of the Deepwater Horizon litigation, all of which are discussed in greater detail below.

- Establish a Natural Resource Damages Fund in an amount assessed by the Natural Resource Trustees for comprehensive, long-term ecosystem restoration and monitoring that satisfies NRDA regulations and prioritizes the public interest;
- Create a Fund of no less than \$10 billion to execute the Gulf Coast Ecosystem Restoration Task Force Early Restoration Strategy with \$500 million dedicated to long-term monitoring;
- Assess maximum civil and criminal penalties against the responsible parties, of which a large portion are designated to a Fund for Supplemental Environmental Projects that enhance NRDA restoration, including long-term monitoring and independent scientific studies;
- Include a broad re-opener provision that allows the government to re-open the settlement indefinitely or for at least 30 years and requires the responsible parties to reimburse the United States for latent, unforeseen damages;
- Establish and fund the operation of a Gulf of Mexico Regional Citizen's Advisory Council to ensure formal public oversight and industry accountability of offshore drilling activities in the region; and
- Ensure that all activities executed under a settlement comply with Executive Order 12898 on Environmental Justice.

First, a settlement must require BP and the responsible parties to pay for comprehensive, long-term restoration of the natural resource damages in accordance with a Final Restoration Plan that satisfies the goals of the Oil Pollution Act. As prescribed in the Natural Resource Damages Assessment ("NRDA") regulations, these monies must be dedicated to projects that "restore, replace, rehabilitate, or acquire the equivalent of the injured natural resources and services." 15 C.F.R. § 990.25. All restoration projects must have clear objectives, performance criteria and measures for long-term monitoring. 15 C.F.R. § 990.55 (b)(2),(3). Importantly, the law recognizes that all restoration must be in the public interest. As such, a NRDA Restoration Plan within or associated with a potential settlement must be created by the Natural Resource Trustees and undergo formal public review pursuant to the National Environmental Policy Act ("NEPA").

Indeed, all ecosystem restoration and enhancement projects executed under the NRDA Restoration Plan or through a separate Fund described below must prioritize ecosystem restoration over economic development. Specifically, projects funded through a potential

the responsible parties and concludes that the main catalyst of the catastrophe was BP's failure to assess the well's risks and the company's relentless drive to cut corners at the expense of safety.

settlement shall not be used for activities that destroy or degrade the health, diversity, or viability of coastal or marine ecosystems. A potential settlement must limit the funds received by any state or local entity for expenditure on projects primarily intended for economic development rather than restoration of coastal or marine ecosystems.

Second, a potential settlement must establish a Fund of no less than \$10 billion dedicated to implementing the Early Restoration Strategy released by the Gulf Coast Ecosystem Restoration Task Force in December 2011. Full implementation of the Task Force's strategy is a critical component to addressing the magnitude of this unprecedented disaster and will help to address immediate restoration needs while a Restoration Plan is created and implemented under the NRDA process. In addition, \$500 million of the Fund should be placed in a separate interest-bearing account for the sole purpose of monitoring the long-term effectiveness of restoration projects implemented under the Task Force Strategy.

Third, a settlement must assess maximum civil and criminal penalties against the responsible parties. The magnitude of penalties must carry out the punitive function of the Clean Water Act and other statutes² to deter irresponsible, reckless oil and gas industry behavior that could lead to another oil spill disaster. As such, a settlement must include a civil penalty assessment of at least \$20 billion, which is on par with Clean Water Act penalties that would be assessed for a responsible party's "gross negligence" that contributed to the Deepwater Horizon oil disaster.³ A settlement also must assess maximum criminal fines, which, under the Alternative Fines Act, are twice the damages caused by a responsible party's actions.⁴ Estimates of approximately \$22.7 billion in tourist revenue losses⁵ alone would result in criminal fines greater than \$45 billion; this does not include other economic and environmental damages. Importantly, any potential settlement that allocates penalty monies to Gulf States must provide direction and/or restriction as to how those funds may be spent. Penalty expenditures must be directed to activities that advance and are consistent with restoration of Deepwater Horizon oil spill injuries or the long-term recovery of the ecosystem and affected communities.

² Endangered Species Act, 16 U.S.C. § 1540(a)(1),(b)(1); Marine Mammal Protection Act, 5 U.S.C. § 1375(a)(1), (b); Migratory Bird Treaty Act, 16 U.S.C. § 707(a); Outer Continental Shelf Lands Act, 43 U.S.C. § 1350(b)(1),(2).

³ Under 33 U.S.C. § 1321(b)(7)(A) the maximum civil penalties are \$25,000 per day or \$1,000 per barrel of oil discharged. Under § 1321(b)(7)(D) in any case where the discharge "was the result of gross negligence or willful misconduct" the civil penalty shall be "not more than \$3,000 barrel of oil" discharged. Under 40 C.F.R. § 19.4, that maximum has been adjusted to \$4,300 per barrel. A barrel of oil is 42 United States gallons at 60 degrees Fahrenheit. 33 U.S.C. § 1321(a)(13). Based on estimates of 4.9 million barrels discharged, "U.S. Scientific Teams Refine Estimates of Oil Flow from BP's Well Prior to Capping," August 2, 2010, found at <http://www.restorethegulf.gov/release/2010/08/02/>, the potential maximum penalty in this case is \$21.07 billion.

⁴ Alternative Fines Act, 18 U.S.C. § 3571(c)((2),(d).

⁵ H. Martin and R. White, Spill May Cost Gulf Coast \$22.7 Billion in Tourism, Study Estimates, L.A. TIMES, July 23, 2010, available at <http://articles.latimes.com/2010/jul/23/business/la-fi-oilspill-business-20100723>.

A settlement must designate a large portion of penalties to a separate Fund established for Supplemental Environmental Projects (“SEPs”) to “enhance” the Gulf of Mexico’s natural resources. As stated above, land acquisition is appropriate as one type of compensatory action or mitigation, but would not, by itself, be sufficient as the primary tool for SEPs. Enhancement projects should focus on the long-term resiliency of the Gulf Coast’s ecosystems and communities and should be separate from and build on ecosystem restoration executed under the NRDA Restoration Plan. No less than \$600 million, should be set aside to pay for future monitoring and independent scientific studies (i.e. third-party, peer reviewed research that is not performed by the responsible parties or the oil and gas industry) to ensure that long-term or delayed impacts are well understood and addressed for generations to come. A Fund dedicated to enhancement and monitoring projects is fully in-line with consent agreements entered into by the United States with the State of Alaska and Exxon Corporation in the aftermath of the 1989 Exxon Valdez spill.⁶ A joint federal-state governing body should be established to provide oversight to state-allocated penalty and SEP fund distribution to ensure expenditures are consistent with long-term Deepwater Horizon ecosystem restoration and recovery efforts. This entity should provide opportunities for formal public engagement and independent expert participation in the fund distribution process.

Fourth, any settlement must include a provision that permits the federal government to re-open the agreement under the broadest of circumstances. A re-opener provision should reserve the right of the government to institute proceedings in the current action or in a new action, or to issue an administrative order seeking to compel the responsible parties to reimburse the United States for additional natural resource damages previously unknown to the NRDA Trustees that would render a Final Restoration Plan insufficient for protecting public health or the environment.

Importantly, a re-opener provision should avoid using language that refers to latent injuries that “could not reasonably have been known” or “reasonably have been anticipated” by the Trustees. Instead, a re-opener provision should establish that the administrative record that supports the Final Restoration Plan comprises the universe of information and conditions, i.e., damages, known to the NRDA Trustees. Indeed, the administrative record provides a clear baseline of knowledge from which to assess whether information on environmental injuries is newly obtained. As such, any unforeseen damages that would invoke a reopener are those not included in the record. This would allow the government to pursue new damages that were unknown or not part of the administrative record without having to overcome a heavy causation⁷ burden linking the disaster to the newly discovered injury.⁸

⁶ See, Memorandum of Agreement and Consent Decree, *U.S. v. Alaska*, Civil Action No. A91-081 CIV (August 28, 1991); Government’s Memorandum in Support of Agreement and Consent Decree, *U.S. v. Exxon Corporation et. al*, Civil Action No. A91-082 CIV at 20-23 (Oct. 8, 1991).

⁷ See *U.S. v. Equilon Pipeline Co.*, Civ. No. 99-2961, Consent Decree 55 (E.D. La. Nov. 15, 1999). By contrast, the language of the Exxon Valdez consent decree, requiring the government to establish a high

In addition, a re-opener provision should extend any time limit for identifying additional, latent damages and reopening the process for as long as possible. In light of uncertainties related to spill impacts on future generations of species, we recommend a minimum term of 30 years. Indeed, the collapse of the Pacific herring fishery four years after the Exxon Valdez spill and the population's inability to recover decades later demonstrates the importance of extending this timeframe to ensure meaningful recovery under a settlement.

Fifth, any potential settlement must establish and adequately fund a Gulf of Mexico Regional Citizen's Advisory Council (RCAC). Similar to the Regional Citizen's Advisory Councils established for Cook Inlet and Prince William Sound in response to the Exxon Valdez spill, a Gulf of Mexico RCAC would provide public accountability and oversight of ongoing and future offshore drilling operations in the Gulf of Mexico. The Gulf of Mexico RCAC should be comprised of community leaders and stakeholders who live and work along the Gulf Coast. Adequate resources must be available to allow the RCAC to meet regularly and to hire staff technically qualified to monitor the operations of the oil and gas industry and the Department of Interior's permitting process, to inform Department of Interior efforts to develop and implement regulations, to ensure the development and deployment of appropriate oil spill response technologies, and to monitor the oil and gas industries' and U.S. Coast Guard's ability to effectively and efficiently respond to a spill or industry accident of any size. As such, a potential settlement should set aside resources of no less than \$500 million for the effective and long-term operation of a Gulf of Mexico RCAC.

Finally, many Gulf Coast communities impacted by the disaster are low-income and comprised largely of people of color. For example, Vietnamese subsistence fishing communities throughout Louisiana and Mississippi can no longer rely on the Gulf of Mexico fisheries as a primary food source. It is essential that any Gulf Coast relief and recovery efforts facilitate the recovery of these communities. All activities executed under a settlement must comply with Executive Order 12898 on Environmental Justice.

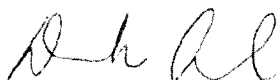
The parties to this litigation have an opportunity to set a strong precedent that ensures that the Gulf Coast environment and its residents are made whole again, and that no other community is ever faced with a disaster of this kind. On behalf of the communities across the Gulf Coast and beyond, we urge the parties to this action to adopt the measures described above in any potential settlement of the Clean Water Act and Oil Pollution Act claims arising out of the Deepwater Horizon oil disaster. These measures will ensure comprehensive, meaningful

degree of certainty that latent injury resulted from the spill or could have reasonably been anticipated, has limited the government's ability to reopen that settlement to ensure recovery of unforeseen damages.

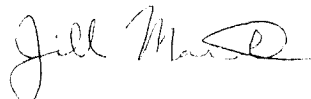
⁸ A re-opener provision must avoid language that bars recovery for injuries that could have been "anticipated" or "could have been known;" use of these terms is ambiguous and would unduly restrict reopening of claims.

restoration and recovery of the Gulf of Mexico and its coastal communities now and for future generations. Thank you for the opportunity to submit comments into the record.

Sincerely,



Devorah Ancel
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San Francisco, CA 94105
(415) 977-5721
devorah.ancel@sierraclub.org



Jill Mastrototaro
Gulf Coast Campaign Director
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716 Adams Street,
New Orleans, LA 70118
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jill.mastrototaro@sierraclub.org

cc:

Eric Holder, U.S. Department of Justice
Secretary Ken Salazar, U.S. Department of the Interior
Nancy H. Sutley, Council on Environmental Quality
Lisa P. Jackson, U.S. Environmental Protection Agency
Jane Lubchenco, National Oceanic and Atmospheric Administration
Steven O'Rourke, U.S. Department of Justice
John Hankinson, Gulf Coast Ecosystem Restoration Task Force



Correspondence Management System

Control Number: AX-12-000-6017

Printing Date: April 02, 2012 04:51:35



Citizen Information

Citizen/Originator: Wilson, Courtney

Organization: American Association of Poison Control Centers

Address: 515 King Street, Alexandria, VA 22314

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-6017

Alternate Number: N/A

Status: For Your Information

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Received Date: Apr 2, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: LTR (Letter)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File- American Association of Poison Control Centers thanks you for participation and support of National Poison Prevention Week

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC: OCHP - Office of Children's Health Protection

OEAEE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|-----------|---------------|
| (b) (6) Personal Privacy | OEX | OCSP | Apr 2, 2012 |
| Zelma Taylor | OCSP | OCSP-OPPT | Apr 2, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|--------------------------------|-------------|
| (b) (6) Personal Privacy | OEX | Forward control to OCSP | Apr 2, 2012 |
| Zelma Taylor | OCSP | Forwarded control to OCSP-OPPT | Apr 2, 2012 |



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E-MAIL INFO@AAPCC.ORG
WWW.AAPCC.ORG

2012 APR -2 AM 10: 51

OFFICE OF THE

Lisa P. Jackson, MS
Administrator,
Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

March 27, 2012

Dear Ms. Jackson:

The American Association of Poison Control Centers would like to thank you for your participation in and support of National Poison Prevention Week. For 50 years, National Poison Prevention Week has been recognized as a time to raise awareness about the dangers and prevalence of poisoning and to take action to prevent it.

In these last 50 years, partners in the poison prevention community have witnessed numerous accomplishments, from the passage of the Poison Prevention Packaging Act to the installation of the nationwide Poison Help number. While we acknowledge that poison prevention is an ongoing public health challenge, we celebrate, at this 50th anniversary, our successes and our partnerships.

Thank you for your dedication to poison prevention efforts. We look forward to working with you in the future.

Sincerely,

Courtney Wilson, MPH
Public Education and National Outreach Manager

*National Poison Prevention Week
50th Anniversary Celebration*

March 18-24, 2012

*The American Association of Poison Control Centers
formally acknowledges our friends at*

U.S. Environmental Protection Agency

*Thank you for your dedication to
poison prevention education*

Together we are saving lives!

Richard Dart
Richard Dart, MD
President

Debbie Carr
Deborah A Carr, MEd
Executive Director



Correspondence Management System

Control Number: AX-12-000-6023

Printing Date: April 02, 2012 04:04:18



Citizen Information

Citizen/Originator: Heikkinen, Ron

Organization: Price County Forestry and Parks Department
Address: 104 S. Eyder Avenue, Room 217, Phillips, WI 54555

Walasek, John

Organization: Prince County Forestry and Parks Department
Address: 104 S. Eyder Avenue, Room 217, Phillips, WI 54555

Palecek, Larry

Organization: Prince County Forestry and Parks Department
Address: 104 S. Eyder Avenue, Room 217, Phillips, WI 54555

Janssen, Jay

Organization: Prince County Forestry and Parks Department
Address: 104 S. Eyder Avenue, Room 217, Phillips, WI 54555

Rogalla, Bob

Organization: Prince County Forestry and Parks Department
Address: 104 S. Eyder Avenue, Room 217, Phillips, WI 54555

Bartelt, Pete

Organization: Prince County Forestry and Parks Department
Address: 104 S. Eyder Avenue, Room 217, Phillips, WI 54555

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|--------------------------|--|--------------------------|-------------|
| Control Number: | AX-12-000-6023 | Alternate Number: | N/A |
| Status: | For Your Information | Closed Date: | N/A |
| Due Date: | N/A | # of Extensions: | 0 |
| Letter Date: | Feb 8, 2012 | Received Date: | Apr 2, 2012 |
| Addressee: | POTUS-President of the United States | Addressee Org: | White House |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | SNR-Signature Not Required | Signature Date: | N/A |
| File Code: | 401_127_a General Correspondence Files Record copy | | |
| Subject: | Daily Reading File - Importance of the Silvicultural Rule under the Clean Water Act | | |
| Instructions: | For Your Information -- No action required | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | OEAE - Office of External Affairs and Environmental Education R5 - Region 5 -- Immediate Office | | |

Lead Information

Lead Author: N/A



Correspondence Management System

Control Number: AX-12-000-6023

Printing Date: April 02, 2012 04:04:18



Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OW | Apr 2, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-----------------------|-------------|
| (b) (6) Personal Privacy | OEX | Forward control to OW | Apr 2, 2012 |

Comments

| Commentator | Comment | Date |
|------------------|---------|------|
| No Record Found. | | |



DAILY READING FILE

Price County Forestry and Parks Department

PRICE COUNTY
2012 APR -2 AM 10:52
OFFICE OF THE
EXECUTIVE SECRETARY

February 8, 2012

President Barack Obama
1600 Pennsylvania Avenue, NW
Washington, DC 20500

Dear President Obama,

Price County is located in northern Wisconsin. Price County is a member of the Wisconsin Counties Association (WCA), and the Wisconsin County Forests Association (WCFA). WCA is a non-partisan association representing Wisconsin's 72 counties. WCFA represents 29 Counties in Wisconsin with County forest lands managing nearly 2.4 million acres, which is the largest public land base in our State.

We are writing to you regarding the importance of the Silvicultural Rule under the Clean Water Act.

An August 17, 2010 ruling by the United States Court of Appeals for the Ninth Circuit has the potential to negatively impact those Wisconsin Counties whose economies include significant activity in the sectors of forestry, timber harvesting and industries that depend on a sustainable supply of timber. The Clean Water Act requires a National Pollution Discharge Elimination System (NPDES) Permit for the discharge of any pollutant to any navigable water from any point source. Since 1973 rules promulgated by the Environmental Protection Agency (EPA) have distinguished between point source and non-point source pollution in the Clean Water Act. Non-point source pollution, which is not defined in the Clean Water Act, includes any source of water pollution not characterized as a point source discharge.

The Clean Water Act contains what is referred to as EPA's Silvicultural Rule, 40 C.F.R. §122.27(b)(1). Since 1976 Federal and State agencies, courts and private parties have interpreted the Silvicultural Rule to exempt storm water runoff from forest roads from the NPDES Permit requirement. The Silvicultural Rule specifically defines "timber harvesting operations, surface drainage, or road construction and maintenance from which there is natural runoff" to be "non-point source silvicultural activities".

In its August 2010 ruling the Ninth Circuit disagreed with the Silvicultural Rule by holding that a NPDES Permit is required for storm water runoff from logging roads. If rural County owned roads such as logging or forest roads, require Federal NPDES Permits, this will be an unfunded mandate and preemption on County governments. It will also impede timber operations and the jobs and economic activity they generate.

104 S. EYDER AVE. • ROOM 217 • PHILLIPS, WISCONSIN 54555 • 715-339-6371

FAX: 715-339-3027 • E-MAIL: pcforest@co.price.wi.us

In Wisconsin our forestry practices are governed by "Forestry Best Management Practices for Water Quality" (BMP's). The BMP's have been in place for nearly 20 years and are proven to be extremely effective. Regular BMP monitoring on over 600 timber sales has been completed across all forest land ownerships in Wisconsin. When our BMP's are applied correctly during silviculture activities, it has shown that over 99% of the time there are no impacts to water quality.

Further, we question the efficacy of setting a national environmental standard based on issues found in the Ninth Circuit Court's western mountain states whose steep slopes and highly erodible soils are not at all representative of much of our forest lands.

We are supporting efforts to enact "The Silviculture Regulatory Consistency Act", introduced as S.1369 and H.R. 2541, into law. As head of the executive branch and the EPA we respectfully request that you encourage EPA to work with Congress to enact this legislation. This legislation does not overturn any EPA policies or rules but rather would restore EPA regulation and intent. In addition, we support the inclusion of language to achieve our goal in a larger appropriations bill, should such an event occur, and would ask you to be mindful of our support for this change whatever the legislative mechanism.

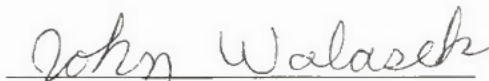
Thank you for allowing us to provide this information on the importance of the Silvicultural Rule.

Sincerely,


Price County Tourism/Forestry and Parks Committee



Ron Heikkinen, Chairman




John Walasek



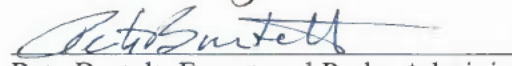
Larry Palecek



Jay Janssen



Bob Rogalla



Pete Bartelt, Forest and Parks Administrator

- c: Lisa Perez Jackson, Administrator of the Environmental Protection Agency
- Jon Carson, White House Staff
- Senator Ron Johnson
- Senator Herb Kohl
- Representative Sean Duffy
- Representative Reid Ribble
- Representative Paul Ryan
- Representative Tammy Baldwin
- Representative Ron Kind
- Representative Gwendolynne Moore
- Representative Tom Petri
- Representative James Sensenbrenner, Jr.



Correspondence Management System

Control Number: AX-12-000-7199

Printing Date: April 26, 2012 10:49:12



Citizen Information

Citizen/Originator: Zients, Jeffrey D

Organization: Office of Management and Budget
Address: 725 17th St., NW, Washington, DC 20503

Constituent: N/A

Committee: N/A Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7199 Alternate Number: N/A
 Status: For Your Information Closed Date: N/A
 Due Date: N/A # of Extensions: 0
 Letter Date: Apr 2, 2012 Received Date: Apr 23, 2012
 Addressee: Senator Joseph I. Lieberman Addressee Org: United States Senate
 Contact Type: LTR (Letter) Priority Code: Normal
 Signature: SNR-Signature Not Required Signature Date: N/A
 File Code: 401_127_a General Correspondence Files Record copy
 Subject: Daily Reading File- Request from Senator Lieberman for \$7 million funding for Long Island Sound program

Instructions: For Your Information -- No action required
 Instruction Note: N/A
 General Notes: N/A
 CC: OCFO - OCFO -- Immediate Office
 OCIR - Office of Congressional and Intergovernmental Relations
 OEAE - Office of External Affairs and Environmental Education

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | R1 | Apr 26, 2012 |

History

| Action By | Office | Action | Date |
|--------------------------|--------|-----------------------|--------------|
| (b) (6) Personal Privacy | OEX | Forward control to R1 | Apr 26, 2012 |



EXECUTIVE OFFICE OF THE PRESIDENT
OFFICE OF MANAGEMENT AND BUDGET
WASHINGTON, D.C. 20503

RECEIVED

APR 23 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

April 2, 2012

The Honorable Joseph I. Lieberman
United States Senate
Washington, D.C. 20510

Dear Senator Lieberman:

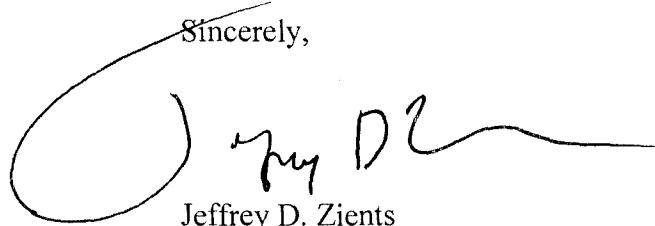
Thank you for your letter to former OMB Director Jack Lew and Lisa Jackson, Administrator of the U.S. Environmental Protection Agency (EPA) requesting support for funding the Long Island Sound program at a minimum of \$7 million. I am responding on their behalf. I appreciate the time you took to share your views and your interest in the President's Fiscal Year (FY) 2013 Budget.

The President's FY 2013 Budget is built around the idea that our country does best when everyone gets a fair shot, does their fair share, and plays by the same rules. The Budget pursues policies and includes choices to construct an economy that's built to last – with good jobs that pay well and security for the middle class. In addition to immediate investments to boost the economic recovery and create jobs, the Budget invests in American manufacturing, American energy, skills for American workers, and the infrastructure on which our economy rests. The Budget also puts the Nation on a path to living within our means – by cutting wasteful spending, asking all Americans to shoulder their fair share, and making tough choices on some things we can no longer afford. The Budget, when combined with the legislation signed into law last year, contains more than \$4 trillion in balanced deficit reduction to put the country on a sustainable fiscal path.

In the President's FY 2013 Budget, the Administration proposes funding of \$3 million for the Long Island Sound program. This funding will enable EPA to focus on reducing the area of the seasonally impaired fish and shellfish habitats in Long Island Sound, coordinate priority watershed protection programs through the Long Island Sound Management Conference partners, and support state and local monitoring for water quality indicators. The funding will also allow EPA to assist state and local partners in protecting and restoring critical coastal habitats, promote stewardship of ecologically and recreationally significant stewardship areas, and continue working with the Long Island Sound Citizens Advisory Committee, the Long Island Sound Science and Technical Advisory Committee, and other stakeholders.

I look forward to working with you throughout the budget process. Thank you again for your letter. If you have questions, please contact the Office of Legislative Affairs at (202) 395-4790.

Sincerely,

A handwritten signature in black ink, appearing to read "Jeffrey D. Zients". The signature is fluid and cursive, with a large initial "J" and a long horizontal flourish at the end.

Jeffrey D. Zients
Acting Director

cc: The Honorable Lisa Jackson

Identical Letter Sent to:

The Honorable Joseph I. Lieberman
The Honorable Kirsten Gillibrand
The Honorable Rosa L. DeLauro
The Honorable Joe Courtney
The Honorable Christopher S. Murphy
The Honorable Charles E. Schumer
The Honorable Richard Blumenthal
The Honorable Steve Israel
The Honorable Tim Bishop
The Honorable James A. Himes
The Honorable Nita Lowey
The Honorable Carolyn McCarthy
The Honorable Joseph Crowley
The Honorable Eliot Engel



Correspondence Management System

Control Number: AX-12-000-7327

Printing Date: April 26, 2012 11:14:58



Citizen Information

Citizen/Originator: Barnett, Claire

Organization: Healthy Schools Network, Incorporated

Address: 110 Maryland Avenue, N.E., Washington, D.C. 20006

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

Control Number: AX-12-000-7327

Alternate Number: N/A

Status: For Your Information

Closed Date: N/A

Due Date: N/A

of Extensions: 0

Letter Date: Apr 24, 2012

Received Date: Apr 26, 2012

Addressee: AD-Administrator

Addressee Org: EPA

Contact Type: EML (E-Mail)

Priority Code: Normal

Signature: SNR-Signature Not Required

Signature Date: N/A

File Code: 401_127_a General Correspondence Files Record copy

Subject: Daily Reading File - EPA Leadership - Parents, Advocates, Feds on Healthy Schools Day - April 24 - NY, WI, MA, CA, DC, NYC, TX

Instructions: For Your Information -- No action required

Instruction Note: N/A

General Notes: N/A

CC:
OCHP - Office of Children's Health Protection
OEAE - Office of External Affairs and Environmental Education
R1 - Region 1 -- Immediate Office
R2 - Region 2 -- Immediate Office
R5 - Region 5 -- Immediate Office
R6 - Region 6 -- Immediate Office
R9 - Region 9 - Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|------------------|--------|----------|---------------|----------|---------------|
| No Record Found. | | | | | |

Supporting Information

Supporting Author: N/A

Supporting Assignments:

| Assigner | Office | Assignee | Assigned Date |
|--------------------------|--------|----------|---------------|
| (b) (6) Personal Privacy | OEX | OAR | Apr 26, 2012 |

History

RECEIVED

APR 25 2012

OFFICE OF THE
EXECUTIVE SECRETARIAT

Message Information

Date 04/24/2012 11:21 AM
From "Claire Barnett" <cbarnett@healthyschools.org>
To Bob Perciasepe/DC/USEPA/US@EPA; Denise Anderson/DC/USEPA/US@EPA; Stephanie Owens/DC/USEPA/US@EPA; Gina McCarthy/DC/USEPA/US@EPA; Janet McCabe/DC/USEPA/US@EPA; LisaP Jackson/DC/USEPA/US@EPA
cc David Rowson/DC/USEPA/US@EPA; Michele Curreri/DC/USEPA/US@EPA; Jennifer Lemon/DC/USEPA/US@EPA; Mike Flynn/DC/USEPA/US@EPA; Bob Axelrad/DC/USEPA/US@EPA
Subject EPA LEADERSHIP - Parents, Advocates, Feds on Healthy Schools Day= Apr 24 - NY, WI, MA, CA, DC, NYC, TX

Message Body

FYI- this is indeed a big week! We are very grateful to the hard working expert staff of EPA's Indoor Environments Division for their extraordinary work!

See agency and other leader quotes below,

Best- Claire Barnett



Claire L. Barnett, MBA, Founder and Executive Director
Healthy Schools Network, Inc. - *celebrating 17 years 1995-2012*
(w) 518-462-0632
(m) 202-543-7555

Coordinator, National Coalition for Healthier Schools
...providing the platform and the forum for environmental health at school ... since 2001

www.HealthySchools.org
www.NationalHealthySchoolsDay.org - 10th Anniversary, April 24, 2012 and all week long
www.CleaningforHealthySchools.org - Find safer products for schools and homes, download free poster

From: Claire Barnett [mailto:cbarnett@healthyschools.org]
Sent: Tuesday, April 24, 2012 10:49 AM
To: Barnett, Claire
Subject: Parents, Advocates, Feds on Healthy Schools Day= Apr 24 - NY, WI, MA, CA, DC, NYC, TX

FOR IMMEDIATE RELEASE

Contact: Claire Barnett, Executive Director

Tuesday, April 24, 2012

10th ANNUAL NATIONAL HEALTHY SCHOOLS DAY

*New York Governor Andrew Cuomo Issues Proclamation on Successful Green Cleaning and Voluntary Use of Green Construction Guidelines for Schools
Federal Government and States Can Do More to Improve School Indoor Environmental Quality*

(Albany, NY) As the Healthy Schools Network commemorates a growing movement on National Healthy Schools Day, and urges more activities to improve schools' indoor air quality as it adversely impacts women and children, we applaud New York Governor Andrew M. Cuomo's commitment to this cause. **Governor Cuomo** has set an example with a proclamation that highlights the connection between poor indoor air quality and poor learning and behavior.

"We know that toxic and allergen-ridden indoor air environments are making our children and teachers sick and impairing their ability to succeed in the classroom," said Claire Barnett, Executive Director of the Healthy Schools Network said. **"When you take in the missed work days and the health costs and the moms who are teachers staying home with their kids who are sick, that's a double and triple whammy on our economy and educational system we can't afford."**

Governor Cuomo's proclamation underscores the importance of healthy school environments and continues **New York State's** role as a leader on this issue. The proclamation promotes construction guidelines that incorporate environmental health practices and also lower operating costs; it also highlights the state's green cleaning in schools program. This proclamation highlights a 2005 Executive Order and subsequent law – the first in the nation – that requires state agencies and schools to use certified green cleaning products. Some schools are now finding that they can reduce overall costs by up to 30 percent, when savings on worker health are counted. **Eleven states** now promote or require green cleaning in schools, including Vermont, Connecticut, Hawaii, Illinois, and Maine; over a dozen states have regulations for safer pest control, and more have requirements to have Indoor Air Quality (IAQ) Management Plans.

Federal Initiatives. The federal government is kicking off initiatives to address school environments. **U.S. EPA Administrator Lisa Jackson** has established voluntary school siting and indoor environments guidelines and grants for states, and U.S. **Secretary of Education Arne Duncan** has initiated a Green Ribbon Schools award to recognize schools that save energy, have healthy facilities, and offer environmental education. **President Obama** has proposed \$25 billion to modernize 35,000 public schools, which would provide much-needed funds to, among other purposes, eliminate environmental hazards in schools.

Other state and local Healthy Schools Day activities are also underway: in **Texas and Massachusetts**, for example, US EPA regional staff are leading conferences or participating in urban school walk-throughs. In **Wisconsin**, a state senator will present his resolution to school children who have done art projects on indoor air.

"As a parent of children who had asthma growing up in school, I applaud the progress we've made together on this 10th Anniversary of National Healthy Schools Day," said John Shaw, Board President of Healthy Schools Network. "Continuing this **public/private cooperative effort** at the federal, state, and local levels will ensure our children grow up to be healthy productive citizens."

PARENT REPORTS: see www.nationalhealthyschoolsday.org/media_kit.html

1- ... My son was healthy in elementary school but when he moved up to the middle school he became ill, and then I found out that school teachers and other children were sick too. I heard there were high levels of radon in the building and carbon monoxide as well which is very dangerous. Why is it that the teachers can get help from the state-funded occupational health clinics but children, who out-number adults in the buildings have no help from the public agencies....

2-In our area we have some serious outdoor air pollution; then you send children into school buildings with poor indoor air quality. Children and teachers are bound to get sick, in fact my own son did, many times. Schools can be responsive, but it's too slow a process when your child is sick.....

3-Our school was under renovation and had new carpeting glued down. My son became very ill. He was so impacted by the chemical exposures he was not able to attend school for five years and was tutored at home. It was a horrible experience and his health consequences are permanent and long lasting. Other children and school staff in the Pacific Northwest.....

4- I understand there is extensive dry-erase and sharpie marker use..., where often ~30 children in one classroom are simultaneously using broad-tipped dry-erase and sharpie markers on boards and paper for lessons each day. I have looked at the Material Safety Data Sheets for a few of these markers and for a dry erase board cleaner and I'm very concerned about the chemicals and alcohol solvent content exposure. One Expo marker in common use contains the carcinogen methyl isobutyl ketone, listed on the California Prop 65 list. Alcohol solvents in other markers are neuro-toxicants....

46 FEDERAL AGENCY and OTHER LEADERS REPRESENTING OVER 12 MILLION MEMBERS

SHOW SUPPORT: see www.nationalhealthyschoolsday.org/media_kit.html

U.S. Environmental Protection Agency
Lisa P. Jackson, Administrator

"As the head of the EPA, and as a parent, I know how important it is that we have clean air, healthy water and a safe environment in the places where we send our children every day. Healthy schools give students and educators what they need to maximize learning and minimize risks like asthma and other respiratory illnesses, ensuring that no child is burdened by pollution in or around their school," said EPA Administrator Lisa P. Jackson. "Many of the country's most important advocates for environmental health are the students, parents, educators and everyday citizens that understand the importance of keeping our schools healthy and safe. As we celebrate the 10th Anniversary of National Healthy Schools Day, I encourage everyone to join together to support healthy schools today and every day."

U.S. Department of Education
Arne Duncan, U.S. Secretary of Education

"All our nation's children deserve the opportunity to learn in schools that have clean air and good lighting and are free of hazards, toxins, and pests. It's not only about health -- if we can improve the quality our learning environments, we can have a positive impact on productivity and student achievement."

A wide array of federal officials and national and state organizations representing over 12 million Americans has endorsed National Healthy Schools Day, including U.S. EPA Administrator Lisa Jackson, U. S. Secretary of Education Arne Duncan, and the federal Centers for Disease Control and Prevention's Director of National Center for Environmental Health Dr. Chris Portier. *See supporting statements in the online Media Kit linked below.*

Other supporters from organizations representing over 12 million members in the U.S. include: the American Association of School Administrators, the Association of School Business Officials, American Federation of State, County, and Municipal Employees (AFSCME), the American Federation of Teachers, the American Public Health Association, the National Association of School Nurses, the National Association of State Boards of Education, the National Education Association, the National Environment Health Association, the National Parent Teacher Association and the National School Boards Association. *See supporting statements in the online Media Kit linked below.*

But more must be done at all levels. The negative impact on women and children is severe, and the following research studies backup our work:

- Pediatric asthma hospitalizations often triple in the days after summer vacations, according to a 2011 New York Health Department study. School children also face increased risks of asthma hospitalizations on return to school after winter and spring breaks. Asthma is also a leading cause of work-related illnesses among teachers and custodians.
- 40 percent of nurses who are members of the National Association of School Nurses said they knew children and personnel affected by pollutants in schools.
- A June 2011 Institute of Medicine report stated that polluted indoor environments are already damaging health and learning, and that measures to prevent exposures indoors should be a priority. The report noted, "By one estimate, poor indoor conditions cost the nation's economy tens of billions of dollars a year in exacerbation of illnesses and allergenic symptoms and in lost productivity."

Healthy Schools Day is coordinated by Healthy Schools Network in cooperation with the U.S. Environmental Protection Agency and the Council of Educational Facility Planners – International that celebrates School Building Week annually.

For more information about school environments, such as **Parent Reports** discussing impacts on children **Must-Read Science**, model **Proclamations**, and U.S. EPA resources go to:
www.nationalhealthyschoolsday.org/media_kit.html

Healthy Schools Network, Inc., is the leading national voice for children's environmental health at school and a national award-winning 501(c) 3 not-for-profit environmental health organization. Founded in 1995, it launched the national healthy schools movement with comprehensive state policies and a model coalition that have been shared and replicated widely since 1997. The Network coordinates the 1,000 member strong national Coalition for Healthier Schools that has won federal funds and laws to improve the conditions of schools. The Network can be reached at 518-462-0632 or on the web at www.HealthySchools.org .

**National Center for Environmental Health/Agency for Toxic Substances of Disease Registry
Christopher J. Portier, PhD, Director**

“As the National Healthy Schools Day marks its 10th anniversary, the need for parents, teachers, school administrators and students to pay attention to indoor air quality is as great as ever. Asthma is increasing in America. And because children spend a major portion of their day in school, our nation’s future depends on them having safe and healthy school environments.”



Claire L. Barnett, MBA, Founder and Executive Director
Healthy Schools Network, Inc. - *celebrating 17 years 1995-2012*
(w) 518-462-0632
(m) 202-543-7555

Coordinator, National Coalition for Healthier Schools
...providing the platform and the forum for environmental health at school ... since 2001

www.HealthySchools.org
www.NationalHealthySchoolsDay.org - 10th Anniversary, April 24, 2012 and all week long
www.CleaningforHealthySchools.org - Find safer products for schools and homes, download free poster

OEX Processing Information

Processed Date:

Processed By

PO Office

Category:

Message Count



Correspondence Management System

Control Number: AX-12-000-7361

Printing Date: April 26, 2012 09:52:55



Citizen Information

Citizen/Originator: Shubat, Pamela

Organization: Children's Health Protection Advisory Committee
Address: 625 N. Robert Street, St. Paul, MN 55155-2538

Sathyanarayana, Sheela

Organization: University of Washington, Department of Pediatrics Seattle Children's Research Institute
Address: 2001 8th Avenue, Seattle, WA 98101

Constituent: N/A

Committee: N/A

Sub-Committee: N/A

Control Information

| | | | |
|--------------------------|---|--------------------------|--------------|
| Control Number: | AX-12-000-7361 | Alternate Number: | 867547490805 |
| Status: | Pending | Closed Date: | N/A |
| Due Date: | May 11, 2012 | # of Extensions: | 0 |
| Letter Date: | Mar 29, 2012 | Received Date: | Apr 26, 2012 |
| Addressee: | AD-Administrator | Addressee Org: | EPA |
| Contact Type: | LTR (Letter) | Priority Code: | Normal |
| Signature: | DX-Direct Reply | Signature Date: | N/A |
| File Code: | 404-141-02-01_141_b Controlled and Major Corr. Record copy of the offices of Division Directors and other personnel. | | |
| Subject: | Daily Reading File - Childhood Lead Poisoning Prevention | | |
| Instructions: | DX-Respond directly to this citizen's questions, statements, or concerns | | |
| Instruction Note: | N/A | | |
| General Notes: | N/A | | |
| CC: | Brigid Lowery - OSWER-CPA Kecia Thornton - OSWER Linda Huffman - OECA Michelle Crews - OSWER OAR - Office of Air and Radiation -- Immediate Office OCSPP - OCSPP - Immediate Office OEAE - Office of External Affairs and Environmental Education OECA - OECA -- Immediate Office ORD - Office of Research and Development -- Immediate Office OSWER - OSWER -- Immediate Office OW - Office of Water -- Immediate Office SAB - Science Advisory Board | | |

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
|---|--------|----------|---------------|--------------|---------------|
| (b) (6) Personal Privacy | OEX | OCHP | Apr 26, 2012 | May 11, 2012 | N/A |
| Instruction: DX-Respond directly to this citizen's questions, statements, or concerns | | | | | |

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March 29, 2012

Lisa P. Jackson, Administrator
United States Environmental Protection Agency
1200 Pennsylvania Ave, NW
Washington, DC 20460

RECEIVED
APR 25 2012
OFFICE OF THE
EXECUTIVE SECRETARIAT

RE: Childhood Lead Poisoning Prevention

Dear Administrator Jackson:

The Children's Health Protection Advisory Committee (CHPAC) has been asked by the Office of Children's Health Protection (OCHP) to provide input on upcoming lead regulations being considered by the US Environmental Protection Agency (EPA) as well as childhood lead poisoning prevention activities across EPA and in partnership with stakeholders and other agencies. In the past, EPA has played a leadership role in reducing exposures to lead and CHPAC encourages EPA to continue. Despite this, childhood lead poisoning remains a persistent public health problem especially among children living in older, poorly maintained housing, children under the age of six years, children of color, and among high risk women who are exposed before and during pregnancy. No "safe" threshold of exposure has ever been identified. This demonstrates the need for EPA to examine its current and pending policies and programs aimed at preventing childhood lead exposure and to take action.

CHPAC is concerned that both Congress and this Administration must continue—not abandon—the battle to protect children from lead poisoning.¹ As a leader in children's health protection, your immediate and urgent attention to CHPAC's recommendations is needed. The US Centers for Disease Control and Prevention (CDC) lead poisoning prevention program for 2012 has been largely eliminated and CHPAC believes EPA and US Housing and Urban Development (HUD) programs have inadequate and increasingly fewer resources.

We recognize that many recent funding changes may be beyond the control of an EPA administrator. However, the 1992 Residential Lead Hazard Reduction Act (Title X) and other statutes provided EPA with authority under the Toxic Substances Control Act to address certain key lead exposure sources related to housing.² EPA also has statutory authority to address lead in air, drinking water, hazardous waste and other media. Housing with deteriorated lead-based paint, contaminated house dust and contaminated bare residential soil accounts for 70 percent of the nation's lead poisoning cases.³ Title X and related

statutes mandate that the nation's lead poisoning prevention efforts involve a three-legged stool to address the problem:

- EPA sets standards for exposure, training for inspectors and abatement contractors, environmental laboratory quality control, and disclosure (with HUD);
- CDC develops guidance for clinicians, supports staffing and surveillance at local lead poisoning prevention programs, conducts population-based prevalence studies to find children at greatest risk, ensures blood lead laboratory quality control, and conducts intervention in certain international disasters, such as the hundreds of children who died from lead poisoning in Nigeria;⁴ and
- HUD supports local lead hazard control programs and enforces lead requirements in federally assisted housing programs.

Without all three legs, the nation cannot succeed in addressing childhood lead poisoning.

There are nearly half a million children who have blood lead levels above 5 µg/dL,⁵ which has recently been recommended by the CDC Advisory Committee on Childhood Lead Poisoning Prevention as the reference value.⁶ Over 30 million houses still have lead-based paint.⁷ The National Toxicology Program recently drafted a major review showing the harm that lead does to children, pregnant women and breast feeding mothers is even worse than we thought previously, with sufficient evidence now available to conclude that at levels of exposure less than 5 µg/dL, a relationship clearly exists linking lead with decreased academic achievement and specific cognitive measures, increased incidence of attention deficit hyperactivity disorder (ADHD) and problem behaviors.⁸

How can education be a priority for the nation if at the same time we ignore the impact of lead exposure on academic achievement? One estimate for New York suggests that it costs \$38,000 to provide three years of special education to a child.⁹ Many studies have shown that lead poisoning prevention saves billions of dollars.¹⁰ More than that, it avoids needless pain and suffering.

The retreat from childhood lead poisoning prevention will disproportionately affect children of color and from low-income families where the risks are greatest. Increasing the disparities and environmental injustices will only serve to add to the burden of these families. The Executive Order regarding Environmental Justice has recently been updated.¹¹

EPA's recent lead poisoning prevention efforts have been wanting, mainly due to inadequate resources. EPA has taken only a few enforcement actions to implement its Renovation, Repair and Painting Rule in the four years after it was promulgated. EPA rejected a proposed rule to require dust lead testing following renovation to ensure cleanup is done properly and that children are protected,¹² as is already required in federally assisted housing and many local rules.¹³ EPA has not updated its dust lead standard, despite reports from its Science Advisory Board (SAB)¹⁴ and well-documented evidence that the existing standards promulgated more than a decade ago do not protect children adequately.^{15,16} A recently published study also shows that even in high risk houses treated 12 years ago in the HUD lead hazard control grant program, dust lead levels of 10 µg/ft² on floors and 100 µg/ft² on window sills can be readily obtained and are feasible. These levels are far lower than the current EPA dust lead standards, which are 40 µg/ft² for floors and 250 µg/ft² for window sills.¹⁶

The EPA Administrator co-chairs the President's Task Force on Environmental Health and Safety Risks to Children with the Secretary of Health and Human Services (HHS). Previously,

this Task Force issued the first federal interagency strategy to eliminate childhood lead poisoning.¹⁷ The country did not meet the goals set for 2010. We recommend that the Administrator meet with the HHS Secretary and convene a cabinet-level Task Force meeting to determine how the federal government's lead poisoning prevention activities can be restored to meet existing and new sources of lead exposure endangering our children. Specifically, such a meeting should determine how the nation can avoid ending lead poisoning prevention programs at hundreds of local health departments due to loss of CDC funding beginning this August.

CHPAC response to EPA charge questions

In July 2011, CHPAC was briefed on several current lead regulations under development at EPA and subsequently considered a set of OCHP charge questions. Based on these considerations, EPA should take actions on its own and/or with appropriate partners to address four overarching CHPAC recommendations:

- I. Adopt a unified approach across EPA actions regarding target blood lead levels;
- II. Engage other federal agencies and stakeholders on implementing lead poisoning prevention actions and communication strategies;
- III. Identify emerging sources of lead exposure and children who may be at risk for these exposure sources; and
- IV. Eliminate production of residential lead-based paint and the production of other sources of lead exposure in other countries.

I. CHPAC Recommends that EPA adopt a unified approach across EPA actions regarding target blood lead levels.

I.a. CHPAC recommends that EPA revise its Integrated Exposure Uptake Biokinetic (IEUBK) model for estimating children's blood lead levels associated with different and multiple exposure pathways. Historically, EPA has used the IEUBK model¹⁸ to attempt a unified approach to estimating potential blood lead levels from environmental and other data. While the IEUBK model has been helpful in the past, there are important limitations that CHPAC believes can be overcome in part by simultaneous consideration of epidemiological data, consistent with recommendations made by EPA's SAB.¹⁴ An important limitation of the model is the lack of a dust lead loading metric. Instead, the model only permits input of dust lead concentration (loading refers to lead mass divided by surface area ($\mu\text{g}/\text{ft}^2$) while concentration refers to lead mass divided by total sample weight (mg/kg)). Dust lead exposure has been shown to be one of the most significant sources of exposure to children and loading is the most appropriate metric for exposure.¹⁹ The lack of the loading metric in the IEUBK model means that conversion factors needed to be developed for use in the model, which introduces another potential source of error. The model also necessitates the use of default terms that may or may not be relevant to a specific regulatory action. CHPAC agrees with the SAB recommendation that epidemiological studies should be evaluated as well, because they do not require the use of conversion factors or default assumptions. This recommendation will enable EPA policymakers to understand all scientific evidence from both the IEUBK model and epidemiological data.

I.b. CHPAC recommends that EPA adopt an incremental approach to specifying target blood lead levels. Ideally, regulations should be crafted to eliminate exposures entirely and that should be an expressed goal in all EPA regulations. Because it is not possible to eliminate all exposures, EPA regulatory actions should produce consistent

results by using an incremental rather than a static target blood lead level. The blood lead metric is both a measure of exposure and a measure of toxicity. Traditionally, EPA has set an exposure limit for dust that is expected to achieve a static target blood lead level, such as 1 or 5 or 10 µg/dL. The alternative is to select and use incremental levels in dust, soil, food, water, air and other relevant media that result in a corresponding incremental change in blood lead level, such that the incremental change is no greater than 1 or 2.5 µg/dL. CHPAC believes that an incremental approach to exposure assessment is superior, because it is more likely to be able to account for measured and estimated contributions to exposures from all exposure pathways. However, programs across EPA must also agree on the overall limit for an incremental change in blood level (this will be based on the corresponding decrement in a health or cognitive measure such as IQ). This recommendation is consistent with EPA's SAB¹⁴ and its Clean Air Science Advisory Committee.²⁰

I.c. CHPAC recommends that EPA collect data from its Environmental Lead Proficiency Analytical Testing Program and assess feasibility for reliably measuring low environmental lead levels and also analyze housing data to assess the feasibility of meeting lower residential dust lead exposure limits. An important consideration for lead poisoning prevention regulations is whether a given exposure limit can be reliably measured and is achievable and is sustainable, because there is little benefit to setting a regulatory standard that no one can meet or cannot be measured. CHPAC recommends that EPA assess the ability of laboratories to detect levels of lead in environmental samples as an essential component of its Environmental Lead Proficiency Analytical Testing Program (ELPAT). This program provides standardized approaches for assessing proficiency (e.g., blind testing of samples with known quantities of lead) and assesses specific laboratory performance. CHPAC recommends that EPA collect data on laboratory detection and reporting limits as part of its ELPAT program to inform its regulatory efforts as they apply to feasibility. With regard to cost-effectiveness, CHPAC recommends that EPA consider the health impact of regulatory decisions and the costs associated with decrements to health, not just the cost associated with compliance. EPA should also analyze new data from long-term follow-up studies of the HUD Lead Hazard Control Grant Program to determine the feasibility of meeting lower exposure limits for lead dust. EPA should revise the Renovation, Repair and Painting rule to include clearance testing, which at this time is the only validated method that has been correlated with children's blood lead levels,²¹ and it is the only method that has a quality control system in place (the ELPAT).

I.d. CHPAC recommends developing new, evidence-based health protective lead dust standards. Perform research and/or analyze existing data to determine what dust loading standards are, in fact, health protective. Develop laboratory methodologies to permit routine, precise and accurate dust loading measurements in the necessary range. Incorporate the new standards into ongoing lead management education programs.

I.e. CHPAC recommends that EPA review hazard control studies across EPA actions, including revisions to the Lead and Copper Rule. Durability of exposure controls should be examined by EPA as it considers revisions to its Lead and Copper Rule for drinking water. Specifically, EPA should examine the long-term effectiveness of managing hazards from lead service lines through drinking water chemistry interventions intended to reduce lead content in drinking water. CHPAC also recommends that any revised regulation for drinking water end the practice of partial lead pipe replacements,

which has been shown to at least temporarily increase lead in drinking water.²² Any new regulation should provide the legal foundation to permit leaded drinking water lines to be replaced completely, not only up to the property line.

II. CHPAC Recommends that EPA engage other federal agencies and stakeholders on implementing lead poisoning prevention actions and communication strategies.

II.a. CHPAC recommends that the EPA Administrator and the Secretary of Health and Human Services convene a cabinet-level meeting of the Interagency Task Force on Children's Environmental Health and Safety Risks to develop and coordinate strategies to advance childhood lead poisoning prevention through enforcement, training and education of public health and health care professionals, communication strategies, and engagement of other stakeholders.

CHPAC believes that one of the biggest areas of untapped opportunity in lead poisoning prevention involves concerted and coordinated enforcement of existing laws with the Department of Justice, State Attorneys General, local prosecutors and local health, environmental and housing advocates. EPA should partner with the Health Resource Service Administration (HRSA) and CDC, Health Maintenance Organizations (HMOs) and health insurance companies to ensure that funds available for prevention, such as those in the Affordable Care Act are used in a way that incorporates lead hazard control activities. There are also important steps that other agencies, such as CDC, the Food and Drug Administration (FDA) and the Consumer Product Safety Commission (CPSC), can take to protect children and families from contaminated consumer products,²³ especially those imported from other countries. For example, FDA and other agencies should take action to prevent contaminated food, herbal remedies, and pottery from entering the country and prevent lead shot fragments in the food chain. CPSC should ensure that products recalled due to lead contamination are not allowed to be sent to other countries where they could poison children. EPA should work with the Occupational Safety and Health Administration (OSHA) to ensure workers do not inadvertently take home lead on contaminated work clothing, vehicles, or other work items and to conduct workforce training. CDC should continue to provide increased technical assistance to countries battling epidemics of childhood lead poisoning, such as the recent catastrophe in Nigeria that resulted in hundreds of children's deaths from lead poisoning.⁴

II.b. CHPAC recommends that EPA engage health and other professionals who can play an important role in providing information for families and communities regarding other sources of lead exposure such as take-home lead from the workplace (renovation sites, battery manufacturers, etc.), hobbies, sporting equipment (making lead weights for fishing lines at home), and reloading of ammunition used for hunting. CHPAC recommends that EPA work with other federal agencies, such as HHS and its Maternal and Child Health Bureau (MCHB) and HUD, to standardize training of non-traditional workers and utilize them to implement evidence-based lead exposure reduction strategies and educate residents at the community level. CHPAC recommends that EPA provide guidance for training of residents and practicing physicians as well as other healthcare providers about the harmful effects of lead exposure and avoidance practices. EPA should partner with American Academy of Pediatrics, American Academy of Family Practitioners, American College of Obstetricians and Gynecologist, and CDC to create a module for maintenance of certification on lead exposure, lead monitoring and avoidance practices. EPA should partner with HHS operating divisions (CDC,

HRSA, and MCHB) to create a training module for physicians, nurse practitioners, and allied health professional that can be integrated into medical training.

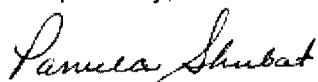
III. CHPAC recommends that EPA identify emerging sources of lead exposure to children and women who are or may become pregnant or who are breastfeeding. Further research is needed to identify emerging sources of lead exposure, such as those in consumer products. The nation still has no good assessment of exposures related to consumer products containing lead, like toys, jewelry, cosmetics, pottery, and batteries, especially those from other countries. For example, it is not known whether new lead-based residential paint now being manufactured in China, India, Nigeria and other countries is being imported into the US. Research is needed to determine if lead stabilizers used in plastics and other products is being released. Fate and transport studies are needed to determine sources of lead production and use in commercial products. Further research is needed to estimate exposures from commercial buildings. Sampling protocols to reliably measure lead in water in different building configurations is needed, and policy research is needed to determine the best way to stop partial replacement of lead drinking water lines. Specifically, the current practice is for public utilities to replace only the portion of the lead drinking water line on public property, with the owner expected to pay for the pipe replacement on the private property, which often cannot occur because owners do not have adequate resources.

IV. CHPAC recommends that EPA work to eliminate production of residential lead-based paint and the production of other sources of lead exposure in other countries. EPA should continue to provide financial and technical support for the Global Alliance to Eliminate Lead in Paints through the United Nations Environment Programme (UNEP) and the World Health Organization (WHO).²⁴ EPA should also support voluntary compliance programs for lead production activities in developing nations, such as BEST (Better Environmental Sustainability Targets).²⁵ EPA should work with the State Department, WHO and UNEP to help prevent lead exposures to refugees and others, and to promote international trade agreements and other instruments to eliminate the unnecessary use of lead in consumer and other products, as recommended by the American Public Health Association.²⁶

CHPAC urges you to consider these recommendations. We have the knowledge and ability to ensure our children do not suffer from lead poisoning, which is entirely preventable.²⁷ Our goal to protect children from lead has not yet been achieved, and the problem remains large. CHPAC urges you to continue the campaign to end childhood lead poisoning.

Thank you for your consideration of our recommendations and suggestions.

Respectfully,



Pamela Shubat, Ph.D.
CHPAC Co-Chair



Sheela Sathyanarayana, M.D., M.P.H.
CHPAC Co-Chair

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Lek Kadeli, Acting Assistant Administrator, Office of Research and Development

Becki Clark, Acting Director, National Center for Environmental Assessment

Endnotes

¹ The President's budget for 2012 proposed to cut in half the lead poisoning prevention program at CDC. Congress in the final budget appropriation reduced the CDC lead poisoning prevention program from \$30 million to only \$2 million. As a result, health departments' lead programs across the country will be forced to shut down as early as the summer of 2012, severely limiting the nation's ability to properly identify children who are at risk and take action before harm is done.

² Residential Lead-Based Paint Hazard Reduction Act of 1992 (Title X of Public Law 102-550)
www.hud.gov/offices/lead/library/lead/Title_X.pdf

³ Levin R, Brown MJ, Kashtock ME, Jacobs DE, Whelan EA, Rodman J, Schock MR, Padilla A, Sinks T. 2008. Lead Exposure in US Children, 2008: Implications for Prevention. *Environmental Health Perspectives* 116:1285-1293

⁴ Dooyema CA, Neri A, Lo YC, Durant J, Dargan PI, Swarthout T, Biya O, Gidado SO, Haladu S, Sani-Gwarzo N, Nguku PM, Akpan H, Idris S, Bashir AM, Brown MJ. 2012. Outbreak of Fatal Childhood Lead Poisoning Related to Artisanal Gold Mining in Northwestern Nigeria, 2010. *Environmental Health Perspectives* 120:601-607

⁵ In 2005-06, data from the National Health and Nutrition Examination Survey showed that an estimated 590,100 children 1-5 had blood lead levels ≥ 5 $\mu\text{g}/\text{dL}$; in 2007-08 that number increased to 646,400; in 2009-10 the number declined slightly to 442,000 (data from: National Performance Measures of Blood Lead in Children. Will Wheeler Presentation to the CDC Advisory Committee on Childhood Lead Poisoning Prevention Nov 14, 2011)

⁶ Advisory Committee on Childhood Lead Poisoning Prevention of the Centers for Disease Control and Prevention. 2012. Low Level Lead Exposure Harms Children: A Renewed Call for Primary Prevention. http://www.cdc.gov/nceh/lead/ACCLPP/Final_Document_030712.pdf

⁷ Jacobs DE, Clickner RL, Zhou JL, Viet SM, Marker DA, Rogers JW, Zeldin DC, Broene P and Friedman W. 2002. The Prevalence of Lead-Based Paint Hazards in U.S. Housing. *Environmental Health Perspectives* 110:A599-A606

⁸ National Toxicology Program. 2011. Draft NTP monograph on health effects of low-level lead. National Institute of Environmental Health Sciences, National Institutes of Health, U.S. Department of Health And Human Services <http://ntp.niehs.nih.gov/?objectid=4F04B8EA-B187-9EF2-9F9413C68E76458E>

⁹ Korfmacher, KS. 2003. Long-term costs of lead poisoning: How much can New York save by stopping lead? http://www.afhh.org/action/action_local_lead_costs_NYrep.pdf

¹⁰ Gould E. 2009. Childhood lead poisoning: Conservative estimates of social and economic costs of lead hazard control. *Environmental Health Perspectives* 117:1162-1167

¹¹ Memorandum of Understanding on Environmental Justice and Executive Order 12898 (http://www.doi.gov/oepec/EJ_MOU.pdf) and HHS 2012 Environmental Justice Implementation Progress Report 02/12 (http://www.hhs.gov/environmentaljustice/progress_2012.pdf)

¹² Lead; Clearance and Clearance Testing Requirements for the Renovation, Repair, and Painting Program, Environmental Protection Agency, Final rule. 47918 Federal Register Vol. 76, No. 151 Friday, August 5, 2011

¹³ HUD Lead Safe Housing Rule, 24 CFR Part 35. http://portal.hud.gov/hudportal/documents/huddoc?id=DOC_12347.pdf

¹⁴ SAB letter to the EPA Administrator, July 7, 2011. [http://yosemite.epa.gov/sab/sabproduct.nsf/CD05EA314294B683852578C60060FB08/\\$File/EPA-SAB-11-008-unsigned-revised.pdf](http://yosemite.epa.gov/sab/sabproduct.nsf/CD05EA314294B683852578C60060FB08/$File/EPA-SAB-11-008-unsigned-revised.pdf)

¹⁵ Gaitens JM, Dixon SL, Jacobs DE, Nagaraja J, Strauss W, Wilson JW, Ashley PJ. 2009. U.S. Children's Exposure to Residential Dust Lead, 1999-2004: I. Housing and Demographic Factors Associated with Lead-contaminated Dust, *Environmental Health Perspectives* 117: 461-467; and Dixon SL, Gaitens JM, Jacobs DE, Strauss W, Nagaraja J, Pivetz T, Wilson JW, Ashley PJ. 2009. U.S. Children's Exposure to Residential Dust Lead, 1999-2004: II. The Contribution of Lead-contaminated Dust to Children's Blood Lead Levels, *Environmental Health Perspectives* 117: 468-474

¹⁶ Dixon SL, Jacobs DE, Wilson JW, Akoto JY, Nevin R, Clark CS. 2012. Window replacement and residential lead paint hazard control 12 years later. *Environmental Research*. Accepted Jan 23, 2012.

¹⁷ Eliminating Childhood Lead Poisoning: A Federal Strategy, President's Task Force on Children's Environmental Health Risks and Safety Risks, principal author, Washington DC (March 2000). <http://www.epa.gov/lead/pubs/fedstrategy2000.pdf>

¹⁸ EPA user materials for the IEUBK model. See <http://www.epa.gov/superfund/lead/products.htm>

¹⁹ Lanphear BP, Matte TD, Rogers J, Clickner RP, Dietz B, Bornschein RL, Succop P, Mahaffey KR, Dixon S, Galke W, Rabinowitz, Farfel M, Rohde C, Schwartz J, Ashley PJ, Jacobs DE. 1998. The Contribution of Lead-Contaminated House Dust and Residential Soil to Children's Blood Lead Levels: A Pooled Analysis of 12 Epidemiologic Studies, *Environmental Research*, 79:51-68

²⁰ Lead Integrated Science Assessment CASAC Lead Review Panel. See <http://yosemite.epa.gov/sab/SABPRODUCT.NSF/81e39f4c09954fcb85256ead006be86e/546fdc6ecc836f158525795f0049242f!OpenDocument>

²¹ Lanphear BP, Emond E, Weitzman M, Jacobs DE, Tanner M, Winter N, Yakir B, Eberly S. 1995. A Side-By-Side Comparison of Dust Collection Methods for Sampling Lead-Contaminated House Dust, *Environmental Research* 68, 114-123

²² Brown MJ, Raymond J, Homa D, Kennedy C, Sinks T. 2011. Association between children's blood lead levels, lead service lines, and water disinfection, Washington, DC, 1998–2006. *Environmental Research* 111 (2011) 67–74

²³ Toys and other consumer products recalled. See <http://www.cdc.gov/nceh/lead/Recalls/allhazards.htm>

²⁴ WHO Global Alliance to Eliminate Lead in Paints. See http://www.who.int/ipcs/features/pb_alliance/en/index.html

²⁵ Occupational Knowledge International certification standard for lead battery manufacturers. See <http://www.okinternational.org/lead-batteries/BEST-Standard>

²⁶ American Public Health Association policy statement on lead. See <http://www.apha.org/advocacy/policy/policysearch/default.htm?id=1348>

²⁷ Lanphear BP. 2007. The Conquest of Lead Poisoning: A Pyrrhic Victory. *Environmental Health Perspectives* 115:A484-A485



Correspondence Management System

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Committee: N/A

Sub-Committee: N/A

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- OAR

File Code: 404-141-02-01_141_a(2) Copy of Controlled and Major Correspondence Record of the EPA Administrator and other senior officials - Electronic.

Subject: Daily Reading File - Standards of Performance for Greenhouse Gas Emissions for New Stationary Sources: Electric Utility Generating Units

Instructions: AA-OAR-Prepare draft response for signature by the Assistant Administrator for OAR

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General Notes: N/A

CC: OEAE - Office of External Affairs and Environmental Education

R1 - Region 1 -- Immediate Office

Lead Information

Lead Author: N/A

Lead Assignments:

| Assigner | Office | Assignee | Assigned Date | Due Date | Complete Date |
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| (b) (6) Personal Privacy | OEX | OAR | Apr 26, 2012 | May 11, 2012 | N/A |
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