

Adora Andy/DC/USEPA/US

10/06/2010 10:16 AM

To Richard Windsor

cc Alisha Johnson, Arvin Ganesan, Betsaida Alcantara, Brendan Gilfillan, David McIntosh, Michael Moats, Seth Oster

bcc

Subject Re: POLITICO: RAHM TAKES LABOLT

!!!

Richard Windsor "The boys" ??? ----- Original Messa... 10/06/2010 10:15:39 AM

From: Richard Windsor/DC/USEPA/US
 To: Adora Andy/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA
 Date: 10/06/2010 10:15 AM
 Subject: Re: POLITICO: RAHM TAKES LABOLT

"The boys" ???

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/06/2010 10:13 AM EDT
To: Richard Windsor; David McIntosh; Seth Oster; Arvin Ganesan; Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Michael Moats
Subject: POLITICO: RAHM TAKES LABOLT

Emanuel takes LaBolt with him

By: **Carol E. Lee**

October 6, 2010 12:00 AM EDT

A member of President Barack Obama's close-knit team is leaving the White House to work for former chief of staff Rahm Emanuel's mayoral bid in Chicago, POLITICO has learned.

Ben LaBolt, a native Chicagoan and one of Obama's longest-serving press aides, will serve as Emanuel's campaign's communications director, according to sources with knowledge of the hire. LaBolt will leave his job as an assistant White House press secretary by the end of October, sources said.

Emanuel was looking for someone with Chicago roots and a combative side for the campaign he launched Sunday, just two days after leaving his White House post. LaBolt, 29, was born and raised in the Chicago area and understands the city's media and political worlds. He's also known for his push-back on reporters writing stories he perceives as unflattering and for serving as the point person on thorny issues. The hire has been in the works for days, with the final details ironed out Tuesday.

LaBolt is a veteran in the Obama press operation who served as Obama's press secretary when he was in the Senate and worked on his presidential campaign from the

start. In January 2009, he became one of a handful of spokesmen to work under White House press secretary Robert Gibbs.

LaBolt has been tasked with handling several high-profile controversies for Obama. During the campaign it was speculation about the authenticity of Obama's birth certificate, and later it was questions about the indictment and subsequent trial of former Illinois Gov. Rod Blagojevich.

His official White House portfolio includes issues that fell within the departments of Energy, Interior, Commerce and Justice. So he's handled press for Obama's Supreme Court nominees and worked on the BP oil spill – the politics of it, not the nitty-gritty details of the response. His duties have also at times included acting as spokesman for the White House Counsel's office and Carol Browner, Obama's top adviser on energy and climate change.

Prior to his time with Obama, LaBolt served as press secretary and legislative assistant to Rep. Jan Schakowsky (D-Ill.). A graduate of Middlebury College, he's also worked at the Democratic National Committee, on Howard Dean's 2004 presidential campaign and as press secretary for Sherrod Brown's successful 2006 Senate campaign in Ohio.

LaBolt's departure will be a loss for his White House colleagues, with whom he has close friendships and has shared tight working quarters on a daily basis since the beginning of the Obama campaign in 2007. He will be the first of the small circle of press aides – “the boys” as they're known – to leave the White House.

Not that Obama's communications shop hasn't seen its share of change.

Former EMILY's List executive director Ellen Moran left her position as White House communications director less than three months after Obama took office after it became clear the job wasn't the right fit. Veteran Democratic strategist Anita Dunn took over in the interim until Dan Pfeiffer was permanently given the job in November 2009.

Deputy communications director Jen Psaki was promoted from deputy press secretary shortly after Pfeiffer moved up. Psaki was replaced by Amy Brundage, who had been regional communications director. And Caroline Hughes became a press assistant when Priya Singh left to become an aide to United Nations ambassador Susan Rice.

LaBolt's replacement has not been named.

Adora Andy
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Adora Andy/DC/USEPA/US

10/12/2010 08:58 AM

To "Shawn Garvin", "Peter Silva", "Richard Windsor", "Bob Perciasepe", "Diane Thompson", "Bob Sussman", "David McIntosh", "Seth Oster", "Arvin Ganesan", "Stephanie Owens", Sarah Pallone, "Dru Ealons"

cc "Betsaida Alcantara", "Brendan Gilfillan", "Alisha Johnson"

bcc

Subject HEADS UP: Manchin Ad shoots Climate Bill (Literally)

In a new Manchin Ad in WV, the Governor is walking through the wilderness, holding a single-barrel shot gun with scope. He uses gun imagery and language to show he protects the 2nd amendment and his NRA endorsement. He uses words like "defend West VA," "take on Washington." The kicker: "I sued EPA and I'll take dead aim [aims gun downrange at target, pulls trigger, shot rings out] at the climate bill."

[Reveal close up of Climate Bill hanging from target with a bullet hole through the middle] "Because it's bad for West Virginia."

###

**Betsaida
Alcantara/DC/USEPA/US**

09/22/2010 01:26 PM

To Richard Windsor

cc

bcc

Subject Re: Greenwire -- WHITE HOUSE: Cabinet meeting yields
'environmental justice' pledges

Also had greenwire change headline. It wasn't an official cabinet mtg which the headline implies. They've changed that as well. I'll share the rest of the articles as soon as they post.

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara

Sent: 09/22/2010 12:56 PM EDT

To: Richard Windsor

Subject: Greenwire -- WHITE HOUSE: Cabinet meeting yields 'environmental justice' pledges

i had a nice talk to this greenwire reporter. here's his article. all good

WHITE HOUSE: Cabinet meeting yields 'environmental justice' pledges (Wednesday, September 22, 2010)

Gabriel Nelson, E&E reporter

During a meeting this morning at the White House, the heads of U.S. EPA, the Interior Department, the Transportation Department and the Department of Housing and Urban Development agreed to update their environmental justice plans by next fall and to restart a long-dormant panel that was created to address that issue.

The Interagency Working Group on Environmental Justice, formed in 1994 by President Clinton under Executive Order 12898, had not convened at the Cabinet level since the middle of the Clinton administration, EPA said today. The agencies will now meet monthly to discuss environmental justice, with their top officials gathering for follow-up Cabinet sessions in April and October of next year.

Today's meeting showed that the individual agencies have already made environmental justice a priority, EPA Administrator Lisa Jackson told Greenwire today.

"There's a lot of legwork that goes into the kind of work we heard from each one of the agencies in the room," Jackson said, explaining why the panel hadn't gathered since President Obama took office. "None of these agencies, and certainly not my own, have waited in terms of impacting and acting on environmental justice."

Attorney General Eric Holder presented a plan to improve enforcement under Title VI of the Civil Rights Act, which bars discrimination on the basis of race, color and national origin, she said. HUD Secretary Shaun Donovan discussed the fair distribution of disaster relief funding, and DOT Secretary Ray LaHood outlined the agency's role in promoting sustainable development.

Since the start of her tenure, Jackson has made environmental justice a priority at EPA, listing it in a draft strategic plan as one of the agency's seven priorities for the next five years. As part of the so-called "Environmental Justice Tour," she has joined members of the Congressional Black Caucus on visits to areas facing environmental distress.

EPA is currently taking comment on draft guidance, released earlier this summer, that tells employees how to factor environmental justice into their decisions. The agency is also working on a screening tool that uses demographic and pollution data to identify pockets of people who have suffered more than most (Greenwire, July 30).

The administration announced today that it will schedule regional "listening sessions" on environmental justice next year and hold a White House forum on the topic. Though President Obama is drawing intense fire from Republicans, who say his regulatory agenda has slowed the recovery of the economy, Jackson said the meeting on environmental justice was not an effort to respond to that criticism.

"This meeting wasn't about politics," she said. "A clean environment is not a political issue -- every American wants and demands a clean and healthy environment."

Today's meeting was also attended by Nancy Sutley, chairwoman of the White House Council on

Environmental Quality; Carol Browner, the White House climate and energy adviser and a former EPA director; John Holdren, director of the White House Office of Science and Technology Policy; Melody Barnes, director of the White House Office of Domestic Policy; and Martha Johnson, head of the General Services Administration.

"This country was built on the promise of equal opportunity for all of us, yet low-income families and minority communities shoulder a disproportionate amount of pollution and environmental degradation," Sutley said in a statement. "We cannot and will not ignore these disparities."

**Betsaida
Alcantara/DC/USEPA/US**
12/04/2009 10:07 AM

To: Richard Windsor
cc
bcc
Subject: Re: POLITICO: Lisa Jackson

this is such a nice little present on a cloudy Friday morning here :)

we'll post on facebook.

Richard Windsor Nice opening! ----- Original Messag... 12/04/2009 10:03:40 AM

From: Richard Windsor/DC/USEPA/US
To: Betsaida Alcantara/DC/USEPA/US@EPA
Date: 12/04/2009 10:03 AM
Subject: Re: POLITICO: Lisa Jackson

Nice opening!

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 12/04/2009 10:02 AM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure
Subject: POLITICO: Lisa Jackson

Lisa Jackson

By: [Alexander Burns](#)
December 3, 2009 11:57 PM EST

Of all the Obama administration officials headed to Copenhagen, Environmental Protection Agency Administrator Lisa Jackson may be the one most directly engaged in the fight against global warming.

Since last April, when the EPA issued a ruling calling climate change a threat to public health, Jackson has been positioning her agency to start placing restrictions on carbon emissions. And even in the initial announcement of the EPA's decision to label carbon a pollutant, Jackson framed the move in terms of comprehensive energy reform.

"This pollution problem has a solution — one that will create millions of green jobs and end our country's dependence on foreign oil," Jackson said.

The former New Jersey environmental protection commissioner has reassured legislators that she does not intend to dictate the kinds of large-scale regulatory shifts under consideration in Congress.

"Even as the president and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean energy law," Jackson told a Senate panel in late October. "Only new legislation can bring about the comprehensive

and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term."

But the EPA's steps toward curbing emissions are unmistakable: The agency recently proposed a new rule requiring power plants exceeding a certain carbon output to demonstrate that they are minimizing emissions to the greatest degree possible.

So far, the White House has Jackson's back. In a recent news briefing, press secretary Robert Gibbs cast steps toward regulating carbon as legal necessities.

"There's a Supreme Court order that this is an issue that has to be dealt with," Gibbs said. "The president has said throughout this process that the way to deal with this is through legislation. That's what we're trying to do, and that's what we hope to do."

**Betsaida
Alcantara/DC/USEPA/US**
05/11/2011 01:45 PM

To Richard Windsor, Bob Perciasepe, Bob Sussman, Nancy Stoner, Brendan Gilfillan, Adora Andy, Diane Thompson, Arvin Ganesan, David McIntosh, Daniel Kanninen, Bob Sussman

cc

bcc

Subject Politico: GOP slams EPA's 'war on coal'

GOP slams EPA's 'war on coal'

By Darren Samuelsohn
POLITICO Pro

5/11/11 1:32 PM EDT

House Republicans slammed the EPA Wednesday for waging a "war on coal" that has left industry struggling to meet a shifting landscape of environmental regulations.

About a dozen GOP members of a Transportation and Infrastructure panel unloaded on the Obama administration for tightening standards last spring on mining companies that need Clean Water Act permits and also for banning mine operators from filling stream valleys with rock waste — a critical step in mountaintop removal mining.

EPA acting water chief Nancy Stoner defended her agency's work, explaining that it is taking industry concerns into account even as it follows legal requirements to protect public health and the environment. "We've stood our ground based on peer-reviewed science," she said.

But Republicans weren't buying her arguments, complaining that the EPA has skirted advice from the Army Corps of Engineers and state officials, including in mining heavyweight West Virginia.

"Actions speak louder than words," said West Virginia Republican Rep. Shelley Moore Capito.

"You are running roughshod as an agency," added Rep. Don Young (R-Alaska).

Before Stoner could testify, GOP lawmakers made her sit through 90 minutes of complaints from an opening panel of mining industry advocates.

Mike Carey, head of the Ohio Coal Association and a frequent critic of Democratic environmental policies, singled out EPA Administrator Lisa Jackson, who he said has been waging a "war on coal" dating back to her time atop the New Jersey Department of Environmental Protection.

There, Carey complained that Jackson had blocked construction of new coal plants. "She may not be calling for a moratorium today, but her regulatory policies are certainly creating them," he said.

Several green activists who filled the hearing room burst out at one point in protest of the GOP-led hearing, prompting Chairman Bob Gibbs (R-Ohio) and committee staff to threaten their removal from the room. Three people then put tape over their mouths in protest.

Environmentalists got some help from the Democratic end of the dais. California Rep. Laura Richardson said Carey's comments targeting Jackson were "a little over the top, in my opinion."

"We don't attack our administrator," she said. "I don't believe we allow people giving testimony [to do that] either."

Subcommittee ranking member Tim Bishop (D-N.Y.) also defended the Obama administration, citing the EPA's clearance rate on Clean Water Act mining permits held over from the George W. Bush administration.

**Bob
Perciasepe/DC/USEPA/US**
04/08/2010 07:13 AM

To Diane Thompson, Richard Windsor
cc
bcc
Subject This Morning

Diane and Lisa:

I will miss the 8:45 daily this morning. I am doing some introduction remarks at a National Workshop on Federal Models for Partnering with Communities. This is at Brookings and EPA is a co sponsor with a bunch of federal agencies (Peggy Shepard is helping organize). I will be back during the Coal Ash discussion and will join.

Bob Perciasepe
Deputy Administrator

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(c) +1 (b) (6) Personal Privacy

Bob Perciasepe
(b) (6) Personal Privacy
05/04/2010 09:27 PM

To Richard Windsor, Seth Oster, Gina McCarthy, David
McIntosh
cc
bcc
Subject LA Times - Oil Spill, Climate Bill

latimes.com

Oil spill seen as energy opportunity for Obama

The disaster in the Gulf of Mexico could give the president new momentum for his stalled climate bill, environmentalists say.

By Jim Tankersley, Tribune Washington Bureau

May 5, 2010

Reporting from Washington

Some environmentalists and liberal lawmakers believe the BP oil spill has handed President Obama a significant political opportunity to renew his stalled energy and climate bill, and are urging him to push for sweeping legislation to move the country away from reliance on oil and other fossil fuels.

"He needs a response which is as big as the spill is," said Wesley Warren, program director for the Natural Resources Defense Council in Washington.

The climate bill that White House officials have been negotiating called for limited greenhouse gas emissions from power plants, transportation fuels and eventually factories. It included large incentives for drilling offshore, nuclear power plant construction and so-called "clean-coal" technology. It also would have required set levels of renewable electricity use nationwide. The bill included several sweeteners to minimize the cost for industry.

But that bill has bogged down in the Senate. And while White House officials continue to call for an energy bill this year, Obama has not publicly linked the call to the gulf spill.

Many environmentalists believe it will now be politically easier now to strengthen the clean-energy provisions of the bill and jettison industry breaks. But many longtime energy analysts say Obama's options are limited for reducing the nation's reliance on oil.

"In the near term — near term being 20 years — there is no meaningful alternative to using oil in the transportation sector" on a wide scale, said Charles Ebinger, director of the energy security initiative at the Brookings Institution.

Still, the nation's reliance on gasoline means choosing between imported oil or increased domestic production — and there, the gulf spill may have an impact.

All signs from Capitol Hill suggest that Obama's expanded drilling plans will find little support in light of the BP leak.

Environmental groups want the administration to push for enhanced oil recovery on land, especially if gasoline prices spike again and public pressure mounts for more domestic production.

Some drilling advocates are pushing the administration to keep its response to the spill narrowly focused.

"Getting to the bottom of this, considering adding safeguards, things that could prevent this spill from happening again and things getting out of hand" — those should be Obama's focus, said Ben Lieberman, an energy expert at the free-market Heritage Foundation.

Many economists say Obama's best chance to reframe the energy debate — and dramatically cut oil use — could also be the least popular—a large gasoline tax on gasoline, with the proceeds dedicated to alternative fuel research, reducing the federal budget deficit, or even refunded to consumers.

White House officials pushed back against a modest proposed fee on gasoline in negotiations over a Senate climate bill.

In an interview Tuesday, one of Obama's top energy advisors, Carol Browner, said "There's no doubt that portions of the debate are going to change" because of the gulf spill.

She added: "We want to evaluate, at the end of the day, are we doing what we can to break our dependence on foreign oil... are we putting a cap on dangerous greenhouse-gas pollution? There's more than one way to get it done."

If Obama can't sell an energy transformation after this spill, Ebinger said, "He will miss a unique opportunity to point out to the people, 'This is a situation we got ourselves into... let's not be sitting here five to 10 years from now and be saying, we didn't do anything to address it.'"

jtankersley@tribune.com

Bob Sussman/DC/USEPA/US
11/12/2010 06:59 PM

To David McIntosh, Gina McCarthy, Joseph Goffman
cc Richard Windsor, Bob Perciasepe
bcc
Subject DOC Jobs Study on Boiler MACT

What do we know about this study?

The Inside Story

Seeking Boiler MACT Study

Posted: November 11, 2010

Interim Sen. Carte Goodwin (D-WV) is asking the Commerce Department to publicly release its study said to project major job losses from proposed air toxics rule for boilers, saying its release would be in line with the Obama administration's broader commitment to transparency. Sources familiar with the study say the department is projecting dramatically more job losses than EPA did in its proposed maximum achievement technology (MACT) standard to cut air toxics emissions from boilers. The Commerce Department study has not yet publicly released its findings. EPA in a regulatory impact analysis says the rule could lead to 8,000 short-term job losses and may result in anywhere between 6,000 to 12,000 created jobs over the long term.

But an informed source says the Commerce analysis projected job losses of 40,000 to 60,000 per year and found a decline in the international competitiveness of U.S. goods, even using what the source described as EPA's "low ball" cost estimates. The analysis considered impacts on different sectors and "dramatically contradicts" EPA's analysis of the impact of the rule, the source says.

Goodwin, who was serving on an interim basis following Robert Byrd's death and will be replaced Nov. 15 by Sen.-elect Joe Manchin (D-WV), sent a Nov. 3 letter to Commerce Secretary Gary Locke that he shares concerns that have previously been raised by "more than 40 senators and other Members of Congress" over potential job losses resulting from the rule. He notes that EPA and industry "have come up with widely divergent impact estimates regarding the proposed rule" and applauds Commerce for conducting its own study.

"The Obama Administration has been a strong proponent of transparency in government. I applaud the efforts of your Department to allow public access to the Department's studies and data on issues ranging from the Gulf of Mexico to job production under the Recovery Act. . . . Given my personal stake in this rulemaking, I write to request that you release the Department's study on the EPA Boiler MACT rule to Congress and the public. I also request an inter-agency review of the Boiler MACT rule," Goodwin wrote in his letter to Commerce.

Concerns from the department and other agencies about the possible economic impact of the boiler rule will likely come to the forefront as EPA sends its final rule to the White House Office of Management and Budget for interagency review, which is expected to occur next month.

Related News: [Air](#)

2344819

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
(202)-564-7397
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
02/23/2011 03:48 PM

To David McIntosh, Richard Windsor, Seth Oster, Brendan Gilfillan, Arvin Ganesan, Diane Thompson, Bob Perciasepe, Michael Goo, Bicky Corman, Scott Fulton, Lawrence Elworth, Janet Woodka, Jose Lozano, Adora Andy

cc

bcc

Subject Re: a good, early trade-press story on the boiler air toxics rule

Excellent.

From: David McIntosh
Sent: 02/23/2011 01:27 PM EST
To: Richard Windsor; Seth Oster; Brendan Gilfillan; Arvin Ganesan; Diane Thompson; Bob Perciasepe; Bob Sussman; Michael Goo; Bicky Corman; Scott Fulton; Lawrence Elworth; Janet Woodka; Jose Lozano; Adora Andy
Subject: a good, early trade-press story on the boiler air toxics rule

-----Forwarded by David McIntosh/DC/USEPA/US on 02/23/2011 01:25PM -----

To: David McIntosh/DC/USEPA/US@EPA
From: David McIntosh/DC/USEPA/US@EPA
Date: 02/23/2011 01:23PM
Subject: From Greenwire -- AIR POLLUTION: EPA scales back final boiler rules

This Greenwire story was sent to you by : mcintosh.david@epa.gov

Personal message:

An E&E Publishing Service
AIR POLLUTION: EPA scales back final boiler rules
(Wednesday, February 23, 2011)
Gabriel Nelson, E&E reporter

Bound by a court-ordered deadline and facing intense pressure from Congress, U.S. EPA has overhauled its rules for toxic air pollution from industrial boilers to go easier on businesses.

With a set of final [rules](#) released today, EPA claims to have found a more cost-effective way to protect public health by sparing cleaner boilers and small facilities from the strictest limits on chemicals such as mercury, lead and dioxins. Because of those changes, the final rules will cost about \$1.8 billion less per year than the rules that were proposed last spring.

The boiler rules have been labeled as an early test of President Obama's executive order to review the effects of new rules on businesses, and today's announcement seems to reflect a desire to show the administration is serious about balancing public health and the economy.

In a letter to stakeholders that was obtained by *Greenwire*, EPA Administrator Lisa Jackson said the final rule would cut compliance costs in half while greatly reducing exposure to toxic pollution.

"I am proud of the work that the EPA has done to craft protective, sensible standards," Jackson wrote in the letter, which was dated today. "The standards reflect what industry has told the agency about the practical reality of operating these units."

Under the final rules, the roughly 13,800 largest industrial boilers will still need to meet specific limits on toxic emissions. Those limits will force some facilities such as chemical plants and refineries to install new controls, cutting back on air pollution that is linked to asthma, heart attacks and early death.

Based on updated figures, EPA estimates that the rules would prevent 2,500 to 6,500 premature deaths once the rules take effect in 2014, along with 4,000 heart attacks and 41,000 cases of aggravated asthma.

But smaller boilers that release less pollution will only need tuneups to show they are doing as much as possible to limit their emissions, according to the Associated Press. Boilers powered by cleaner-burning fuels such as natural gas will also need to use certain work practices rather than stay under a hard limit on their pollution.

"We continue to believe that this is the appropriate control measure," said Howard Feldman, director of regulatory and scientific affairs at the American Petroleum Institute, in a statement. He said the group would keep working with the agency to

"ensure that the final rule protects the environment while allowing businesses to create jobs and get Americans back to work."

The final rules also create a subcategory for boilers that burn biomass, distinguishing them from coal-fired boilers, and granting a request by the American Forest & Paper Association. The trade group claimed that the rules proposed last year couldn't be achieved by many paper mills that use wood waste to power their operations.

Environmentalists said the rule appears to protect public health despite concessions to industry groups.

Bill Becker, executive director of the National Association of Clean Air Agencies, said he was pleased that the agency didn't allow certain exemptions based on the risk of toxic pollution to public health, which he described as "illegal and inappropriate."

"It appears that EPA has addressed many of the industry complaints while still putting out standards that would bring significant public health benefits," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "Let's hope that EPA stands its ground when industries argue for further changes. "

When the agency analyzed the costs and benefits of the proposed rule last year, it found a bigger bang for the buck in reducing pollution from the largest boilers. Controlling the smaller "area source" boilers would produce \$900 million to \$2.4 billion in benefits per year at an upfront cost of \$2.5 billion and an annual cost of \$1 billion, but controlling the larger "major source" boilers would yield \$17 billion to \$41 billion in benefits per year at an upfront cost of \$9.5 billion and an annual cost of \$2.9 billion.

Concerns from Congress

While today's announcement drew cautious praise from both industry groups and environmentalists, the final rules might still evolve because EPA has signaled that it will work out more kinks in the months ahead.

Over the next two months, businesses and environmental groups with concerns about the rules will be allowed to file petitions with the agency, which has the option to delay the implementation of the new rules for an extra three months as it reviews the arguments.

It also remains unclear how the changes will be received on Capitol Hill, where hundreds of lawmakers have signed letters urging EPA to ensure that the final rules don't impose unnecessary costs on businesses.

Among the critics is Sen. Rob Portman, a freshman Republican from Ohio. Last week, he joined three Republican colleagues and two Democrats in signing a letter that asked whether EPA would welcome a congressional assist in reworking the boiler rules.

Yesterday afternoon, while President Obama was stumping for innovative businesses at Cleveland State University, Portman was 200 miles southwest in Chillicothe, Ohio, visiting a specialty paper plant that would be subject to EPA's new air pollution rules.

Portman told *Greenwire* he is worried that the boiler rules could hurt the competitiveness of the P.H. Glatfelter Co. plant, which employs about 1,200 workers at an average salary of more than \$60,000 per year. The company told him the rules proposed last year couldn't be met with existing technology, and that complying could wipe out a whole year's worth of profits for the U.S. printing industry.

The backlash in Congress reflects that the shock waves from the rule would be felt up and down the supply chain, from the producers of wood fiber to the companies that use the finished paper products, Portman said. So, too, with the public sector, because many schools and hospitals use boilers to provide heat and power.

"I can't believe, with the thousands of comments that they've received, that they wouldn't be rethinking the rule," Portman said yesterday. "This is not workable."

The boiler rule is one of the Obama administration's most closely watched efforts under the Clean Air Act. It was prompted, like a similar upcoming rule for coal-fired boilers at power plants, by a court ruling that decided the pollution rules issued by the George W. Bush administration were illegal.

Both environmentalists and industry sources agree that the rules issued today were a particular challenge because so many facilities use boilers in different ways. When EPA issued its proposal last year, businesses hadn't provided enough information, so it was difficult to "calculate standards that fully reflected operational reality," EPA Administrator Lisa Jackson wrote in a letter to members of Congress.

During the public comment period, the agency received a lot of new information, an EPA spokesman said at the time. He said the agency would need to make substantial changes, which is what appears to have happened today.

"The final standards, which are not due until early next year, will reflect all of the relevant new information, and that is exactly how this process is supposed to work," the spokesman said ([Greenwire](#) , Sept. 28, 2010).

[Click here](#) to read the rules.

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Bob Sussman/DC/USEPA/US

To Richard Windsor

05/05/2010 06:48 PM

cc

bcc

Subject Fw: In Case You did Not See the latest from Sen. Byrd

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 05/05/2010 06:48 PM -----

From: Gregory Peck/DC/USEPA/US
To: Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA
Cc: Denise Keehner/DC/USEPA/US@EPA, Kevin Minoli, Karyn Wendelowski/DC/USEPA/US@EPA
Date: 05/05/2010 04:38 PM
Subject: In Case You did Not See the latest from Sen. Byrd

"Our Greatest Resource"

U.S. Senator Robert C. Byrd, D-W.Va.

The recent explosion at the Upper Big Branch coal mine in my home county of Raleigh, which killed 29 West Virginians and injured 2 others, has brought West Virginia statewide sorrow and worldwide attention.

Reflecting on President John F. Kennedy's death, Robert F. Kennedy once said, "A tragedy is a tool for the living to gain wisdom."

As we seek to understand how and why the Upper Big Branch disaster occurred, we might also re-examine conventional wisdom about the future of the coal industry in our state.

Americans depend mightily on our coal to meet their energy needs. Coal is the major source of electricity in 32 states, and produces roughly half of all the electricity consumed in the United States.

As West Virginians, our birthright is coal. The ancient fossil is abundant here, and is as emblematic of our heritage and cultural identity as the black bear, the cardinal, and the rhododendron.

Indeed, the coal severance tax codifies the philosophy that the coal belongs to all West Virginians, and that they deserve meaningful compensation for its extraction. This philosophy has also been embraced nationwide, through the Black Lung Excise Tax, the Abandoned Mine Reclamation Fee, and several other existing and proposed programs that provide additional compensation to the people and places that produce our coal, oil, gas, and other energy resources.

Coal brings much needed jobs and revenue to our economy. But the industry has a larger footprint, including inherent responsibilities that must be acknowledged by the industry.

First and foremost, the coal industry must respect the miner and his family. A single miner's life is certainly worth the expense and effort required to enhance safety. West Virginia has some of the highest quality coal in the world, and mining it should be considered a privilege, not a right. Any company that establishes a pattern of negligence resulting in injuries and death should be replaced by a company that conducts business more responsibly. No doubt many energy

companies are keen for a chance to produce West Virginia coal.

The industry of coal must also respect the land that yields the coal, as well as the people who live on the land. If the process of mining destroys nearby wells and foundations, if blasting and digging and relocating streams unearths harmful elements and releases them into the environment causing illness and death, that process should be halted and the resulting hazards to the community abated.

The sovereignty of West Virginia must also be respected. The monolithic power of industry should never dominate our politics to the detriment of local communities. Our coal mining communities do not have to be marked by a lack of economic diversity and development that can potentially squelch the voice of the people. People living in coal communities deserve to have a free hand in managing their own local affairs and public policies without undue political pressure to submit to the desires of industry.

We have coal companies in West Virginia which go out of their way to operate safely and with minimal impact on our environment. Those companies should be commended and rewarded. But the coal industry has an immensely powerful lobby in Washington and in Charleston. For nearly a hundred years they have come to our presidents, our members of Congress, our legislators, our mayors, and our county commissioners to demand their priorities. It is only right that the people of West Virginia speak up and make the coal industry understand what is expected of it in return.

The old chestnut that coal is West Virginia's greatest natural resource deserves revision. I believe that our people are West Virginia's most valuable resource. We must demand to be treated as such.

Gregory E. Peck
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Bob Sussman/DC/USEPA/US

To: Richard Windsor

01/10/2010 03:51 PM

cc

bcc

Subject: Fw: KY gets tough on valley fill permits - from Coal Tattoo

Robert M. Sussman
 Senior Policy Counsel to the Administrator
 Office of the Administrator
 US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 01/10/2010 03:50 PM -----

From: Gregory Peck/DC/USEPA/US
 To: Stan Meiburg/R4/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA
 Cc: Suzanne Schwartz/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA
 Date: 01/10/2010 10:24 AM
 Subject: KY gets tough on valley fill permits - from Coal Tattoo

Kentucky gets tough on valley fill permits

by Ken Ward Jr.

In the wake of Wednesday's announcement by [WVDEP Secretary Randy Huffman on valley fill permits](#), Kentucky regulators on Thursday made their own very major announcement. This was touched on briefly in the [comments section of Coal Tattoo](#) by former OSM Tom Rodd. I was dealing with the big Science article on mountaintop removal and didn't have time to blog about it. But it's worth Coal Tattoo readers taking a close look at Tom for getting the discussion of it going.

Here's the lead from the [Louisville Courier-Journal story](#):

Kentucky has issued tougher guidelines for surface coal mines that officials say will lead to faster and better reclamation of hillsides and mountains.

And here's the take on it from the [Lexington Herald-Leader](#):

Far fewer stream areas in Eastern Kentucky would be buried by surface mining than the state has adopted.

Under the guidelines, coal companies would put more excess rock and dirt in nearby hollows rather than putting it in nearby hollows, which covers up stream areas.

The Kentucky Department of Natural Resources has a press release [here](#) and a copy of the press release. The press release says the new Kentucky policy will:

- Provide an objective process for achieving AOC while ensuring stability of backfill material and
- Provide an objective process for minimizing the quantity of excess spoil that can be placed in excess

fills.

- *Minimize watershed impacts by ensuring compliance with environmental performance standards.*
- *Minimize impacts to aquatic and terrestrial habitats.*
- *Provide an objective process for use in permit reviews, as well as field inspections during mining.*
- *Maintain the flexibility necessary for addressing site specific mining and reclamation conditions to the maximum extent practicable, consistent with the regulatory authority as intended by SMCRA and Congress.*

It's [worth noting that the West Virginia DEP adopted its own similar policy](#) more than a decade ago, in response to [the first big citizen group lawsuit over mountaintop removal](#), the Bragg case.

I'm told there are some significant differences between the two policies ... for one thing, the new Kentucky rules exempted "contour mining." It's also worth noting that the new Kentucky rules won't be implemented until next year, according to environmental advocate Tom FitzGerald, who helped broker a deal on the changes:

This is going to dramatically change the way mining is done. This is probably the most important change in mining practices in many years.

And, it's important to mention that both the West Virginia and Kentucky policies were developed by a mining engineer John Morgan. I did [a story as part of my original Mining the Mountains](#) in 2007, which was a year ago that outlined some of Morgan's thoughts on the ways to reduce impacts from surface mining. You can read it today.

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Bob Sussman/DC/USEPA/US

03/25/2009 05:57 PM

To Richard Windsor

cc

bcc

Subject Fw: MTM - GOV OF KY STATEMENT

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/25/2009 05:57 PM -----

Statement of Gov. Steve Beshear on EPA statements regarding 404 permits

FRANKFORT, Ky.—“Today, I have directed officials with my Energy Cabinet to seek clarification from the Environmental Protection Agency about the 404 permit process. For some time, there has been a lengthy backlog of 404 permits awaiting action from the Army Corps of Engineers as a result of litigation and bureaucratic red tape. Those permits should be reviewed in a timely manner, regardless of the outcome of one application for mining. Our goal in Kentucky is to continue the responsible mining of coal in a way that protects safety and the environment, while also preserving and creating jobs in a region desperately in need of them. But those goals can only be achieved by having a permitting process that works in a transparent and expeditious manner.”

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Bob Sussman/DC/USEPA/US

06/11/2009 06:06 PM

To Richard Windsor

cc Allyn Brooks-LaSure, Adora Andy, Arvin Ganesan

bcc

Subject Feedback on MTM --NO SURPRISE

MINING: Few cheers for Obama admin's mountaintop plan (06/11/2009)

Eric Bontrager and Taryn Luntz, E&E reporters

The Obama administration's plans for managing mountaintop coal mining is getting mixed reviews, with environmentalists saying it doesn't do enough to protect natural resources and coal advocates seeing it adding to regulatory confusion.

The administration announced today a [memorandum of understanding](#) aimed at improving federal oversight of a controversial mining practice whose supporters say it is vital to maintaining U.S. coal supplies but whose opponents want it banned.

The plan's impact is unclear.

Nancy Sutley, chairwoman of the White House Council on Environmental Quality, avoided directly answering a question about whether the policy changes would translate to a net reduction in mountaintop permits. "I think what you will see is fewer environmental impacts associated with this kind of mining," she said.

The memorandum lays out both short- and long-term goals for mitigating the worst environmental consequences of the technique, which involves blasting mountaintops to expose coal seams and dumping debris into valleys and waterways.

"By toughening enforcement standards, by looking for common-sense improvements to our rules and regulations, and by coordinating our efforts with other agencies, we will immediately make progress toward reducing the environmental impacts of mountaintop coal mining," Interior Secretary Ken Salazar said in a statement.

But environmentalists say the memorandum does little to stop damage to resources.

"What the administration is proposing today is essentially rearranging the bureaucratic deck chairs on the disastrous ship that is mountaintop removal," said Joan Mulhern, an attorney with Earthjustice. "They announced new processes for interagency coordination and the potential to review regulations, but no substantive policies to actually stop the destruction caused by mountaintop removal."

The National Mining Association lamented a lack of details about what U.S. EPA and other agencies are looking for in the agency's review of mountaintop mining permits.

"It's unclear because EPA has yet to lay out what those requirements will be," NMA spokeswoman Carol Raulston said. "It's a moving goal line for the coming future."

The plan

Sutley said the administration aims to expand federal scrutiny of permits issued by the Army Corps of Engineers under the Clean Water Act. Permit reviews will be similar those conducted by EPA of 48 pending mountaintop permit applications. The agency put six on hold but allowed 42 others to proceed.

Officials also plan to develop tougher standards for future permits. Within the next 30 days, the administration will issue a new rule for "nationwide permits" that precludes their use to authorize the discharge of debris into water bodies from surface-mining operations.

The Clean Water Act allows nationwide permits for projects with "minimal cumulative environmental impacts," but the proposed rule will be the first step toward phasing out those permits for mountaintop mining, said Terrence "Rock" Salt, the Army's acting assistant secretary for civil works.

The plan also reiterated an earlier pledge by the administration to revisit the 1983 stream buffer zone rule, which the Bush administration changed to allow mining activity closer to mountain streams. The Obama administration decided to vacate the rule in April.

The administration is also calling for greater federal scrutiny of state mining regulators, closing loopholes that allow valley waterways to be damaged by rock and soil that mining companies blast from mountaintops to expose coal deposits, and for a new strategy to expand economic opportunities in the Appalachian region, with a special focus on "green energy" jobs.

Reactions

Environmental groups dismissed the measures as confusing at best and meaningless at worst, contending that the administration is ultimately doing little more than maintaining the status quo.

"What I'm seeing so far is basically no change whatsoever -- yet," said Judy Bonds, co-director of Coal River Mountain Watch. "It just looks a lot like smoke and mirrors to me. It seems like this administration is saying that we're going to look harder at these permits before we rubber-stamp these permits."

Mulhern of Earthjustice called the administration's move to bar the use of nationwide permits for mountaintop mines a "good step," but said it does little to limit the mining practice.

"For the people on the ground, what difference does it make?" she said. "If the mountain's getting blown up and the stream buried, does it really matter what kind of permit you have?"

Joe Lovett, executive director of the Appalachian Center for the Economy and the Environment, called the administration's plan a "pretty lame attempt" to clarify its positions on mountaintop mining.

"It's an administration trying to find its footing, but it's been six months," Lovett said. "It should be getting a little firmer footing than it has now."

Meanwhile, NMA's Raulston noted that the 4th U.S. Circuit Court of Appeals in Richmond, Va., affirmed this year that the corps can issue permits for mountaintop mining without requiring more extensive environmental reviews, a ruling she said added some certainty for the future of coal permits. That, she said, has been muddied by today's announcement.

Cecil Roberts, president of the United Mine Workers of America, said the new policies will clearly affect the timeline for approval of new projects in the short term, but that he is uncertain what the long-term implications of the measures will be.

"We will be monitoring events closely in the coming months to see where that is headed," Roberts said. "I want to be clear: As events unfold over the next months and in the longer term, the UMWA will continue to fight for our members' jobs, their livelihoods and a secure future for their families. And we will do so without regard to who we have to fight with."

On Capitol Hill

The administration's lack of clear answers on its requirements for mountaintop permits also frustrated Sen. James Inhofe (R-Okla.), who in April sent a letter to EPA asking it about the delayed permits ([E&E Daily](#) , April 22).

Inhofe said today's announcement would jeopardize the tens of thousands of jobs that rely on mountaintop mining.

"We can't forget, too, that mountaintop mining is a vitally important economic activity, as it provides a significant portion of the coal that contributes nearly 50 percent of the nation's electricity," Inhofe said in a statement. "This policy puts this important resource and our energy security at risk."

The announcement is unlikely to deter legislative efforts to curtail mountaintop mining.

In March, Sens. Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.) introduced a bill, [S. 696](#), that would amend the Clean Water Act to prevent dumping of excess waste rock, dirt and vegetation into streams and rivers from mines.

Alexander said that while the administration's announcement would add more scrutiny to mountaintop permitting, he still believes it's important to pass legislation to curtail such mining.

"Coal is an essential part of our energy future, but it is not necessary to destroy our environment in order to have enough of it," Alexander said. "Millions of tourists spend tens of millions of dollars in Tennessee every year enjoying the natural beauty of our mountains, and that creates thousands of jobs."

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US

03/26/2009 12:57 PM

To Richard Windsor

cc Arvin Ganesan

bcc

Subject MTM

COAL: Bipartisan legislation would ban mountaintop mining (03/26/2009)

Katie Howell, E&E reporter

Legislators yesterday introduced bipartisan legislation that would effectively end mountaintop coal mining in Appalachia.

Sens. Ben Cardin (D-Md.) and Lamar Alexander (R-Tenn.) introduced a bill that would amend the Clean Water Act to prevent dumping of excess waste rock, dirt and vegetation into streams and rivers during the mining process, which scrapes off the summits of mountains to expose the coal seams underneath.

The legislation claims the mining method has affected more than 1 million acres of Appalachia and buried more than 1,200 miles of headwater streams under tons of mining waste.

"My goal is to put a stop to one of the most destructive mining practices that has already destroyed some of America's most beautiful and ecologically significant regions," Cardin, chairman of the Water and Wildlife Subcommittee, said in a statement. "This legislation will put a stop to the smothering of our nation's streams and water systems and will restore the Clean Water Act to its original intent."

The legislation comes a day after U.S. EPA put a hold on permitting for mountaintop mining so it could evaluate the method's impacts on water quality and aquatic life ([E&ENews PM](#), March 24).

Environmentalists championed the new legislation.

"If passed, [the act] will protect thousands of miles of Appalachian headwaters, streams and rivers," Joan Mulhern, a senior legislative counsel at Earthjustice, said in a statement.

"Earthjustice applauds their leadership in the ongoing fight to stop mountaintop removal mining ... to end the practice of dumping coal mining wastes into waters of the U.S., and to end the dumping of other industrial wastes into the nation's waters, many of which would still be prohibited today if not for the Bush administration's actions to encourage industries to dump their solid wastes into waters."

But the coal industry remains committed to its stance that the mining method is a safe and efficient way to produce coal, touting its reclamation efforts.

In a recent report on mountaintop mining, the National Mining Association said the method

produces more than 110 million tons of coal per year, producing enough energy to power more than 22 million homes.

But the senators said mountaintop mining produces less than 5 percent of the coal mined in the nation and that their legislation would not ban other methods of coal mining.

"Coal is an essential part of our energy future, but it is not necessary to destroy our mountaintops in order to have enough coal," said Alexander, a member of the Water and Wildlife Subcommittee.

The bill is similar to House [legislation](#) (H.R. 1310) reintroduced earlier this month that would prohibit valley fills from interrupting streams and waterways ([E&ENews PM](#), March 4).

Robert M. Sussman
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US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
04/08/2009 06:19 PM

To Richard Windsor, Arvin Ganesan, Allyn Brooks-LaSure
cc
bcc

Subject Fw: Ison Rock Ridge Permit

Robert M. Sussman
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----- Forwarded by Bob Sussman/DC/USEPA/US on 04/08/2009 06:18 PM -----

From: Gregory Peck/DC/USEPA/US
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Cc: Mike Shapiro/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA
Date: 04/08/2009 06:14 PM
Subject: Ison Rock Ridge Permit

Environmental Protection Agency Intervenes to Block A&G Coal's Ison Rock Ridge Mine Community members applaud decision to protect streams, residents

Appalachia, Virginia — In a victory for community members and for clean water, the Environmental Protection Agency (EPA) this week requested that the U.S. Army Corps of Engineers to revoke the "nationwide 21" mining permit for A&G Coal's massive Ison Rock Ridge mountaintop removal coal mine in Southwest Virginia. The news comes only weeks after a delegation of Appalachian coalfield residents met with the EPA in Washington, D.C. urging the Agency to take quick action to protect their communities from the ravages of mountaintop removal coal mining. The bold move is the latest clear signal that the Obama Administration is taking action on mountaintop removal coal mining and supports clean energy solutions and green jobs. Southern Appalachian Mountain Stewards (SAMS), a community organization based in Wise County, Virginia, and the Sierra Club have worked for two years to oppose strip mining on Ison Rock Ridge.

"This is a great day! I am hopeful it means the beginning of the end of the wholesale destruction of the Appalachian Mountains, its watersheds, its streams, its people, and its soul," said Kathy Selvage, vice president of SAMS.

The Army Corps had been relying on a cookie-cutter "nationwide" permit for the Ison Rock Ridge mine, but in the EPA's recommendation that the Army Corps revoke the permit the Agency raised concerns about the mine's impact on waterways that were not addressed in the "nationwide" permit. By dumping its mining waste into valleys and waterways, the Ison Rock Ridge mountaintop removal coal mining operation would be extremely destructive. Residents are also concerned with the proximity of the proposed mine to their homes, as portions of the permit are within the corporate limits of the town of Appalachia and surround several other nearby communities.

"I'm so relieved and grateful the EPA has taken this action," said Gary Bowman, whose home is only hundreds of feet away from a proposed sediment pond for the permit. "We were stuck between a rock and a hard place with this permit and are so happy that we will be able to stay in our home."

The company that operates the Ison Rock Ridge site, A&G Coal, is known for its role in the August 20, 2004 tragedy in which a boulder from an A&G strip mine rolled down a hillside and crashed into a family's Wise County home below, killing a sleeping three-year-old child in his bedroom.

“The days of reckless, unchecked destruction of Appalachian mountains are numbered,” said Mary Anne Hitt, Deputy Director of the Sierra Club’s Beyond Coal Campaign. “There is much more work to do, but President Obama’s EPA has taken bold action on mountaintop removal coal mining, and we applaud their intervention.”

The Ison Rock Ridge permit in Wise County, Virginia, covers nearly 1,300 acres and would destroy three miles of streams and fill nine lush valleys with more than 11 million cubic yards of rock and dirt. The massive mountaintop removal coal mine would surround the community of Derby, bringing destruction within a half mile of the historic district, eliminating the community’s tourism appeal. Other nearby affected communities include Andover, Inman, and Osaka and the Town of Appalachia.

"I'm walking on air," said Derby resident Bob Mullins, who recently returned from a meeting with the White House Council on Environmental Quality. "I feel like we've finally accomplished something. This is a great victory to start with and now it's time to get our friends and neighbors together to continue fighting for the cause and building this movement that is truly gaining momentum."

Mountaintop removal mining is a destructive form of coal mining that has already contaminated or destroyed nearly 2,000 miles of streams. The mining poisons drinking water, lays waste to wildlife habitat, increases the risk of flooding and wipes out entire communities. For more information, visit www.sierraclub.org/MTR or www.samsva.org.

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Bob Sussman/DC/USEPA/US

03/25/2009 02:35 PM

To Richard Windsor

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Subject Fw: Sen Byrd's comments on the MTM announcement

Robert M. Sussman
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US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/25/2009 02:33 PM -----

From: Arvin Ganesan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA
Date: 03/25/2009 01:50 PM
Subject: Fw: Sen Byrd's comments on the MTM announcement

Not bad, everything considered. Our staff had a meeting with Byrd's people which they say went well.

From: Eric Carlson/R3/USEPA/US
To: Catherine Libertz/R3/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA
Cc: Jeffrey Lapp/R3/USEPA/US@EPA, John Forren/R3/USEPA/US@EPA, Jessica Greathouse/R3/USEPA/US@EPA, Jack Bowles/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA
Date: 03/25/2009 01:32 PM
Subject: Sen Byrd's comments on the MTM announcement

“There appears to be a significant amount of misleading reports regarding permits and mountaintop mining over the past 48 hours. That is unfortunate for it led to a significant amount of concern among certain sectors of West Virginia industry.”

“I have urged the Environmental Protection Agency to clarify its actions and assuage concerns.”

“I have long advocated responsible mining practices in West Virginia. The future of coal mining depends on striking a balance between environmental conservation, our Nation’s economic and energy needs, and the health of the people who live in and around the areas where mining occurs. And I truly believe that is possible to achieve.”

“In that regard, we need much better enforcement of the laws governing best mining practices and we must ensure that we are enforcing the laws on the books at every level of government.”

“As we all know, these are perilous economic times. Every job

in West Virginia matters. Everyone involved must act swiftly in concert and cooperation to remedy any problems that threaten coal jobs and the people who live in the local communities where coal is mined.”

Eric Carlson
Congressional/State Liaison
Environmental Protection Agency
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Bob
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08/25/2010 01:32 PM

To Richard Windsor, Bob Perciasepe

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Subject From Greenwire -- CLIMATE: With Hill hopes dashed, advocates circle wagons at EPA

This Greenwire story was sent to you by: sussman.bob@epa.gov

Personal message:

An E&E Publishing Service

CLIMATE: With Hill hopes dashed, advocates circle wagons at EPA

(Wednesday, August 25, 2010)

Robin Bravender, E&E reporter

With global warming legislation sidelined, advocates are bracing for battle over U.S. EPA climate rules, the only game in town for curbing emissions of heat-trapping greenhouse gases.

Environmentalists were left reeling this summer when the Senate retreated on climate legislation, and while a few die-hards say a climate bill is still possible this year, most advocates are shifting their focus to upholding EPA's authority to limit greenhouse gas emissions.

"Obviously, the chances are slim that we'll see a comprehensive bill this year -- but regardless, the regulations that EPA will be considering next year can achieve some pretty substantial global warming pollution reductions on their own," said Nathan Willcox, Environment America's federal global warming program director.

Their strategy amounts to a two-pronged campaign: fending off efforts in Congress to handcuff EPA regulatory power while prodding the Obama administration to mandate deep emission cuts.

EPA climate regulations

Date Regulation

Dec. 7, 2009 Endangerment finding for GHGs.

March 29, 2010 Final reconsideration of the Bush administration's "Johnson memo," stating that GHGs become subject to Clean Air Act regulation in January 2011.

April 1, 2010 Final GHG standards for cars and light-duty trucks for model years 2012-2016.

May 13, 2010 Final "tailoring" rule aimed at shielding small polluters from Clean Air Act permitting requirements.

Sept. 30, 2010 EPA expected to issue a notice of intent to issue a draft rule setting emission standards for cars and light-duty trucks for model years

"There is sort of a two-fold fight," said Sara Chieffo, deputy legislative director at the League of Conservation Voters. "One is fighting off legislative attacks to hamstring, weaken or delay EPA's ability to move forward with reductions from our nations' largest emitters." The second is "pushing EPA to be ambitious on the direct greenhouse gas rules."

Legislative efforts to stymie EPA climate rules have already begun, and more are expected with November elections looming and EPA's first climate rules set to take effect in January.

The most immediate challenge to EPA's climate policies could come from Sen. Jay Rockefeller (D-W.Va.), who plans to seek a vote this year on a bill that would prohibit the agency from regulating stationary sources' emissions for two years. Rockefeller said this month that Senate leadership had agreed to allow him to seek a vote on the bill as part of an energy package the Senate plans to take up in September, but a spokesman for Senate

Fall 2010	2017-2025. EPA expected to issue guidance to states about what constitutes "best available control technology" for regulated sources.	Majority Leader Harry Reid (D-Nev.) said the schedule has not been finalized. The White House has vowed to veto the measure if it reaches President Obama's desk.
Fall 2010	EPA expected to issue draft GHG emission standards for heavy-duty trucks and buses.	But that won't be the only EPA battleground. Opponents of EPA climate rules are also expected to try to attach measures to block climate rules as riders to appropriations bills or other legislation. The Senate defeated a resolution earlier this year from Sen. Lisa Murkowski (R-Alaska) that would have prohibited EPA from regulating greenhouse gases under the Clean Air Act, but Murkowski has said she would look for other avenues to advance the effort.
Jan. 2, 2011 - June 30, 2011	EPA tailoring rule Step 1: Facilities that must already obtain New Source Review and Title V permits for other pollutants must account for GHGs if they increase their emissions by at least 75,000 tons of GHGs per year.	"We expect it to continue," Willcox said. "There are definitely members of Congress who have the backwards opinion that if the federal government is not setting global warming pollution limits, then the EPA shouldn't be allowed to either."
July 1, 2011 - June 30, 2013	EPA tailoring rule Step 2: New facilities that emit at least 100,000 tons of GHGs and existing facilities that increase their emissions by at least 75,000 tons will be subject to permitting rules, even if they do not exceed thresholds for other pollutants.	"As long as the threats are there, we'll be working to defend against them," he said. As part of their defensive strategy, environmentalists have launched advertising campaigns this summer urging lawmakers to oppose any efforts to block EPA climate regulations.
July 30, 2011	EPA expected to finalize GHG emission standards for heavy-duty trucks and buses.	The Natural Resources Defense Council greeted Obama on his vacation in Martha's Vineyard with a two-page advertisement in a local paper urging him to preserve the government's ability to curb greenhouse gases under the Clean Air Act (Greenwire , Aug. 20).
July 1, 2012	EPA tailoring rule Step 3: The agency plans to finalize a rulemaking concerning whether permitting should be required for additional sources.	And activists organized by the advocacy group 1Sky are pressing lawmakers this month to fend off attempts to hamstring EPA climate regulations, said Adi Nochur, the group's partnerships coordinator. His group is coordinating an energy and
-- Robin Bravender	climate advocacy campaign with 350.org, and the Energy Action Coalition (Greenwire , Aug. 12).	

Push for regulatory muscle

As they gird for battle in Congress, environmentalists are also preparing to prod EPA to crack down on polluters as it issues new climate rules.

"We're certainly going to push them to be as strong as they can be," said Joe Mendelson, director of global warming policy at the National Wildlife Federation.

The agency has issued a series of rules detailing which sources will be subject to new climate regulations and when those rules will be phased in but has not yet divulged how sources will be required to curb their emissions.

Starting in January, EPA will require some industrial sources to install the "best available control technology," or BACT, to curb their emissions under the Clean Air Act's New Source Review program, but states and industries are still waiting for guidance from the agency about what that will be for various sectors.

"They've outlined a plan for moving forward with the largest sources ... and that's a positive step, but we haven't seen the BACT guidance yet," said Sierra Club attorney Joanne Spalding. "There's a chance that the BACT guidance could be really weak and that would be a big problem."

Some environmentalists say the agency has already retreated too far on its climate policies.

When EPA issued its draft "tailoring rule" last year, the agency proposed to regulate industrial sources that emit more than 25,000 tons of carbon dioxide annually. But the final rule set a significantly higher threshold with plans to phase in smaller sources over time. Starting in January, only sources that already have to apply for permits for other pollutants and emit more than 75,000 tons of greenhouse gases per year would be affected.

Bill Snape, senior counsel for the Center of Biological Diversity (CBD), said the shift demonstrates how industry influence can result in watered-down regulations. "It is a fact that the final rule is far weaker than the proposed rule," he said, adding that the change was made "clearly because industry got the ear of the White House and got the ear of the EPA."

CBD is suing EPA over the rule, arguing that the agency exempts too many big polluters ([Greenwire](#), Aug. 2).

The revision to the tailoring rule demonstrates why environmentalists should continue to press the agency, Snape added. "Eventually, if you got pressure from both the industry and the public interest side, then hopefully EPA will find a way to actually do the right thing"

Eye on performance standards

One area environmentalists will be watching closely is how EPA decides to address greenhouse gas emission limits as it prepares to issue "new source performance standards," or NSPS, for various industry sectors.

The standards have not yet been at the center of the EPA climate debate, but they are expected to arrive there soon as EPA decides how to tackle greenhouse gases on an industrywide basis.

EPA performance standards

Date	Regulation	Unlike the New Source Review program, which only applies to new and modified facilities, performance standards apply to existing sources across industries and could involve requirements to retrofit some of the oldest, dirtiest stationary sources. "The performance standards set essentially the bottom threshold of what emission rates you have for any air pollutant," Mendelson said. "So if you're doing it with CO2, you've created essentially a floor that any new plant has to meet, and it can apply to existing plants, so it's a way of actually setting some mandatory reductions in greenhouse gas emissions from new and existing sources." But Jeff Holmstead, an industry attorney and former EPA air chief during the George W. Bush administration, said, "There's not a lot of opportunity to make significant reductions through NSPS" because EPA is limited by the available technology. "I have no doubt that EPA will come under some pressure to do something under NSPS, but I don't think they have the legal authority to do anything that will achieve the kind of reductions that the environmental community says are necessary," Holmstead said. EPA issued performance standards earlier this month for the cement industry -- the country's third largest source of CO2 emissions -- but punted on the greenhouse gas issue. EPA said the final rule did not include a
Aug. 9, 2010	EPA issues New Source Performance Standards for cement kilns; does not propose GHG emission standards.	
November 2010	EPA expected to issue a draft NSPS for petroleum refineries; the agency is reconsidering a request to include GHG controls.	
November 2010	EPA expected to issue draft NSPS for nitric acid plants.	
Jan. 31, 2011	EPA under consent decree to issue draft NSPS for oil and natural gas production.	
March 16, 2011	EPA under consent decree to issue draft rule to limit mercury from coal-fired power plants; EPA may also issue draft CO2 NSPS limits for power plants.	
May 2011	EPA expected to issue final decision about whether to set CO2 NSPS for petroleum refineries.	
November 2011	EPA expected to issue final NSPS for nitric acid plants.	

-- Robin Bravender

performance standard for greenhouse gases because the agency does not have adequate information to set a standard. However, EPA said it is "working towards a proposal for GHG standards" from cement facilities and will soon be sending out requests for more information.

In addition to the cement industry, EPA is also expected to soon issue performance standards for other major emission sources, including petroleum refineries, power plants and nitric acid plants. Environmentalists say EPA can expect legal challenges if it does not begin to issue performance standards for greenhouse gases.

"My sense is they want to get the tailoring rule up and running and then go from there," Mendelson said. "But what follows after that needs to be consistent with the law, and it needs to be real reductions."

He expects the agency will begin next spring with petroleum refineries and power plants. Those sources, along with vehicles, "come to mind as places where you get the biggest bang for your buck," Mendelson said. "That should be the place where they start, both from what the schedule looks like and from what the emission sources are."

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Bob Sussman/DC/USEPA/US
05/18/2010 11:43 AM

To: Richard Windsor
cc: Bob Perciasepe, Arvin Ganesan, Seth Oster, Shawn Garvin
bcc:
Subject: Charleston Gazette editorial on Spruce 1 hearing -- You'll like this

Hearing: Vital Tuesday session (*Charleston Gazette*)

May 17, 2010

CHARLESTON, W.Va. -- Today, the U.S. Environmental Protection Agency plans a public hearing on its possible veto of Arch Coal's Spruce Mine, the largest mountaintop-removal permit in West Virginia history. Registration to speak begins at 5 p.m. for the 7 p.m. hearing at the Charleston Civic Center.

The last time the Army Corps of Engineers had a hearing on a proposal to tighten permit requirements, only strip mining supporters were allowed to speak. Each time others tried to talk, they were drowned out by heckling and shouting. The Corps did not remove the disruptive people.

But this is the EPA's hearing, and the EPA seems to be taking environmental protection more seriously than in the past, and more seriously than some other regulating agencies. We hope they take civil discourse seriously, too.

Mine operators are required to get permits from the Corps of Engineers for mountaintop-removal sites. The EPA, if it finds that an operation would cause too much damage, has authority to veto the permit and stop the mine, a power it has rarely used.

That's the possible action facing the Spruce Mine near Blair, Logan County. The Corps of Engineers permit would let the mine bury seven miles of streams. EPA officials are concerned that the mine as currently authorized would severely damage Coal River valley fish, wildlife and forest resources and water quality.

This action by the EPA is part of a recent effort to take its regulatory job seriously.

In an April 1 memo to regional administrators, EPA staff spelled out concerns about the health of waterways downstream from mountaintop-removal sites:

"Recent studies, as well as the experiences of Appalachian coalfield communities, point to new environmental and health challenges that were largely unknown even 10 years ago. Since 1992, nearly 2,000 miles of Appalachian streams have been filled at a rate of 120 miles per year by surface mining practices. A recent EPA study found that nine out of every 10 streams downstream from surface mining operations were impaired based on a genus-level assessment of aquatic life."

One concern is electrical conductivity. Just as salty seawater conducts electricity more easily than fresh water, streams with increased levels of various compounds dissolved in them become increasingly conductive. That is a problem in itself, but also higher amounts of substances such as selenium are toxic to aquatic life. Surface mine deforestation in Appalachia adds up to an area the size of Delaware and is affecting storm water runoff, accelerating sediment and nutrients being washed away, and changing water temperatures.

Both EPA Director Lisa Jackson and state Environmental Protection director Randy Huffman have said that few West Virginia valley fills could meet the new conductivity limit.

"As scientific evidence grows, EPA has a legal responsibility to address the environmental consequences of Appalachian surface coal mining," the EPA memo says.

No one disputes that coal is an important source of energy and a component of the state economy. But EPA Director Jackson is right when she says, "The people of Appalachia shouldn't have to choose between a clean, healthy environment in which to raise their families and the jobs they need to support them. This is not about ending coal mining. This is about ending coal mining pollution."

Sen. Robert C. Byrd was also correct when he warned back in December that the coal industry must embrace the future.

Nothing is going to replace coal in the near future. It provides more than 40 percent of the nation's energy. But it is on the decline, and Central Appalachian production is expected to decline during the next two decades. Americans are growing less complacent about the damage caused by mountaintop removal.

"When coal industry representatives stir up public anger toward federal regulatory agencies, it can damage the state's ability to work with those agencies to West Virginia's benefit," Byrd said then.

Whether West Virginians mine coal for another 20 years or another 200 years, responsible people today must take care to get their fuel in a way that doesn't wreck the place for those who will come later.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
07/09/2010 09:47 AM

To Richard Windsor, Bob Perciasepe, David McIntosh, Lisa
Heinzerling, Gina McCarthy

cc

bcc

Subject Fw: InsideEPA: EPA Utility Rules Prompt Industry, FERC
Forum On Grid Reliability Impacts

Wanted to make sure you saw thisGina, weren't you reaching out to FERC?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 07/09/2010 09:45 AM -----

From: "Walke, John" <jwalke@nrdc.org>
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Goffman/DC/USEPA/US@EPA
Date: 07/09/2010 08:26 AM
Subject: InsideEPA: EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts

I trust that EPA will plan to participate in this. We are reaching out to FERC to ensure that NGOs will participate too.

EPA Utility Rules Prompt Industry, FERC Forum On Grid Reliability Impacts
Posted: July 8, 2010

A slew of new and pending EPA rulemakings to curb power plant air, water and waste pollution is spurring the electric power industry and the Federal Energy Regulatory Commission (FERC) to launch a "leadership forum" to assess growing concerns about the rules' potential adverse impacts on the electric grid's reliability.

Strict EPA rules on utilities' emissions, cooling water intakes, coal waste and other regulations could pressure coal-fired power plant operators to choose between upgrading by installing expensive pollution controls or shut facilities down because of the increased costs in complying with the rules, industry and FERC officials say.

FERC Chairman Jon Wellinghoff told a July 6 industry technical conference in Washington, DC, on reliability that the possible closure of several dozen coal plants as a result of strict EPA rules, and the subsequent impact that could have on the electric grid's reliability, needs to be fully assessed by industry and FERC.

Wellinghoff's comments echo remarks by officials from the American Coalition for Clean Coal Electricity, who argued earlier this year that strict new EPA rules to cut nitrogen oxide (NOx), sulfur dioxide (SO2) and mercury emissions from power plants could be so expensive for older, less efficient coal-fired plants to meet that they might shutter those facilities on a quicker schedule than if they had to meet greenhouse gas controls.

Among the various EPA rules of concern to industry is the recently proposed Clean Air Transport Rule (CATR) that would establish a cap-and-trade system for reducing NOx and SO2 emissions in 31 states and the District of Columbia; tighter national ambient air quality standards for ozone and particulate matter; a rule to force mercury emission cuts; EPA's proposed coal waste disposal rules; and revisions to rules for cooling water intakes.

During the July 6 conference, which also included participation from the North American Electric Reliability Corporation (NERC), officials proposed a leadership forum to assess concerns about the likely shuttering of coal-fired power plants due to the rules' impacts and the potential adverse impacts that could have on the electric grid.

The leadership forum was proposed in remarks delivered by the Energy Department's Bonneville Power Administration and almost immediately gained wide support. The forum would offer a venue to discuss the impacts of new EPA air regulations on reliability, according to Wellinghoff and industry sources.

Greater Communication

Supporters see it as a way to achieve greater communication between the commission, industry and NERC on designing reliability standards, and as a vehicle for discussing problems with reliability caused by EPA rulemakings before they are addressed by FERC orders that require certain actions to address reliability concerns, according to industry sources. The technical conference was held in response to criticism from industry and NERC of FERC's March 18 orders that were seen as undermining the NERC standards-making process.

One official representing investor-owned utilities says that companies are ramping up their focus on EPA's slew of power plant rulemakings and that reliability is becoming a major concern.

The official says the investor-owned utility industry will be pressing NERC and FERC to formally create the proposed stakeholder forum -- which will be used to tackle a variety of reliability issues -- to address the effects EPA's rules will have on the power supply mix and overall system reliability.

Among the top issues industry wants to address with FERC is the proposed CATR, the official says. The proposal must be weighed against how power generators can respond to growing regulatory constraints on coal-fired generation, and whether changes to NERC reliability standards might be needed, the source says.

Other issues are also high on the electric power industry's list of pending EPA regulations that, taken together, will place increasing strain on the power supply into 2016, says the official.

Electric power stakeholders are circulating a timeline -- nicknamed the "train wreck" -- that charts the implementation dates of various EPA power plant regulations and the ripple effects the rules will have on utilities. The rules will require the installation of expensive pollution control technology that may be too costly for some facilities to meet, sources say. While some power plants may be able to absorb the costs of the upgrades, others will have to consider shutting down, the investor-owned utility official adds.

Related News: Air Water Energy
1700620

Bob Sussman/DC/USEPA/US
04/28/2010 08:15 AM

To Richard Windsor, Bob Perciasepe, Lisa Heinzerling, Mathy Stanislaus, Seth Oster, Diane Thompson

cc

bcc

Subject The word is out on CCR

From Inside EPA:

The industry push to give EPA a mechanism to retain authority using a subtitle D option comes as several industry sources say EPA within the last 10 days sent a revised coal waste proposal to the White House Office of Information & Regulatory Affairs (OIRA) and has asked the White House to complete its final review prior to the close of business April 30. That would allow EPA Administrator Lisa Jackson -- who has called for a federal "backstop" in any coal ash plan -- to sign the proposal before the end of the month, in line with the agency's plan to issue the proposal in April after delaying the original date from last December.

"The EPA objective is apparently to sign the proposal before the end of April," one industry source says.

Both EPA and OIRA officials declined to comment on the timeframe for the proposal. An OIRA spokesman says the "complicated" rule remains under interagency review. "All parties are working hard to resolve the remaining issues." An EPA spokeswoman adds the agency expects "to issue a proposed rule in the near future."

The revised proposal -- which EPA first sent to OIRA last October -- is expected to no longer include regulation of the ash as a hazardous waste as EPA's preferred option and instead is expected to offer several options, including hazardous subtitle C and nonhazardous subtitle D approaches, on a level playing field.

Robert M. Sussman
Senior Policy Counsel to the Administrator
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US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
02/14/2011 11:59 AM

To Richard Windsor, Bob Perciasepe, Seth Oster, Arvin Ganesan, David McIntosh, Gina McCarthy, Joseph Goffman, Michael Goo, Bicky Corman

cc

bcc

Subject Boiler MACT Jobs Issues

Some good news.

CRS Doubts Boiler MACT's Jobs Impact Amid Uncertainty On G Repeal

Posted: February 11, 2011

The Congressional Research Service (CRS) in a new report is questioning some of industry's main concerns about the adverse economic impact of EPA's pending boiler air toxics rule, which could add to uncertainty over whether a key Republican senator will push legislation to undo the rule once it is final.

CRS says "little credence" should be given to a Council of Industrial Boiler Owners (CIBO) report that predicts the pending rule will put 300,000 jobs at risk and would be twice as expensive as EPA estimated. The Commerce Department is also saying that its past predictions about job losses from the proposed version of the boiler rule no longer apply, because the agency has said it intends to make major changes to the regulation. EPA is under a tight Feb. 21 court-ordered deadline to issue its final maximum achievable control technology (MACT) standard to cut air pollution from boilers, after a federal district court rejected the agency's request to give it until April 2012 to rewrite the rule to address industry concerns about cost and feasibility. EPA has vowed to pursue an administrative reconsideration of the rule after issuing the final standard later this month. Sen. Jeff Sessions (R-AL), a leading critic of the boiler MACT, has talked on the Senate floor about the need to repeal the regulation and in an interview with *Inside EPA* Feb. 8 he stopped short of promising to introduce a bill to undo the rule, saying, "We may have to" push for legislative action.

While Sessions is not yet introducing legislation, Rep. James Sensenbrenner's (R-WI) plans to move a bill that would block the "heavy-hands" regulations. Sensenbrenner is circulating a "Dear Colleague" letter citing economic concerns about the rule from the Small Business Administration, Office of Advocacy and the United Steelworkers, and vowing to "soon" introduce a bill.

Industry and some lawmakers say EPA's proposed version of the boiler MACT issued June 4 is too stringent, too costly, and in some cases unworkable. Critics say EPA should have set a more lenient health-based standard for some pollutants and should have created more subcategories. EPA has allowed less stringent standards for some kinds of boilers. EPA says that new data from industry warrant major changes from the proposed rule. "Anytime you have industry and unions come together in agreement, you know you have an argument that transcends politics. Simply put, boiler MACT regulations are too stringent, and the net result of their implementation would be an onerous burden on businesses, which will be either shut down operations or terminate employees to survive," according to Sensenbrenner's undated letter.

It is unclear whether Sensenbrenner's bill would be a Congressional Review Act resolution to undo the boiler MACT and other air toxics rules or another legislative measure. But without a companion bill in the Senate the Sensenbrenner legislation stands no chance of becoming law even if a Republican majority in the House passes the bill.

Sessions is one of several senators who have outlined major concerns with the boiler MACT, saying in a Feb. 4 Senate floor speech that the rule "has to be repealed." He said he had spoken to workers at a sawmill in Alabama who say "this boiler MACT regulation will hammer them hard, they may not be able to continue in business."

Although Sessions hedged on whether he will introduce a bill to repeal the final boiler MACT, Sessions said the outcome of EPA's pending rule is uncertain. "We can't assume they're going to substantially alter the final rule," he said. "These are the kind of rules that are designed to be permanent," he said, adding "People in suites in D.C. can pass these rules without understanding the human and economic costs that arise from it."

CRS Questions Costs

While lawmakers continue to raise concern about the costs of the rule, the recent CRS report questions some of industry's concerns about the economic impact of boiler MACT.

The Jan. 24 CRS report, "EPA's Boiler MACT: Controlling Emissions of Hazardous Air Pollutants," says "little credence" should be given to CIBO's analysis predicting 300,000 job losses from the rule. CRS says the CIBO analysis is "flawed" because it considers economic losses from reduced output from industries with boilers, without considering increased output from industries that make and install pollution controls. "The assumption that output declines by \$20.7 billion at the base of CIBO's analysis is flawed. As a result, little credence can be placed in CIBO's estimate of job losses," according to CRS.

The report also points out that 85 percent of boilers will not face expensive controls under the pending boiler air toxics rule, though the rule would affect coal and biomass boilers will bear the brunt of the rules. Further, CRS argues that EPA could face significant hurdles setting health-based

creating more-lenient subcategories of standards as industry and some lawmakers have requested.

The report also echoes claims by EPA Administrator Lisa Jackson and the National Association of Clean Air Agencies that industry routinely overestimates rules' costs. "In general, over the last 40 years, Clean Air Act rules have proven less expensive than both EPA and industry have projected before they were promulgated," the report says. And EPA cannot legally consider costs in setting minimum MACT standards, notes.

But, industry argues that EPA's planned changes to the final rule validate their concerns about the adverse economic impacts of the pending regulation. "EPA's recent public statements indicate the rule they intend to publish will be different, so the job losses that would have resulted from the proposal are not to be discounted," Donna Harman, the President and CEO of the American Forest & Paper Association says in a statement. Meanwhile, the Commerce Department says that EPA's changes to the final rule will likely make its predictions about the economic impacts of the proposed rule irrelevant. While the department never publicly released its report, sources say it predicted dramatically more job losses than would result from the proposal.

The department conducted an analysis of the proposed rule that predicted job losses of 40,000 to 60,000 per year and found a decline in international competitiveness of U.S. goods, one informed source said last fall. In contrast, EPA predicted between 6,000 job losses and gains over the long term.

Sen. Olympia Snowe (R-ME) and other lawmakers asked the department to release the report, but it has declined to do so. Now, the department is arguing that the changes to the rule will make its analysis of the proposed rule irrelevant.

"It is our understanding that the extensive public comments received by EPA, particularly on the scope and coverage of the rules and questions regarding how to categorize various boiler-types," led EPA to seek "an extension of its timeline in order to re-issue proposed boiler MACT standards," the department says in a Jan. 14 letter to Snowe.

"As such, the earlier Commerce findings are now outdated and no longer relevant to EPA's issuance of final boiler MACT rules," the department says in the letter. -- *Kate Winston*

Related News: [Air Toxics](#)

2354159

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Bob Sussman/DC/USEPA/US

02/10/2010 10:49 AM

To Richard Windsor

cc Cynthia Giles-AA, "Heidi Ellis", "Lisa Heinzerling", "Bob Perciasepe", "Mathy Stanislaus", "Bob Sussman", "Diane Thompson"

bcc

Subject Re: Let's catch up on coal ash at 11. Ok?

Normal call-in number?

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor

02/10/2010 10:34:11 AM

From: Richard Windsor/DC/USEPA/US
To: "Bob Sussman" <Sussman.bob@epa.gov>, "Mathy Stanislaus" <stanislaus.mathy@epa.gov>, Cynthia Giles-AA/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>
Cc: "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>
Date: 02/10/2010 10:34 AM
Subject: Let's catch up on coal ash at 11. Ok?

Bob Sussman/DC/USEPA/US
03/06/2009 10:07 AM

To Richard Windsor, David McIntosh, Allyn Brooks-LaSure
cc
bcc

Subject Boxer Coal ash resolution -- help or hindrance?

COAL: Senate pushes EPA to act on power plant waste (03/06/2009)

Eric Bontrager, E&E reporter

Less than three months after a coal ash pond ruptured and spilled more than a billion gallons of power plant waste over a Tennessee county, senators are calling on the Obama administration to guard against similar accidents in the future.

Two members of the Senate Environment and Public Works Committee introduced a [resolution](#) Wednesday calling on U.S. EPA to start regulating the same kind of coal ash that spilled from a retaining pond at the Tennessee Valley Authority's Kingston Fossil Plant in Roane County, Tenn., in December.

The resolution, S. Res. 64, from committee Chairwoman Barbara Boxer (D-Calif.) and Sen. Tom Carper (D-Del.), pushes the agency to conduct immediate reviews and inspections of all of the country's coal ash impoundments and to regulate coal combustion waste under the Resource Conservation and Recovery Act (RCRA).

"We cannot afford to have another tragedy like the recent TVA ash spill that threatened public health and safety," Carper said in a statement. "The time has come for the Environmental Protection Agency to give industry the guidelines it needs to safely store this hazardous waste."

The motion, supporters said, is intended to push the Obama administration to quickly respond to the regulatory and safety shortfalls that allowed the spill in Tennessee to occur in the first place.

"This tragic event was a wakeup call for federal regulators who have avoided regulating similar coal ash disposal sites all across the country to act now," said Ben Dunham, associate legislative counsel at Earthjustice. "This Senate resolution moves us one step closer to an ultimate goal of strong protections and safeguards to prevent more disasters such as the TVA spill."

In 2000, EPA produced a draft regulatory determination that said certain fossil fuel combustion wastes like coal ash should be regulated as a hazardous waste under RCRA, but no regulations have ever been promulgated.

Senate EPW Committee staff member Bettina Poirier said the Senate resolution is a largely symbolic gesture intended to demonstrate that EPA has the authority under RCRA to produce new coal ash regulations. "The notion of the resolution is we don't have to have legislation for action to occur," she explained.

While no hearings are planned for the resolution, Poirier said sponsors will attempt to gather more supporters before bringing it to a vote "to provide very public support for the action EPA takes."

EPA Administrator Lisa Jackson said last week that the agency is primarily focused on its enforcement and response to the spill and ensuring that other facilities manage their impoundments better than TVA did in Tennessee, but she said EPA will likely produce new regulations soon.

"I don't have an answer yet on how and if EPA will regulate," Jackson said. "I do believe it is likely that we will make a decision fairly soon" ([E&ENews PM](#) , Feb. 27).

Earlier this week, more than 100 environmental groups sent a letter to Jackson saying federal standards are needed to govern the disposal of coal combustion waste. The groups described coal ash waste as a huge threat, noting that nearly 100 million tons of coal ash and coal combustion waste are dumped in ponds, pits and mines across the United States each year.

The Senate resolution also calls on TVA to "meet the intentions of Congress and be a national leader in technological innovation, low-cost power, and environmental stewardship."

TVA environmental executive Anda Ray said a third-party inspection is already under way of all its coal ash impoundment ponds to identify any weaknesses. Ray added that the utility "will implement any changes in industry standards and new regulatory requirements for coal ash storage that Congress and the administration may enact."

Next week, the House Natural Resources Committee plans to mark up legislation that addresses some of those industry standards by mandating increased engineering requirements for coal ash ponds.

The legislation from Resources Chairman Nick Rahall (D-W.Va.), [H.R. 493](#), would impose mandatory design and performance standards on coal ash impoundments, aligning them with rules used for similar enclosures for coal mining's slurry waste.

Regulators and industry experts said last month that the legislation was "a common sense approach" that would not only increase the safety of the ponds but also make it simpler for power companies by requiring them to comply with one set of standards ([E&E Daily](#) , Feb. 13).

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
03/03/2009 02:04 PM

To Richard Windsor, David McIntosh, Allyn Brooks-LaSure, Lisa
Heinzerling

cc

bcc

Subject Holdren/Lubchenco Confirmation Delays

NOMINATIONS: N.J. senator stalls confirmations of 2 top science posts (03/03/2009)

The nominations of two of President Barack Obama's top science advisers have stalled in the Senate, which could pose a challenge to the administration as it seeks to frame new policies on climate change and other environmental issues, according to several sources.

Sen. Robert Menendez (D-N.J.) has placed a "hold" that blocks the confirmation votes of Harvard University physicist John Holdren, who is slated to lead the White House Office of Science and Technology Policy, and Oregon State University marine biologist Jane Lubchenco, the nominee to lead the National Oceanic and Atmospheric Administration.

According to sources who asked not to be named because they are not authorized to discuss the matter, Menendez is using the holds as leverage to get Senate leaders' attention for a matter related to Cuba rather than a question of the nominees' credentials.

But the delay has alarmed environmentalists and scientific experts who strongly back Holdren and Lubchenco.

"Climate change damages our oceans more every day we fail to act," said Michael Hirshfield, chief scientist for the advocacy group Oceana. "We need these two supremely qualified individuals on the job yesterday."

Holdren and Lubchenco had a relatively friendly hearing before the Senate Commerce, Science and Transportation Committee last month. An administration official said yesterday he anticipated the nominations would make it to a floor vote, which could resolve the issue (Juliet Eilperin, [Washington Post](#), March 3). -- **KJH**

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
03/06/2009 02:58 PM

To Richard Windsor, David McIntosh, Robert Goulding, Eric
Wachter, Lisa Heinzerling, Scott Fulton, Allyn Brooks-LaSure
cc
bcc

Subject Not necessarily news but

EPA: Leadership needed to address 'persistent' shortcomings -- GAO (03/06/2009)

Sara Goodman, Katherine Boyle and Robin Bravender, E&E reporters

U.S. EPA needs a coherent national strategy for managing the complicated issues under its jurisdiction, the Government Accountability Office said in a [report](#) released this week.

Because of the breadth of its mission, the agency faces regulatory challenges in several key areas, including toxic chemical oversight, implementing air and water regulations, and addressing issues linked with climate change, the GAO says.

The agency has been hampered by what GAO calls "repetitive and persistent" shortcomings, including a lack of consistency in environmental enforcement and effective use of its resources.

Although EPA was initially tasked with cleaning up environmental pollution, the agency's purview has expanded over time to include improving air, land and water quality while protecting the public from toxic substances released into the environment.

"Until it addresses these longstanding challenges, EPA is unlikely to be able to respond effectively to much larger emerging challenges, such as climate change," the report concludes. "Facing these challenges head-on will require a sustained commitment by agency leadership."

Toxics, water challenges

Last month, GAO added EPA's risk assessment process for chemicals to its list of high-risk programs governmentwide, highlighting the importance of EPA's ability to efficiently and effectively monitor the thousands of chemicals currently in use.

EPA also struggles with water issues because of the billions of dollars needed to upgrade the nation's aging water infrastructure.

Monitoring and regulating decentralized pollution sources, such as urban storm water runoff, also poses problems for the agency. Though the pollution threatens wildlife and recreational swimmers and boaters, the agency has not yet developed rapid water-testing methods and current water quality standards, the report notes.

Stemming pollution from sources like concentrated animal-feeding operations is another significant challenge, GAO says. EPA lacks comprehensive and reliable data on the number,

location, and size of the operations that have been issued permits. The agency is presently working on a national data system that would compile information on animal-feeding operations.

Reviewers said the problems EPA must address in the water sector are reflected in the agency's lack of progress in cleaning up water bodies such as the Chesapeake Bay, which is plagued by nutrient pollution, and the Great Lakes.

EPA also faces numerous obstacles preventing the agency from expeditiously cleaning up hazardous waste sites. The agency says competing priorities and a lack of funding have stymied any attempt to implement a 1980 statutory mandate that would require businesses handling hazardous substances to provide financial assurances that would pay for future environmental cleanup.

Part of the funding problem can be attributed to the expiration in 1995 of polluter fee requirements that generated revenue for cleaning up toxic waste sites, the report said. In recent years, appropriations for Superfund have declined and the pace of cleanups has slowed. Funding, however, may be on the upswing, as the White House fiscal 2010 proposal would reinstate Superfund excise taxes.

Emerging challenges

GAO cites climate change as EPA's chief emerging challenge. The agency will be at the center of the federal strategy for combating global warming and must devise a better approach to addressing it, the report says.

"In GAO's view, the federal government's approach to climate change has been ad hoc and is not well coordinated across government agencies," the report says.

The government has failed to develop a comprehensive approach for targeting federal research dollars toward the development and deployment of low-carbon technologies, reviewers say. Government agencies have also allowed energy conservation efforts to stagnate over the past decade, the report says.

EPA has also faltered in its implementation of federal clean air laws, GAO notes. Problems that must be resolved include coordinating efforts with other federal agencies, analyzing the health impacts caused by air pollution, and overcoming delays in the regulation of mercury and other air toxics.

Additionally, the agency must now grapple with several major air regulations that have been overturned or remanded by courts. Those include the Bush administration's controversial Clean Air Interstate Rule and Clean Air Mercury Rule, regulations related to the New Source Review permitting program, and issues surrounding whether EPA and the states can use existing authority under the Clean Air Act to regulate greenhouse gases. Each of those issues will require prompt attention from the agency, GAO says.

EPA did not respond to requests for comment on the report by press time but has said in the past

that it agrees with many of GAO's recommendations.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US

03/11/2009 06:57 PM

To Richard Windsor

cc David McIntosh, Scott Fulton, Lisa Heinzerling, David Cohen,
Allyn Brooks-LaSure

bcc

Subject Review of Bush ozone Standard

LISA -- YOU'LL REMEMBER OUR DISCUSSION OF THIS. HERE'S THE FOLLOW-UP.

AIR POLLUTION: EPA seeks review of Bush smog standards (03/11/2009)

Robin Bravender, E&E reporter

The Obama administration has asked a federal appeals court to stall proceedings over pollution limits for smog to give U.S. EPA more time to determine whether to revise the controversial Bush-era standards.

Justice Department attorneys on behalf of EPA yesterday [asked](#) the U.S. Circuit Court of Appeals for the District of Columbia to vacate the briefing schedule for a lawsuit in which a coalition of states and environmental and health groups is suing the agency to strengthen its standards for ozone, a component of smog. Several industry groups also sued EPA to push for weaker ozone limits.

The Bush EPA last March tightened its air pollution standards for ozone to 75 parts per billion (ppb), replacing the former standard of 84 ppb. But critics blasted the administration for ignoring EPA's Clean Air Scientific Advisory Committee, which recommended that the agency ratchet down the primary ozone standard to 70 ppb or lower.

The health standard is supposed to establish the amount of ground-level ozone that an average person can breathe over eight hours without risking health problems.

Environmentalists also accused the Bush White House of intervening to prevent EPA from establishing a tighter secondary standard to protect forests, crops and wildlife, something EPA staff members and science advisers had recommended.

Meanwhile, industry petitioners argued that the lower Bush-era standards would make it tougher for states to comply and could have damaging economic effects. State compliance measures could include stricter regulations on emissions from coal-fired power plants and other industrial sources, or beefing up tailpipe emissions programs aimed at taking older cars and trucks off the road.

In its motion yesterday, EPA requested the extension to allow new agency officials to review the national air quality standards for ozone to determine whether the Bush administration's rule

"should be maintained, modified or otherwise reconsidered." The agency asked for six months to inform the court how it intends to handle the rule.

According to EPA's motion, none of the petitioners in the case opposed the request to hold off on the court briefings.

'Encouraging step'

"Whether the agency decides to formally either modify the standard or undertake formal reconsideration proceedings, we don't know yet, but we think this is an encouraging step," said Earthjustice attorney David Baron, who is representing environmental groups in the lawsuit.

EPA's request came as little surprise to some environmentalists, who predicted that EPA might voluntarily review the standard after the same appeals court last month sent the Bush administration's pollution standards for airborne soot back to the agency for review ([Greenwire](#) , Feb. 25).

Revising the standard to comply with science advisers' recommendations would be a fairly simple task, Baron said.

"They don't have to reinvent the wheel here," Baron said. "This is not a situation where we or the medical community is asking EPA to second-guess the scientists; it just has to essentially do what the scientists have already told them they need to do."

Still, some industry groups are hopeful that EPA will relax its standard.

"We want it to match what the science dictated," said Amy Chai, staff counsel for the National Association of Home Builders, which sued the agency over last year's rule. "We felt that the current ozone standard goes beyond that."

But that seems unlikely, even though cities are already struggling to meet the current ozone standard, said industry attorney Jeff Holmstead, who served as EPA's clean air chief under former President George W. Bush.

"Clearly, the environmental community is an important constituency for the Obama administration," Holmstead said. "Given that fact and the strong statements from [the Clean Air Scientific Advisory Committee], you would have to suspect that they will be looking at making the ozone standard even more stringent when already it's at a level that will be impossible for many U.S. cities to meet."

[Click here](#) to read EPA's motion.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
12/03/2009 06:28 PM

To Richard Windsor, Lisa Heinzerling, Bob Perciasepe, Scott
Fulton, Diane Thompson

cc

bcc

Subject Controversy at OIRA

WHITE HOUSE: Conservative economist joins OMB, sparks outrage from left (12/03/2009)

Robin Bravender, E&E reporter

The hiring of a conservative economist by the White House office that oversees federal regulations has shaken U.S. EPA employees and environmentalists who fear a stifling of regulatory proposals.

Randall Lutter, a Food and Drug Administration employee and a former scholar at the conservative American Enterprise Institute, is working temporarily at the Office of Information and Regulatory Affairs (OIRA) within the Office of Management and Budget. The small office, with a staff of about 50, is responsible for reviewing agency regulations on everything from climate change and public health rules to worker safety and education.

Lutter gained notoriety among environmentalists in recent years for writing that EPA overestimated the health benefits of lower lead levels in children and that the costs of stringent mercury controls on power plants were unlikely to justify the health and environmental improvements. He wrote in 2001 that then-President George W. Bush should be praised for rejecting the Kyoto Protocol for avoiding "years of fruitless negotiations" on implementing the accord.

Lutter is also known for arguing that ground-level ozone provides health benefits by blocking cancer-causing radiation, which he said EPA had ignored in rulemakings. "Getting EPA to assess carefully the benefits of ozone is tough because the mere existence of such benefits is heretical to the environmentalist high priesthood," he wrote in a 2002 paper. "It views a careful assessment of the benefits of pollution as akin to asking Satan how many Christmas presents he has given to the needy."

Lutter, now deputy commissioner for policy at FDA, is at OIRA "on temporary detail," OMB spokesman Tom Gavin said.

"He is not a political hire," Gavin added.

Lutter worked at OIRA during the George H.W. Bush and Clinton administrations.

There is widespread concern across EPA that Lutter will negatively affect environmental rules, according to an EPA employee who spoke on background.

"It seems to me he has a pretty clear antiregulatory bias," the EPA employee said, adding that Lutter has a history of "using shoddy science to back up an antiregulatory position."

Environmental and regulatory reform groups have decried the appointment.

"This guy has a long and very consistent track record of raising very harsh concerns about environmental controls and throwing up obstacles at every turn," said Frank O'Donnell, president of Clean Air Watch.

Rena Steinzor, president of the Center for Progressive Reform, said she fears that Lutter will have a great deal of influence over regulatory reviews. "He's going to be a conduit of everybody who's upset, all the industry folks," she said.

"Few personnel developments could be more discouraging to those hopeful that the Obama administration will fulfill its many commitments to revitalize the agencies responsible for protecting public health, worker safety and natural resources," she added.

Steinzor was among the most vocal critics of Obama's pick to run OIRA, Cass Sunstein, criticizing the Harvard Law professor's views of cost-benefit analysis. Sunstein was confirmed by the Senate in September.

Steinzor accused Sunstein and the regulatory office of trying to hide the fact that Lutter was working at OIRA. When she asked Sunstein about it last week, he refused to answer, she said.

Shortly thereafter, AEI had removed many of Lutter's writings from its Web site, according to John Walke, clean air director at the Natural Resources Defense Council. AEI spokeswoman Veronique Rodman said that Lutter's articles had not been intentionally removed, but that the organization was having problems with its Web site.

Influence on air regulations

Lutter, who started working at OIRA just last month, has already exerted influence over pending air pollution regulations.

In a Nov. 19 [e-mail chain](#) with EPA employees, Lutter questions EPA's analysis of how much a rule to limit sulfur dioxide emissions would cost coal-fired power plants.

Lutter's critics say that marks a sign of troubling things to come.

"He's already stirring up trouble," O'Donnell said. "He's barely been in the door."

And Steinzor fears that he will negatively affect EPA's pending rules, including several dealing with climate change and mercury regulations for power plants.

Sally Katzen, former OIRA administrator during the Clinton administration, defended her former employee.

Katzen said Lutter was a professional who focused on using the best, highest-quality data when conducting regulatory analyses. And at least once during the five years they worked together, she said, he recused himself from working on an issue that he had written about previously.

Like other civil servants who worked for her at the office, she said, Lutter "checked his personal views at the door every day."

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US

04/13/2010 06:51 PM

To Richard Windsor, Lisa Heinzerling, Diane Thompson, Seth
Oster, Bob Perciasepe

cc Mathy Stanislaus

bcc

Subject Enviro Letter to president

Mathy has learned through Lisa Evans of Earth Justice that 240 environmental groups will send a letter to the President tomorrow asking him to release the coal ash rule.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
02/19/2010 08:47 AM

To Richard Windsor, Mathy Stanislaus, Lisa Heinzerling, Bob Perciasepe, Diane Thompson
cc
bcc
Subject Coal Ash from inside EPA

EPA Punts Coal Ash Rule To April

EPA does not plan to issue its long-stalled proposal to regulate coal ash and other coal combustion byproducts until sometime in April -- six months after it forwarded the draft rule to White House regulatory review officials for what is supposed to be at most a 90-day review.

The agency on a new Web site designed to increase transparency of its rulemaking efforts says it now expects to publish [the proposal](#) in the *Federal Register* in April. EPA originally sent the rule to the White House Office of Management & Budget (OMB) Oct. 16 and intended to issue the proposal in December, but opposition from states, industry and other federal agencies has stalled the regulation.

Opponents are seeking to convince EPA to drop its preferred "hybrid" approach to regulate most wet forms of coal ash as hazardous under the Resource Conservation & Recovery Act (RCRA), while designating certain beneficial reuses as non-hazardous under the law.

Environmentalists have long sought a hazardous RCRA designation for the material and are unlikely to support delaying the proposal even longer, with activists [harshly criticizing](#) the intense lobbying efforts at OMB before EPA issues the proposal. Groups have also publicly called for EPA to be able to release the hybrid plan so debate over it can be transparent.

The debate over the status of the coal ash proposal continues as EPA Feb. 18 announced the [new Web site](#) to improve transparency at the agency.

EPA says the site is designed to give the public "additional opportunity to participate in the agency's rulemaking process, demonstrating President Obama's commitment to more transparent and open government." The rulemaking "gateway" serves as a "portal to EPA's priority rules, providing citizens with earlier and more concise information about agency regulations," EPA said in a [Feb. 18 statement](#).

The agency also says that the gateway will provide information as soon as work begins on a proposal and will update progress on a monthly basis.

2182010_punts

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US

07/15/2009 08:37 AM

To Richard Windsor

cc Mathy Stanislaus, Seth Oster

bcc

Subject Salazar -- Financial responsibility

Salazar Says EPA Financial Rules Provide Urgency To Mining Reform

Interior Secretary Ken Salazar says EPA's decision to subject the hardrock mining industry to new financial assurance rules should send a message to the Senate that it should quickly reform the federal hardrock mining law in order to reduce legal uncertainty surrounding mining issues.

EPA's decision -- which the agency announced July 13 over industry objections -- was in response to a court decision prompted by an environmentalist lawsuit and should "give the Senate a greater sense of urgency" as it considers legislation that would reform the federal hardrock mining law originally passed in 1872 as a means of promoting westward expansion, he told *Inside EPA* following a July 14 Senate hearing on the legislation.

Passing the legislation would create "legal framework" for controversial mining issues and "provide certainty to communities" effected by mining," he said.

During the hearing Salazar said the Senate should act quickly to pass legislation in part because "not knowing what [Congress] is going to do with 1872 mining law reform" is creating uncertainty for companies considering mining in the U.S.

Salazar described the hardrock mining industry as part of the country's "economic engine" and said it was important that the legislation -- which would among other things establish first-time royalty fees on companies mining public lands in order to fund environmental cleanup -- "find the right balance" between not driving mining jobs overseas and providing "a fair return to taxpayers."

But Salazar expressed support for at least some legislative provisions to which industry is opposed, such as the creation of new environmental standards for hardrock mining.

"Some may say we already have enough environmental protections" from laws such as the National Environmental Policy Act, the Endangered Species Act and the Clean Air Act, Salazar said, echoing an industry argument against the creation of new environmental standards for hardrock mining. But in "reality, that is not always the case," Salazar said, adding that in the past bankrupt mining companies have left behind environmental contamination.

Concern over the bankruptcy issue was in large part what drove environmentalists to file the lawsuit that has now prompted EPA to develop financial assurance rules for the hardrock mining industry. Environmentalists filed the lawsuit last year while legislative efforts to address the issue -- which have been ongoing for several years -- continued to falter in the

Senate.

As a result of the lawsuit, EPA is now proposing to subject the hardrock mining industry to first-time Superfund financial assurance rules to prevent the creation of future abandoned waste sites despite industry claims that such rules unnecessary, are based on inappropriate data, and overlap with existing requirements in other state and federal laws ([see related story](#)).

7142009_mining Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Bob Sussman/DC/USEPA/US
01/05/2010 06:26 PM

To Richard Windsor
cc Seth Oster, Arvin Ganesan
bcc
Subject Fw: Byrd statement

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 01/05/2010 06:25 PM -----

From: William Early/R3/USEPA/US
To: Sussman.Bob@epa.gov, Gregory Peck/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA
Date: 01/05/2010 04:47 PM
Subject: Fw: Byrd statement

Attached is a statement from Sen. Byrd on Hobet.

Thanks.

William C. Early
Deputy Regional Administrator
Middle Atlantic Region
U. S. Environmental Protection Agency
215 814 2626
215 814 2901 (Fax)
Early.William@epa.gov
----- Forwarded by William Early/R3/USEPA/US on 01/05/2010 04:46 PM -----

Jessica Greathouse/R3/USEPA/US
01/05/2010 03:48 PM

To William Early/R3/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, Catherine Libertz/R3/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA, Jeffrey Lapp/R3/USEPA/US@EPA, Jessica Martinsen/R3/USEPA/US@EPA, Stefania Shamet/R3/USEPA/US@EPA, Samantha Beers/R3/USEPA/US
cc Arvin Ganesan/DC/USEPA/US@EPA
Subject Byrd statement

January 05, 2010

Byrd Applauds All Parties For Progress On Mining Permits

News organizations seeking more information should contact Senator Byrd's Communications Office at (202) 224-3904.

Washington, DC – Senator Robert C. Byrd, D-W.Va., today released the following statement in response to actions by the Environmental Protection Agency (EPA) in moving forward with Patriot Coal’s Hobet 45 mining permit in Lincoln County. This was the first permit given EPA approval following an earlier announcement last year that 23 surface mining permits in West Virginia were to receive an “enhanced review” by the EPA. The mining permit, once given final approval by the U.S. Army Corps of Engineers, will help over 450 workers remain on the job. Byrd is also pleased by the decision of the EPA and Arch Coal to continue discussions in hopes of reaching an agreement on the Spruce Mine permit.

Byrd met with EPA Administrator Lisa Jackson on December 22, 2009 to continue their candid and cordial dialogue on issues of importance to coal mining in West Virginia.

“I commend Patriot Coal and the Environmental Protection Agency for their determination to come to the table and work together to resolve this issue,” Byrd said. “By choosing cooperation over confrontation, Patriot and the EPA are creating a template for how coal operators and regulators can work together to protect mining jobs while also abiding by federal laws that protect the land, water, and people from negative environmental impacts.”

“In addition, I am also heartened by the announcement that the EPA and Arch Coal will continue their discussions on the future of the Spruce Mine permit. This is a very positive development.”

“Coal is critical to helping America meet its energy needs. I continue to believe that civil and candid discussions about the future of coal, as evidenced by the progress with these mining permits, can serve the long-term interests of coal miners and our state.”

“There is an achievable balance between environmental concerns and the necessary mining of coal as part of our energy portfolio. Striving for that balance, without rancor, must be our goal,” Byrd added.

Byrd also announced that next week the Army Corps of Engineers, the Environmental Protection Agency, and the West Virginia Department of Environmental Protection will begin hosting regular meetings with any interested coal companies in order to clarify the technical details and requirements associated with the processing of permit applications. These meetings will help companies to conform their proposed mining plans to federal and state laws. The first is slated for Tuesday, January 12, 2010, at the Civic Center in Charleston.

###

Jessica H. Greathouse
State and Congressional Liaison
U.S. Environmental Protection Agency
(304) 234-0275
(304) 224-3181 cell

Bob Sussman/DC/USEPA/US
01/05/2010 06:09 PM

To Richard Windsor
cc Seth Oster, Arvin Ganesan
bcc
Subject Fw: Statement from the Governor: Regarding Patriot Coal Corp.'s Hobet 45 permit

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency
----- Forwarded by Bob Sussman/DC/USEPA/US on 01/05/2010 06:08 PM -----

From: William Early/R3/USEPA/US
To: Sussman.Bob@epa.gov, Gregory Peck/DC/USEPA/US@EPA, Suzanne Schwartz/DC/USEPA/US@EPA, Peter Silva/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA
Date: 01/05/2010 04:07 PM
Subject: Fw: Statement from the Governor: Regarding Patriot Coal Corp.'s Hobet 45 permit

Attached below is a statement from Gov. Manchin regarding the Hobet permit announcement.

Thanks.

William C. Early
Deputy Regional Administrator
Middle Atlantic Region
U. S. Environmental Protection Agency
215 814 2626
215 814 2901 (Fax)
Early.William@epa.gov
----- Forwarded by William Early/R3/USEPA/US on 01/05/2010 04:04 PM -----

Jessica Greathouse/R3/USEPA/US
01/05/2010 03:50 PM

To Catherine Libertz/R3/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA, William Early/R3/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA, Stefania Shamet/R3/USEPA/US@EPA, Jeffrey Lapp/R3/USEPA/US@EPA, Jessica Martinsen/R3/USEPA/US@EPA
cc Arvin Ganesan/DC/USEPA/US@EPA, Anthony Raia/DC/USEPA/US@EPA
Subject Fw: Statement from the Governor: Regarding Patriot Coal Corp.'s Hobet 45 permit

Jessica H. Greathouse
State and Congressional Liaison
U.S. Environmental Protection Agency
(304) 234-0275
(304) 224-3181 cell

----- Forwarded by Jessica Greathouse/R3/USEPA/US on 01/05/2010 03:49 PM -----

Statement from the Governor : Regarding Patriot Coal Corp.'s Hobet 45 permit

governor to: Jessica Greathouse

01/05/2010 03:46 PM

**Statement from the Governor
Regarding Patriot Coal Corp.'s Hobet 45 Permit**

Contact: Matt Turner, 304-558-2000

“I was extremely pleased to hear that the EPA has dropped its objections to the issuance of Patriot Coal Corp.’s Hobet 45 permit,” Gov. Joe Manchin said. This permit directly affected about 500 workers, so it is really good news for the men and women who worked there and for the economy of southern West Virginia.

“While we will continue to seek clarity from the EPA on mine permitting issues, including the Spruce No. 1 mine, we thank the EPA for working with our operators to resolve the questions they have raised.

“In addition, I thank our congressional delegation for their work in Washington on the issue of energy.

“West Virginia is an energy state, but it is also a beautiful state, so it is essential we find the balance between jobs and the environment.

“Energy independence remains a top issue for our nation. West Virginia has produced the energy needed to get this country through two world wars and a great depression, so I am confident that West Virginia will continue to be a major player in our nation’s energy future. My administration will continue to stand up for our coal miners and their families. Our state’s future depends on theirs.”

Bob Sussman/DC/USEPA/US
10/05/2010 07:25 PM

To Richard Windsor, Seth Oster, Scott Fulton, Bob Perciasepe,
Betsaida Alcantara, Adora Andy, Diane Thompson, Arvin
Ganesan

cc

bcc

Subject Fw: Manchin to sue EPA ... Gazette story FYI

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Original Message -----

From: "Ken Ward Jr." [kward@wvgazette.com]
Sent: 10/05/2010 07:02 PM AST
To: Gregory Peck
Subject: Manchin to sue EPA ... Gazette story FYI

<http://blogs.wvgazette.com/coaltattoo/2010/10/05/gov-manchin-expected-to-sue-epa-over-efforts-by-obama-to-reduce-mountaintop-removal-damage/>

Ken Ward Jr.
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1001 Virginia St., East
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(304) 348-1702
Fax: (304) 348-1233

<http://wvgazette.com> or <http://wvgazette.com/News/Mining+the+Mountains>

Read my blog, Coal Tattoo at <http://blogs.wvgazette.com/coaltattoo/> and follow me on Twitter, <http://twitter.com/Kenwardjr>
And check out Sustained Outrage, a Gazette watchdog journalism blog, <http://blogs.wvgazette.com/watchdog/>

Bob Sussman/DC/USEPA/US

12/11/2009 03:03 PM

To "Lisa P. Jackson", "Bob Perciasepe"

cc

bcc

Subject Fw: Markey on Beneficial Reuse of coal ash

Worth reading.

Mary-Kay Lynch

----- Original Message -----

From: Mary-Kay Lynch**Sent:** 12/11/2009 10:05 AM EST**To:** Bob Sussman; Mathy Stanislaus; Lisa Heinzerling; Matt Hale; Matt Straus**Subject:** Fw: Markey on Beneficial Reuse of coal ash

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 12/11/2009 10:04 AM -----

From: Mary-Kay Lynch/DC/USEPA/US
To: Laurel Celeste/DC/USEPA/US@EPA, John Michaud/DC/USEPA/US@EPA, lynch.mary-kay@epa.gov
Date: 12/11/2009 10:04 AM
Subject: Markey on Beneficial Reuse of coal ash

Daily News from InsideEPA.com - Thursday, December 10, 2009

[- Adjust Text Size +](#)

Markey Urges Limits On Beneficial Reuse Of Coal Ash In EPA Waste Rule

Rep. Edward Markey (D-MA) is urging EPA to include first-time restrictions on the beneficial reuse of coal combustion waste as part of the agency's pending proposal to establish disposal rules for the waste, warning that some reuses of coal ash can result in heavy metals within the ash leaching out and contaminating water supplies.

Markey, chair of the House Energy & Commerce Committee's environmental panel, said during a Dec. 10 subcommittee hearing on coal ash and drinking water that the waste is not suitable for reuse in some circumstances -- for example as fill material in landscaping -- because it may leach out of the product and contaminate drinking water. Still, Markey said he supports reuse where it poses no leaching threat, for example when used in cement.

EPA is expected to soon propose its first-time Resource Conservation & Recovery Act rules for the handling and disposal of coal waste, which are currently under review by the White House Office of Management & Budget (OMB). It is unclear how the agency intends to address the issue

of beneficial reuse in the upcoming rule.

The agency's proposal is expected to include a "hybrid" option to coal waste regulation, declaring "wet" disposal of coal waste -- for example in surface impoundments, or ponds -- as hazardous under RCRA subtitle C while issuing less stringent subtitle D solid waste rules for coal ash that is disposed of in "dry" landfills.

But Markey said in his opening statement at the hearing that regulations on wet disposal are insufficient to protect public health because, he said, the waste contains hazardous materials regardless of the disposal method, and that could pose a risk if the waste is beneficially reused in products such as fill material and ceramics. EPA should restrict certain beneficial reuses of the ash to protect human health and the environment, Markey said.

"As EPA moves forward with regulations, it must ensure that public health is protected for all disposal practices, not just the type of wet impoundment ponds that led to" a massive coal ash spill at a Tennessee Valley Authority wet disposal site in December 2008, Markey said. "EPA should encourage the beneficial uses that truly do protect public health and derive economic benefit to the industry, while restricting those that have the potential to cause economic or physical harm to nearby communities."

Markey said the use of coal ash as filler for road embankments or for landscaping are uses that he opposes because of the possibility that heavy metals in the waste may leach out of the products.

Three witnesses at the hearing testified that their homes or businesses suffered when metals from the waste leached into and contaminated their drinking water supplies. Robyn Pierce, a real estate agent from Chesapeake, VA, said the levels of heavy metals in her home's drinking water have exceeded the maximum levels set by Virginia and EPA after Dominion Power built a golf course near her home using hundreds of tons of coal ash from a nearby coal-fired power plant. "The current definition of 'beneficial use' is quite frankly an oxymoron," Pierce testified.

Earthjustice attorney Lisa Evans said there were far more examples than those three witnesses who have experienced hardship from having their drinking water contaminated with toxins from coal ash or improper beneficial reuse. "The country is filled with hundreds of examples," Evans said, adding that the number of sites where coal ash is disposed of has exploded over the last 30 years. "A lot of these waste sites have been

exposed to the general public."

"As long as coal ash remains unregulated, we the people have no protection from the companies who use beneficial use as a cover for corporate malfeasance," Pierce added. The reuse industry -- which recycles 40 percent of coal ash annually -- however argues that reuse of coal ash is a proven safe use of the waste.

Coal Ash "Relatively Benign"

Dr. Donald McGraw, M.D., a member of the faculty of the University of Pittsburgh School of Medicine and practicing physician, told the panel that the ash is "relatively benign" and only poses a danger in concentrations far greater than the concentrations experienced anywhere in the United States. He said he had sympathy for the three witnesses but said, "three cases, as tragic as they may be, do not represent epidemiology."

"The main tragedy in the coal combustion waste debate is the devastating job loss" that would accompany regulation, McGraw said. "It would be truly a tragic misadventure to plunge these people into economic devastation."

House Energy & Commerce Committee environment panel ranking member Rep. Fred Upton (R-MI) asked Earthjustice's Evans what impact regulating coal ash as hazardous might have on the beneficial reuse of the ash, citing that in Europe, between 80 and 90 percent of the ash is reused instead of being disposed of. Industry has long argued that any designation of coal ash as hazardous or restrictions on beneficial reuse would decimate the reuse industry.

"EPA can deal with that, there are provisions in the statute," Evans said, saying EPA has the power to regulate a substance as hazardous and still have it used and reused for different purposes. Evans added that if coal ash were regulated as a hazardous waste, it would drive the cost of disposal up, making recycling more attractive from an economic perspective. "If it's going to cost you more to dispose of a waste, it becomes an incentive to recycle, I would think." -- *John Heltman*

12102009_markey

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P.O. Box 7167, Ben Franklin Station, Washington, DC 20044

Bob Sussman/DC/USEPA/US To "Lisa P. Jackson"
06/13/2010 07:18 AM cc "Seth Oster"
 bcc
Subject Fw: From Ashley Judd

Wanted to make sure you saw this.

From: "Judd, Ashley" [(b) (6) Personal Privacy]
Sent: 06/13/2010 12:13 AM AST
To: Bob Sussman
Subject: From Ashley Judd

Dear Mr Sussman:

On 9 June, I had the honor of addressing the National Press Club. My topic was one of my core missions in life: stopping the rape of Appalachia, mountain top removal coal mining.

I was surprised and dismayed to read in a press report that during my talk, I criticized Administrator Jackson. Nothing could be further from the truth. In fact, my call to action for each person in the room was to express their support of the close, critical attention the agency has been paying to MTR since Administrator Jackson's appointment and especially to support the EPA's move to veto the permit application for West Virginia Spruce No.1 Mine. Equally, I admonished the press to cover MTR better, more fully, more frequently; I should have added accurately.

In the event this false report has made its way to your office, I wanted to offer this correction. I regret that at the National Press Club, of all places, I would be misquoted on such a huge issue and with regard to someone whose actions I have keenly watched with great interest, relief, and appreciation.

If you or your office have any interest in my talk, I would be glad to send you the text. It is a deeply personal issue to me; my people come from the mountains of eastern Kentucky for at least 8 generations.

If I may ever be useful, please don't hesitate to ask. And, when is President Obama going to do a fly over of an MTR site?

With best wishes,

Ashley Judd

**Brendan
Gilfillan/DC/USEPA/US**
03/26/2012 08:13 PM

To Windsor.Richard, Perciasepe.Bob, Thompson.Diane,
Alcantara.Betsaida, "Arvin Ganesan", "Michael Goo", "Bob
Sussman", "Gina McCarthy", "Joseph Goffman"

cc

bcc

Subject FYI - WaPo story

Below

From: Brendan Gilfillan (b) (6) Personal Privacy
Sent: 03/26/2012 08:07 PM AST
To: Brendan Gilfillan

EPA to impose first greenhouse gas limits on power plants
By [Juliet Eilperin](#), Monday, March 26, 7:24 PM

The [Environmental Protection Agency](#) will issue the first limits on [greenhouse gas emissions](#) from new power plants as early as Tuesday, according to several people briefed on the proposal. The move could end the construction of new conventional coal-fired facilities in the United States.

The proposed rule — years in the making and approved by the White House after months of review — will require any new power plant to emit no more than 1,000 pounds of carbon dioxide per megawatt of electricity produced. The average U.S. natural gas plant, which emits between 800 and 850 pounds of CO₂ per megawatt, meets that standard; coal plants emit an average of 1,768 pounds of carbon dioxide per megawatt.

Industry officials and environmentalists said in interviews that the rule, which comes on the heels of tough new requirements that the Obama administration imposed on [mercury emissions](#) and [cross-state pollution](#) from utilities within the past year, dooms any proposal to build a new coal-fired plant that does not have costly carbon controls.

“This standard effectively bans new coal plants,” said Joseph Stanko, who heads government relations at the law firm Hunton and Williams and represents several utility companies. “So I don’t see how that is an ‘all-of-the-above’ energy policy.”

The rule provides an exception for coal plants that are already permitted and beginning construction within a year. There are about 20 coal plants now pursuing permits; two of them are federally subsidized and would meet the new standard with advanced pollution controls.

The White House declined to comment. President Obama does not mention coal as a key component of the nation’s energy supply in speeches about his commitment to exploiting oil and gas reserves and renewable sources.

The proposal does not cover existing plants, although utility companies have announced that

they plan to shut down more than 100 boilers, representing more than 40 gigawatts of capacity — nearly 13 percent of the nation’s coal-fired electricity — rather than upgrade them with pollution-control technology.

Michael Brune, executive director of the Sierra Club, said the new rule “captures the end of an era” during which coal provided most of the nation’s electricity. It currently generates about 40 percent of U.S. electricity.

The power sector accounts for 40 percent of the nation’s greenhouse gas emissions, and Brune said it is “the only place where we’re making significant progress” at curbing greenhouse gas emissions linked to climate change, adding “at the same time, it’s not sufficient.”

Cheap [natural gas](#) is also contributing to the closure of aging coal-fired plants, as many utilities switch over to gas plants, which have about half the carbon emissions.

“Gas is contributing to the closure of these plants,” Dominion Resources chief executive Thomas F. Farrell II said in an interview last week. But Farrell, who also chairs the Edison Electric Institute, the utility trade association, added, “It’s not all EPA. It’s a combination of low gas prices and EPA working at the same time.”

Still, National Mining Association spokesman Luke Popovich said the proposal shows that Obama is following through on his pledge to reduce greenhouse gas emissions through means other than legislation.

“After Congress refused to pass carbon caps, the administration insisted there were other ways to skin the cat and this is another way — by setting a standard deliberately calculated to drive affordable coal out of the electricity market,” Popovich said.

Conrad Schneider, advocacy director for the Clean Air Task Force, said the proposed rule will ensure a cut in the nation’s carbon output even if gas prices spike. He cited four planned coal plants that would capture part of their carbon emissions and store them, largely by injecting them into depleted wells to enhance oil recovery. “We need regulatory signals and economic incentives” to make these projects economical, Schneider said.

The EPA rule, called the New Source Performance Standard, will be subject to public comment for at least a month before being finalized, but its backers said they were confident that the White House will usher it into law before Obama’s first term ends.

“The Obama administration is committed to moving forward with this,” said Nathan Willcox, federal global warming program director for the advocacy group Environment America. “They’re committed to doing it this, and we’re committed to helping them do it.”

**Brendan
Gilfillan/DC/USEPA/US**
03/26/2012 09:45 PM

To "Richard Windsor", Perciasepe.Bob, Thompson.Diane,
Alcantara.Betsaida, Ganesan.Arvin, Goo.Michael,
Sussman.Bob, "Gina McCarthy", "Joseph Goffman"

cc

bcc

Subject Re: FYI - WaPo story

AP story:

EPA to reduce new power plants' carbon pollution

By DINA CAPPIELLO, Associated Press

WASHINGTON (AP) — The Obama administration is pressing ahead with the first-ever limits on heat-trapping pollution from new power plants.

Administration officials told The Associated Press that the long-delayed proposal will be released Tuesday.

The regulation is likely to draw fire from Republicans, who have claimed it will increase electricity prices and clamp down on domestic energy resources.

But it also will fall short of environmentalists' hopes because it goes easier than it could have on coal-fired power generation. Coal-burning plants are already struggling to compete with cheap natural gas.

The proposed rule will not apply to existing power plants or new ones built in the next year. It will also give future coal-fired power plants years to meet the standard, which will eventually require carbon pollution to be captured and stored underground.

From: Brendan Gilfillan
Sent: 03/26/2012 08:13 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Betsaida Alcantara; Arvin Ganesan; Michael Goo; Bob Sussman; Gina McCarthy; Joseph Goffman
Subject: FYI - WaPo story

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**Brendan
Gillilan/DC/USEPA/US**
09/15/2010 07:27 AM

To "Richard Windsor", "Bob Perciasepe"
cc "Seth Oster", "Adora Andy"
bcc

Subject Climate leaders today

Just a heads up that the climate leader letter to partners announcing the program changes will go out this morning - we'll put out a short news release early afternoon, once we can be confident a majority of partners have received the communication. The letter will also be posted on the program's webpage.

We're still going back and forth on the release but will send the final version around before it goes out.

Thanks

- Brendan

Craig Hooks/DC/USEPA/US

03/27/2009 01:24 PM

To Richard Windsor

cc Allyn Brooks-LaSure, "Allyn Brooks-Lasure", Scott Fulton
bcc

Subject Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

There are a few other things that we do in conjunction with this. I have staff pulling together some bullets. I will have that for your shortly. Thx.

Craig E. Hooks, Acting Assistant Administrator
Office of Administration and Resources Management
U.S. Environmental Protection Agency
1200 Pennsylvania Ave NW (3101A)
Rm 3330 Ariel Rios North
Phone - 202 564-4600

Richard Windsor

Cool. We doing a release? Encouragi...

03/27/2009 01:06:39 PM

From: Richard Windsor/DC/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Craig Hooks/DC/USEPA/US@EPA, Scott Fulton/DC/USEPA/US@EPA
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Date: 03/27/2009 01:06 PM
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Cool. We doing a release? Encouraging other energy and env agencies to do same?

Allyn Brooks-LaSure

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 03/27/2009 01:02 PM EDT
To: Richard Windsor; Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Subject: Re: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

By the way - our website will be "dark" for earth hour. Meaning, folks will visit EPA.gov and see a black splash page, with a link to the fully-functioning site.

MABL.

M. Allyn Brooks-LaSure
U.S. Environmental Protection Agency
Cell: 202-631-0415
Richard Windsor

----- Original Message -----

From: Richard Windsor
Sent: 03/27/2009 01:00 PM EDT
To: Craig Hooks; Scott Fulton
Cc: "Allyn Brooks-Lasure" <Brooks-lasure.allyn@epa.gov>
Subject: Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Folks are turning off their lights to heighten awareness of energy use and climate change. Can we participate on those EPA campuses that have programmable lights ? Tx.

Craig Hooks/DC/USEPA/US

11/16/2010 03:42 PM

To "Richard Windsor", "Bob PERCIASEPE", Diane Thompson,
Seth Oster, Bob Sussman, "Mathy Stanislaus", "Scott Fulton"

cc

bcc

Subject Sierra Club Demonstration Tomorrow

On Wednesday, November 17, 2010 at 9:00 a.m. the Sierra Club will be demonstrating on 12th Street, NW on the grass area between Ariel Rios North and South. Twenty to fifty people are expected to participate in a planned peaceful demonstration regarding coal ash. The Sierra Club's permit notes the use of two child type sand boxes and ten to fifteen signs in their demonstration tomorrow. We've contacted FPS to have an on site presence tomorrow.

We're preparing a Security Update to send to HQ personnel.

David Cohen/DC/USEPA/US
09/27/2010 03:41 AM

To "Richard Windsor"
cc
bcc

Subject just fyi: politico profile of browner; (you and epa mentioned)

From: "Cohen1207" (b) (6) Personal Privacy
Sent: 09/27/2010 03:39 AM AST
To: David Cohen
Subject: just fyi: politico profile of browner; (you and epa mentioned)

Browner's green blues

Its a measure of Carol Browners growing influence in the West Wing that shes been given the coveted key to the taupe-accented kingdom President Barack Obamas personal BlackBerry e-mail address.

The administrations so-called energy czar is just about the only high-ranking official to emerge from the BP oil disaster with an enhanced reputation making her, some say, the most powerful woman in the White House next to Obamas longtime friend Valerie Jarrett.

Yet even as Browners stock rises, her rationale for remaining by Obamas side is declining. The collapse of the administrations comprehensive climate change effort a career-long goal for Browner has stoked rumors that shell head for the exit rather than settle for an incremental, vastly scaled-back energy agenda.

And some environmental advocates, deeply disappointed that Browner didnt have enough clout to push climate change to the top of Obamas agenda, blame her for the debacle. The real challenge at the top is, Carol Browner is not a strategic thinker, griped one environmental advocate with close ties to the administration.

It makes a lot of sense for her to go, said another top environmentalist, who thinks Browner has been pragmatic but also the most committed friend of the greens in the West Wing. If you were her, would you stick around to watch your dream being dismantled?

Browner brushed aside but didnt completely rule out an early departure in an interview with POLITICO. I'm enjoying what I do . . . I don't have any date [to leave], said Browner, who served a bruising eight years as head of Bill Clintons Environmental Protection Agency, the longest tenure of any Clinton Cabinet official.

Browner, who briefly considered a Senate run in her native Florida back in 2000, has no taste for elective office these days but is at no loss for private-sector options. During the Bush administration, she served on the boards of green nonprofits while earning a handsome living as an environmental adviser to private companies as a founding member of The Albright Group.

If Browner decides to stay in the White House, she can expect a bureaucratic slog one senior administration official said there's only a tiny chance the Senate will take up the comprehensive climate change bill during the lame-duck session. And Democratic leaders have even less ambitious ideas for climate over Obamas next two years, assuming they're even controlling Congress.

Obama aides said the loss of Browner would be a serious blow at a time when Obama is looking to recalibrate his energy agenda and defend against coming attacks. Besides, she's one of the few Clinton veterans the president genuinely trusts with Obama often taking Browners side during internal policy debates.

Browner, brought on board by Obama Transition Director John Podesta, talks with the president almost daily and e-mails him even more frequently. In addition, she is one of only three or four female staffers who regularly attend chief of staff Rahm Emanuels 7:30 a.m. meeting, along with a dozen or more male officials, aides said.

Many environmentalists, too, would be sad to see her go, as would feminists who decry the paucity of women in Obamas inner circle. Add to that a small handful of Senate Republicans who hint at revisiting climate change once the polarizing midterms have passed.

I heard, by reputation, she was some environmental wacko, but I didn't find that at all, said Sen. Lindsey Graham (R-S.C.), who pulled the plug on bipartisan talks over the summer.

On the other hand, a Browner departure would be the gladdest of tidings for industry lobbyists who think she is a green zealot like her former boss Al Gore.

And while she's managed to insulate Obama from the wrath of many environmentalists on the left one of them referred to her as the president's green Teflon some say Browner and the White House legislative affairs team erred by refusing to negotiate a scaled-back deal when prospects of a bigger cap-and-trade bill evaporated for good earlier this spring.

They never had a legitimate legislative strategy to get 60 votes in the Senate, said an environment expert who worked with Browner in the Clinton administration. The consequence of that is the policy they really do believe in has been damaged beyond recognition politically.

Union of Concerned Scientists President Kevin Knobloch said he's not sure why Obama

and Browner didnt release a written plan to drive the climate debate. I personally dont understand why it wasnt translated into, early on, a legislative outline that then leadership in the House and Senate could work from, he said.

Browner has just as many defenders. Brian Wolff, director of communications at industry group Edison Electric Institute, was impressed by her tenacious lobbying in June 2009 during the House climate bill vote. Wolff said he was surprised Browner exhibited a similar level of intensity during a meeting with utility CEOs this summer, when the effort was on the verge of being declared dead.

Shes very methodical; shes very to the point. Some people are offended by it. But I think its her biggest strength, added Wolff, a veteran Democratic operative.

Those traits served Browner well when the administration scrambled to cope with the fallout from the Deepwater Horizon oil spill in the Gulf. White House insiders said that Obama and Emanuel were deeply frustrated by bureaucratic tangling during the first days of the spill and felt that the response needed a strong, centralized command based in the West Wing.

The 54-year-old University of Florida graduate, who had no real background in emergency management, was involved from the start, as was Jarrett, who handled the sensitive issue of how to deal with local officials highly critical of the federal response.

But aides said it was only after Homeland Security Secretary Janet Napolitano, Interior Secretary Ken Salazar and EPA Administrator Lisa Jackson proved unable to coordinate the massive interagency effort that Obama and Emanuel tapped Browner to quarterback.

She knew how to put together all the pieces, said an administration official involved in the talks.

Browner filled another void as a spokeswoman who could reassure the American public at a time when no one knew how long the spill would last or how dire the environmental and economic consequences would be.

The Miami native, who once snorkeled in the Florida Keys when she was eight months pregnant, comes across as approachable but unflappable on TV. But she flinched when White House staffers informed her she had been booked for the May 30th Sunday morning shows.

Browner spent two days nervously honing her message -- and dragooned her staffer Jake Levine for beer, leftovers and a mini-murder board session.

After it was over, White House officials, from Obama on down, told Browner she had struck the right tone.

At the time, Browner had wanted, perhaps naively, to turn the BP spill to her advantage,

hoping it would jump-start the moribund climate change bill in the Senate. It didnt happen.

People just werent talking about it, she said. The vast majority of people it really surprised me they moved on very quickly.

With no forward momentum, Browner is now forced to play defense.

In the short term, her energy will be consumed fighting off challenges to EPAs authority for writing climate-themed rules in the absence of congressional action.

And she has already assembled a to-do list for the end of this year and 2011: new emissions standards for tractor-trailers and large trucks, a series of EPA rollouts and a bipartisan legislative push to enact new national standards for renewable energy, a move backed by some industry and environmental groups.

A year ago, Browner and the small green team she oversees in the Old Executive Office Building had much more ambitious goals. But she lost her first and most important battle on climate change early in Obamas term, when the president and his brain trust, including her old friend Emanuel, pushed comprehensive climate change to the back of the legislative queue, behind the health care reform effort.

The clock ran out, she said. You had health care taking far longer than anyone anticipated.

Browner and her aides flatly refuted a report that Emanuel scuttled her plans to draft a set of legislative principles, a charge leveled in Bloomberg Businessweek Deputy Editor Eric Pooleys book The Climate War.

But that hasnt quelled the what-if speculation by embittered environmental activists, who say Browners strategy which included generous deals on nuclear power loan guarantees and the lifting of the offshore drilling moratorium didnt result in a single GOP defection to the legislation.

For Browner, the setbacks evoke a Groundhog Day feeling. She had Bill Clintons superficial commitment to climate policies in the early 1990s but had to fight for attention amid Hillary Clintons disastrous health care reform push.

In 1994, newly minted House Speaker Newt Gingrich made systematic attacks on the EPA, with no fewer than 16 legislative riders to defund or derail Browners regulatory agenda.

This is somewhat reminiscent to me of the 90s, she said of the current mood. It feels very similar. Youve got a lot of attacks on ... the use of the regulatory authorities.

Instead of folding, Browner dug in. She proposed the most sweeping air pollution

regulations in her agency's history, cannily using authority that bypassed the GOP-controlled Congress.

A decisive moment of Brown's career came during an Oval Office meeting when Clinton canvassed a handful of advisers to see if they backed Brown's smog and soot regulations.

Clinton's economic and political advisers had just finishing trashing her plans, when Clinton shouted, What do you think? to Emanuel who was walking into the room.

Emanuel paused, then blurted out, I agree with her.

Clinton eventually backed Brown and she, in turn, never forgot the favor Emanuel did her.

In 2002, when Emanuel was locked in a tough Democratic primary against Illinois State Representative Nancy Kaszak for a Chicago House seat, Brown campaigned for him, despite opposition from women's groups, including EMILY's List.

Later, a puzzled Emanuel approached Brown to ask why she was so dedicated to his cause.

A Democrat who worked on the campaign said that when Brown recounted his role in the EPA debate, Emanuel shrugged: He'd nearly forgotten the whole episode.

David
McIntosh/DC/USEPA/US@EP
A

01/17/2011 11:50 AM

To David McIntosh, Richard Windsor

cc

bcc

Subject From Greenwire -- CLIMATE: Obama may delay EPA regs in bid for energy deals on Hill, lobbyists say

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:

An E&E Publishing Service

CLIMATE: Obama may delay EPA regs in bid for energy deals on Hill, lobbyists say *(Monday, January 17, 2011)*

Jean Chemnick, E&E reporter

U.S. EPA is on track to regulate greenhouse gas emissions. The first rules took effect Jan. 2, and more are due out over the next two years.

But industry lobbyists maintain the Obama administration is looking to postpone regulations for utilities, refiners, manufacturers and other so-called stationary emission sources until after the 2012 election.

"The threat of Clean Air Act regulation was really started in the first year and a half [of the Obama administration], as a threat to force Congress to do some sort of a climate change bill," Jeff Holmstead, a former EPA air chief who is now an industry attorney at Bracewell & Giuliani, told reporters Friday. "And to make that threat credible, they had to go through the steps, and so on and so forth.

"They're not ready to do all the permitting that they have now set into place," Holmstead said. "And I don't think the White House wants to be responsible for holding up all kinds of development." It is likely the White House would agree to a "deal" to delay implementation of regulations, he said. Scott Segal, another Bracewell & Giuliani lobbyist, said an agreement on regulation might pave the way for other energy legislation that President Obama has said he wants to steer through the divided Congress.

Some lawmakers say they hope the 112th Congress can pass legislation mandating that electric utilities draw a percentage of their power from renewable or "clean" energy sources. The former would require utilities to use wind, solar and other renewable, while the latter would allow nuclear power, natural gas and lower-carbon coal to also qualify.

Segal said any such bill would need to include language pre-empting EPA regulations.

"How does that pass, given the numbers in Congress, if there's not also regulatory reform which travels with it?" Segal said. "The White House might reasonably say, you know a two- or three-year delay on GHG authority for the agency ain't such a bad deal if it also advances energy legislation." Segal said the White House and Democrats in the Senate might be willing to skip a fight on greenhouse gases at least until the 2012 election is over.

Of the 21 Senate Democrats up for re-election this cycle, he said, 10 come from states "in which a vote that is seen as favorable to GHG regulatory authority would be seen as a political liability."

Segal did not name names, but Sens. Debbie Stabenow of Michigan, Claire McCaskill of Missouri, Jon Tester of Montana, Ben Nelson of Nebraska, Sherrod Brown of Ohio, Bob Casey of Pennsylvania, Jim Webb of Virginia, Herb Kohl of Wisconsin and Bill Nelson of Florida are up for re-election next year in swing states.

Brown has said he is considering proposing a one-year delay to EPA regulations as a way to protect manufacturing interests, but Segal said that such a short delay would do little to protect swing-state Democrats.

Segal noted that such a scenario would mean that EPA would propose New Source Performance Standards (NSPS) for existing sources in the months before the election, instead of the year before.

The standards for utilities and refineries are set to be proposed this year and finalized the next. "Even though the delay would still be operative [in the event of a one-year delay], the discussion of what comes next of necessity has to come before the presidential election," he said. "So you're having that debate right before the presidential election. If you want to insulate it from the political high jinks, the best approach would be a three-year bill."

Another lobbyist, Kevin Book, managing director for research at ClearView Energy Partners, said in a recent interview the administration may be willing to delay regulations by prolonging the rulemaking process through "an endless supply of executive stalling strategies."

The NSPS schedule is a "well-engineered hedge," Book said. While coal-fired electric utilities and other large emitters are unlikely to invest in new facilities while the standards are still pending, he said, the administration won't be in the position of actually denying permits in the run-up to the election because regulations will not be in effect yet.

Book also said the president might be inviting congressional intervention by releasing the regulatory schedule months before the Republican House and more divided Senate draw up their first appropriations bills.

Republicans and some Democrats in both chambers have floated the idea of attaching a so-called legislative rider to a spending bill to prevent EPA from using appropriated funds to complete its GHG regulations. The current stopgap spending law expires in March, and Congress must pass legislation by then to fund federal agencies.

"What every politician needs is plausible deniability," said Book, adding that attaching language to a spending bill would provide Obama cover to sign a temporary stay on stationary source regulations. "If it doesn't come as part of an appropriations bill, it's going to be much harder for the president to sign," he added.

Environmentalists, meanwhile, say the administration has shown no signs of abandoning its regulatory strategy.

"I think that analysis is silly," said David Doniger, policy director at the Natural Resources Defense Council.

Doniger said he would have preferred to see stationary source regulations completed and implemented more swiftly, but he saw no indication that the administration was either intentionally drawing out the process or inviting congressional intervention.

"They're going to use the authority they have under existing law and move forward," he said.

"We are deadest against any limitation on EPA's authority to regulate greenhouse gases, whether it comes as a rider or not," Doniger said of the environmental community. "We will be counting on the president to block that."

David Moulton, climate director for the Wilderness Society, agreed.

"We see no evidence of anyone in the administration backsliding on protecting the public health and welfare," Moulton said. "We take Administrator Jackson at her word when she says she intends to carry out the law to protect the public."

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www.eenews.net

**David
McIntosh/DC/USEPA/US**
08/14/2010 12:02 PM

To Richard Windsor
cc
bcc

Subject AUTO: I'll be out of the office until Monday, August 30

I am out of the office until 08/29/2010.

I'll be out of the country until Monday, August 30. In my absence, please contact Arvin Ganesan (ganesan.arvin@epa.gov) for Congressional matters and Sarah Hospodor-Pallone (pallone.sarah@epa.gov) for matters concerning a state or local government.

Note: This is an automated response to your message **"Re: Administrator climate hearing on September 15 or 16"** sent on **8/14/2010 8:38:32 AM**.

This is the only notification you will receive while this person is away.

David
McIntosh/DC/USEPA/US
07/12/2010 12:58 PM

To Richard Windsor
cc
bcc
Subject Browner and Bingaman op-eds in politico today

Taking initiative on clean energy

By: [Carol Browner](#)
July 12, 2010 04:44 AM EDT

Today, we find ourselves at a crucial moment in a long debate about our country's energy policy. It's a debate that has spanned seven presidencies and four decades.

As generations of politicians have kicked this challenge down the road, our will to create meaningful change has risen and fallen with the price of a barrel of oil. Meanwhile, as we talked, we nearly doubled our imports of oil. As we debated, other countries edged ahead in the race for clean energy technologies.

Since the first oil shocks of the 1970s, our imports of oil have nearly doubled. We invented solar technology, but we manufacture only 7 percent of the world's solar panels.

Our global competitors have recognized that the country that leads the clean energy economy will be the country that leads the 21st-century global economy. That's why countries such as China are making historic investments in clean energy technologies, like wind power and electric batteries.

And while we have long understood that dependence on foreign oil undermines our economic security, the environmental crisis that continues to unfold in the Gulf of Mexico sharpens the need to act now to transition to cleaner, domestic energy sources.

It is imperative that we finally deliver the promise of clean energy.

That's why President Barack Obama has acted aggressively to develop and promote homegrown clean energy. That's why he will continue urgently to make the case for passing comprehensive energy and climate legislation this year.

Since taking office, the president has worked to lay a new foundation for long-term growth based on investments in our people and our future. These are investments not just in a reformed health care system or rejuvenated American infrastructure but also in research and technology, like clean energy, that can lead to new jobs, new exports and new industries.

Over the past 18 months, the president has taken unprecedented action to make a down payment on our clean energy future. Under his leadership, this administration has invested tens of billions of dollars in clean energy through the American Recovery and Reinvestment Act of 2009.

Working with the automotive industry, we set tough new fuel-economy standards and the first greenhouse gas emissions standards for cars and light trucks, which will save 1.8 billion barrels of oil and eliminate nearly 1 trillion tons of global warming pollution. Now, working with the truck industry, we will introduce the first fuel-economy standards for heavy-duty trucks.

We spearheaded a new commitment by the G-20 nations to eliminate fossil-fuel subsidies. And we are leading by example — cutting energy use across the federal government.

This administration believes that our nation's energy security is one of our most pressing challenges and that the time has come for us to take back control and embrace a clean energy future. It's time to reject the myth that a strong economy and a strong environment are mutually exclusive. It's time to reject worn-out false choices that have plagued energy debates for decades.

A robust economy and a healthy environment are inextricably linked. One begets the other, especially when it comes to leadership in clean energy technologies and jobs.

Already, this administration has taken steps to transition to a clean energy economy that creates jobs and strengthens competitiveness, while reducing harmful pollution. To realize this vision, we need to set conditions that will unleash American ingenuity, bring private capital off the sidelines and accelerate innovation.

We are working with senators to achieve the strongest possible legislation during this Congress to provide the necessary incentives and certainty in the marketplace for a change to a clean energy economy. The president believes that the best way to accomplish this goal is to pass comprehensive energy and climate change legislation that puts a cap on harmful carbon pollution.

The House has already passed a comprehensive energy and climate bill. Senators have developed a range of options, from both sides of the aisle, to address our energy and climate change challenges.

The president has made the case for clean energy since the campaign trail. Just last month, he invited a bipartisan group of senators to the White House, where he reiterated his commitment to signing comprehensive energy and climate legislation this year.

We have an incredible opportunity to change our country's future, but only if we all agree to tackle the energy challenges our nation has faced for nearly 40 years. By reducing our dependence on fossil fuels we can lessen the growing threats posed by global warming while creating whole new industries and jobs — and thereby lead the world in the clean energy revolution.

Congress must reduce emissions

By: [Sen. Jeff Bingaman](#)

July 12, 2010 04:44 AM EDT

There is not much time left in the 111th Congress. Many important legislative initiatives are competing for it. A key issue on our agenda is the question of our response to climate change and the steps we need to take toward an energy system that can safeguard our future.

Over the past 12 months, seminal reports from the National Academy of Sciences, the National Academy of Engineering and the International Energy Agency have framed the issues and constraints that Congress needs to address.

In the congressionally mandated report on "America's Climate Choices," published in May, the National Academies outlined the following seven "core strategies" for U.S. action to reduce greenhouse gas emissions:

- Adopt a mechanism for setting an economywide carbon pricing system.
- Complement a carbon price with a portfolio of policies to realize the practical potential of energy efficiency and low-emission energy sources, establish the technical and economic feasibility of carbon capture and storage and new-generation nuclear technologies and accelerate the retirement, retrofitting or replacement of emission-intensive infrastructure.
- Create new technology choices by investing heavily in research and crafting policies to stimulate innovation.
- Consider potential equity implications when designing policies to address climate change — with special attention to disadvantaged populations.
- Establish the United States as a leader to stimulate other countries to take action.
- Enable flexibility and experimentation with policies at regional, state and local levels.
- Design policies that balance durability and consistency with flexibility and capacity for modification as we learn from experience.

In another report requested by members of Congress on "America's Energy Future," published last year, the National Academies made the sober but accurate observation that "a meaningful and timely transformation to a more sustainable and secure energy system will likely entail a generation or more of sustained efforts by both the public and private sectors."

That report's top finding was the need for a sustained national commitment to "obtain substantial energy efficiency improvements, new sources of energy and reductions in greenhouse gas emissions through the accelerated deployment of existing and emerging energy-supply and end-use technologies."

The IEA, in its “Energy Technology Perspectives 2010” report this month, advised the leaders of the world’s developed nations that “an energy revolution, based on widespread deployment of low-carbon technologies, is needed to tackle the climate change challenge.”

The clear message from the world’s leading scientists and engineers is that the transformation of our society and our energy system is a task that we must begin urgently. But it is also a task that will require long-term political engagement.

What we can do in Congress over the next few weeks and months may be only a beginning. But it is an essential beginning.

One important step — that we may not now have the political consensus in Congress to take — is the first core strategy outlined by the National Academies of Sciences and Engineering: setting an economywide carbon pricing system.

Many senators, myself included, have considered proposals to set either economywide or sector-specific caps. Whether we are able to take such steps this year or not, there is much that we can accomplish on the other necessary core strategies.

We must do so.

As demonstrated by the American Clean Energy Leadership Act, passed last year by the Senate Committee on Energy and Natural Resources, there is bipartisan consensus on steps to hasten the introduction of clean energy technologies; to find a bigger role for renewable energy; to protect and transform our national electricity transmission grid; to increase energy efficiency across the economy; to strengthen America as a world leader in energy innovation; and to protect U.S. energy consumers and businesses from energy price swings and manipulation.

There may well be bipartisan consensus on further changes to our tax code to improve the incentives for deploying clean energy and energy efficiency.

With so much thought, study and legislative activity in this Congress, which has identified positive steps that can be taken now to move America and the world toward a clean energy future, it is hard to justify shelving progress on the core strategies that can be implemented — simply because we could not pass the full range of necessary strategies in one step.

In addition to the need to address the dire threats of climate change, the events in the Gulf of Mexico have highlighted the need for significant reform of how we explore and develop offshore energy resources.

On this front, there is also significant bipartisan consensus in favor of action. The Energy Committee on June 30 unanimously advanced legislation — the Outer Continental Shelf Reform Act — intended not only to prevent disasters but also to create a culture and

system that leads to excellence in offshore operations and that has safety, environmental protection and innovation at its core.

It is in the national and global interest for us to accomplish what we can in this Congress to advance both near-term and long-term policies for energy and climate.

The next few years are critical. If we do not start taking steps to halt the accelerating increase in greenhouse gas emissions, we will lock in high-emitting and inefficient energy technologies that will be costly to reverse. We may completely lose the opportunity to achieve the necessary emissions reductions at an acceptable cost. The time to act is now.

Congress should move forward with the strongest package that it can achieve.

David
McIntosh/DC/USEPA/US
04/13/2009 05:56 PM

To Richard Windsor
cc
bcc

Subject Browner and Markey remarks

CLIMATE: Waxman-Markey bill 'essential' to Copenhagen effort -- Browner (04/13/2009)

Ben Geman, E&E senior reporter

CAMBRIDGE, Mass. -- Carol Browner, a top White House official on energy and climate change, today said the U.S. position at upcoming international talks to forge a global climate treaty is closely tied to congressional efforts to craft a domestic emissions reduction program.

Browner discussed the December U.N. talks in Copenhagen today at a Massachusetts Institute of Technology event that included Rep. Ed Markey (D-Mass.), who two weeks ago unveiled sweeping draft climate legislation with House Energy and Commerce Chairman Henry Waxman (D-Calif.).

She said President Obama wants to "re-establish the United States as a leader" on climate issues.

"I think all of us who have been a part of this discussion ... recognize that in many ways Copenhagen and the position we can take in Copenhagen will be driven by what we are prepared to do domestically," said Browner, who is assistant to Obama on energy and climate change.

"And I think that the hearings and the bill that you and Congressman Waxman will move in the coming days and weeks is absolutely essential to our position and what we can ultimately hope to achieve in Copenhagen," she added.

Waxman and Markey, chairman of the Energy and Environment Subcommittee, will begin hearings next week on their draft cap-and-trade program to reduce U.S. emissions 20 percent below 2005 levels by 2020, and by 83 percent at midcentury. The draft plan also contains a host of other energy and climate measures, including a nationwide renewable electricity standard.

They plan to complete a committee markup by Memorial Day, and House Speaker Nancy Pelosi (D-Calif.) is planning a floor vote this summer. But the Senate's schedule for climate and energy measures is less certain, and the path to passage steeper, because major bills generally require a 60-vote majority to advance.

Asked by E&E if a completed bill is needed heading into Copenhagen, Browner answered, "No, I didn't say that."

Markey told reporters that House approval of a bill before the August recess would help pave the way for Senate action.

"We believe that if we can complete the legislation in that time frame, that it will create an environment which makes it much more likely that the Senate would be able to consider and finish the legislation," he said.

But Markey stopped short of saying success in Copenhagen depends on completion of domestic legislation. "It will be clear in Copenhagen that the United States is committed to moving forward in the dramatically different way than they have over the last eight years. That is a minimum," he said, adding that if legislation is not final, the intent will nonetheless be clear enough.

Threat of EPA rules a 'real factor' in Hill debate -- Markey

Alongside congressional efforts, U.S. EPA is on the cusp of completing an "endangerment finding" that details the threats greenhouse gases pose to public health and welfare.

The endangerment finding would pave the way for regulating the heat-trapping emissions under the Clean Air Act, but the Obama administration would prefer that Congress address the issue. Markey said the prospect of EPA using its existing authority to begin crafting greenhouse gas rules could aid legislative efforts and work with emitting industries.

"Do you want the EPA to make the decision, or would you like your congressman and senator to be in the room when drafting legislation?" Markey said at the MIT forum. "We think this [the forthcoming EPA finding] is a very helpful development that focuses the minds of industries and congressmen all across the country."

Speaking to reporters later, he spoke more starkly about the matter.

"I think it becomes a real factor because industries across the country will just have to gauge for themselves how lucky they feel if they kill legislation in terms of how the EPA process would then treat them," Markey said, noting that a regulatory agency does not have the capacity to address many topics.



Browner reiterated the Obama administration's preference for legislation. "It is the strong preference of the administration that we secure legislation. There are things that can be done in legislation that won't quite work within the existing law," she said.

David
McIntosh/DC/USEPA/US
01/11/2011 07:53 AM

To Richard Windsor
cc
bcc

Subject Chamber again calls for a cumulative economic impact
analysis of EPA regs

Another reference to a cumulative economic impacts analysis below.

News Headline: Chamber's top energy official: Time for 'unemotional' talk about energy costs |  

Outlet Full Name: Hill - Online, The
News OCR Text: - 01/10/11 03:01 PM ET

The U.S. Chamber of Commerce's top energy official is calling on policymakers to have a "very adult and unemotional" conversation about the nation's energy priorities in light of the country's economic troubles.

Karen Harbert, president of the Chamber's Institute for 21st Century Energy, in a wide-ranging interview with The Hill late last month said members of Congress should rethink attempts to set aside large amounts of money for the research and development of nascent energy technologies like wind and solar at the expense of conventional forms of energy like oil.

"Can we, in the economic times in which we find ourselves, continue to fund the type of research and development and the types of monies that were spent in the stimulus package on very high-cost energy sources?" Harbert said.

Harbert's comments come as the ascendant Republican majority in the House — led by Energy and Commerce Committee Chairman Fred Upton (R-Mich.) and Oversight and Government Reform Committee Chairman Darrell Issa (R-Calif.) — is planning to target a number of Obama administration energy priorities, including its efforts to regulate greenhouse gas emissions and impose more stringent standards on the oil-and-gas industries.

Given the country's economic woes, cost should be a major factor in making energy policy decisions, Harbert said. "It's going to have to be a very adult and unemotional conversation about what we can afford and what type of energy resources we're trying to stimulate and does that make the most sense for the type of economy and energy economy we have," she said.

Harbert, who was a high-level official at the Department of Energy under former President George W. Bush, stressed that while it's important to devote some resources to developing new energy technologies like wind and solar, the country cannot abandon efforts to develop its offshore oil and natural-gas resources, even after the massive Gulf oil spill.

"Having people really understand our energy reality, rather than energy as we would like it to be, is incredibly important, particularly at this juncture in terms of our economy," she said. "It may be lovely to think about a world without fossil

fuels, but that simply is not America's energy reality."

Harbert also took aim at the Obama administration for moving forward with a number of new regulations that she said result in investment uncertainty in the business community.

"I think what we are seeing is a focus by the administration on regulation rather than on a policy pathway that will encourage and ensure that new resources are brought online, and that applies to conventional to unconventional to renewable energy," she said.

The Interior Department's efforts to impose new safety regulations on the offshore oil-and-gas industry in light of last year's Gulf of Mexico oil spill have created uncertainty in the industry, she said.

"They continue to not be able to get a clear timeline from the Department of Interior for their permitting. And they are sitting on a tremendous amount of reserves and a tremendous amount of capital that they are unable to deploy without the Department of Interior giving them a clear timeline," she said.

Offshore oil-and-gas drilling will "absolutely" be a part of the country's energy future, Harbert said. "It would be a huge mistake if the administration or the Congress or a combination of the two were to regulate or overtax the ability of industry to participate in offshore exploration," Harbert continued, echoing recent comments by the American Petroleum Institute's Jack Gerard.

The national oil spill commission, in an initial chapter of its final report (the rest of which will be released Tuesday), blamed "systemic" issues within the oil industry for the Gulf oil spill. The report is already stirring talk among anti-drilling lawmakers in the Senate of passing oil-spill response legislation.

Harbert also criticized the Environmental Protection Agency for moving forward with a slew of new regulations, chief among them new greenhouse gas standards for power plants and refineries. She called on the agency to conduct a broad cost-benefit analysis of the cumulative effects of all of its regulations on various industries.

"Before we continue to pile on regulation, we at the very minimum should know what is currently being proposed would impose in terms of cost to the consumer," she said. "Nobody has polled all of those different rules together and been able to do a thorough analysis of them as they continue to promulgate out of EPA."

As the new Congress begins shifting its focus toward energy issues, Harbert predicted that the ascendant Republican majority in the House will conduct a "review of all the different regulations in order to find a pathway forward to make some investments, given this huge regulatory tsunami coming at them."

She also said she expects to see a "new tone" in the House. Republicans, she said, will not go around the committee process to pass legislation, a reference to failed efforts by Sens. John Kerry (D-Mass.), Joe Lieberman (I-Conn.) and, for a time, Lindsey Graham (D-S.C.) to pass climate legislation outside of the relevant committee.

"I think you will see instead more discussion between the parties, the majority and the minority in both the Senate and the House, so that we have legislation that comes out of the committees that is better understood, better analyzed, and ultimately leads to legislation that is passed," she said.

<http://thehill.com/blogs/e2-wire/677-e2-wire/137043-us-chambers-top-energy-official-calls-for-unemotional-energy-debate>

[Return to Top](#)

David
McIntosh/DC/USEPA/US
11/23/2009 02:02 PM

To Richard Windsor
cc
bcc
Subject CLIMATE: Obama preparing GHG limits, financing figures for
Copenhagen (11/23/2009)

Darren Samuelsohn, E&E senior reporter

President Obama "in the coming days" will outline key parameters to the U.S. negotiation position headed into next month's global warming negotiations in Copenhagen, Denmark, including a near-term greenhouse gas emissions target and a small financial commitment to help developing countries deal with the immediate affects of climate change, two senior administration officials said today.

In a background briefing with reporters in the Old Executive Office Building, the Obama advisers said the president will soon propose a U.S. emissions target for 2020 that hews closely to the ongoing legislative efforts on Capitol Hill -- currently between 17 percent and 20 percent below 2005 levels.

"Obviously, a bill has passed the House," one administration official said. "It has a number in it that will be a data point. And we're in close consultation, bipartisan consultation, with members of Congress to determine what we can put on the table that would be consistent with the legislative process."

Asked if Obama would propose a single figure for curbing emissions, rather than a range that encompasses both the House and Senate bills, the administration official replied, "It's possible."

The United States also will pitch a small financing figure that developing countries can expect will go toward helping them obtain low-carbon energy technologies to reduce their own greenhouse gas emissions, as well as for adaptation efforts.

Without giving a firm number, the administration official explained that Obama will cull from funding sources already moving through the congressional appropriations process, rather than relying on the larger numbers still at play in the Capitol Hill climate and energy bills.

"Obviously, over the long run, legislation may include other mechanisms, other financing mechanisms that provide for medium-term financing, but in the short run, it'll have to be through the budgetary process," the official said.

"There's money in FY '10 on climate," the aide added. "My guess is there will be money for climate in each of the subsequent budgets. The question will be the scaling up of that money to be consistent with the overall agreement."

Jake Werksman, a program director at the World Resources Institute, told reporters Friday that he expects the United States to propose a "two digit"-billion-dollar financing figure at the Copenhagen negotiations, which run Dec. 7-18 -- with considerable debate still ahead over what

institutions will be in charge of distributing the funds, as well as the ground rules.

The release of both a U.S. emission target and the short-term financing figures are seen as critical in the diplomatic dance for major developing countries who are weighing what to propose headed into Copenhagen. Leaders from Brazil, Indonesia, Mexico and South Korea in recent weeks have already outlined what many observers say are surprisingly aggressive emission targets. But China still has not articulated specifics for how it plans to reduce greenhouse gases over the next several decades.

Obama also will be making a decision before Copenhagen about whether he will stop off in the Danish capital to participate directly in the climate negotiations. As many as 65 other world leaders are expected during the high-level segments that take place in the closing days of the talks, and Obama already will be in the region to accept his Nobel Peace Prize in Oslo.

"What the president has always said is that if it looks as though the negotiations have proceeded sufficiently, that going to Copenhagen would give a final impetus or push to the process, that he'd be willing to go," the administration official said. "Each of these steps along the way, progress being made bilaterally, multilaterally, and cooperation and coordination with the Danes. ... We're making that judgment. He's making that judgment on whether it makes sense to go."

"One way or another, we'll be making a decision before the meeting starts," the administration official added.

Obama officials have come under fire on the world stage headed into Copenhagen for not taking a more aggressive stance on the climate issue, including pushing more forcefully to pass U.S. climate legislation ahead of the negotiations.

"U.S. President Barack Obama came to office promising hope and change," Christian Schwägerl, an editor at the German magazine *Der Spiegel*, wrote last week in a widely circulated [editorial](#). "But on climate change, he had followed in the footsteps of his predecessor, George W. Bush. Now, should the climate summit in Copenhagen fail, the blame will lie squarely with Obama."

Mindful of the potential for more criticism, the Obama aides countered by citing the legislative progress on Capitol Hill, as well as a series of administrative and regulatory moves on energy and climate. And they also made several backhand slaps at the George W. Bush administration.

"He was turning around an ocean liner," one aide said.

David
McIntosh/DC/USEPA/US
07/22/2010 02:40 PM

To Richard Windsor
cc
bcc
Subject Dems pull plug on climate bill

Dems pull plug on climate bill

By: [Darren Samuelsohn](#) and [Coral Davenport](#)
July 22, 2010 01:01 PM EDT

Senate Democrats pulled the plug on climate legislation Thursday, pushing the issue off into an uncertain future ahead of mid-term elections where President Barack Obama's party is girding for a drubbing.

Rather than a long-awaited measure capping greenhouse gases – or even a more limited bill directed only at electric utilities – Senate Majority Leader Harry Reid will move forward next week on a bipartisan energy-only bill that responds to the Gulf of Mexico oil spill and contains other more popular energy items.

"He's anxious to get something done before we leave in August," Senate Energy and Natural Resources Committee Chairman Jeff Bingaman (D-N.M.) said of Reid. "Given the time constraints, this probably a realistic judgment on his part."

"We don't have the 60 votes," said Environment and Public Works Committee Chairwoman Barbara Boxer (D-Calif.). "So Sen. Reid's a pragmatist. So rather than take us to a situation where we don't have the votes, rather than do half measures, let's wait until we can get it done and get it right. So I think it's a smart decision."

The bill headed to the floor will not include a carbon cap or a renewable electricity standard, Bingaman said. Instead, it has low-hanging-fruit provisions dealing with the oil spill, "Home Star" energy efficiency upgrades, incentives for the conversion of trucking fleet to natural gas and the Land and Water Conservation Fund.

The writing has been on the wall all week, with advocates lowering expectations in light of continued opposition from GOP senators and some moderate Democrats.

"I don't believe an energy bill has ever passed off the floor in less than about three weeks," Kerry said Thursday during a town-hall style forum hosted by the Natural Resources Defense Council. "The fact is this is a very complicated bill that has a lot of moving parts. I'm very realistic about that."

"It's not dying," Kerry added. "It's not going away...We're going to try our best to find a way to do it in the next few weeks. If we can't do it in the next weeks, we'll do something that begins to do something responsibly in the short term. But this will stay out there and we'll be working on it, we'll be asking you to talk to your senators and move them to understand why we have to get this done."

Sen. Joe Lieberman (I-Conn.), Kerry's partner on the climate proposal, said he had no problem with Reid delaying debate on greenhouse gas caps. "If that's the truth, it keeps the process open for negotiating a broader utilities-only bill in September," he said.

Kerry and Lieberman are still working with the electric utility industry, including its lead trade group, the Edison Electric Institute, on a bill slicing its emissions around 17 percent below 2005 levels by 2020.

But other Democrats have their doubts that Kerry and Lieberman will even get time for a floor debate after the August break, especially with Reid and other senators girding up for their own reelection bids.

"We've got very substantial constraints on our time when we get back," Energy and Natural Resources Committee Chairman Jeff Bingaman of New Mexico said Thursday.

"I don't think there are going to be two energy packages on the floor this year," said Democratic Policy Committee Chairman Byron Dorgan of North Dakota. "Whatever comes to the floor on energy is going to be the package we're going to consider."

CORRECTION: The original headline on this story incorrectly characterized the bill Senate Majority Leader Harry Reid is preparing to move.



David
McIntosh/DC/USEPA/US
10/01/2009 08:23 AM

To Richard Windsor
cc
bcc

Subject Doniger on Chamber's Hostage-Taking Attempt

It's Hard To Hide An Oil Refinery Behind a Donut Shop



David Doniger

Policy Director, NRDC Climate Center, Washington, D.C.

[Blog](#) | [About](#)

Posted September 30, 2009 in [Solving Global Warming](#)

Today the Environmental Protection Agency [announced plans](#) to curb carbon pollution from big power plants and other big polluters under the Clean Air Act, while at the same time assuring the millions of mom and pop businesses across the country that they have nothing to worry about.

"By using the power and authority of the Clean Air Act," [said](#) EPA administrator Lisa Jackson, speaking at the Governors Climate Summit in Los Angeles, "we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy." She added: "The corner coffee shop is not a meaningful place to look for carbon reductions."

What's going on here? Well, two years ago, the Supreme Court issued a [landmark ruling](#) that EPA has the authority and responsibility to use the existing Clean Air Act to cut dangerous global warming pollution. And under President Obama, EPA is starting act. Under the [clean car peace treaty](#) unveiled in the Rose Garden last March, Administrator Jackson has proposed nationwide global warming pollution standards for new cars and trucks, modeled on California's path-breaking standards. And EPA is working on carbon limits for big power plants, oil refineries, cement plants, and other big factories responsible for most of our heat-trapping pollution.

In a fairly desperate reaction, some of America's biggest polluters - led by the U.S. Chamber of Commerce, the National Petroleum Refiners Association (NPR), and others - are trying to scare America's small businesses owners into thinking it's them that the EPA is after.

If they force me to curb my pollution, the [big boys say](#), they'll come after schools, homes, and hot dog stands. No one is safe, they shout. Be afraid. Be very afraid.

But it's hard to hide an oil refinery behind a donut shop.

So what is EPA really doing?

Well, when EPA issues its final clean car standards next March, certain other things happen automatically under the Clean Air Act. The most important is that when companies build or expand big pollution sources -- power plants, oil refineries, or cement kilns, for example -- they will have to install the "best available control technology" (BACT) for carbon dioxide and the other global warming pollutants. This is nothing fancy. It's what they've done for years for other dangerous pollutants like sulfur dioxide.

EPA is proposing to set "thresholds" - carbon pollution levels that separate big sources that will have to meet these requirements from small ones that will not.

This is a common sense concept that NRDC and other environmental groups proposed a more than a year ago.

But along come lawyers and spokesmen for the big boys arguing that EPA can't do that. If you regulate any of us, you have to regulate all of us, down to the donut shop.

It's hostage taking. We're gonna take everyone down with us. Listen to Charles Drevna, of the National Petroleum Refiners Association:

"This proposal *incorrectly assumes that one industry's greenhouse gas emissions are worse than another's*," [Drevna said](#). "Greenhouse gas emissions are global in nature, and are not isolated to a few select industries. The Clean Air Act stipulates unequivocally that the threshold to permit major sources is 250 tons for criteria pollutants. EPA lacks the legal authority to categorically exempt sources that exceed the Clean Air Act's major source threshold from permitting requirements, and this creates a troubling precedent for any agency actions in the future."

EPA argues that it can set a different threshold - it has proposed 25,000 tons of carbon dioxide - to recognize that each power plant or other big source emits roughly 100 times more carbon dioxide than conventional pollutants like sulfur dioxide. Accordingly, EPA says the proposed 25,000 ton threshold respects Congress's decisions about which big plants should have to install the best available control technology, and which small ones should not. Congress, EPA contends, never wanted to treat mom and pop shops the same as the big boys. In short, EPA argues that its new thresholds avoid absurd results and administrative nightmares.

The big boys' lawyers are getting ready to argue that EPA can't do this, that only Congress can change these threshold numbers. They claim the courts will strike EPA's rule down. But who'll bring that suit? It won't be NRDC or any of the other environmental groups active in this fight. And it's not clear that the big boys have "standing" - the kind of legal injury needed to take to take this complaint to court. And the courts themselves have recognized the doctrines of avoiding absurd results and administrative nightmares.

So I'm betting on EPA. And then, with small businesses safely shielded, the Chamber and NPRA will have no one to hide behind.

What's more likely is that Congress will clear this up well before the courts weigh in, by writing the EPA's thresholds into new comprehensive climate and energy legislation. That's an idea with support from both environmental organizations and responsible companies.

Maybe I'm a dreamer, but it's never too late for the Chamber and its allies to stop the scare-mongering and join the effort to pass this new legislation.

**David
McIntosh/DC/USEPA/US**
06/07/2010 08:09 AM

To Richard Windsor
cc
bcc

Subject from E&E News this morning

Obama is expected to soon invite key Democratic and Republican senators to the White House for a meeting on the climate issue similar to an earlier event he hosted in March. A national address is also likely. "I can't tell you exactly when it will be, but there will be certainly a major speech by the president that puts all this together in a very forceful way," John Holdren, the director of Obama's Office of Science and Technology Policy, said last month ([ClimateWire](#) , May 28).

David
McIntosh/DC/USEPA/US
05/28/2010 01:17 PM

To Richard Windsor
cc
bcc

Subject From Greenwire -- CLIMATE: Graham suggests emissions bill focused only on power plants

CLIMATE: Graham suggests emissions bill focused only on power plants

(Friday, May 28, 2010)

Darren Samuelsohn, E&E reporter

A key Senate Republican voice on climate legislation is floating yet another alternative way to price carbon emissions by focusing just on power plants.

Sen. Lindsey Graham (R-S.C.) said yesterday that the electric utility industry is most in need of a market signal for pricing greenhouse gases, while other major industries could be left out of a new U.S. carbon market, especially if it means finding enough votes to pass a bill in the Senate.

"We do need to price carbon to make nuclear power and wind and solar and some alternative technologies economically viable," Graham said. "On the transportation side, maybe you can reduce emissions without a cap. I don't know. But you need to put a price on carbon in the power production area at a minimum to jump-start these other technologies."

Graham spent about nine months negotiating key pieces of the Senate climate and energy bill with Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.) before dropping out of the talks in April over an unrelated political battle involving immigration. Just days before he walked, Graham said he thought the legislative effort was in good shape when it came to power companies and major manufacturers, but the transportation emission section remained a sore spot.

In the end, Kerry and Lieberman released a bill without Graham that started first with emission limits on electric utilities, followed six years later by limits for heavy industrial plants. Transportation emissions would face their own limits, but the industry cannot participate in any trading with the other industrial sectors. Critics have pounced on the provisions dealing with motor fuels and labeled them a "gas tax" despite repeated dismissals from the bill sponsors. Speaking to reporters earlier this week, Kerry insisted the bill he authored with Lieberman should remain intact as Majority Leader Harry Reid (D-Nev.) and other top Democrats begin to plot floor strategy for later this summer or fall. "We thought this through 20 times, saying, 'How can we do this differently?'" Kerry said at a forum hosted by the *Christian Science Monitor*. "We'd sit there and say, 'Is there any way to get this out of there and not have it be part of it?' But it's a puzzle. Every time you take one piece away, you make it more expensive for the other pieces to do it alone. And if you take certain pieces away, there's no money to be able to help people transition and cushion for it." But others say that Graham may be onto something.

Electric utilities are responsible for about a third of the country's annual emissions of heat-trapping pollutants, and they have been involved for about 15 years in a similar market-based mechanism that has successfully reduced acid rain. The power industry is also the most threatened by the prospect of U.S. EPA regulations under the Clean Air Act. Members of the U.S. Climate Action Partnership lobbying group discussed the power plant-only option this week during a private conference call. And a power industry source said today that the prospects for a broad, economywide bill remain uncertain, but there could be enough interest around legislation that deals solely with utilities and then takes on transportation emissions by codifying several existing Obama administration fuel economy rules and other incentives.

"At the end of the day, I think the decision has to be made whether you want 100 percent of nothing or whether you want 60 percent of something," the source said.

Beyond Graham, several other Senate Republicans seen as critical for passing a climate bill have also expressed an interest in a less sweeping plan for controlling greenhouse gases, including Sens. Judd Gregg of New Hampshire, Lamar Alexander of Tennessee, George Voinovich of Ohio and Richard Lugar of Indiana.

Lugar plans to introduce his own legislation after the Memorial Day recess that includes titles on efficiency, stronger vehicle fuel standards, a minimum "clean energy" requirement for utilities, including nuclear power, and incentives to shut down the highest-emitting coal plants.

Mark Helmke, a senior aide to Lugar, said he doubts Kerry and Lieberman have 60 votes for their approach. But he acknowledged that a proposal with limits on power plants coupled with other incentives for other industrial sectors may represent a path to 60. "It could be," he said. "But it's a political decision to be made by the White House and by Reid."

Brian Wolff, vice president for communications and government affairs at the Edison Electric Institute (EEI), acknowledged the difficulty Senate sponsors have in overcoming the "gas tax" label.

"I think everybody had a thought that the transportation part of it, the gas tax part of it, was really going to be hard for people politically," he said. But Wolff said he hasn't had any discussions with his trade group members about the power plant-only option.

"It's not been baked at all," he said.

EEI plans CEO calls to key senators in the coming weeks on the Kerry-Lieberman legislation. The group welcomed that bill's release during a press conference earlier this month because it included valuable allocations that help the industry compensate customers for otherwise higher energy prices, as well as pre-emption of both existing state climate laws and EPA's ability to write its own greenhouse gas rules.

"We've been focused on each legislative effort, whether it's the House effort or the Senate effort, what we can do to improve it and what we can do to support it," he said.

**David
McIntosh/DC/USEPA/US**
02/24/2011 01:24 PM

To Richard Windsor
cc
bcc
Subject From Greenwire -- Former Wyo. governor joins Arch Coal board

Former Wyo. governor joins Arch Coal board (Thursday, February 24, 2011)

Former Wyoming Gov. Dave Freudenthal (D) has joined the board of directors of Arch Coal Inc. Hailing from a state that produces about 40 percent of the nation's coal, Freudenthal was elected to the board of the company that mines much of its yearly 160 million tons of coal from the Powder River Basin in Northeast Wyoming. The company announced yesterday that Freudenthal will join the board effective immediately ([AP/Billings Gazette](#) , Feb. 23).

David
McIntosh/DC/USEPA/US
09/01/2010 10:34 AM

To: Richard Windsor
cc
bcc
Subject: Fw: BNA -- Industry Study Concludes Thousands of Jobs
Lost if EPA Finalizes Boiler MACT Proposal

----- Forwarded by David McIntosh/DC/USEPA/US on 09/01/2010 10:34 AM -----

From: John Millett/DC/USEPA/US
To: Joseph Goffman/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet
McCabe/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Adora
Andy/DC/USEPA/US@EPA
Date: 09/01/2010 10:10 AM
Subject: BNA -- Industry Study Concludes Thousands of Jobs Lost if EPA Finalizes Boiler MACT Proposal

fyi -- Steve Cook didn't try to reach us for this one --

Air Pollution

Industry Study Concludes Thousands of Jobs Lost if EPA Finalizes Boiler MACT Proposal

A study released Aug. 31 by the American Forest & Paper Association found adoption of proposed emissions limits for hazardous air pollutants from boilers and process heaters would cost 16,888 jobs at paper mills.

That figure would reach 71,774 if jobs in three supplier industries were included and the reduced spending by pulp and paper workers was taken into account, the study concluded.

According to the study, the national emissions standards for hazardous air pollutants (NESHAP) from industrial, commercial, and institutional boilers and process heaters announced by the Environmental Protection Agency April 30 and published June 4 (75 Fed. Reg. 32,006) would cause the closure of 30 paper mills.

The resulting job losses would reduce wages by \$3.3 billion and reduce local, state, and federal taxes by \$1.1 billion, the study found.

In addition to the boiler NESHAP, other rules proposed by EPA would cost the paper industry \$12 billion in capital costs and \$2.8 million in annualized costs, according to the study.

Mercury Emissions Halved

The boiler proposal would apply to a wide range of industrial boilers. EPA said April 30 that it would reduce mercury emissions from industrial boilers by 50 percent.

The agency estimated the rule would be expensive, costing the industries that use boilers and incinerators some \$3.6 billion per year. But EPA said the health benefits would be far greater and it estimated modest short-term job losses to all industries using industrial boilers, with the possibility job gains could result over the long term.

EPA proposed the rule under Clean Air Act section 112, which requires EPA to set emissions limits for major sources of 187 listed hazardous air pollutants. These standards must be based on maximum achievable control technology (MACT), which is set at the level of control of the top-performing 12 percent of sources in a source category.

The boiler rule is commonly known as the boiler MACT.

Industry groups strongly criticized the proposal at a June 15 EPA hearing ([114 DEN A-7, 6/16/10](#)).

Smaller “area” sources must also control emissions using generally available control technology, a less stringent standard than MACT.

The proposed boiler rule also would require controls for carbon monoxide, which is used as a surrogate for organic air toxics, and for particulate matter, which is used as a surrogate for toxic metals.

Boilers and process heaters are the second-largest source of mercury air emissions in the United States. EPA proposed numeric emissions limits for 17 classes of boilers and process heaters based on size and fuel type.

Larger Rulemaking

EPA released the proposal as part of a larger rulemaking that addresses boilers and incinerators used by a variety of industries, including power plants.

Combined, the air toxics proposed rules and the solid waste incinerator proposed rule would result in an estimated \$18 billion to \$44 billion in health benefits, including 2,000 to 5,200 fewer deaths annually, once they take effect, according to EPA. Installing and operating the required pollution controls would cost the boiler and incinerator industries \$3.6 billion per year, according to EPA's estimate.

EPA said the existing MACT standards for pulp and paper mills are under Clean Air Act-mandated review for possible additional controls if the agency determines there is additional residual health risk from hazardous air pollutant emissions.

Job Losses From Possible Regulations Cited

The paper industry study concluded that if the additional standards resulting from this review use the same methodology that EPA used in the boiler MACT, and that if EPA decides to regulate hydrogen sulfide emissions, these rules combined with the boiler MACT would result in the loss of 43,666 pulp and paper mill jobs, or 37 percent of the primary pulp and paper work force. If jobs in supplier industries and the effects of lost wages on spending are also included, 185,581 jobs would be lost, according to the study.

American Forest & Paper President Donna Harman told reporters in releasing the report that EPA should change the proposal to reflect how the public risks from the facilities' emissions would relate to the capital cost of the controls that would be required.

Harman said that the way the proposal is written, it would require costly emissions controls at plants where emissions are barely detectable and present no risk to the public. If a facility poses a risk, controls are justified, Harman said. Controlling emissions that present no public risk harms a facility's competitiveness in the world marketplace, she said.

Harman described the boiler MACT and other forthcoming proposals as an “unprecedented wave of regulation” that would “suffocate recovery in the industry.” The boiler MACT would “strike a severe blow to the manufacturing economy,” Harman said.

EPA Estimates Less Impact on Jobs

Paul Billings, vice president for national policy and advocacy at the American Lung Association, told BNA that the Clean Air Act does not work that way, and that MACT requires a specific level of control. The law was modified 20 years ago to require a technology-based approach because the previous risk-based approach did not work, he said.

In addition, Billings pointed to EPA's regulatory impact analysis for the boiler MACT, which said that short-term job losses to all industries using industrial boilers would be less than 8,000. Longer-term effects would range from 6,000 job losses to 12,000 job gains, according to EPA. “The boiler MACT is really important to reduce exposure to hazardous air pollutants in communities,” Billings said. “EPA should move forward to finalize a robust boiler MACT to

reduce exposure in the communities where these facilities are located.”

Also, the study said 16,888 jobs that would be lost in the paper industry would be a 14 percent reduction.

Steelworkers Criticize Rule

Leo Gerard, president of United Steelworkers, joined the paper industry in criticizing the proposed boiler rule.

The steelworkers are a primary sponsor along with the Sierra Club of the Blue Green Alliance, bringing together labor unions and environmental groups to promote jobs that further environmental protection and energy conservation.

“We recognize the necessity of eliminating hazardous pollutants like mercury from our communities, however as EPA proceeds with setting MACT standards for industrial boilers, it is critical that they do so in a way that is sustainable to the jobs of the more than 200,000 men and women employed in our nations pulp and paper industry,” Gerard said in a prepared statement.

“These are good family and community-sustaining jobs that workers and our struggling economy cannot afford to lose.”

By [Steven D. Cook](#)

The study by the American Forest & Paper Association is available at <http://www.afandpa.org/pressreleases.aspx?id=1545>.

~~~~~  
John Millett  
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David  
McIntosh/DC/USEPA/US  
08/05/2009 07:46 AM

To Richard Windsor  
cc  
bcc

Subject Fw: Climate Progress: EIA Analysis of ACES finds it costs relatively little, confirming CBO, EPA projections

----- Forwarded by David McIntosh/DC/USEPA/US on 08/05/2009 07:46 AM -----

From: Dan Weiss <dweiss@americanprogress.org>  
To: undisclosed-recipients;;  
Date: 08/04/2009 04:41 PM  
Subject: Climate Progress: EIA Analysis of ACES finds it costs relatively little, confirming CBO, EPA projections

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## [Despite its many flaws, EIA analysis of climate bill finds 23 cents a day cost to families, massive retirement of dirty coal plants and 119 GW of new renewables by 2030 — plus a million barrels a day oil savings](#)

August 4, 2009

Let's set aside for the moment that the Energy Information Administration (EIA) doesn't fully model the House climate and clean energy bill — they utterly ignore a major cost containment provision and the clean energy bank, while underestimating likely efficiency gains.

The EIA analysis, "[Energy Market and Economic Impacts of H.R. 2454, the American Clean Energy and Security Act of 2009](#)," still finds that **the average cost to households from 2012 to 2030 (discounted) is \$83!** A fact sheet can be found [here](#).

As *The Hill* wrote in "[EIA says costs of climate bill modest at first](#)":

The move by bill sponsors to give away pollution allowances rather than selling them appears to be a good one; the EIA credits the free distribution of credits with keeping energy costs from rising precipitously....

Electric bills would increase only 3 to 4 percent by 2020 under a carbon cap imposed by the bill.

Reuters [reports](#) that EIA finds the clean energy bill would "increase the energy costs of the average family by \$142 a year in 2020 and by \$583 in 2030," adding:

The estimate from the U.S. Energy Information Administration is in line with cost impact projections made by the Congressional Budget Office and the Environmental Protection Agency, and **contradict claims by energy and business trade groups that consumers would pay thousands of dollars more a year under a government plan to fight global warming.**

In fact, the only reason the energy costs rise so much in 2030 compared to 2025 is that the allowance distribution to regulated utilities phases out after 2025. While the EIA is stuck in a relatively rigid analysis and reporting methodology, **in the real world, the increased auction revenues would be given back to consumers, which would again offset their increased energy costs with tax cuts.** So while energy costs might jump post-2050, net impacts on consumers would not.

The EIA projects an allowance price of \$32 per metric ton of CO2 equivalent in 2020 — about double what EPA and I project and 50% higher than CBO's projection. Very unlikely.

The EIA has historically lowballed the prospects for energy efficiency, and here again they find a total drop in energy use under the climate bill of only about 3% in 2020 (3 quadrillion BTUs) and 6% in 2030 (6.5 quads). According to the EPA analysis of the bill, Waxman-Markey lowers demand 7 quads in 2020 compared to business as usual, and 10.4 quads in 2030 (see "[New EPA analysis of Waxman-Markey: Consumer electric bills 7% lower in 2020 thanks to efficiency — plus 22 GW of extra coal retirements and no new dirty plants](#)"). That is similar to what the the American Council for an Energy-Efficient Economy (ACEEE) calculates for the savings from W-M's efficiency provisions — 5 quads saved in 2020 and 12.3 quads in 2030 (see "[The triumph of energy efficiency: Waxman-Markey could save \\$3,900 per household and create 650,000 jobs by 2030](#)").

If EIA had a decent model of energy efficiency, and if they had calculated the tax reduction from returning auction allowances back to consumers, I am quite certain that they would have again found the net cost to American families of close to a postage stamp a day even in 2030.

Even with all its flaws, the "**total discounted GDP losses over the 2012 to 2030 time period**" are a **whopping 0.2%**, which is pretty much what every major analysis of climate action finds ("[Intro to climate economics: Why even strong climate action has such a low total cost — one tenth of a penny on the dollar](#)").

EIA has some interesting findings of the bill's impact on how we use energy.

Even though they lowball energy efficiency — and don't even model Obama's big fuel economy deal in their main case — they find a savings in liquid fuel use in 2030 of some 320 million barrels, nearly 900,000 barrels of oil a day.

EIA finds that under W-M

... new coal bill without CCS beyond those that are already under construction are almost eliminated. **There is also a large increase in coal power plant retirements [and a 60% drop in coal use in power plants] by 2030 from current levels in the ACESA main cases, well above the 1% of existing coal capacity projected to retire in the reference case.**

The fact sheet notes:

Nuclear power would expand dramatically without added financial assistance.

Whether that is good news to you or not, it does suggest that the Senate bill doesn't need to put many nuclear incentives into the bill.

**New renewable capacity added from 2007 through 2030 under the bill is 119 GW — 38 GW higher than in the reference case.**

Two final points. First, EIA didn't even bother trying to model W-M's strategic reserve, which presumably would have helped lower costs. My guess is that it was just too darn complicated for them to figure out. It needs changing.

Second, like EPA (but unlike CBO), the EIA concludes that large numbers of international offsets will be purchased in the early years, which simply defies logic. Since the EIA lowballs efficiency and fuel switching to natural gas in the bill, they overestimate allowance costs and hence offset purchases.

Mysteriously, the EIA notes:

One recent analysis doubts that even 150 MMT of international offsets will be used by 2020.

They never specify what recent analysis, but it is suspiciously similar to my conclusion [here](#): "I doubt even 150 million tons of offsets will be used by emitters in 2020." Since I haven't seen anyone else use a similar 150 MMT figure, I guess EIA reads my blog, even if they ignore its conclusions.

The bottom line: **Yet another analysis makes clear the House climate and clean energy bill would dramatically reduce greenhouse gas emissions and accelerate the clean energy transition at a very low cost.** And this from an independent, nonpartisan agency known for underestimating the potential and overestimating the cost of clean energy.

---

David  
McIntosh/DC/USEPA/US  
04/13/2010 05:15 PM

To Richard Windsor  
cc  
bcc

Subject Fw: From E&ENews PM -- CLIMATE: Senate trio huddles  
with Obama officials, House co-sponsors

Just FYI. It's the first I'm hearing of this particular meeting between Kerry/Graham/Lieberman and Browner/Salazar.

**CLIMATE: Senate trio huddles with Obama officials, House co-sponsors**

*(Tuesday, April 13, 2010)*

**Darren Samuelsohn, E&E reporter**

Key Obama administration officials huddled today with Senate lawmakers at the heart of climate and energy negotiations as the authors ready for their long-awaited bill's unveiling next week.

Interior Secretary Ken Salazar and White House energy and climate adviser Carol Browner met for about 45 minutes with Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.).

"I must say, I've been a pretty heavy critic of the White House on a lot of issues, but they've been very good here," Graham said. "They've been very practical. They understand that you've got to change this debate. Cap and trade won't sell. That it's got to be more business friendly. They understand there's a place for offshore drilling. So that's where we're at."

"I think they're encouraged by the progress we're making," Lieberman said. "They want to be helpful."

Kerry, Graham and Lieberman are aiming to release their bill next week around the 40th anniversary of Earth Day on April 22. The bill is expected to place different emission limits on different sectors of the economy and expand domestic oil, gas and nuclear power production.

Meanwhile, the senators are holding a series of closed-door talks, including a session today with the lead authors of the House-passed climate bill.

"Great meeting with Henry Waxman and Ed Markey today on climate/energy -- hope their legislative karma rubbed off," Kerry said on his Twitter account.

Markey, co-sponsor of the House bill ([H.R. 2454](#)) that seeks a 17 percent cut in greenhouse gases by 2020, also commented on the meeting with Kerry via Twitter. "Pleased by bipartisan momentum in the Senate," he wrote. "We can not afford to delay action on clean energy jobs and climate."

Also today, Kerry, Graham and Lieberman met with officials from Shell Oil Co. and several Democratic senators, including Environment and Public Works Chairwoman Barbara Boxer of California, Ben Cardin of Maryland, Tom Carper of Delaware, Amy Klobuchar of Minnesota, Frank Lautenberg of New Jersey, Jeff Merkley of Oregon, Jeanne Shaheen of New Hampshire, Mark Udall of Colorado and Tom Udall of New Mexico.

**David  
McIntosh/DC/USEPA/US**  
04/12/2010 05:06 PM

To Richard Windsor  
cc  
bcc

Subject Fw: RSVP Today! Carol Browner Joins National Journal LIVE  
Event -- Inside the Issue: CLIMATE CHANGE

Just FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 04/12/2010 05:05 PM -----

From: "National Journal" <rsvp@nationaljournal.com>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 04/12/2010 01:33 PM  
Subject: RSVP Today! Carol Browner Joins National Journal LIVE Event -- Inside the Issue: CLIMATE  
CHANGE

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CLIMATE CHANGE WEEK

National Journal **LIVE**

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**MODERATED BY:**

**Ronald Brownstein**  
Atlantic Media Political Director

**FEATURING:**

**Senator Mark Udall (D-CO)**

**Carol Browner, Director,**  
White House Office of Energy and  
Climate Change Policy

**Senator Susan Collins (R-ME)**  
(invited)

**UNDERWRITTEN BY:**



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David  
McIntosh/DC/USEPA/US  
03/02/2010 05:16 PM

To Richard Windsor  
cc  
bcc

Subject good statement from Senator Landrieu in this story



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## **CLIMATE: Senate moderates welcome move away from economywide cap and trade (Tuesday, March 2, 2010)**

Darren Samuelsohn, E&E senior reporter

Several moderate senators today welcomed moves to pare back comprehensive energy and climate change legislation by dealing with different sectors of the economy in different ways.

Democratic and GOP senators said they appreciated the new plan being crafted by Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) that would phase in mandatory greenhouse gas limits, beginning with the electric utility industry and then moving toward manufacturers, while placing the nation's transportation fuels under a carbon tax that rises based on compliance costs for the other major emitters.

**"I'm definitely open to this approach as opposed to the previous approach and as opposed to doing nothing," said Sen. Mary Landrieu (D-La.).**

**"I think doing nothing is a terrible mistake," Landrieu added. "It's a terrible mistake not just for the environment. But it's a terrible mistake for the economy. Because there are billions of dollars in private capital sitting on the sidelines waiting for the referee to blow the whistle and set the rules of the game. If the referee hides in the dugout and no whistle is ever blown and no rules are ever published, that money can't create jobs."**

Sen. Lamar Alexander (R-Tenn.) said a less sweeping measure may be more appropriate, citing concerns with the overall size of the House-passed bill and a Senate counterpart he opposed in the Environment and Public Works Committee.

"Any movement away from economywide cap and trade is a movement in the right direction," said Alexander, the chairman of the Senate Republican Conference, who also urged lawmakers to focus on conventional air pollutants from power plants and "leave manufacturers alone."

Kerry, Graham and Lieberman led a series of meetings today on the broad outlines of their approach with senators and outside interests, including U.S. Chamber of Commerce President Tom Donohue. Kerry said the three senators would have specifics on paper in the coming days.

"We'll be continuing to meet with people to address their concerns, and so we obviously have to give them language to try to do that," Kerry said following a meeting in the Capitol that included Sens. Max Baucus (D-Mont.), Carl Levin (D-Mich.), Jeff Bingaman (D-N.M.), Sherrod Brown (D-Ohio), Mark Warner (D-Va.), Tom Carper (D-Del.), Debbie Stabenow (D-Mich.), Mark Udall (D-Colo.) and George Voinovich (R-Ohio).

Emerging from the same meeting, several of the senators said the Kerry-led trio may have found a sweet spot, though they would like to see more information.

"It's positive, it's refreshing, it's new thinking, it's potential," said Finance Chairman Baucus.

"I think most of the folks in the room would like to move ahead on something, and the details matter, and we'll get them in a couple of days," said Levin. "You've got to chew on these things. You can't just sit at a table here and say, 'Yes, yes, no, no,' without knowing the precise details of what you're agreeing to. This matters as to how effective it will be, and how fair. Will it be effective to accomplish the goal, and will it be fair in terms of the responsibilities that are accepted by various people?"

Others sounded skeptical.

Voinovich said he is not optimistic about the chances for a broad-brush bill. "I think the environment for a large cap and trade or whatever you want to call it is not there today," he said, adding that the public also remains dubious of a complex trading system with billions of dollars in allowances moving around from industry to industry, and into the Treasury.

"People are very skeptical about saying what we're going to do is take a dollar out of your back pocket and we'll turn around and give it to you in your right one," Voinovich said.

"I don't know how it would work," said Bingaman, the chairman of the Energy and Natural Resources Committee. "This mix-and-match kind of discussion doesn't get you anywhere. You've got to get down to specifics."

And Senate Policy Committee Chairman Byron Dorgan (D-N.D.) renewed his call for passage of an energy-only approach. "Cap and trade or a first cousin of cap and trade won't pass this year in my judgment," he said.

Majority Leader Harry Reid (D-Nev.) last week urged Kerry to get a bill out for review as soon as possible.

"The window is very small," Majority Whip Dick Durbin (D-Ill.) said today. "To be honest, I know what this calendar is like, and I know what it takes to do the routine things. Days at a time. And anything that has controversy or meat in it is going to take longer. So the majority leader is right."

Asked if he wanted to introduce legislation before Easter, Kerry replied, "That'd be nice."

*Reporter Robin Bravender contributed.*

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David  
McIntosh/DC/USEPA/US  
07/20/2010 03:40 PM

To Richard Windsor  
cc  
bcc

Subject Here is the Politico story

It essentially just indicates that none of the Democratic Senators said anything illuminating as they emerged from today's Caucus Lunch.

## Climate bill on the ropes

By: [Darren Samuelsohn](#)  
July 20, 2010 03:10 PM EDT

Senate climate legislation appeared to be on life support Tuesday after two key advocates said they were skeptical of reaching a quick deal on a controversial bill that includes a cap on greenhouse gases from power plants.

"The clock is our biggest enemy," John Kerry told reporters shortly after a meeting with several major electric utility industry CEOs. "Some people know that. We have to figure out what is doable in this short span of time. That's the test, and we're going to take a look at that."

Majority Leader Harry Reid said Monday night he was about ready to unveil details on energy and climate, and he raised the issue during a Democratic leadership meeting on Tuesday. But Reid and his aides have sidestepped questions for the last week on what will go into that package ahead of a floor debate he wants to begin as soon as next week. Reid also is trying to wrap up work on other Senate business ahead of the August recess, including a confirmation vote for Elena Kagan.

Addressing reporters Tuesday afternoon, Reid was noncommittal about when a bill would come or what it would contain.

"We're going to make a decision in the near future," the majority leader said, describing plans for a Democratic caucus on the issue Thursday. "We're really not at a point where I can determine what I think is best for the caucus."

Reid said he's still contemplates a bill that involves "something on utilities."

But he said he hadn't yet spoken with Kerry or Sen. Joe Lieberman about their discussions with utility executives. Lieberman and Kerry met Tuesday with members of the board of directors from the Edison Electric Institute, who are in Washington for a lobbying campaign on climate legislation.

According to Lieberman, the CEOs pleaded with the senators to resurrect their original bill introduced in May that limits emissions not just from power plants but from manufacturers and transportation fuels as well. Short of that, they pressed for similar language friendly

to their cause but worried that there's not enough time to reach agreement before the August break.

"They want to work with us to see if they can negotiate an agreement on a utility-only bill, but as far as they're concerned, they can't do it in 10 days, so they're pleading for more time," Lieberman said. "And I think that's something we ought to consider."

Kerry said the electric utility industry's biggest demand is the same industry-friendly formula for distributing emission allowances. But that approach gets tricky when the Senate bill is focusing just on power plants.

"Whether we can replicate that in terms of what we're doing is what we have to go back and try and find out," Kerry said.

Electric utilities also want relief from several existing Clean Air Act rules dealing with smog, soot and mercury, but that demand draws complaints from many environmental groups who see it as an unworthy trade.

"That's a tough one," Lieberman said. "They frame it in different way. They just want a breather. And not an eternal preemption. These are all topics of negotiation. That's what we're supposed to be doing here."

Reid's goal of tackling energy and climate, including a limit on power plant emissions, before the August break is seen in many quarters as doubtful.

Asked Tuesday whether he expected a bill to hit the floor next week, Sen. Max Baucus (D-Mont.) shrugged and said: "Depends on schedules, depends on what gets passed. Don't know."

Republicans were more blunt.

"He's waiting until we have, like, two or three days to tackle a subject that usually takes seven or eight weeks," said GOP Conference Chairman Lamar Alexander (R-Tenn.). "That makes it very difficult."

"Can I be very candid with you?" said Sen. George Voinovich (R-Ohio). "This whole thing is very cynical. Anybody who's been in the Senate for any period of time knows there's no way -- no way -- an energy bill can get done between now and the election or even now and end of year."

Given the complaints, both Kerry and Lieberman seemed prepared for several additional months of debate.

"This issue is not going away ever until it's addressed," Kerry said. "It's going to have to be addressed correctly at some point in time. So if we're not about to do that now because we don't have the right formula or can't, it's absolutely going to continue at an issue."

"Everybody here assumes, including you all, that we're going to be here in November and December," Lieberman said. "I know there's a certain awkwardness in a lame duck session. But these are big and important issues regarding energy independence, pollution reduction, job creation that requires some time. I hope we're not going to force ourselves to be constrained by an artificial setting."

A former Senate Democratic aide said climate advocates need to start gearing up for 2011, which will require a big push from President Barack Obama, Democratic control of the House and support from Senate Republicans to have any chance of success "The window is definitely almost shut and if it closes without action in the next few weeks, a lot of advocates will need to take stock about when this could be realistically attempted again," the former staffer said.

*Coral Davenport contributed to this report.*



David  
McIntosh/DC/USEPA/US  
07/28/2010 01:29 PM

To Richard Windsor  
cc  
bcc  
Subject I'm keeping an eye on this today

## **CLIMATE: Murkowski weighs bid to add EPA amendment to business bill (Wednesday, July 28, 2010)**

**Robin Bravender, E&E reporter**

Sen. Lisa Murkowski (R-Alaska) is considering offering an amendment that would block U.S. EPA climate regulations for two years to the small business package pending in the Senate, the senator's spokesman Robert Dillon said today.

"We have reserved our right to do so," Dillon said. "There is broad bipartisan concern about the impact EPA regulations of greenhouse gases would have on the economy starting at the beginning of the year."

Murkowski, the Senate Energy and Natural Resources Committee's top Republican, may offer legislation introduced by Sen. Jay Rockefeller (D-W.Va.) as an amendment to the small business bill, Dillon said.

Rockefeller's legislation would impose a two-year delay on EPA climate regulations for stationary sources like power plants and refineries, which are slated to kick in next January.

Senate Majority Leader Harry Reid (D-Nev.) promised Rockefeller a vote on the bill before the November election, Rockefeller told reporters yesterday.

Rockefeller said he had not decided yet whether to offer the bill as an amendment to the oil spill legislation that Democrats are bringing to the Senate floor this week. And it remains unclear whether Rockefeller would have that opportunity.

Many political analysts expect Reid to curtail amendments in an effort to stave off controversial debates and move the bill more quickly during the short window before the Senate breaks for the August recess.

Murkowski may seek to attach the measure to the small business bill because "it's what's on the floor now," Dillon said.

But President Obama would veto the measure if it made it to his desk, a White House aide said today.

Murkowski has failed in several previous efforts to stave off EPA regulations. In June, the Senate rejected, 47-53, a disapproval resolution from the Alaska

Republican that would have nullified EPA's authority to regulate greenhouse gases under the Clean Air Act.

David  
McIntosh/DC/USEPA/US  
07/13/2009 08:31 AM

To Richard Windsor  
cc  
bcc

Subject Just FYI: Governor Freudenthal opposes House climate bill  
(but not cap-and-trade generally)

## **WYOMING: Governor comes out against climate bill (07/13/2009)**

Wyoming Gov. Dave Freudenthal (D) announced his opposition to the climate bill making its way through the U.S. Congress, saying Friday that the legislation would increase energy costs for the residents of his state, the nation's top coal producer.

"This bill has some real biases built in that interestingly enough, from my point of view, are negative for fossil energy," he told reporters.

The governor's opposition mirrors that of the state's congressional delegation, including Rep. Cynthia Lummis (R), who voted against the bill in the House, and GOP Sens. Mike Enzi and John Barrasso.

Freudenthal said a cap on carbon emissions would be more efficient than the more comprehensive bill.

"Just come up with a standard and say people have to meet it," he said. "I think there's the opportunity here for some more creative thought. I haven't heard it from the delegation, but I'm sure they're thinking about it, about ways to make this work" (Mead Gruver, [Associated Press](#), July 10). -- **JK**

David  
McIntosh/DC/USEPA/US  
07/22/2010 02:53 PM

To Richard Windsor  
cc  
bcc

Subject Reid to Senate Dems: Climate change bill will wait until fall

They are also jettisoning the renewable electricity standard. So it'll just be oil spill response and a handful of relatively minor clean energy provisions

## **Reid to Senate Dems: Climate change bill will wait until fall**

By Darren Goode - 07/22/10 02:32 PM ET

Senate Majority Leader Harry Reid (D-Nev.) will bring a limited package of oil spill response and energy measures to the floor next week, delaying action until at least this fall on a broader proposal that would impose greenhouse gas limits on power plants, senior Senate Democratic aides said.

Aides insisted Reid's decision is a nod to the packed floor schedule the Senate faces before it leaves in two weeks for the August recess, and that he has not abandoned plans to try and bring up a broader climate and energy plan later in the year.

But other legislative priorities and election-year politics might scuttle the wider climate and energy plan altogether.

Reid discussed his plans with Senate Democrats at a Thursday meeting.

Sen. Jeanne Shaheen (D-N.H.) described Reid as having delayed efforts to advance climate change legislation until after the August break.

"What he suggested is that we move forward on several bills to address energy and the oil spill and then continue to work on the climate piece when we get back," she said after the meeting in the Capitol.

For now, the limited package expected on the floor this month will likely allow Democrats to push through a response to the Gulf of Mexico oil spill — such as tougher rig-safety requirements — and perhaps some energy provisions that members of both parties could support.

The bill will not include a renewable electricity production mandate boosting power sources such as solar and geothermal that are key industries in Reid's home state of Nevada.

The Senate Energy and Natural Resources Committee gave bipartisan support to such a mandate last year. But it is also controversial because Republicans have sought to ensure it includes all nuclear energy production — both existing and future.

David  
McIntosh/DC/USEPA/US  
10/06/2010 08:34 AM

To Richard Windsor  
cc  
bcc

Subject Re: Fw: POLITICO: EPA's Jackson swings back at critics

I think this came out well.

Richard Windsor ----- Original Message ----- From: 10/06/2010 08:31:45 AM

From: Richard Windsor/DC/USEPA/US  
To: "David McIntosh" <mcintosh.david@epa.gov>, "Gina (Sheila) McCarthy" <mccarthy.gina@epa.gov>  
Date: 10/06/2010 08:31 AM  
Subject: Fw: POLITICO: EPA's Jackson swings back at critics

Adora Andy

----- Original Message -----

**From:** Adora Andy  
**Sent:** 10/06/2010 08:18 AM EDT  
**To:** "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens; Sarah Pallone; Dru Ealons  
**Subject:** POLITICO: EPA's Jackson swings back at critics  
EPA's Jackson swings back at critics  
By: Darren Samuelsohn  
October 6, 2010 04:35 AM EDT

Lisa Jackson is sticking to her guns.

The Environmental Protection Agency finds itself constantly under attack from industry groups and Republicans who say the agency is overreaching on everything from climate change to microscopic soot. And with the failure of the White House and Congress to pass a climate bill, combined with a potential GOP takeover, now could be seen as the right time for the agency's head to dial back the rhetoric.

But at an event last month celebrating the Clean Air Act's 40th anniversary, Jackson swung hard at industry groups, offending some officials in the room and potentially adding fuel to claims the Obama administration is anti-business.

In an interview this week with POLITICO, Jackson showed no indication of backing down.

"It's definitely anti-lobbyist rhetoric," Jackson said. "It's definitely meant to reflect the fact that, when I go around the country, people want clean air. They are as passionate about clean air and clean water as any of a number of issues; they want protection for their families and their children."

"I meet with individual businesses all the time, and industry has a huge role to play," Jackson added. "But I do very much believe that it's time for us to get past this tired dance, where folks inside this Beltway get paid a lot of money to say things that aren't true about public health initiatives that this agency is charged by law with undertaking."

Jackson said EPA is taking a "series of modest steps" in writing climate-themed rules under the Clean Air Act, despite bipartisan efforts in Congress to block them and about 90 different lawsuits in federal court.

"The Clean Air Act is a tool. It's not the optimal tool. But it can be used," she said. "And, in fact, I'm legally obligated now to use it. And so we've laid a lot of groundwork on that and we'll continue."

Jackson's shop is now the main battleground in the federal push to fight global warming, as many experts predict Congress will show little appetite to try a comprehensive climate bill again in the near future.

"A window has slammed shut in Washington, and it may be a few more years before we can pry it open again," said Eric Pooley, author of "The Climate War," a recently published book that chronicles the past three years of debate on global warming.

Enter Jackson, who is pursuing her work, thanks to a 2007 Supreme Court decision clearing EPA to write climate rules as long as the agency could prove greenhouse gases threaten public health or the environment. The first hammer comes down in January with greenhouse gas limits on some of the biggest industrial sources, namely power plants and petroleum refiners, which are already in various stages of the air pollution permitting process.

An additional set of climate-themed requirements will come in July for both existing and new industrial plants that trigger the permit rules by increasing their emissions.

Combined, Jackson said those two rules should make a noticeable dent in the nation's greenhouse gas emissions. "It's not the majority of the regulated community," she said. "But because of those two things together, that's a large segment of the workload."

Hoping to give industry some cushion on costs, EPA is also studying its options for setting up a cap-and-trade program in which regulated companies could buy and sell pollution permits based on how much they've cleaned up their facilities. But Jackson insisted any cap-and-trade system would not be as ambitious as what Congress authorized EPA to set up in the early 1990s to deal with acid rain emissions from power plants, let alone the climate bills that died this year under a cloud of controversy.

"We're going to try as much as possible to give flexibility," she said. "One of the most flexible programs we've ever had is a true cap-and-trade program. We can't replicate that, but we can certainly look at opportunities."

During an interview published last week in Rolling Stone, President Barack Obama said he wasn't giving up on his climate agenda in 2011, suggesting a less ambitious approach that addresses the issue "in chunks."

Jackson deferred to Obama on what the president has in mind for EPA under the "chunks." But she answered that he's "rightfully very proud" of EPA, the Transportation Department, the auto industry and state officials for coming together in 2009 on regulations that will get fuel economy beyond 35 miles per gallon by the middle of the decade.

"He sees the situation as sort of the win all around, multiple-win public policy that this country could and should be embracing," Jackson said. "And certainly, there's some amount of frustration with the fact that we can't get past that same set of issues on the stationary source side easily."

Jackson said she also sees changes coming in the nation's energy infrastructure because of the 2009 economic stimulus package, which included a record \$80 billion for renewable projects. "With all the signals we're trying to send, that's the next big chunk," she said.

While EPA works those "chunks," the agency will also have to play defense.

The prospect of a GOP-controlled House or Senate in 2011 would most likely set the stage for Obama to follow through on veto threats on any legislation restricting EPA's ability to write climate rules. Even before the election, coal-state Democrats are still hoping to get a Senate vote on legislation that halts the agency's work on stationary sources for two years.

"Even in the face of the president's veto threat, we must send a clear message that Congress – not an unelected regulatory agency – must set our national energy policy," said Sen. John Rockefeller of West Virginia, the leading sponsor of the bill.

Lawsuits challenging Jackson's authority are also starting to work their way through the courts, with nearly 90 sets of plaintiffs – oil and coal companies, conservative think tanks and a coalition of states, including the attorneys general from Texas and Virginia – filing at least four different cases.

EPA's critics are also questioning the agency's work on a number of conventional environmental issues, including regulations for toxic coal ash, power plant mercury emissions and microscopic levels of soot.

Jackson said the attacks are part of the territory.

"The rules we put forth have been smart, sensible rules," she said. "Part of the line of attack is to somehow villainize the work of this agency. But this agency protects human health and the environment. And the majority of people in this country, a strong majority, expect clean air, expect clean water, expect that their representatives in Congress are there to help get them that, to represent them and not special interests."

David  
McIntosh/DC/USEPA/US  
09/03/2010 02:20 PM

To Richard Windsor  
cc  
bcc  
Subject Re: fyi

That is definitely interesting.

Richard Windsor News Headline: CRS SUGGESTS NE... 09/03/2010 11:00:07 AM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 09/03/2010 11:00 AM  
Subject: fyi

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**News Headline:** CRS SUGGESTS NEW WASTE LAW PROVISION FOR EPA  
REGULATION OF COAL ASH | 

**Outlet Full Name:** Inside EPA Weekly Report

**News OCR Text:** The Congressional Research Service (CRS) is suggesting that Congress add a new subtitle to federal waste law to give EPA enforcement authority over coal waste rules without declaring the waste hazardous and to regulate beneficial reuse of coal ash, a move that could resolve a fight over how EPA should regulate the waste.

The Aug. 9 report, "Regulating Coal Combustion Waste Disposal Issues For Congress," suggests that lawmakers consider amending the Resource Conservation & Recovery Act (RCRA) to create a new subtitle K "that would specifically address issues unique to the management" of coal combustion waste (CCW). EPA is currently weighing whether to regulate CCW as hazardous under RCRA subtitle C or as solid waste under subtitle D.

CRS' suggestion could serve as a compromise avoiding the stringent hazardous waste regulation that industry opposes while providing EPA with the enforcement authority it would lack under less-strict solid waste rules. EPA has identified that lack of enforcement power as a major concern over issuing subtitle D rules.

The approach could also resolve questions over the extent to which EPA should regulate beneficial reuses of coal waste in products such as cement. Industry claims that a hazardous waste designation would decimate the reuse industry, which recyclers say handles almost half of the coal waste produced annually.

But at least one key group of state environmental officials is expressing concern about the CRS report, saying it did not meet states' expectations because it includes little input from states.

EPA June 21 issued its proposal to establish first-time federal CCW disposal rules that seeks comment on either regulating the material as hazardous under RCRA subtitle C or as nonhazardous under RCRA subtitle D. The agency's proposal was long stalled at the White House due to industry concerns about the stigma of a hazardous classification, and EPA recently extended the comment period for the



proposal by 60 days, through Nov. 19.

The CRS report suggests that a RCRA subtitle K approach "broadly, could direct EPA to develop waste management standards applicable to disposal units that accept CCW (similar to subtitle D), but also provide EPA with federal enforcement authority to require states to implement those standards (similar to subtitle C) while avoiding labeling the material a 'hazardous' waste. Such a proposal could also authorize EPA to specifically regulate certain beneficial uses." Relevant documents are available on InsideEPA.com.

Rep. Heath Shuler (D-NC) floated a similar option in July, though he did not provide details, such as whether his approach would amend subtitle D or add a new subtitle to RCRA.

CRS also notes, "Congress may also choose to do nothing. That is, Congress may allow the current rulemaking process to continue and allow EPA to select either its subtitle C -- or D -- related proposal."

It is unclear which lawmaker requested the report, but a bipartisan group of House members has expressed concern about EPA RCRA subtitle C rules, with 31 members of the Energy & Commerce Committee sending EPA Administrator Lisa Jackson a July 29 letter "to express our strong opposition" to a subtitle C approach. The letter was signed by House energy committee's oversight panel chair Rep. Bart Stupak (D-MI), technology panel chair Rep. Rick Boucher (D-VA), environment panel ranking member Rep. Fred Upton (R-MI) and others.

The letter acknowledged EPA's concern about not being able to federally enforce RCRA solid waste rules for CCW but says "that obstacle should not be cause for more burdensome regulation."

Additionally, Shuler, chairman of the House Small Business Committee's rural development panel, said at a July 22 hearing that he and other lawmakers were developing legislation to give EPA authority to enforce CCW rules under RCRA subtitle D as a way for all parties to move forward on the issues. "We want to be able to work with everyone to get a compromise and I think a compromise is good at this point," he said in an interview after the hearing. (Inside EPA, July 30). Shuler is not on the Energy & Commerce Committee and did not sign the bipartisan letter to EPA.

Speaking to Inside EPA after the July hearing, Shuler declined to provide further details on his pending coal waste legislation. Shuler's office could not be reached for comment on the CRS report.

The report is at least the second CRS has issued on coal waste this year. In January, CRS in a report noted lawmakers' concern about what was then EPA's pending proposal, including that it could be too strict or too lax. The report also cited difficulty in getting information about CCW, due to a lack of federal rules. "Since the regulation of CCW disposal and use is controlled by individual states, it is difficult to determine certain information about the waste. For example, it is difficult to determine the entire amount of CCW that has been disposed of in the United States," CRS said. It did not include recommendations for Congress but noted a high level of interest following the massive 2008 coal ash spill at a Tennessee Valley Authority (TVA) facility, which is the impetus for the EPA rule.

Although CRS' report could provide some stakeholders room to discuss a compromise over EPA's coal ash rule, a top official from the Environmental Council of the States (ECOS) is raising concerns over the report.

Steve Brown, executive director of ECOS, said at the group's annual meeting Aug. 29 in Whitefield, NH, that the report "didn't meet our expectations because it had very little input from states." Brown said that ECOS was planning to have a meeting with CRS over the report.

One reason for ECOS' concern with the report could be CRS' recommendation for a subtitle K, because it would give EPA new authority to enforce RCRA subtitle D rules, which are now enforced by states. For coal ash, however, EPA has expressed dissatisfaction with the stringency of some state approaches and, though its proposal is neutral, the agency points out that compliance would be far higher under subtitle C due exclusively to enforcement.

At the ECOS meeting Aug. 30, Gary Baughman, director of the Colorado Department of Public Health & Environment's Hazardous Materials & Waste Management Division and also president of the Association of State & Territorial Solid Waste Management Officials, warned ECOS members that if EPA finalized a rule classifying CCW as hazardous, that would create major problems given a lack of storage capacity.

Baughman said of the 136 million tons of CCW generated annual, 75 million tons are disposed in landfills and surface impoundments, compared to 50 million tons that are beneficially reused and 10 million tons placed in mines. There is not enough capacity to add 75 million tons of material to existing hazardous waste landfills, he said, adding that it would increase the amount of hazardous waste disposed annually by about 40 percent.

However, environmentalists are continuing to step up their push for hazardous waste rules, with environmental groups citing alleged new incidents of CCW contamination in communities around the country to pressure EPA to finalize a subtitle C rule that would impose strict coal waste controls.

The Environmental Integrity Project, Earthjustice and Sierra Club released an Aug. 26 report they say shows that state regulation of CCW is inadequate. The report, "In Harm's Way Lack of Federal Coal Ash Regulations Endangers Americans & Their Environment," seeks to document contamination to ground and surface water near coal ash disposal sites, identifying 39 new contamination instances in 21 states in addition to 67 sites EPA has already acknowledged.

Additionally, during EPA's first hearing on its proposal Aug. 30 in Arlington, VA, environmentalists sought to focus on contamination from the massive TVA coal ash spill. That waste is being taken for disposal to historically black and poor Perry County, AL, which is experiencing severe negative impacts, including discolored drinking water and foul odors, according to testimony by Perry County District Attorney Michael Jackson. Jackson added that it is difficult for citizens to fight against the impacts in the absence of strict EPA rules. -- Dawn Reeves



David  
McIntosh/DC/USEPA/US  
12/18/2009 06:43 PM

To Richard Windsor  
cc  
bcc  
Subject Re: Remarks by the President during press availability in  
Copenhagen - ceq in the news

REMARKS BY THE PRESIDENT DURING PRESS AVAILABILITY  
Bella Center Copenhagen, Denmark 10:30 P.M. CET THE PRESIDENT: Let me start with a statement and then I'll take a couple of questions. Today we've made meaningful and unprecedented -- made a meaningful and unprecedented breakthrough here in Copenhagen. For the first time in history all major economies have come together to accept their responsibility to take action to confront the threat of climate change. Let me first recount what our approach was throughout the year and coming into this conference. To begin with, we've reaffirmed America's commitment to transform our energy economy at home. We've made historic investments in renewable energy that have already put people back to work. We've raised our fuel efficiency standards. And we have renewed American leadership in international climate negotiations. Most importantly, we remain committed to comprehensive legislation that will create millions of new American jobs, power new industry, and enhance our national security by reducing our dependence on foreign oil. That effort at home serves as a foundation for our leadership around the world. Because of the actions we're taking we came here to Copenhagen with an ambitious target to reduce our emissions. We agreed to join an international effort to provide financing to help developing countries, particularly the poorest and most vulnerable, adapt to climate change. And we reaffirmed the necessity of listing our national actions and commitments in a transparent way. These three components -- transparency, mitigation and finance -- form the basis of the common approach that the United States and our partners embraced here in Copenhagen. Throughout the day we worked with many countries to establish a new consensus around these three points, a consensus that will serve as a foundation for global action to confront the threat of climate change for years to come. This success would have not been possible without the hard work of many countries and many leaders -- and I have to add that because of weather constraints in Washington I am leaving before the final vote, but we feel confident that we are moving in the direction of a significant accord. In addition to our close allies who did so much to advance this effort, I worked throughout the day with Prime Minister Meles of Ethiopia, who was representing Africa, as well as Premier Wen of China, Prime Minister Singh of India, President Lula of Brazil, and President Zuma of South Africa, to achieve what I believe will be an important milestone. Earlier this evening I had a meeting with the last four leaders I mentioned -- from China, India, Brazil, and South Africa. And that's where we agreed to list our national actions and commitments, to provide information on the implementation of these actions through national communications, with international consultations and analysis under clearly defined guidelines. We agreed to set a mitigation target to limit warming to no more than 2 degrees Celsius, and importantly, to take action to meet this objective consistent with science. Taken together these actions will help us begin to meet our responsibilities to leave our children and our grandchildren a cleaner and safer planet. Now, this progress did not come easily, and we know that this progress alone is not enough. Going forward, we're going to have to build on the momentum that we've established here in Copenhagen to ensure that international action to significantly reduce emissions is sustained and

sufficient over time. We've come a long way, but we have much further to go. To continue moving forward we must draw on the effort that allowed us to succeed here today -- engagement among nations that represent a baseline of mutual interest and mutual respect. Climate change threatens us all; therefore, we must bridge old divides and build new partnerships to meet this great challenge of our time. That's what we've begun to do here today. For energy holds out not just the perils of a warming climate, but also the promise of a more peaceful and prosperous tomorrow. If America leads in developing clean energy, we will lead in growing our economy, in putting our people back to work, and in leaving a stronger and more secure country to our children. And around the world, energy is an issue that demands our leadership. The time has come for us to get off the sidelines and to shape the future that we seek. That's why I came to Copenhagen today, and that's why I'm committed to working in common effort with countries from around the globe. That's also why I believe what we have achieved in Copenhagen will not be the end but rather the beginning, the beginning of a new era of international action. So with that, let me just take a couple of questions, and I'm going to start with Jeff Mason. Q Thank you, Mr. President. Can you give a little bit more detail about how the transparency issue will work, how countries will show or prove that they're doing what they say they'll do on emissions curbs? And can you speak also more specifically about cutting emissions? There's no mention of that in your statement or in what we've heard so far, specifically about the agreement. THE PRESIDENT: Well, on the second question first, the way this agreement is structured, each nation will be putting concrete commitments into an appendix to the document, and so will lay out very specifically what each country's intentions are. Those commitments will then be subject to a international consultation and analysis, similar to, for example, what takes place when the WTO is examining progress or lack of progress that countries are making on various commitments. It will not be legally binding, but what it will do is allow for each country to show to the world what they're doing, and there will be a sense on the part of each country that we're in this together, and we'll know who is meeting and who's not meeting the mutual obligations that have been set forth. With respect to the emissions targets that are going to be set, we know that they will not be by themselves sufficient to get to where we need to get by 2050. So that's why I say that this is going to be a first step. And there are going to be those who are going to -- who are going to look at the national commitments, tally them up and say, you know, the science dictates that even more needs to be done. The challenge here was that for a lot of countries, particularly those emerging countries that are still in different stages of development, this is going to be the first time in which even voluntarily they offered up mitigation targets. And I think that it was important to essentially get that shift in orientation moving, that's what I think will end up being most significant about this accord. From the perspective of the United States, I've set forth goals that are reflected in legislation that came out of the House that are being discussed on a bipartisan basis in the Senate. And although we will not be legally bound by anything that took place here today, we will I think have reaffirmed our commitment to meet those targets. And we're going to meet those targets, as I said before, not simply because the science demands it, but also because I think it offers us enormous economic opportunity down the road. Q And the first part of the question, about the transparency issue? THE PRESIDENT: Well, as I said, there is a specific -- Q (Inaudible.) THE PRESIDENT: Exactly. There is the annexing combined with a process where essentially they are presenting to the world -- subject to international consultation and then analysis -- exactly what are these steps. So if I make a claim that I'm reducing greenhouse gases because I've changed mileage standards on cars, there will be a process whereby people will be able to take a

look and say, is that in fact in effect? Jennifer Loven. Q Thank you, sir. You've talked to, in your remarks earlier today, about other nations needing to accept less than perfect in their view. Can you talk about what you gave up and where you might have shifted the U.S. position to get to this point? And also, if this was so hard to get to, just what you have today, how do you feel confident about getting to a legally binding agreement in a year? THE PRESIDENT: I think it is going to be very hard and it's going to take some time. Let me sort of provide the context for what I saw when I arrived. And I think it's important to be able to stand in the shoes of all the different parties involved here. In some ways the United States was coming with a somewhat clean slate, because we had been on the sidelines in many of these negotiations over several years. Essentially you have a situation where the Kyoto Protocol and some of the subsequent accords called on the developed countries who were signatories to engage in some significant mitigation actions and also to help developing countries. And there were very few, if any, obligations on the part of the developing countries. Now, in some cases, for countries that are extremely poor, still agrarian and so forth, they're just not significant contributors to greenhouse gases. But what's happened obviously since 1992 is that you've got emerging countries like China and India and Brazil that have seen enormous economic growth and industrialization. So we know that moving forward it's going to be necessary if we're going to meet those targets for some changes to take place among those countries. It's not enough just for the developed countries to make changes. Those countries are going to have to make some changes, as well -- not of the same pace, not in the same way, but they're going to have to do something to assure that whatever carbon we're taking out of the environment is not just simply dumped in by other parties. On the other hand, from the perspective of the developing countries like China and India, they're saying to themselves, per capita our carbon footprint remains very small, and we have hundreds of millions of people who don't even have electricity yet, so for us to get bound by a set of legal obligations could potentially curtail our ability to develop, and that's not fair. So I think that you have a fundamental deadlock in perspectives that were brought to the discussions during the course of this week. And both sides have legitimate points. My view was that if we could begin to acknowledge that the emerging countries are going to have some responsibilities, but that those responsibilities are not exactly the same as the developed countries, and if we could set up a financing mechanism to help those countries that are most vulnerable, like Bangladesh, then we would be at least starting to reorient ourselves in a way that allows us to be effective in the future. But it is still going to require more work and more confidence-building and greater trust between emerging countries, the least developed countries, and the developed countries before I think you are going to see another legally binding treaty signed. I actually think that it's necessary for us ultimately to get to such a treaty, and I am supportive of such efforts. But this is a classic example of a situation where if we just waited for that, then we would not make any progress. And in fact I think there might be such frustration and cynicism that rather than taking one step forward, we ended up taking two steps back. But I want to be very clear that ultimately this issue is going to be dictated by the science, and the science indicates that we're going to have to take more aggressive steps in the future. Our hope is that by investing in clean energy, in research, in development, in innovation, that in the same way that the Clean Air Act ended up spurring all kinds of innovations that solved the acid rain problem at a much cheaper and much more rapid pace than we expected, that by beginning to make progress and getting the wheels of innovation moving, that we are in fact going to be in a position to solve this problem. But we're going to need technological breakthroughs to get to the goals that we're looking for. In the meantime, we've got to be able to take the steps that are

in our grasp right now, like for example energy efficiency, something I emphasized last week. All right. Helene Cooper. I'm sorry. Q What about the compromise shift question?

THE PRESIDENT: I have to say that, quietly, we did some pretty good ground work during the course of this year, so that our position was relatively clear. I think that the one principle that I brought to this is that whatever commitments we make, I want to be able to be sure that they're actually commitments that we can keep. So we tried to be modest in what we thought we could accomplish. I think there was interest on the part of some to, for example, increase our mitigation targets. Although when you look out in the years 2025 or 2030, our goals are actually entirely comparable with Europe's. On the front end they appear to be less, because frankly, they've had a head start over the last several years in doing things like energy efficiency that we care about. What I said to the other people in the room is, is that I want to make sure that whatever it is that we promise we can actually deliver on, and that it would be unrealistic for us to think that we can turn on a dime and that suddenly a clean-energy economy is going to emerge overnight, given the fact that it's going to require significant effort. And companies and industries are going to be wanting to make changes -- we're already seeing those changes, but they haven't all borne fruit yet. And we want to make sure that we're not getting too far ahead of ourselves in terms of targets, even as I understand that the science compels us to move as rapidly as we can. All right. Helene Cooper. Q Thank you. I wanted to ask you about this listing of the -- in the appendix. Going forward do you think that's going to continue to be sufficient, or do you think verification is going to remain a source of friction between the U.S. and China? And also on cap and trade, are you able to -- were you able to assure the leaders here that you'll make that a legislative priority next year?

THE PRESIDENT: With respect to the appendix, these countries have set forth for the first time some very significant mitigation efforts, and I want to give them credit for that. I mean, if you look at a country like India, as I said, they've got hundreds of millions of people who don't have electricity, hundreds of millions of people who, by any standard, are still living in dire poverty. For them, even voluntarily to say, we are going to reduce carbon emissions relative to our current ways of doing business by X percent is an important step. And we applaud them for that. The problem actually is not going to be verification in the sense that this international consultation and analysis mechanism will actually tell us a lot of what we need to know. And the truth is that we can actually monitor a lot of what takes place through satellite imagery and so forth. So I think we're going to have a pretty good sense of what countries are doing. What I think that some people are going to legitimately ask is, well, if it's not legally binding what prevents us from, 10 years from now, looking and saying, you know, everybody fell short of these goals and there's no consequences to it? My response is that, A, that's why I think we should still drive towards something that is more binding than it is. But that was not achievable at this conference. And the second point that I'd make is that Kyoto was legally binding and everybody still fell short anyway. And so I think that it's important for us, instead of setting up a bunch of goals that end up just being words on a page and are not met, that we get moving -- everybody is taking as aggressive a set of actions as they can; that there is a sense of mutual obligation and information sharing so that people can see who's serious and who's not; that we strive for more binding agreements over time; and that we j

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**From:** Richard Windsor

**Sent:** 12/18/2009 06:39 PM EST

**To:** David McIntosh

**Subject:** Re: Remarks by the President during press availability in Copenhagen - ceq in the news



David  
McIntosh/DC/USEPA/US  
03/01/2011 01:39 PM

To Richard Windsor  
cc  
bcc  
Subject The rupert Murdoch thing apparently is genuine -- here it is on HuffPo

## [Rupert Murdoch: News Corp Is Carbon Neutral](#)

First Posted: 03/ 1/11 11:01 AM Updated: 03/ 1/11 11:01 AM

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WASHINGTON -- The corporate parent of Fox News, the cable network most closely associated with denying the dangers of climate change, has achieved its goal of becoming carbon neutral three years after making the commitment, its top executive, Rupert Murdoch, announced in a letter to News Corp employees obtained by The Huffington Post.

Fox News hosts have routinely ridiculed efforts to reduce the human population's carbon footprint and has mocked environmentalists and politicians for proposing more efficient light bulbs and better inflated tires.

Yet such measures helped News Corp reach its goal, Murdoch told his staff. "[W]e have saved millions of dollars by improving the energy efficiency of our day-to-day operations. Our efficiency projects pay for themselves in less than two years, on average, and span from simple solutions like lighting retrofits and automatic PC shut-down to systemic changes like installing telepresence and videoconferencing technology to reduce the need for air travel," Murdoch wrote.

Murdoch also noted that some of his media properties have been recognized for their committed coverage to the threat facing the planet -- though Fox News did not make that list.

"Most important, throughout this endeavor we have continued to do what we do best: engage our audiences around the world with the most compelling content," he wrote. "Twentieth Century Fox's Ice Age franchise and the most successful film of all time, Avatar, prove that passionate environmental messages can be fodder for both blockbusters and real-world action, like the million trees planted in 2010 through the Avatar Home Tree initiative. National Geographic Channel offers scientifically rigorous programs, like Preserve Our Planet and Great Migrations, that are also visually stunning. The Times of London built on its long history of outstanding science coverage to launch Eureka, a monthly magazine supplement dedicated to science, innovation, and the environment. News Limited recently launched the public face of its award-winning employee-facing One Degree initiative. And The Wall Street Journal's fourth annual ECO:nomics conference, the leading forum for conversations at the intersection of business and the environment, kicks off tomorrow."

Murdoch hailed his company's leadership in the environmental sustainability movement. "I am proud to announce that News Corporation has reached its first major sustainability milestone: we have become carbon neutral across all of our global operations and we are the first company of our kind to do so," he wrote.

Read the full letter:  
Dear Colleagues,

I am proud to announce that News Corporation has reached its first major sustainability milestone: we have become carbon neutral across all of our global operations and we are the first company of our kind to do so.

We made a bold commitment in 2007 to embed the values of energy efficiency and environmental sustainability into all of our businesses - for the benefit of our communities and our bottom line.

But achieving net zero carbon emissions was never our only goal. Less than four years ago, I invited all of our employees, business partners and audiences to join us in this exciting initiative - and your response has been extraordinary. Today, I'm pleased to share some of our successes across the Company, as well as our long-term commitment to environmental sustainability.

Together, despite some of the toughest markets our industry has ever seen, we have saved millions of dollars by improving the energy efficiency of our day-to-day operations. Our efficiency projects pay for themselves in less than two years, on average, and span from simple solutions like lighting retrofits and automatic PC shut-down to systemic changes like installing telepresence and videoconferencing technology to reduce the need for air travel. The Company's global data center consolidation strategy alone will save approximately \$20M per year and reduce data center emissions by almost 15% when completed.

Our support of clean energy - through on-site projects, renewable energy certificates, and carbon credits - spans the globe, from Los Angeles to India. Our UK businesses now procure 100% of their electricity from renewable sources. Dow Jones is close to completing a 4.1MW solar power system on its campus in New Jersey, which will be the largest solar installation of its kind in the United States; at peak, it will provide 50% of the site's electricity needs.

We have provided leadership in our industry, across our supply chain, and among the global business community. Fox Entertainment developed robust carbon footprinting standards and tools for film, television, sports, and event production, as well as a sustainable vendor guide. The standards we set helped lead to a new industry-wide consortium and the online,

open-source Green Production Guide. Our initiative has even prompted major suppliers, like paper manufacturer Norske Skog, to set their own ambitious environmental targets. We have collaborated with business partners who were already leading the way, including our DVD supply chain initiative with Wal-mart, which pioneered an eco-case that reduced emissions from raw materials alone by 13% and has become the industry standard. Most recently, we became founding members of the UK-India Business Leaders Climate Group.

Most important, throughout this endeavor we have continued to do what we do best: engage our audiences around the world with the most compelling content. Twentieth Century Fox's Ice Age franchise and the most successful film of all time, Avatar, prove that passionate environmental messages can be fodder for both blockbusters and real-world action, like the million trees planted in 2010 through the Avatar Home Tree initiative. National Geographic Channel offers scientifically rigorous programs, like Preserve Our Planet and Great Migrations, that are also visually stunning. The Times of London built on its long history of outstanding science coverage to launch Eureka, a monthly magazine supplement dedicated to science, innovation, and the environment. News Limited recently launched the public face of its award-winning employee-facing One Degree initiative. And The Wall Street Journal's fourth annual ECO:nomics conference, the leading forum for conversations at the intersection of business and the environment, kicks off tomorrow.

News Corp.'s leadership in this area has been recognized by key independent parties, recently earning top marks in the Carbon Disclosure Project's leadership indices and winning big in the Environmental Media Association's 20th annual awards, with top honors going to Avatar and Bones.

We are well on our way to becoming the innovative, regenerative business we want to be. In the long term, we aim to grow our business without growing our carbon footprint, to power our operations with clean electricity, to minimize solid waste to landfill from our production operations, and to continue to engage our audiences on sustainability issues through partnerships and content of the highest caliber.

To help us realize this vision, I ask only that you apply the same creative thinking to sustainability that you already do to your jobs every day.

Congratulations and thank you for putting us on the right path. We have come a long way and we have much to do together.

Sincerely,

Rupert Murdoch

David  
McIntosh/DC/USEPA/US  
01/19/2010 08:15 AM

To Richard Windsor  
cc  
bcc

Subject this will likely feature in the upcoming Senate debates

January 19, 2010

# U.N. Panel's Glacier Warning Is Criticized as Exaggerated

By [ELISABETH ROSENTHAL](#)

A much-publicized estimate from a [United Nations](#) panel about the rapid melting of Himalayan glaciers from [climate change](#) is coming under fire as a gross exaggeration.

The [United Nations Intergovernmental Panel on Climate Change](#) said in 2007 — the same year it shared the Nobel Peace Prize with former Vice President [Al Gore](#) — that it was “[very likely](#)” [that Himalayan glaciers would disappear](#) by 2035 if current warming trends continued.

That date has been much quoted and a cause for enormous consternation, since hundreds of millions of people in Asia rely on ice and snow melt from these glaciers for their water supply.

The panel, the United Nations' scientific advisory body on climate change, ranks its conclusions using a probability scale in which “very likely” means there is greater than 90 percent chance that an event will occur.

But it now appears that the estimate about Himalayan glacial melt was based on a [decade-old interview of one climate scientist](#) in a science magazine, The New Scientist, and that hard scientific evidence to support that figure is lacking. The scientist, Dr. Syed Hasnain, a glacier specialist with the government of the Indian state of Sikkim and currently a fellow at the [TERI research institute](#) in Delhi, said in an e-mail message that he was “misquoted” about the 2035 estimate in The New Scientist article. He has more recently said that his research suggests that only small glaciers could disappear entirely.

The panel, which relies on contributions from hundreds of scientists, is considering whether to amend the estimate or remove it.

“The I.P.C.C. considers this a very serious issue and we're working very hard to set the record straight as soon as we can,” said [Christopher Field](#), co-chairman of the panel's section that was responsible for the report, which deals with impacts, adaptation and vulnerability.

He noted that the potentially erroneous figure in question had appeared only in the panel's full report of more than 1,000 pages and had been omitted in later summary documents that the panel produced to guide policy. The summaries said only that the Himalayan glaciers “could decay at very rapid rates” if warming continued. Such documents are produced after panel members

review a full-length report, although if a figure in the report is deemed to be in error, it is supposed to be removed.

Still, the revelation is the latest in a string of events that climate change skeptics have seized on to support their contention that fears about warming are unfounded, or at least overblown. Late last year, hackers obtained [private e-mail messages from leading researchers](#) at the University of East Anglia in England suggesting they were altering the presentation of some data in a way that emphasized the human influence on climate change.

The flawed estimate raises more questions about the panel's vetting procedures than it does about the melting of Himalayan glaciers, which most scientists believe is a major problem. But the panel's reports are the basis for global policy and their conclusions are widely heeded.

"The Himalayan glaciers will not disappear by 2035 — that is an overstatement," said Dr. [Bodo Bookhagen](#), an assistant professor at the [University of California at Santa Barbara](#) who studies the effect of climate change at high altitudes. "That number somehow got incorporated into the I.P.C.C. report, and that probably shouldn't have happened."

Still, he added: "It is very clear that there is glacier retreat and that it has devastating impact."

There is mounting proof that accelerating glacial melt is occurring, although the specifics are poorly defined, in part because these glaciers are remote and poorly studied.

At an [international conference last year](#) on Asia's glaciers, held at the [University of California, San Diego](#), Yao Tandong, a Chinese glaciologist who specializes in the Tibetan Plateau, said, "Studies indicate that by 2030 another 30 percent will disappear; by 2050, 40 percent; and by the end of the century 70 percent." He added: "Actually we don't know much about process and impacts of the disappearance. That's why we need an international effort."

David  
McIntosh/DC/USEPA/US  
04/26/2010 01:22 PM

To Richard Windsor  
cc  
bcc

Subject Troubled Senate emissions bill to undergo EPA analysis  
(04/26/2010)

## **CLIMATE: Troubled Senate emissions bill to undergo EPA analysis (04/26/2010)**

Darren Samuelsohn, E&E senior reporter

The Senate climate bill may be on life support, but its authors plan nonetheless to send their measure to U.S. EPA as soon as this afternoon for an economic study that needs to be completed if the legislation has any chance of reaching the floor before the start of the summer.

Majority Leader Harry Reid (D-Nev.) has promised to have the EPA study "well in hand for the debate" on the sweeping bill, which would curb greenhouse gas emissions across the U.S. economy. Typically, EPA's work takes about six weeks to complete, which means Reid cannot expect to start a floor debate until at least after lawmakers return from their Memorial Day recess in early June.

For now, the Senate measure is on hold for a completely different reason. Republican Lindsey Graham of South Carolina, the bill's principal GOP co-sponsor, threatened Saturday to abandon the climate negotiations unless Reid gives up on plans this year to tackle legislation overhauling the nation's immigration policies.

Graham technically remains at the bargaining table on climate with Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.), and the trio is expected to meet later today in the Capitol to discuss a path forward. The lawmakers held several telephone discussions over the weekend after Graham's announcement, with the Republican suggesting they begin the EPA modeling once they get their legislative text back from congressional lawyers who are actually writing the document.

"That'll make sure we don't lose real time if we can get back together," Lieberman said yesterday.

A Senate aide close to the process said the trio is expecting by early afternoon to receive the official bill from legislative counsel, complete with critical sections on allowance allocations for the electric utility industry. After that, the Senate staff will await a green light for sending the bill to EPA officials with whom they have been discussing specifications for the modeling runs.

"EPA is on standby to begin modeling once we receive the necessary information," an agency spokeswoman said today. "As we've said before, we are prepared to provide an analysis of the bill that will go before the full Senate. Once the modeling begins, it will take at least six weeks to complete."

Kerry and Lieberman scrapped plans to publicly release their bill today after Graham's complaints over immigration threatened to sideline the entire process. Senate aides say they expect to have a clearer picture on the schedule after today's meeting.

## **Simmering GOP feud**

An EPA study is one of several government reviews expected if the Senate climate bill starts to advance through the legislative process. A Congressional Budget Office analysis would be done before the floor debate, and the Energy Information Administration also is likely to weigh in.

Senate authors also can expect a fight with Republicans over the thoroughness of EPA's work.

Last fall, Republicans boycotted a markup on climate legislation in the Environment and Public Works Committee because they hadn't gotten all the answers they wanted from EPA on what the Senate bill, as well as a House-passed counterpart, would cost.

Matt Dempsey, spokesman for EPW Committee ranking member James Inhofe (R-Okla.), said today that complete EPA modeling would be one of several requests Republicans have ahead of any potential floor debate, especially as they wait to see the details of the legislation.

"It's all being done behind closed doors," he said. "And it's even more important to have an understanding of how much it's going to cost."

Dempsey added that Republicans would want EPA to conduct another modeling run of the climate bill after it goes through Reid's office, where considerable changes are likely to be made as he seeks support from 60 senators. "If there is a bill going over to EPA, we know it's certainly not what's going to be brought up on the floor," he said. "Republicans want to know what the bill that's going to the floor will cost."

Dan Weiss, a senior fellow at the left-leaning Center for American Progress, called the EPA analysis "a very important step in the process."

"The sooner that gets under way, the sooner the bill can come to the floor," he said.

Weiss also said he wasn't worried about repeated requests from Inhofe for more EPA study as the legislation gets tweaked in Reid's office. "Once the model is set up, if it changes some of the numbers or years, it can be easily reflected in the model," he said.

Of the House-passed climate bill ([H.R. 2454](#)), EPA predicted household consumption would drop between 23 and 29 cents per day in 2020 and 76 cents to \$1 per day in 2030. EPA said household consumption would fall \$80 to \$111 annually over the next four decades. The Senate proposal from Kerry, Graham and Lieberman is likely to call for similar emission restrictions -- 17 percent below 2005 levels by 2020 -- though with different mechanisms to control emissions from across the economy.

<http://www.eenews.net/Greenwire/print/2010/04/26/1>





David  
McIntosh/DC/USEPA/US  
07/20/2010 03:06 PM

To Richard Windsor  
cc  
bcc  
Subject Van Jones Grist post

## Toxic haste

# Accept more poison to get less carbon? Kill this crazy idea NOW

by [Van Jones](#)

20 Jul 2010 11:22 AM

With an increase in industry's toxic pollutants, will this be the fate of our water sources?

In exchange for cutting their carbon emissions, power plants want to undermine the EPA and get permission to increase other kinds of dangerous pollution. They even want the go-ahead to dump more sulfur and deadly mercury into our air and water.

This literal "poison pill" proposal would turn progress in climate protection into a devastating setback for the health of all Americans -- especially for those who live near power plants. The dirty energy lobby hopes that America can be convinced to accept more poison to get less carbon.

Fortunately, national leaders began sounding the alarm last week. Grist's [David Roberts](#) took a break from vacation to alert the nation, calling the utility companies' backroom play potentially the "scam of the century."

Green For All's [Phaedra Ellis Lamkins](#) and the NAACP's Ben Jealous put the matter bluntly, stating: "[B]ig utility companies apparently are making unconscionable demands that threaten the health and safety of all Americans." Green For All immediately launched an [online campaign](#) to kill this nutty notion before it mutates into a legislative proposal.

**American policy can be smart enough to protect both our children and our grandchildren.**

We should heed these warnings. The deadly coal mine explosion in West Virginia and the devastating environmental catastrophe in our Gulf of Mexico are just two recent examples of the consequences of weak federal oversight. These tragedies remind us that we need more, not less, environmental protection.

Beltway insiders may be trying to convince themselves that curbing the authority of the EPA and gutting clean air protections is a necessary step to achieving an agreement on climate change

legislation.

But this is a false choice. We can have clean air protection for our children today *and* climate protection for our grandchildren tomorrow. We must not allow the health of our communities to be used as bargaining chips.

This is no time to increase the load of pollutions and toxins in America's air and water.

- Already today, particulate air pollution kills [64,000 people](#) in the United States every year -- more people than die each year in car accidents. We should be redoubling efforts to reduce these premature deaths from heart and lung disease -- not rolling back protections.
- [27 million children](#) under the age of 13 reside in areas with ozone levels above EPA's revised standard. [Two million children](#) with asthma, or half of the pediatric asthma population under the age of eighteen, lived in these areas.

The utility companies' shameful proposals would make all of these statistics much worse -- resulting in more sickness and death for Americans, including children.

### **Vulnerable communities should not be asked to suffer disproportionately again.**

Worse, these proposals would inflict the most harm on the people who are already suffering. After all: who lives near power plants? Disproportionately low-income people and people of color.

All of us may have to make some sacrifices and adjustments along the path to a greener and more prosperous America. But communities of color already have the worst air and drinking water -- and suffer the most risk from environmental hazards. In the last century's dirty energy economy, they already suffered disproportionately.

- People of color are exposed to [70 percent](#) more of the dangerous particulate matter linked to greenhouse gas pollution.
- People of color, particularly blacks and Latinos, visit the emergency room for asthma at [three and a half times](#) the average rate that whites do, and die from it twice as often.
- People of color are [79 percent](#) more likely than whites to live in neighborhoods with industrial pollution.

### **America needs a stronger EPA, not a weaker one.**

Therefore, we should look with unease on the willingness of some to strip authority from America's government to protect our communities and environment. There is only one federal agency standing between our communities and even worse degradation: the EPA.

Undermining the EPA would be a risky choice for all Americans. A climate bill that saves carbon but takes away EPA's authority to protect communities against toxic hazards is a defeat for all Americans. We should reject false choices.

We must also reject the notion that communities of color and low-income communities will once

again be asked to bear the burden of a dirty economy.

Law makers must find a way to achieve progress on a climate bill, but taking major steps backward cannot be part of that solution. An attack on the EPA is an attack on our public health and well being.

We need both a strong climate bill and strong EPA authority to protect our air, our planet, and our public health.

David  
McIntosh/DC/USEPA/US  
03/04/2011 12:26 PM

To Richard Windsor, Barbara Bennett, Bob Perciasepe  
cc  
bcc

Subject Fw: Appropriations Committee Releases Highlights of 7  
Month CR

**From:** Bray, John (Appropriations)  
**Sent:** Friday, March 04, 2011 12:22 PM  
**Subject:** Appropriations Committee Releases Highlights of 7 Month CR



## U.S. Senate Committee on Appropriations

*PRESS RELEASE*

***For Immediate Release***

March 4, 2011

Contact: Rob Blumenthal (202) 224-1010 / John Bray (202) 224-3751

### **Democrats Propose Responsible Spending Reductions in Continuing Resolution to Fund Government through the Remainder of Fiscal Year 2011**

WASHINGTON, DC – The Senate Appropriations Committee released highlights of legislation filed today to fund the federal government through September 30, 2011 and impose significant spending cuts that will not jeopardize our nation’s economic recovery. In total, the Continuing Resolution (CR) will reduce spending this fiscal year at a rate of \$51 billion below the President’s budget request.

In contrast to the House CR, which makes reckless cuts that would threaten the nation’s economic recovery and potentially eliminate hundreds of thousands of American jobs, the Senate bill represents a significant step toward deficit reduction while supporting essential services the American people depend upon every day. In keeping with the commitment Senate Democrats made earlier this year, no earmarks are funded in the bill. Appropriations Committee Chairman Daniel K. Inouye (D-Hawaii) released the following statement in conjunction with the introduction of the Senate bill:

**“The Continuing Resolution we introduce today, which is \$51 billion below the President’s budget request, imposes responsible cuts and terminations across a wide variety of programs. In contrast to the House bill, the Senate proposal will allow the government to continue operating at reduced levels without major disruptions that would set back our**

**economic recovery and eliminate countless American jobs.**

**“The House-passed CR would cut \$51 billion more than the Senate measure, with the vast majority of cuts coming from non-defense spending. The House bill would jeopardize our economic recovery at a critical time, and severely disrupt the ability of federal agencies to carry out even their most basic functions. If enacted in its current form, the House bill would lead to furloughs and to premature termination or postponement of contracts that will end up costing taxpayers additional dollars in the future. The House bill would cause backlogs in Social Security claims, undermine nuclear weapons safety, remove more than 200,000 children from of Head Start, and close poison control centers across America. These are just a few specific examples of the irresponsible nature of the House Republican bill as a whole.**

**“The Senate has put forward a reasonable, fiscally responsible bill that will reduce funding at a rate that is \$51 billion below the President’s budget request. This bill is a good faith effort to meet in the middle. It is now time to end political gamesmanship and stop gambling with people’s lives and livelihoods. I urge our counterparts in the House to engage in a constructive dialogue with us that will end the current budget stalemate.”**

###

**Below are highlights of the Senate Democratic proposal:**

*The Senate bill makes prudent cuts that will allow the government to meet its obligations to the American people, while sparing our economy from further damage at a time of great uncertainty. It makes necessary investments in a limited number of targeted programs that are essential to national security and for maintaining the most basic of government services. Select examples follow:*

**NATIONAL SECURITY**

**Department of Defense**

The bill includes a separate division for the Fiscal Year 2011 Defense Appropriations Act. The bill provides a total of \$671.5 billion in base and overseas contingency operation funds. The base budget is \$513.6 billion, which represents a \$2.13 billion reduction to H.R. 1. The additional reductions are taken mainly in savings identified due to revised economic assumptions and a freeze in civilian pay. The defense bill also contains \$157.8 billion for overseas contingency operations, the same amount as the House passed bill. In total, the defense budget is \$17.3 billion less than the President’s budget request, but still provides the authorized pay raise for military personnel, protects funding for the Defense Health Program, and supports force protection initiatives and the readiness accounts for our men and women in uniform.

**Customs and Border Protection and Immigration and Customs Enforcement**

The Senate bill provides \$189 million more than the House bill for the border security agencies – Customs and Border Protection and Immigration and Customs Enforcement. Within that

amount, the Senate bill provides \$150 million more than the House bill for border security infrastructure and technology, providing our border patrol agents with the assets they need to help secure the northern and southern borders. Cuts to border technology made by the House bill would postpone for at least one year the procurement, construction and deployment of new Remote Video Surveillance Systems in Arizona. This new capability is identified by the Secretary as a high priority to address current threats;

### **National Domestic Preparedness Consortium**

The House bill cuts funding for first responder weapons of mass destruction training through the National Domestic Preparedness Consortium by 51 percent, which will result in more than 46,000 first responders not being trained in FY 2011. Given the evolving threat of homegrown terrorism, such a deep cut is without merit. The Senate bill reduces the program by five percent;

### **Nuclear Nonproliferation**

In the Senate Bill, Nonproliferation would see a reduction of \$360 million, or about 13 percent, below the FY 2011 request level. The House CR would have cut \$648 million, or about 24 percent, from the FY 2011 request level. The House cut would undermine U.S. efforts to secure all vulnerable nuclear materials in 4 years

### **State/Foreign Operations**

The Senate CR level for State/Foreign Operations of \$50.15 billion is a reduction of \$6.5 billion, or 11.5%, below the FY 2011 request level. The Senate CR level reflects a far more responsible approach than H.R. 1 to reducing programs below the FY 2011 request, and at the same time responds to the significant increase in funding requirements for the civilian component of the counter-insurgency strategy in Afghanistan and Pakistan, and the transition from military to civilian presence in Iraq. In addition, compared with H.R. 1, the Senate CR preserves U.S. leadership in key areas such as global health and child survival, providing \$885 million more than H.R. 1 for life-saving health programs, and \$1.1 billion more to respond to humanitarian crises. The Senate CR also provides \$428 million more than H.R. 1 for clean energy technology and other global environment programs, and \$200 million for the global food security fund to offset food shortages and famine, which H.R. 1 does not fund at all.

### **Department of Veterans Affairs**

The discretionary funding level for the Department of Veterans Affairs (VA) is \$456 million, or 0.8%, below the FY 2011 request of \$56.97 billion. This level includes \$382 million in reductions and rescissions of unobligated balances in VA Information Technology and major construction accounts. The Senate CR includes an increase of \$460 million for veterans disability claims processing, as provided in the House passed CR, to reduce the backlog of veterans disability claims.

## **INNOVATION AND VITAL INFRASTRUCTURE**

### **NASA**

The National Aeronautics and Space Administration (NASA) is funded at \$18.5 Billion. This

level is a reduction of \$461 million, or 2.4 percent, below the FY 2011 request. A year of rethinking NASA's investments to ensure a portfolio balanced among science, aeronautics, technology and human space flight investments resulted in a NASA Authorization Act signed in October 2010. At this level, NASA will not be provided any funds for requested but new long-range space technology research activities that have the potential to lead to new discoveries and new technologies that could improve life on Earth. However, it avoids an additional \$412 million cut by the House that would disrupt ongoing science missions and cause layoffs of 4,500 middle class contractors who provide landscaping, IT, janitorial, and other services for NASA centers.

### **National Science Foundation (NSF)**

The National Science Foundation (NSF) is funded at \$6.87 billion. This level is a reduction of \$573 million, or 7.7 percent, below the FY 2011 request. In September, Norm Augustine and the National Academy of Sciences updated the 2005 "Rising Above the Gathering Storm" report. They sounded the alarm once more that the United States is losing ground and that the road to increased economic competitiveness is doubling investments in scientific research and development and bring us the discoveries that create the new products and new companies that can help America get back to work and back to competing with our friends around the world. This responsible cut is \$284 million less than the planned House cut, saving approximately 480 research grants offering support to about 8,000 more scientists, technicians, teachers, and students.

### **NOAA**

The National Oceanic and Atmospheric Administration's (NOAA) operations and research is funded at \$3.2 billion. This is a reduction of \$110 million, or 3 percent, below the FY 2011 request level. This funding level removes earmarks and requires the agency to cut administrative and overhead costs. The House cuts an additional \$340 million which would threaten critical weather forecasts and warnings.

### **Army Corps of Engineers**

\$5.226 billion, approximately 0.15% of the total Federal budget, is provided for the Corps of Engineers. This is \$287 million or 5.8% over the FY 2011 administration request. The average annual flooding damages prevented by projects funded through this bill over the last 10 years exceeds \$22 billion annually. The damages prevented by the Corps' flood risk management projects have provided approximately \$7 in benefits for every dollar invested over the last 75 years. Hydropower projects operated and maintained by funding provided in this bill generate more than \$800 million in revenue to the Treasury annually and provide enough power for more than 6 million homes.

### **Bureau of Reclamation**

\$1.067 billion is provided for the Bureau of Reclamation. This is \$20.3 million over the FY 2011 administration request. These water resource projects contribute to the national economy by providing irrigation water to 1 in every 5 western farmers (for about 10 million acres of irrigated land) and providing water to 31 million people for municipal, rural and industrial uses.

## **COMMON SENSE CUTS**

### **Career Pathways Innovation Fund**

The Senate CR eliminates funding in FY 2011 for the Career Pathways Innovation Fund. In addition, the bill rescinds \$125 million in FY 2010 funding for this program – a reduction of \$125 million below the President's request. The Career Pathways program is no longer necessary as mandatory funds are now available for a similar program – the newly created Trade Adjustment Assistance Community College Career Training Grant (TAACCC). Congress has provided \$2 billion in mandatory funds over the next four years for the TAACCC.

### **Department of the Interior**

Taking back surplus firefighting funds: The bill rescinds \$600 million of surplus funds previously appropriated for fire suppression on federal lands. Because the last two fire seasons have been less severe than originally predicted, the bill is able to rescind these funds thereby saving taxpayers more than half a billion dollars. Even with this rescission, the Forest Service and the Interior Department firefighting teams will have slightly more than \$2 billion at the ready for fighting fires this year, which is virtually the same as what is needed for severe fire seasons.

In addition, by rescinding these funds, the bill is able to forego the \$162 million in cuts to basic operations at the National Park Service, the Forest Service, the Fish & Wildlife Service and the Bureau of Land Management contained in the House bill. By taking such a drastic level of cuts to the accounts that pay employee salaries, the House bill puts in jeopardy the jobs of 1,045 park rangers, forest rangers, law enforcement rangers, maintenance personnel. The loss of these jobs would result in the curtailment of operations and necessitate the closure of recreational facilities nationwide.

### **General Services Administration**

While the House bill eliminates all funding for federal building construction and all major repairs for federal buildings in H.R. 1, the Senate bill would permit continuation funding for multi-year, consolidation projects such as the headquarters for the Department of Homeland Security and the Food and Drug Administration complex;

While the House bill would negatively impact GSA's ability to provide analysis, data, and management for government-wide efforts to strengthen acquisition management and improve the quality and amount of Federal spending data available to the public, the Senate bill permits these improvements, providing critical resources in the areas of acquisition management and contracting reform. The Senate bill achieves these goals, while still reducing GSA programs by a total of approximately \$1 billion below the FY 2011 requested levels.

### **National Highway Traffic Safety Administration (NHTSA)**

The Senate cuts \$76 million in unobligated balances from the National Highway Traffic Safety Administration (NHTSA) seat belt grant program. The seat belt grant program provides incentive grants to states that enact primary enforcement seatbelt laws. The grants have served as a very effective tool to dramatically reduce highway related fatalities. However, the program



has maximized its achievements nationally and is no longer necessary. No additional states have enacted primary seat belt laws this year and none are anticipated for the foreseeable future. The President's FY 2012 recommends terminating this program and prioritizing other highway safety initiatives. The Senate bill rescinds the remaining unobligated balances from the terminated Consumer Assistance to Recycle and Save program, also known as the Cash for Clunkers program administered by the National Highway Traffic and Safety Administration (NHTSA).

### **Saving transit systems**

The Senate bill cuts \$150 million from a program that funds new or expanded transit service, while still protecting most of our national investments in public transportation. In comparison, the House bill would cut transit programs by more than \$1 billion. The House bill would also eliminate competitive funding dedicated to fostering innovative approaches to making transit more energy efficient, efforts aimed at lowering transit costs and reducing greenhouse gas emissions.

## **Part II: Irresponsible Cuts Included in H.R. 1**

*The House CR makes cuts that would cost hundreds of thousands of jobs, force hundreds of thousands more to take furloughs, and severely disrupt the functions of the government. These cuts will have reverberating adverse impacts on private sector jobs in a fragile economy. Many of the cuts would reduce spending today, but lead to greater costs in future years. These cuts are simply irresponsible, made in order to meet an arbitrary number used as part of a campaign promise. Examples of the harmful effects of the House CR follow:*

### **FAILING TO PROTECT AMERICA'S VITAL INTERESTS**

#### **Weapons Activities**

The House CR would have cut \$312 million, or about 4 percent, from the FY 2011 request level. These cuts would have put at risk the United States' ability to begin much needed investments in rebuilding our aging nuclear weapons infrastructure and meet the highest priority goals laid out in the Nuclear Posture Review. The Senate CR proposed level of funding will ensure a safe, secure, and reliable nuclear deterrent.

#### **Frontline States: Afghanistan, Pakistan & Iraq**

The devastating funding cuts in H.R. 1 undermine our ability to stabilize Afghanistan, Pakistan and Iraq and to support General Petraeus' counterinsurgency strategy. H.R. 1 provides \$7.71 billion for Economic Support Fund (ESF), or \$27.87 %, below the FY 2011 request level. These reductions will cripple efforts to stabilize Afghanistan and transition responsibility for U.S. operations in Iraq from the military to civilians.

#### **Global Health Programs**

H.R. 1 will curtail U.S. advances in global health, including President Bush's signature program, PEPFAR (the President's Emergency Plan for AIDS Relief). (PEPFAR has been one of our most successful foreign aid initiatives, saving millions of lives. H.R. 1 provides \$4.845 billion

for PEPFAR, a reduction of \$654 million, or 11.9%, below the FY 2011 request level. That will mean some 400,000 people will not receive life-saving anti-retroviral treatment and 300,000 orphans and children will not receive care and support. The cut will also mean that 100,000 women who would have received medication to prevent the transmission of HIV to their newborn children will not, and tens of thousands of babies will be born HIV positive.

### **Climate Change**

H.R. 1 does not provide funding for the Climate Investment Funds, which is a reduction of \$635 million below the FY 2011 request level. These funds support exports of clean energy technology, protect rainforests, and support efforts by countries to adapt to rising temperatures, water scarcity, and food shortages. Undermining our climate efforts threatens our national security. As Chairman of the Joint Chiefs of Staff Mullen stated, climate change "could lead to failed states and make populations more vulnerable to radicalization."

### **Transit Security Grants**

H.R. 1 would cut transit security grants by 66% despite the fact that there have been over 1,300 attacks, killing or injuring over 18,000 people worldwide on trains and subways over the last seven years. The Senate bill would maintain the \$300 million FY 2010 level.

### **Port Security Grants**

The House bill cuts port security grants by 66 percent, despite the fact that our ports produce over \$3 trillion of economic activity and jobs for 13 million American workers and the Mumbai attacks proved the vulnerability of ports. The Senate bill would maintain the \$300 million FY 2010 level.

## **FAILING TO INVEST IN CRITICAL INFRASTRUCTURE**

### **Clean Water and Drinking Water State Revolving Funds**

The Clean Water and Drinking Water State Revolving Funds are formula grants to the states which capitalize low-interest and no-interest loans to our local communities to help them build and refurbish wastewater/sewer systems and drinking water systems. Most communities cannot afford these projects on their own and EPA's funding is vital if these projects are to get done.

- The House Republican CR would cut \$1.4 billion (-67%) from the Clean Water State Revolving Fund compared to the 2010 enacted level and \$1.3 billion (66%) below the 2011 budget request. This level of cut would result in 454 fewer sewer projects getting started nationwide.
- The House Republican CR would cut \$557 million (-40%) from the Drinking Water State Revolving Fund in comparison to the 2010 enacted level and \$457 million (-36%) below the 2011 budget request. This level of cut would result in 214 fewer clean water projects getting started nationwide.
- Together, the total cut of \$1.9 billion from the 2010 enacted level will result in 30,400 fewer jobs than would otherwise be created.

### **Investing in significant transportation projects**

The Senate CR protects \$600 million for the TIGER program, a highly competitive program that funds transportation projects that make a significant contribution to the nation, a region, or a

metropolitan area. Demand for this program has far outstripped the available resources, and grant applicants must use economic analysis to prove that their projects justify their costs. In comparison, the House CR would eliminate all funding for this program for FY 2011, and rescind every penny from the \$600 million provided for the program in FY 2010. Because the Department of Transportation has already awarded the FY 2010 funding, the House proposal will take funding away from 75 projects in 40 states across the country. Based on information from the Department of Transportation, cutting \$1.2 billion from the TIGER program will put 33,360 jobs at risk.

### **Department of Energy, Office of Science and Advanced Research Projects Agency-Energy (ARPA-E)**

The Office of Science and ARPA-E would see a reduction of \$523 million, or about 10 percent, below the FY 2011 request level.

- The House proposal would cut more than \$1.04 billion from the Office of Science and ARPA-E at the Department of Energy from the FY 2011 request level.
- The House cut would terminate dozens of experiments related to, among other things, developing biofuels, next-generation electric batteries, and materials for next generation nuclear reactors and the U.S. would risk losing its competitive advantage relative to other countries in maintaining leadership in these fields of science.
- Instead, the Senate proposal would continue to support fundamental research in areas of science that are a key to our nation's prosperity and to preserving America's place as the world leader in science and technology.
- The Office of Science could also continue to operate many facilities that American companies rely on to develop new products, such as pharmaceutical, computer, and clean energy companies, that they need to compete in the global marketplace.
- The proposed cut to ARPA-E would curtail its ability to develop technologies that are too risky for the private sector to invest in but once commercialized, will ensure U.S. technological lead in developing and deploying advanced technologies and boost the U.S. economy.

### **Community Development Block Grant**

The House CR cuts the Community Development Block Grant by \$2.5 billion or 62% below both the FY2010 enacted level and the FY2011 request—this represents the lowest level of funding this program would ever receive. CDBG is provided to states and communities through a needs-based formula to address the housing and economic development needs in their communities. The \$3.99 billion provided in the Senate CR will create or support over 100,000 jobs.

### **Economic Development Administration**

The House funds the Economic Development Administration at \$213 million. This is a cut of \$73 million, or 25 percent, below the FY 2011 request level. This means up to 57 fewer construction and infrastructure projects for community economic development projects in distressed communities.

**FAILING TO PROTECT OUR CHILDREN**

**Head Start**

The House Republican CR cuts over \$1 billion from the Head Start program compared to the FY10 enacted level, which provides comprehensive early childhood services—education, nutrition, health, social, and emotional development—to nearly one million low-income children and their families. The House bill would eliminate those services for about 218,000 children and their families next year (an almost 25 percent reduction), close 16,000 Head Start classrooms, and lay off 55,000 teachers, teacher assistants and related staff. The Senate bill provides \$7.57 billion for Head Start (over \$1.4 billion more than the House Republican CR), which is enough to maintain the number of children currently in Head Start classrooms and prevent any job losses.

**Community Health Centers**

The House Republican CR cuts discretionary funding for community health centers by \$1 billion compared to the FY10 enacted level, preventing any new clinics from opening, eliminating funding for 127 clinics currently operating in 38 States and reducing current services at another 1,096 centers nation-wide. More than 2.8 million people would likely lose access to their current primary care provider and over 5,000 health center staff could lose their jobs. The Senate bill restores the \$1 billion cut, preserving both the vital services being provided today and the planned expansion of centers estimated to treat over 7.5 million new patients this year.

**Child Care**

The House Republican CR cuts \$40 million from the Child Care and Development Block Grant (CCDBG) compared to the FY10 enacted level, just as child care funding provided in the 2009 Recovery Act is coming to an end. The House CR would eliminate child care subsidies for about 165,000 low-income children, significantly reducing the availability and affordability of quality child care for low-income families. These are families that are working, or in some cases looking for work, and that depend on those subsidies to do so. The Senate bill provides \$2.44 billion for the CCDBG, \$350 million more than the House Republican bill.

**FAILING TO SUPPORT STUDENTS AND SENIORS****Title I grants to school districts**

The House Republican CR slashes Title I funding by nearly \$700 million, meaning 2,400 schools serving 1 million disadvantaged students could lose funding, and approximately 10,000 teachers and aides could lose their jobs. The Senate bill, by contrast, would increase funding for Title I by \$100 million, for a total of \$14.6 billion, or \$794 million more than HR 1. The Title I grants program is the foundation of federal assistance to elementary and secondary schools across the country, providing financial assistance to more than 90 percent of the nation's school districts.

**Social Security**

The House Republican CR cuts funding for the Social Security Administration's administrative expenses by \$125 million below the FY 2010 enacted level. This would force the SSA to freeze hiring across the agency and possibly furlough employees, at a time when the number of

Americans filing for disability and retirement benefits is at record levels. As a result, every American filing benefits this year would wait longer for the benefits they've earned, backlogs of those with pending disability claims and hearings would increase significantly, and waiting times at field offices and SSA's 1-800 number would jump dramatically. The Senate bill, by contrast, provides \$600 million more than the House Republican proposal (including rescissions). Compared to the House CR, it will allow SSA to process about 300,000 more initial disability claims and 150,000 more disability hearings, and prevent delays in beneficiaries receiving their retirement benefits.

### **Student Aid**

The House Republican CR slashes the maximum annual Pell Grant award by \$845 to \$4,705, a 15 percent cut below the current maximum of \$5,550. This would have a devastating impact on the roughly 8 million needy students that qualify for the maximum award – nearly 90 percent of whom come from families making less than \$40,000 a year. The Republican bill also eliminates Supplemental Educational Opportunity Grants (SEOG), which provide up to \$4,000 in grant assistance each year to 1.3 million needy students. The Senate CR, by contrast, maintains the maximum Pell award level of \$5,550. It also maintains the \$757 million for the SEOG program. Combined with matching funds provided by colleges and universities, this level of funding for SEOG will make available nearly \$1 billion in financial aid.

## **FAILING TO PROTECT CONSUMERS**

### **Agriculture/FDA**

The House CR not only includes draconian cuts to specific programs, it also includes a rescission of unspecified obligations by the amount of \$585 million from the Department of Agriculture. These unnamed cuts are on top of rescissions the House already took in specific programs leaving USDA the task of taking cuts from ongoing programs that have already been cut to unsustainable levels.

The House CR cuts FDA by \$242 million (10%) below fiscal year 2010. This would result in large-scale reductions of domestic and foreign inspections of food and drug manufacturers, including 2,000 fewer inspections of food and medical product firms, 10,000 fewer import inspections, and 6,000 fewer laboratory sample analyses of food and medical products. Essentially, the ability of the Agency to ensure that America has the safest supply of food and medical products in the world would be diminished.

### **Commodity Futures Trading Commission (CFTC)**

H.R. 1 drastically shortchanges the needs of the CFTC by rolling its resources back to \$112 million (nearly the FY08 level). The House Republican level is \$149M (57%) below the FY11 President's request of \$261M.

The Consequences:

- CFTC has already spent \$70 million since October 1 under the CR annualized rate of \$168.8M, leaving CFTC with a mere \$42M in resources available for the last 7 months of the fiscal year.

- Ninety-two percent of CFTC's expenses are for salaries and benefits. The current staffing of 682 (667 FTE) would be severely diminished through a combination of furloughs and RIFs to eliminate 442 positions, leaving only 240 staff in place.
- This would be a drastic, unconscionable setback for an agency that employed 475 staff when it was established in 1975. CFTC is responsible for overseeing the ever-evolving commodity futures markets – regulating contracts on an array of diversified products from grains to gold, currencies to carbon credits. Futures prices – and CFTC's oversight role -- impact what we pay for the basic necessities of everyday life: our food, our clothing, fuel in our vehicles, and heat in our homes.
- Not only would CFTC be stymied in meeting its core mission, it would lack any capacity to even minimally satisfy its new registration, surveillance, and enforcement responsibilities for oversight and transparency for the \$615 trillion over-the-counter derivatives/swaps trading.

### **Patent and Trademark Office**

The House provides \$189 million less in fees from the Patent and Trademark Office than the Senate's \$2.2 billion. Currently, it takes PTO nearly 3 years to process a patent application. The backlog of applications stands at over 700,000. Some progress has been made in this area, but the House's failure to accelerate PTO reforms may stifle efforts to shrink PTO's backlog.

### **Extraneous Policy Provisions**

*In addition to the irresponsible spending decisions included in the House CR, there are a number of provisions that are purely political, meant to score points or placate supporters. Such language has no place in a bill that is necessary to keep the government operating, and therefore is not included in the Senate version. Examples of excluded provisions include:*

### **Ban on Funds for a Publicly-Available Consumer Product Safety Information Database**

H.R. 1 prohibits funds for a publicly available and searchable consumer database that was a key part of the Consumer Product Safety Improvement Act of 2008. The database is critically important and will be of immense value to consumers, allowing them to report harm (or risk of harm) associated with consumer products, and to research risks associated with particular products. It will also help CPSC to identify trends in product hazards much more quickly and efficiently. CPSC has invested \$3 million to complete the database and it is officially set to launch on March 11. The rider prevents CPSC from launching and maintaining the database. Without the CPSC database, the agency will be forced to continue its outdated and inefficient method of searching a variety of "silos" for emerging product hazard trends. This will result in a waste of CPSC resources.

### **Climate Change**

H.R. 1 contains language (Section 1746) that prohibits EPA from spending funds to issue or enforce greenhouse gas regulations or implement a host of other greenhouse gas related programs, including renewable fuels mandates, greenhouse gas reporting and energy efficiency programs.

**Clean Water**

H.R. 1 contains language (Section 1747) that would prevent EPA and the Army Corps of Engineers from issuing or enforcing new guidance regarding which water bodies in the United States are protected under the Clean Water Act.

**Planned Parenthood**

H.R. 1 includes an amendment to prohibit federal funds from being made available to the Planned Parenthood Federation of America, Inc., or any of its affiliates.

**Healthcare Reform**

H.R. 1 includes nine amendments to defund various aspects of President Obama's health care law, effectively blocking the administration from carrying out the planned health system overhaul.

**Southwest Border**

Prohibits regulations requiring licensed gun dealers to report multiple sales of two or more assault weapons to the same person, limiting efforts to reduce deadly violence along the Southwest border.

**Foreign Affairs**

H.R. 1 includes an amendment that prohibits funds for the design, renovation, construction, or rental of any headquarters for the United Nations in any location in the United States and amendment that prohibits funds for contributions to the Intergovernmental Panel on Climate Change.

**Limitation on Funds for White House "Czars"**

H.R. 1 precludes funding to employ assistants to the President for Climate Change, Health Care Reform. This continues the Republican objection to President Obama's use of "czars" for coordinating policy across government and intentionally hamstringing the White House on interagency coordination of two signature policy areas – health care reform and climate change. This would be an intrusive micromanagement of the President's White House staff via Appropriations.

###



David  
McIntosh/DC/USEPA/US  
01/14/2011 02:25 PM

To Richard Windsor  
cc Bob Perciasepe, Michael Moats, Seth Oster, Vicki Ekstrom  
bcc  
Subject Re: some interesting quotes in here

And how!

Richard Windsor | News Headline: Cleaner Air, Local Jo... | 01/14/2011 01:43:04 PM

From: Richard Windsor/DC/USEPA/US  
To: Michael Moats/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA  
Cc: Seth Oster/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA  
Date: 01/14/2011 01:43 PM  
Subject: some interesting quotes in here

**News Headline:** Cleaner Air, Local Jobs and Environmental Investment |  

**Outlet Full Name:** Houston Chronicle - Online

**News OCR Text:** MERRILLVILLE, Ind., Jan. 13, 2011 /PRNewswire/ -- Following discussions with the U.S. Environmental Protection Agency (EPA), Department of Justice (DOJ) and the Indiana Department of Environmental Management, NIPSCO today finalized a settlement outlining about \$600 million in new environmental investments, conservation initiatives, and clean energy programs designed to improve the environmental and economic sustainability of northern Indiana.

"This is a major win for our customers, the environment and the communities we serve," NIPSCO CEO Jimmy Staton said. "The significant new investments and environmental projects identified in the settlement will enhance the long-term environmental and economic sustainability of northern Indiana while also creating hundreds of new jobs and delivering important new clean energy options for our customers. This collaborative, forward-looking solution will deliver tangible benefits for our environment, our customers and the communities we serve."

Outlined in the settlement are environmental controls and clean air technology that further reduce nitrogen oxide, sulfur dioxide and particulate matter emissions at the company's coal-fired electric generation facilities.

The settlement is the 17th reached by the EPA and DOJ as part of a national initiative to control emissions from coal-fired power plants under the Clean Air Act's New Source Review requirements. It follows a 2004 Notice of Violation of the EPA's New Source Review process alleging that NIPSCO made upgrades or modifications to its generating facilities in the 1980s and 1990s without obtaining the proper permits.

NIPSCO is among more than 50 U.S. electric companies receiving a Notice of Violation since 1998 as part of the EPA initiative, and NIPSCO maintains that it acted in accordance with the regulations and conducted only routine maintenance and upgrades on the units. This settlement resolves all matters related to the New Source Review and future claims through 2018.



Importantly, the investments contemplated in the settlement support and complement the environmental improvements NIPSCO has already made to date.

#### Continuing Environmental Investment in Northern Indiana

NIPSCO is a leader in improving air quality. Since 1990, the company has individually reduced the NOx and SO2 emissions by 70 percent with investments of more than \$350 million. In part due to environmental investments by NIPSCO, northwest Indiana was designated as an attainment area in 2010 for the first time since the EPA 1990 Clean Air Act was adopted. Attainment area status is a key factor in economic and community development.

"We're proud of our environmental performance and the fact that many of the investments identified in the settlement have already been planned as part of NIPSCO's long term environmental improvement strategy," Staton said. "We currently operate one of the cleanest-burning coal fleets in Indiana. With these investments, we will continue our leadership position and further improve air quality for residents in northern Indiana."

#### Benefits of the Settlement

By the close of 2018, NIPSCO will invest approximately \$600 million in improved environmental technology and related projects. Key benefits of these investments will include:

**Cleaner Air:** NIPSCO's electric generating fleet is expected to be among the cleanest in Indiana, with NOx emissions lowered by an additional 35 percent from current rates, SO2 emissions lowered by an additional 80 percent from current rates, and other benefits, such as reduced fleet vehicle emissions and improved air quality monitoring, will be achieved. These improvements will have an added benefit of helping NIPSCO achieve compliance with anticipated tighter future emission standards.

**Jobs and Economic Development:** Installation of new environmental controls at NIPSCO's R.M. Schahfer, Bailly and Michigan City generating stations are projected to create hundreds of new jobs for locally contracted companies during the next eight years, as well as new positions within the company.

**Conservation and Clean Energy:** NIPSCO also will invest \$9.5 million over the next five years in new environmental conservation and clean energy projects, including:

Working with local communities and organizations to develop new publicly available electric vehicle charging stations – powered exclusively with renewable energy

Replacing and retrofitting diesel engines with hybrid and/or electric vehicles throughout our service territory

Partnering with the Indiana Dunes National Lakeshore and other regional conservation groups to acquire and conserve environmentally sensitive properties in the region

Under the terms of the settlement, NIPSCO will also pay a \$3.5 million civil penalty.

The additional environmental investments have been planned as part of anticipated ongoing capital spending.

For more information about NIPSCO's environmental investments and energy savings tips, customers are encouraged to visit [www.NIPSCO.com](http://www.NIPSCO.com).

NIPSCO, with headquarters in Merrillville, Ind., is one of the nine energy distribution companies of NiSource Inc. (NYSE: NI). With more than 712,000 natural gas customers and 457,000 electric customers across the northern third of Indiana, NIPSCO is the largest natural gas distribution company, and the second largest electric distribution company, in the state. NiSource distribution companies serve 3.8 million natural gas and electric customers primarily in seven states. More information about NIPSCO is available at [www.nipsco.com](http://www.nipsco.com).

#### About NiSource

NiSource Inc., based in Merrillville, Ind., is a Fortune 500 company engaged in natural gas transmission, storage and distribution, as well as electric generation, transmission and distribution. NiSource operating companies deliver energy to 3.8 million customers located within the high-demand energy corridor stretching from the Gulf Coast through the Midwest to New England. Information about NiSource and its subsidiaries is available via the Internet at [www.nisource.com](http://www.nisource.com). NI-F

#### Forward-Looking Statements:

Some of the statements provided herein include forward-looking information, in addition to historical information. Readers should understand that many factors govern whether any forward-looking statement contained herein will be or can be realized including, but not limited to the success of regulatory initiatives, the regulatory process, regulatory and legislative changes, as well as the items discussed in the "Risk Factors" section of NiSource Inc.'s 2009 Form 10-K. Such factors could cause actual results to differ materially from those projected. All such forward-looking statements are expressly qualified by these cautionary statements. All forward-looking statements are based on assumptions that management believes to be reasonable; however, there can be no assurance that actual results will not differ materially. NiSource Inc. expressly disclaims a duty to update any of the forward-looking statements contained in this release.

SOURCE Northern Indiana Public Service Company

David  
McIntosh/DC/USEPA/US  
06/02/2010 05:25 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Arvin  
Ganesan, Seth Oster  
cc  
bcc

Subject CAMPAIGN 2010: Palin backs Murkowski primary challenger

**CAMPAIGN 2010: Palin backs Murkowski primary challenger** (*Wednesday, June 2, 2010*)

**Alex Kaplun, E&E reporter**

Former Alaska Gov. Sarah Palin (R) today threw her support behind Sen. Lisa Murkowski's (R-Alaska) primary opponent, describing the incumbent senator as "part of the big government problem" and attacking Murkowski's stance on climate change science.

In a lengthy Facebook message, Palin writes that there is no "bad blood" between her and Murkowski but said that the challenger, attorney Joe Miller, is a "true commonsense constitutional conservative" willing to buck the political establishment.

"I share Joe's belief that we are at a critical time in our nation's history and the status quo will no longer do," Palin wrote. "Unfortunately, Lisa Murkowski and much of the political establishment have recently evolved into being a bigger part of the big government problem in Washington, and they've strayed from the principles upon which they had espoused."

Palin reportedly once had an interest in challenging Murkowski herself, but she quelled those rumors last year and donated \$5,000 to Murkowski's re-election campaign.

"I've always wished her well, but it is my firm belief that we need a bold reformer who is not afraid to stand up to special interests and take on the tough challenges of our time," Palin wrote.

Palin and Murkowski have long been at odds, with Palin repeatedly characterizing the Murkowski family and their allies as part of the political establishment that controlled Alaska politics. Palin defeated Murkowski's father, then-Gov. Frank Murkowski (R), in the 2006 GOP primary.

When Palin resigned from the governorship last year, Murkowski was highly critical of the move and described it as an abandonment of the state and its residents.

Palin's endorsement runs through a number of positions on which she believes Murkowski has broken from conservative principles, including climate change.

"Joe is against cap and trade (Obama's new job-killing energy scheme that I call cap and tax)," Palin writes. "Lisa believes Al Gore's insistence that man-made global warming is fact, so she's on record as being open to cap and trade legislation to address weather changes."

While Palin's endorsement is certain to bring some attention to Miller's campaign, it remains to be seen if it has enough weight to give Miller the momentum he needs to topple Murkowski. Palin is popular among many conservatives, but Murkowski was not the only Alaska official to take her to task for resigning from office, and polls shortly before her departure showed her with mediocre approval ratings in her home state.

Miller has run for political office only once before, narrowly losing an election for state representative. Murkowski will also figure to have a major fundraising advantage over Miller.

The Alaska primary is Aug. 24.

David  
McIntosh/DC/USEPA/US  
08/03/2010 05:13 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Scott  
Fulton, Arvin Ganesan, Seth Oster, Bob Sussman  
cc  
bcc  
Subject From E&ENews PM -- CLIMATE: Rockefeller to seek vote on  
EPA delay during Sept. energy debate

## **CLIMATE: Rockefeller to seek vote on EPA delay during Sept. energy debate**

*(Tuesday, August 3, 2010)*

### **Robin Bravender and Katherine Ling, E&E reporters**

Senate leadership has agreed to allow Sen. Jay Rockefeller (D-W.Va.) to try to add a measure to an energy package in September that would limit U.S. EPA's ability to regulate greenhouse gases, Rockefeller said today.

Rockefeller said he reached an agreement with Senate Majority Leader Harry Reid (D-Nev.) that would allow him to seek a vote on his bill, which would prevent EPA from regulating greenhouse gases from industrial facilities like power plants and refineries for two years.

Reid was expected to seek a cloture vote on an energy and oil spill response bill this week but announced today that he will push the bill to September due to a lack of support (*see related story*). When the measure resurfaces in September, "We'll be there," Rockefeller said.

But he added that he is not sure whether it would be an amendment or part of the original package. "It could be separate, or it could be part of it. Either way," he said.

Reid spokesman Jim Manley declined to comment.

Prospects for Rockefeller's bill becoming law are slim; the White House has vowed to veto the measure if it reaches President Obama's desk.

But Rockefeller said he and other Senate critics of EPA climate rules will press forward with efforts to stave off regulations they say will cause widespread economic damage.

"Somebody else could put it on something; you know, it could be on an appropriations something," Rockefeller said.

Sen. Lisa Murkowski (R-Alaska) last week offered Rockefeller's bill as an amendment to a pending small-business package, but Reid is unlikely to allow a vote on the measure. Rockefeller said he would have voted for it if it came up, although he wishes Murkowski had consulted him first. "But I like her, so I didn't get mad," he said.

Meanwhile, several Senate Democrats are mounting their defenses against efforts to handcuff EPA climate rules.

Sens. Tom Carper (D-Del.) and Bob Casey (D-Pa.) for several months have been considering offering a countermeasure to Senate efforts to stymie EPA climate regulations and may advance it when Rockefeller proceeds. Their provision would be very similar to EPA's "tailoring" rule that would exempt small sources from EPA climate rules while allowing the agency to regulate the largest polluters, a Senate aide told *E&E Daily* in May ([E&E Daily](#), May 18).

Casey said today that he is not certain that they will offer their alternative, but we "certainly want to be prepared to drop our alternative if we think it would make sense."

The senators have not hashed out the details entirely, Casey said today, but the idea would be to put a "level or a limitation on emitters below a certain level."

While many fear that EPA's rule will be tossed out in court -- possibly leaving small sources vulnerable to permitting rules -- the Carper-Casey proposal could offer certainty that smaller sources would be exempt from permitting requirements.

David  
McIntosh/DC/USEPA/US  
01/12/2011 01:30 PM

To Richard Windsor, Diane Thompson, Bob Perciasepe, Seth Oster, Brendan Gilfillan, Bob Sussman, Scott Fulton, Lawrence Elworth, Janet Woodka, Arvin Ganesan  
cc  
bcc

Subject Fw: From Greenwire -- CLIMATE: EPA gives biomass a 3-year reprieve from GHG permits

**CLIMATE: EPA gives biomass a 3-year reprieve from GHG permits** (*Wednesday, January 12, 2011*)

**Gabriel Nelson, E&E reporter**

The use of biomass will be exempt from the Obama administration's new greenhouse gas regulations for three years, U.S. EPA announced today, giving the agency more time to address concerns that permitting requirements could chill investment in an emerging form of renewable energy.

The decision responds to criticism from the biomass industry, which has claimed that the energy source is not contributing to climate change because it is part of a natural, carbon-neutral cycle. When new plants are grown, the argument goes, they absorb the same amount of carbon dioxide that the other plants had released when they were burned.

In a statement today, EPA Administrator Lisa Jackson gave a nod to biomass as a form of "clean energy." The sentiment was echoed by Agriculture Secretary Tom Vilsack, who said the decision would create jobs and promote energy independence.

"We are working to find a way forward that is scientifically sound and manageable for both producers and consumers of biomass energy," Jackson said. "In the coming years we will develop a common-sense approach that protects our environment and encourages the use of clean energy. Renewable, homegrown power sources are essential to our energy future, and an important step to cutting the pollution responsible for climate change."

Today's decision will require changes to EPA's "tailoring" rule, which lays out which types of new facilities will need to get greenhouse gas permits under the Clean Air Act.

The first phase of greenhouse gas rules, which took effect Jan. 2, applies only to sources that needed permits anyway.

By July, when the second round of requirements kick in, EPA intends to finish a rulemaking that will prevent biomass facilities from triggering the permitting requirements because of their greenhouse gas emissions alone.

For facilities that use biomass, permitting requirements can still be triggered by other types of pollution, but removing biomass emissions from the mix could allow some facilities to avoid the permitting process.

Dave Tenny, president of the National Association of Forest Owners, said the decision will lift some of the uncertainty that had been surrounding the use of biomass.

"We think this is a very positive step in the right direction," Tenny said. "The signal they're sending is positive for biomass, and it's our expectation that the effort going forward will produce a policy that favors biomass and fully recognizes the carbon benefits."

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**David  
McIntosh/DC/USEPA/US**  
05/19/2010 12:54 PM

To Richard Windsor  
cc Diane Thompson, Bob Perciasepe, Seth Oster, Gina  
McCarthy  
bcc  
Subject link to the trio of helpful climate reports that the NAS put out  
today

<http://americasclimatechoices.org/>

David  
McIntosh/DC/USEPA/US  
10/11/2009 09:03 AM

To Richard Windsor  
cc Diane Thompson, Seth Oster  
bcc

Subject NYTimes Op-Ed by Senators Graham and Kerry

October 11, 2009  
Op-Ed Contributors

# Yes We Can (Pass Climate Change Legislation)

By JOHN KERRY and LINDSEY GRAHAM

Washington

CONVENTIONAL wisdom suggests that the prospect of Congress passing a comprehensive climate change bill soon is rapidly approaching zero. The divisions in our country on how to deal with climate change are deep. Many Democrats insist on tough new standards for curtailing the carbon emissions that cause global warming. Many Republicans remain concerned about the cost to Americans relative to the environmental benefit and are adamant about breaking our addiction to foreign sources of oil.

However, we refuse to accept the argument that the United States cannot lead the world in addressing global climate change. We are also convinced that we have found both a framework for climate legislation to pass Congress and the blueprint for a clean-energy future that will revitalize our economy, protect current jobs and create new ones, safeguard our national security and reduce pollution.

Our partnership represents a fresh attempt to find consensus that adheres to our core principles and leads to both a climate change solution and energy independence. It begins now, not months from now — with a road to 60 votes in the Senate.

It's true that we come from different parts of the country and represent different constituencies and that we supported different presidential candidates in 2008. We even have different accents. But we speak with one voice in saying that the best way to make America stronger is to work together to address an urgent crisis facing the world.

This process requires honest give-and-take and genuine bipartisanship. In that spirit, we have come together to put forward proposals that address legitimate concerns among Democrats and Republicans and the other constituencies with stakes in this legislation. We're looking for a new beginning, informed by the work of our colleagues and legislation that is already before Congress.

First, we agree that climate change is real and threatens our economy and national security. That is why we are advocating aggressive reductions in our emissions of the carbon gases that cause

climate change. We will minimize the impact on major emitters through a market-based system that will provide both flexibility and time for big polluters to come into compliance without hindering global competitiveness or driving more jobs overseas.

Second, while we invest in renewable energy sources like wind and solar, we must also take advantage of nuclear power, our single largest contributor of emissions-free power. Nuclear power needs to be a core component of electricity generation if we are to meet our emission reduction targets. We need to jettison cumbersome regulations that have stalled the construction of nuclear plants in favor of a streamlined permit system that maintains vigorous safeguards while allowing utilities to secure financing for more plants. We must also do more to encourage serious investment in research and development to find solutions to our nuclear waste problem.

Third, climate change legislation is an opportunity to get serious about breaking our dependence on foreign oil. For too long, we have ignored potential energy sources off our coasts and underground. Even as we increase renewable electricity generation, we must recognize that for the foreseeable future we will continue to burn fossil fuels. To meet our environmental goals, we must do this as cleanly as possible. The United States should aim to become the Saudi Arabia of clean coal. For this reason, we need to provide new financial incentives for companies that develop carbon capture and sequestration technology.

In addition, we are committed to seeking compromise on additional onshore and offshore oil and gas exploration — work that was started by a bipartisan group in the Senate last Congress. Any exploration must be conducted in an environmentally sensitive manner and protect the rights and interests of our coastal states.

Fourth, we cannot sacrifice another job to competitors overseas. China and India are among the many countries investing heavily in clean-energy technologies that will produce millions of jobs. There is no reason we should surrender our marketplace to countries that do not accept environmental standards. For this reason, we should consider a border tax on items produced in countries that avoid these standards. This is consistent with our obligations under the World Trade Organization and creates strong incentives for other countries to adopt tough environmental protections.

Finally, we will develop a mechanism to protect businesses — and ultimately consumers — from increases in energy prices. The central element is the establishment of a floor and a ceiling for the cost of emission allowances. This will also safeguard important industries while they make the investments necessary to join the clean-energy era. We recognize there will be short-term transition costs associated with any climate change legislation, costs that can be eased. But we also believe strongly that the long-term gain will be enormous.

Even climate change skeptics should recognize that reducing our dependence on foreign oil and increasing our energy efficiency strengthens our national security. Both of us served in the military. We know that sending nearly \$800 million a day to sometimes-hostile oil-producing countries threatens our security. In the same way, many scientists warn that failing to reduce greenhouse gas emissions will lead to global instability and poverty that could put our nation at risk.



Failure to act comes with another cost. If Congress does not pass legislation dealing with climate change, the administration will use the Environmental Protection Agency to impose new regulations. Imposed regulations are likely to be tougher and they certainly will not include the job protections and investment incentives we are proposing.

The message to those who have stalled for years is clear: killing a Senate bill is not success; indeed, given the threat of agency regulation, those who have been content to make the legislative process grind to a halt would later come running to Congress in a panic to secure the kinds of incentives and investments we can pass today. Industry needs the certainty that comes with Congressional action.

We are confident that a legitimate bipartisan effort can put America back in the lead again and can empower our negotiators to sit down at the table in Copenhagen in December and insist that the rest of the world join us in producing a new international agreement on global warming. That way, we will pass on to future generations a strong economy, a clean environment and an energy-independent nation.

John Kerry is a Democratic senator from Massachusetts. Lindsey Graham is a Republican senator from South Carolina.

David  
McIntosh/DC/USEPA/US  
03/25/2009 05:22 PM

To Richard Windsor, Eric Wachter  
cc  
bcc

Subject the E&E News PM story

## **EPA: Obama's pick for deputy administrator withdraws (03/25/2009)**

**Darren Samuelsohn, E&E senior reporter**

President Obama's nominee for U.S. EPA's second highest post abruptly pulled out of the Senate confirmation process today because of an investigation into the nonprofit group where he once served on the board of directors.

Jon Cannon, a former top EPA lawyer, withdrew from consideration as deputy administrator after learning America's Clean Water Foundation "has become the subject of scrutiny."

"While my service on the board of that now-dissolved organization is not the subject of the scrutiny, I believe the energy and environmental challenges facing our nation are too great to delay confirmation for this position, and I do not wish to present any distraction to the agency," Cannon said in a statement released by EPA.

Cannon didn't offer other details about the group or who may have taken issue with his role in the nonprofit. The Senate Environment and Public Works Committee had scheduled a confirmation hearing for tomorrow on Cannon's appointment.

In 2007, the EPA inspector general issued a [report](#) questioning more than \$25 million in federal grants awarded between 1998 and 2003 to America's Clean Water Foundation for environmental studies of agricultural production facilities, as well as other Clean Water Act monitoring efforts.

The report found that the Clean Water Foundation had not complied with federal grant regulations and had given a contract to a member of its board of directors, Washington consultant Charlie Grizzle, in violation of conflict of interest provisions.

Matt Dempsey, a spokesman for the Senate Environment panel's ranking Republican, Sen. James Inhofe of Oklahoma, said committee staff had raised the issue of the investigation of Cannon's former group during a meeting on Monday.

"But this announcement came to us as a surprise," Dempsey said of Cannon's withdrawal. "Senator Inhofe had every intention of supporting him in this process."

Staff to committee Chairwoman Barbara Boxer (D-Calif.) referred questions on Cannon's withdrawal to EPA.

In a statement, EPA Administrator Lisa Jackson said, "I'm disappointed that Jon Cannon will be

unable to serve as deputy administrator, and I thank him for his many years of dedication to the EPA. The administration will move quickly to identify a new candidate who can help us carry out our mission to preserve environmental sustainability and create green jobs as we transition the nation to a clean energy economy."

Betsaida Alcantara, an EPA spokeswoman, declined further comment on Cannon's decision. "The statement speaks for itself," she said. A White House spokesman also declined comment.

Cannon worked at EPA under Presidents Ronald Reagan and George H.W. Bush before spending three years as the agency's general counsel under President Bill Clinton.

In 1998, Cannon authored a controversial, six-page memo on the agency's authority to establish greenhouse gas regulations under the Clean Air Act -- a document that led to a lengthy series of legal petitions and ultimately the landmark 2007 Supreme Court decision on climate change in *Massachusetts v. EPA* .

At EPA, Cannon also held a variety of senior management positions, including deputy general counsel for litigation and regional operations, deputy assistant administrator for civil enforcement, deputy assistant administrator for the Solid Waste Emergency Response Office, and chief financial officer.

Between stints at EPA, Cannon served as senior counsel at the environmental, land use and litigation law firm Beveridge & Diamond. He most recently taught law at the University of Virginia.

[Click here](#) for the EPA's 2007 inspector general report.

David  
McIntosh/DC/USEPA/US  
01/20/2011 09:09 AM

To Richard Windsor, Gina McCarthy, Seth Oster, Joseph Goffman, Adora Andy, Brendan Gilfillan, Arvin Ganesan, Michael Moats

cc

bcc

Subject good statements from Dominion in this story

## **REGULATIONS: EPA's regulatory 'train wreck' sparks little concern beyond Beltway (Thursday, January 20, 2011)**

Dina Fine Maron, E&E reporter

Beyond the Beltway, utilities and state regulators are adopting a conciliatory tone as they eye a suite of future regulations on smokestack emissions and water pollution from coal-fired power plants.

Speaking at a panel sponsored by the Bipartisan Policy Center yesterday, Pamela Faggert, the chief environmental officer for Dominion, a Virginia-based power company, and several state regulators agreed that postponing any of the regulations that are geared toward cleaning up the air and water around coal plants in the next several years would not make economic sense and could harm public health.

Industry advocates on Capitol Hill have blasted the rules -- which would cover traditional air pollutants, carbon and water -- as a "regulatory train wreck" that will hurt the economy and lead to plant shutdowns.

Faggert, though, emphasized that the agency should not wait on its regulations. Instead of delaying the rules, she said, the industry would like to see EPA consider the regulations in a synchronized manner so companies could plan to comply with various regulations all at once.

She also called for "flexibility" from U.S. EPA to lighten utilities' load whenever possible, such as when choosing whether to designate coal ash as hazardous material.

"Utility regulators are concerned that failure to address such uncertainty in the near term could lead to higher costs and less reliability in the future," agreed Richard Morgan, commissioner of the Washington, D.C., Public Service Commission.

"There are an increasing number of utilities who are pursuing multi-pollutant planning," to address those issues, he said, adding that energy efficiency and fuel switching are on utilities' radar as a hedge against uncertainty.

"What some people refer to as a 'train wreck' may actually be a golden opportunity

to look for synergies between different compliance options," he said.

### **Congress gears up for an EPA fight**

Sue Tierney, a managing principal for Analysis Group and former assistant secretary for policy at the Department of Energy, said that any delays would further fuel uncertainty.

"It's a bad idea to think flexibility means everyone should move back," she said. There are more "surgical" approaches available to solve problems on a case-by-case basis if they should crop up, she said.

Various projections have been presented by the private sector and the Obama administration about future retirements of coal-fired power plants ([ClimateWire](#) , Jan. 12). But what factors decisionmakers will weigh more heavily when deciding plants' fates -- EPA's regulations or expectations about a future price on carbon or the cost of natural gas -- is a study in balancing uncertainties, since EPA's rules have not been finalized.

Yesterday's event took place against a backdrop of strong Republican rhetoric about how the party plans to rein in EPA's regulatory authority.

"We don't want EPA to go too far, too fast," said Michael Catanzaro, a Republican staffer for the Senate Environment and Public Works Committee. He declined to discuss how the Republicans plan to ratchet up their battle on EPA's regulations, but it is in their cross hairs, he said.

David  
McIntosh/DC/USEPA/US  
03/04/2010 12:17 PM

To Richard Windsor, Gina McCarthy, Seth Oster, Scott Fulton  
cc  
bcc

Subject Fw: Boucher Release: Boucher Introduces Measure to Halt  
EPA Regulation of Greenhouse Gas Emissions

This is simply the House companion bill to the bill that Senator Rockefeller introduced today. I do not yet have the text, but I think it is fair to assume that the text of the Boucher bill is the same as the text of the Rockefeller bill.

----- Forwarded by David McIntosh/DC/USEPA/US on 03/04/2010 12:15 PM -----

From: "Schmidt, Lorie" <Lorie.Schmidt@mail.house.gov>  
To: Diann Frantz/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Nancy  
Ketcham-Colwill/DC/USEPA/US@EPA  
Date: 03/04/2010 12:14 PM  
Subject: FW: Boucher Release: Boucher Introduces Measure to Halt EPA Regulation of Greenhouse Gas  
Emissions

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FYI

For Immediate Release  
March 4, 2010

Contact Courtney Lamie  
(202) 225-3861

## **BOUCHER INTRODUCES MEASURE TO HALT EPA REGULATION OF GREENHOUSE GAS EMISSIONS**

### ***Legislation Would Suspend for 2 Years Any EPA Action Regulating CO<sub>2</sub>***

**(WASHINGTON, D.C.)** – U.S. Representative Rick Boucher (D-VA) today introduced legislation to suspend for two years action by the Environmental Protection Agency (EPA) to regulate greenhouse gas emissions. Boucher joined his colleagues Nick Rahall (D-WV), Chairman of the Natural Resources Committee, and Alan Mollohan (D-WV) in introducing the measure entitled the Stationary Source Regulations Delay Act. A companion measure has been introduced in the U.S. Senate by Jay Rockefeller (D-WV).

The Stationary Source Regulations Delay Act would delay for two years EPA action with regard to carbon dioxide or methane regulations for stationary sources, while allowing the consensus mobile sources regulations to move forward. This approach differs from other proposals to halt or delay EPA action on greenhouse gas regulation. **“By structuring the measure in this manner, we are seeing to find a responsible middle ground that can be enacted,”** Boucher said.

Following the decision by the U.S. Supreme Court that greenhouse gases are a pollutant, the Environmental Protection Agency is now legally compelled to regulate greenhouse gases under the existing Clean Air Act. That law is not well suited for such action since it disables EPA from taking into account the unique needs of the coal industry and electric utilities that burn coal. **“EPA regulation of greenhouse gases would be the worst outcome for the coal industry and coal related jobs,”** Boucher said.

**“In June, the U.S. House of Representatives approved a balanced measure which will control greenhouse gas emissions while preventing economic disruption. While this measure is far from perfect, I was able to secure a number of important changes to the bill which allow for the continued and robust use of coal and the deployment of carbon capture and storage technologies necessary for the coal industry’s future success. If EPA is allowed to regulate greenhouse gas emissions, economic considerations simply cannot be taken into account. EPA regulation would be costly and cumbersome,”** Boucher said. **“The measure I have introduced will prevent the EPA from acting to regulate greenhouse gas emissions for two years, providing Congress time to approve a thoughtful regulatory program,”** he added.

Last year, the U.S. House of Representatives approved the American Clean Energy and Security Act, which establishes a program to regulate greenhouse gas emissions. Congressman Boucher added key provisions to the measure which protects the coal industry by enabling utilities to continue using coal while greenhouse emissions are reduced. His amendments assure funding for carbon capture and storage technologies and enable utilities to keep burning coal while paying others to reduce emissions. Specifically his key changes to the bill provide:

- Free allowances to emitters, keeping the program affordable and encouraging coal use..
- An assured \$10 billion in funding for carbon separation and storage (CCS) technology development and an additional \$150 billion to incent its use by coal burning utilities. These funds will ensure that the technologies are fully developed and available at commercial scale.
- 2 billion tons of offset credits which enable utilities to keep burning coal while paying others to reduce emissions. This number is roughly equal to all the greenhouse gas emissions from coal use nationwide.
- Modifications to the performance standards which require new coal plants to meet certain CCS requirements. Congressman Boucher has succeeded in changing those to ensure that new coal plants will not be required to use CCS technology before it is widely commercially available and affordable.

While these changes make critical improvements to the bill, Boucher continues to work for further improvements as the bill moves through the legislative process. The measure introduced today would give Congress time to approve this balanced approach before EPA acts with costly regulations.

**“While some may prefer to halt EPA action permanently, the votes do not exist in the Senate or the House to remove all EPA regulatory authority. Our bill is a responsible, achievable approach which prevents the EPA from enacting regulations that would harm coal and gives Congress time to establish a balanced program,”** Boucher concluded.

-###-

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**Courtney Lamie**  
**Press Secretary**  
**Congressman Rick Boucher**  
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[Visit Congressman Boucher's Website](#)





David  
McIntosh/DC/USEPA/US  
05/05/2009 05:24 PM

To Richard Windsor  
cc Lisa Heinzerling  
bcc  
Subject Warming, energy bill going straight to full committee --  
Waxman

## **CLIMATE: Warming, energy bill going straight to full committee -- Waxman (05/05/2009)**

Darren Samuelsohn, E&E senior reporter

House Energy and Commerce Chairman Henry Waxman (D-Calif.) said today that he will bypass regular order on a major climate change and energy bill and mark up the legislation before the entire 59-member panel.

The change in plans means the Energy and Environment Subcommittee will not mark up the bill as previously scheduled. Waxman and subcommittee Chairman Ed Markey (D-Mass.) planned to hold a subcommittee markup beginning last week, but ongoing intra-party negotiations have yet to produce a new draft bill.

The full committee markup will not begin until next week at the earliest, Waxman told reporters this afternoon. The lawmaker plans to report the bill by the Memorial Day recess.

Democrats on the Energy and Commerce Committee have been working for several months to reach agreement on a sweeping overhaul to U.S. energy and climate policy. So far, they have struggled to reach consensus as about a dozen moderate and conservative lawmakers from the South, Rust Belt and Intermountain West resist the aggressive path that Waxman and Markey set out in a 648-page draft proposal.

Waxman and Markey are now in talks with the moderate Democrats on a range of issues, including emission limits, the use of offsets to ease industrial compliance costs, allocation of valuable allowances and the structure of a nationwide renewable electricity standard. Committee Democrats met with President Obama at the White House today and said they are making progress.

"We are exchanging concepts and where we reach agreement, we're working on language," said Rep. Rick Boucher (D-Va.), a lead negotiator for the moderate Democrats.

Rep. G.K. Butterfield (D-N.C.) said Democratic talks had picked up in recent days, and he predicted a proposal from committee leaders to the wavering moderates within days, if not hours. "I discern some movement," Butterfield said.

The upbeat prognosis for the House climate talks came shortly after a roughly 90-minute White House meeting with Obama and Vice President Joe Biden. According to several lawmakers at the session, Obama urged the Democrats to reach consensus on the issue by Memorial Day so that the committee can turn its attention to health care reform in June.

"He didn't want to see this slip by the wayside," said Rep. Mike Doyle (D-Pa.). "He wants us to keep working."

Democrats said Obama was well briefed on the details and complexities of the climate issue. "He has mastered the details," Boucher said.

Yet, they also said the president wants the committee members to work through the sticking points themselves. "He wants us to try to work out our bill, and he's giving us a lot of latitude to do that," Waxman said.

Because of their regional diversity, Obama also suggested that Democrats on the Energy and Commerce Committee could help propel the entire issue forward -- including through the Senate -- if they can strike a deal among themselves.

"If we can reach agreement with the coal sector, with the steel, with the auto sector, with the refining sector on our committee, which is very representative of the Congress as a whole, then we believe that'll be a template for passage in the Senate, as well," Markey said. "Because the agreements we'll reach will be the very same agreements that those industry leaders ... will be able to represent to senators are the basis for passage of legislation that they can support."

Obama addressed a key sticking point in negotiations, telling the Democrats that he is open to giving away some of the emission credits for free to industry, a clear shift from last year's presidential campaign and the administration's budget proposal in favor of a complete auction of the allowances.

"I wouldn't say it's contrary," Waxman said. "He wants us to get to a point where we're going to have an auction, and eventually we will get to an auction."

Any free credits, Waxman added, would not undercut the goals of the legislation.

"It's going to require during that transition period of decades for the Congress to deal with the cost to consumers, and the cost to different industries and the development of the new technologies," he said. "We're trying to be mindful of the regional concerns and the ratepayers, particularly the consumers."

David  
McIntosh/DC/USEPA/US  
03/03/2009 06:05 PM

To Richard Windsor, Lisa Heinzerling, Allyn Brooks-LaSure  
cc  
bcc

Subject 2 E&E News stories worth reading - perhaps the  
Administration is starting to sell its climate policy after all

## **CLIMATE: Obama envoy urges Congress to act before Copenhagen talks (03/03/2009)**

Darren Samuelsohn, E&E senior reporter

President Obama's top climate envoy said today that he would welcome passage of global warming legislation before U.N. climate talks conclude this December in Copenhagen, Denmark, on a new treaty that can succeed the Kyoto Protocol.

In a wide-ranging speech in Washington, the State Department's Todd Stern urged Congress to push ahead in its efforts to enact legislation that sets a first-ever cap on U.S. greenhouse gas emissions.

"I'll give you an off-the-top-of-my-head answer, and I'll reserve the right to change my mind down the road," Stern said. "I think the optimum would be legislation that's signed, sealed and delivered, done, signed, enacted."

Stern acknowledged that getting a bill through the House and Senate would be an "extremely tall order." But he insisted that an Obama-signed climate law would promote movement from other countries that have been looking to the new president for leadership.

"If that can happen, and I certainly hope that it could, I think that would be great," Stern said. "Because I think it's a long time now that countries have been looking for the United States to lead and take action. Not just the previous administration, but the administration before that. I think nothing would give a more powerful signal to other countries in the world than to see a significant major mandatory American plan. That we've gotten past the state that we've gotten close to, but not gotten done."

A Clinton-era Treasury Department official, Stern also brushed off concerns that a final U.S. climate law in Copenhagen would hurt his own negotiation position. "There are many other issues involved in the international negotiations; even if that happens, that would require negotiations and give-and-take," he said.

Democratic leaders on Capitol Hill have largely started on a path to produce a climate bill before the U.N. negotiations wrap up in Demark, though they have also left some wiggle room in case they can't get everything done.

"I don't know what we need to send a signal in Copenhagen," House Energy and Commerce Chairman Henry Waxman (D-Calif.) told reporters today. "But I think what we need to do here in the United States is complete a bill here this year, pass it into law. I'd hope we can do it before

Copenhagen. If we can't get that far, I'm sure the progress we will have made will be helpful in the international discussions. But I think we need to not just send a signal, I think we need to pass a law."

Appearing on Capitol Hill today, former British Prime Minister Tony Blair echoed Stern, Waxman and others in saying the United States shouldn't slow down because of Copenhagen. "I think, first of all, the most important thing is that America comes to Copenhagen and wants to be part of the global deal and is a part of it," Blair said. "It helps, obviously, the further along you are in the legislative process here, that's for sure."

Connie Hedegaard, Denmark's minister for climate and energy, said the Obama team could help prompt action from other countries. "I believe that some have been hiding behind sort of the American position for some years," she said. "It will change the whole game of this the day the United States engages specifically in the international negotiations."

But Fred Bergsten, director of the Washington-based Peterson Institute for International Economics, warned that Obama may not want to come to Denmark with a climate law in hand. "Many around the world have asked for that, and I've counseled my foreign friends: Be careful what you wish for," he said. "Because if the United States did in fact legislate before Copenhagen, there might not be too much negotiation."

Stern today spelled out several key negotiation principles for the Obama administration, including a call for developing countries such as China, India and South Korea to step up with their own commitments; otherwise, he said, the world won't be able to curb greenhouse gas emissions to the levels recommended by scientists.

"Absent large-scale efforts from the big emerging economies, we simply can't get there from here," Stern said.

Stern also pushed back against calls from some environmental groups and developing nations to see the United States set a 2020 goal for curbing emissions by 25 percent to 40 percent below 1990 levels. In essence, Stern said Obama would be committing political suicide if he signed up for such limits.

"Insisting on a 25 to 40 percent cut below 1990 levels for the United States is a prescription not for progress, but for stalemate," Stern said. "In my view, it's got to be guided by science and common sense."

The United States signed on to the Kyoto Protocol in 1997, but former Presidents Clinton and George W. Bush never submitted it to the Senate for approval because of domestic concerns about the economy and international competition. Stern today said that he has those lessons in mind as he negotiates the post-Kyoto agreement.

"I don't want to bring home a dead-on-arrival agreement," he said. "We tried that. It didn't do the world a lot of good."

## **CLIMATE: OMB chief defends Obama admin carbon auction plans (03/03/2009)**

Alex Kaplun, E&E reporter

The head of the White House Office of Management and Budget today defended President Obama's proposal to auction off 100 percent of carbon permits under his cap-and-trade plan, saying the administration wants to implement policies that favor development of green energy without providing "corporate welfare."

"If you didn't auction the permits it would represent the largest corporate welfare program that has even been enacted in the history of the United States," OMB Director Peter Orszag told the House Budget Committee today. "All of the evidence suggests that what would occur is that corporate profits would increase by approximately the value of the permits.

"Whatever the value is would go in a sense almost directly into corporate profits rather than being available to fund energy efficiency investments and to provide a cushion or some compensation to American households," he added.

The climate plan and proposed spending in renewable energy is part of the Obama's administration effort to overhaul the country's energy portfolio, Orszag said.

"Given the dependence on foreign oil that exists, we can either try to heavily subsidize and promote to beyond what the market would otherwise produce in domestic production or we can try to move toward a cleaner energy future in which overall dependence of oil is reduced and that then has the very significant benefit of reducing our dependence on foreign oil," he said. "The budget chooses the latter course, because I think that is the more sustainable path to choose."

Obama's budget proposal calls for a \$150 billion investment over the next decade in renewable energy development, the repeal of \$30 billion in oil subsidies and assumes nearly \$650 billion in projected revenue from the implementation of a national cap-and-trade system.

Under almost any legislative scenario, the vote on the budget will likely come well before any votes on a cap-and-trade plan and could provide an early glimpse at the level of support for such regulation. Already, Republicans -- particularly on the House side -- have taken aim at the cap-and-trade dollars, describing the system as a tax on consumers.

Democrats are keenly aware that the budget represents a potential showdown on climate policy. "I believe that the vote we will take on this budget resolution will be the first major test of our commitment here in Congress in implementing an effective cap-and-trade system," said Rep. Lloyd Doggett (D-Texas), a member of the Budget and Ways and Means committees.

Orszag also acknowledged today that he believes the cap-and-trade system will raise energy costs, but he said the administration has factored that in and has included a number of other

items in the budget designed to help compensate families. "One of the things that will happen as part of the cap-and-trade system is higher energy prices, which will be born through the economy," Orszag said. But he added that proposals such as improvements in energy efficiency and construction of a more advanced electric grid will push down energy costs.

Orszag was also asked today about whether the administration would include expansion of nuclear energy as part of its climate plans, but he would say only that he envisions it being part of the debate.

"We are going to have a legislative debate over climate change, clearly one of the things that is affected by whether carbon emissions has a price associated with it or not is nuclear power, and that discussion will occur as we move forward on climate change legislation," Orszag said.

"The evidence suggests that nuclear power has lower carbon emissions than coal-fired power plants," he added.

David  
McIntosh/DC/USEPA/US  
05/12/2009 05:20 PM

To Richard Windsor  
cc Lisa Heinzerling, Arvin Ganesan  
bcc  
Subject more evidence that you did very well on your feet today - your quotes appear toward the end

## **CLIMATE: White House memo faults EPA on endangerment proposal (05/12/2009)**

Robin Bravender, E&E reporter

U.S. EPA ignored likely economic consequences and failed to provide enough scientific evidence for a proposed finding that greenhouse gases endanger human health and welfare, according to a White House memo sent to the agency.

The EPA proposal failed to undertake a systematic risk analysis or cost-benefit analysis, says an internal [memo](#) from the White House Office of Management and Budget, the Cabinet-level office tasked with reviewing regulations.

OMB's nine-page, unsigned document, "Deliberative -- Attorney Client Privilege," was sent to EPA on April 22, five days after the agency released the 133-page proposed "endangerment finding" in response to a 2007 Supreme Court decision ordering EPA to reconsider whether greenhouse gases are pollutants subject to regulation under the Clean Air Act ([Greenwire](#) , April 17).

The OMB memo warns: "Making the decision to regulate CO2 under the [Clean Air Act] for the first time is likely to have serious economic consequences for regulated entities throughout the U.S. economy, including small businesses and small communities."

As Republicans on Capitol Hill began citing the memo as a reason to oppose EPA efforts on climate, OMB Director Peter Orszag issued a statement saying the document "simply collated and collected disparate comments from various agencies" and that those comments "were not necessarily internally consistent" and "do not necessarily represent the views of either OMB or the Administration."

He added, "The bottom line is that OMB would have not concluded review, which allows the finding to move forward, if we had concerns about whether EPA's finding was consistent with either the law or the underlying science."

Republicans and industry groups said the memo bolstered their argument that EPA regulations would have dire consequences for small sources of greenhouse gas emissions. "The disclosure of this OMB memo suggests that a political decision was made to put special interests ahead of middle-class families and small businesses struggling in this recession," said House Republican Leader John Boehner (Ohio).

Sen. John Barrasso (R-Wyo.), who has repeatedly voiced the concern that regulating greenhouse

gases under the Clean Air Act would result in costly regulations for small sources, cited the OMB memo in a Senate hearing today.

"This misuse of the Clean Air Act will be a trigger for overwhelming regulation and lawsuits based on gases emitted from cars, schools, hospitals and small businesses," he said in a statement. "This will affect any number of other sources, including lawn mowers, snowmobiles and farms."

Barrasso has placed a "hold" on Gina McCarthy, Obama's nominee to serve as EPA air administrator, based on concerns about how the EPA plans to move forward with carbon regulations.

"There's a nine-page White House memo that says they're not using science, they're using politics," he said in an interview. "And until I get through that memo and see where we need to go from there, get some more questions answered, I'm not at all comfortable with releasing the hold."

EPA Administrator Lisa Jackson responded to Barrasso's accusations at a hearing held by the Senate Environment and Public Works Committee.

"The Supreme Court ruled two years ago EPA owed the American people a determination on whether greenhouse gases as a whole or individually were endangering health and welfare," Jackson said. "It's an analysis done before I took office. We did review it. It went through interagency review. The document is obviously deliberative, so it's people's opinions."

Jackson also noted that the endangerment finding is not regulatory and said EPA understands the economic costs of regulating greenhouse gases and would not target small businesses. "The best way to address [climate change] is a gradual move to a market-based program like cap and trade," she said. "With respect to EPA's regulatory authority if the endangerment finding is finalized, we may have the authority to regulate greenhouse gas emissions; we would be judicious, we would be deliberative, we would follow science, and we would follow the law."

Sen. Barbara Boxer (D-Calif.), the EPW chairwoman, said the memo offers further evidence that climate legislation from Congress is the best way to tackle greenhouse gas emissions.

The memo is not an indication that some administration officials do not want to see action on climate change, she said. "I think what it indicates is that EPA action alone -- which they really will have to take because of the court order -- would not be the right way to go," she added.

"The OMB is responding to the endangerment finding and what it would mean," Boxer said. "They're not responding to a bill."

[Click here](#) to read the memo.

*Reporter Katherine Boyle contributed.*





David  
McIntosh/DC/USEPA/US  
05/13/2009 12:57 PM

To Richard Windsor  
cc Lisa Heinzerling, Arvin Ganesan, Eric Wachter, Allyn  
Brooks-LaSure  
bcc  
Subject Energy & Commerce energy/climate markup has been  
noticed -- will begin on Monday 1pm

**Committee on Energy and Commerce**  
**Notice to Members of the Committee on Energy and Commerce**

**Time of Markup**

The Committee on Energy and Commerce will meet in open markup session on Monday, May 18, 2009, at 1:00 p.m., and subsequent days as necessary, in room 2123 Rayburn House Office Building, to consider the American Clean Energy and Security Act of 2009.

For further information on this meeting please contact Sharon Davis with the Committee staff at ext. 5-2927.

David  
McIntosh/DC/USEPA/US  
05/07/2009 05:14 PM

To Richard Windsor, Lisa Heinzerling, Diane Thompson, Arvin  
Ganesan  
cc  
bcc  
Subject CLIMATE: New global warming, energy draft coming next  
week -- Waxman

## **CLIMATE: New global warming, energy draft coming next week -- Waxman (05/07/2009)**

Darren Samuelsohn, E&E senior reporter

House Energy and Commerce Chairman Henry Waxman (D-Calif.) plans to release a new draft of global warming and energy legislation next week ahead of a markup -- most likely in the full committee -- before the Memorial Day recess.

"We're moving well, making a lot of progress on these issues," Waxman said today. "We're getting very, very close."

Waxman has spent the day in a series of closed-door meetings with lawmakers as they work through details of a bill that would establish a cap-and-trade program to curb greenhouse gas emissions, as well as a national standard for renewable electricity production. A cross-section of regional Democratic interests has had face-to-face sessions with the committee chairman, including Rep. Charles Gonzalez of Texas, Reps. Brian Baird and Jay Inslee of Washington, and Reps. Zach Space, Marcy Kaptur and Betty Sutton of Ohio.

Later today, Waxman and Energy and Environment Subcommittee Chairman Ed Markey (D-Mass.) are set to discuss the renewable electricity limits with Inslee and Reps. Mike Doyle of Pennsylvania, John Dingell of Michigan, Bart Gordon of Tennessee and Rick Boucher of Virginia.

Due to time constraints, Waxman again repeated his preference for taking the climate legislation straight to the full committee and skipping Markey's subcommittee. "I don't want to make announcements about it," he said. "But my sense is, it'd be more productive to use our time that we'd spend in subcommittee -- reaching agreements, getting worked out in detail, getting the draft ready for the full committee. So if we have a subcommittee markup, it'd be very limited and may not be all that valuable, given the two weeks we're going to have after this one."

Waxman said he still plans to pass the legislation out of committee before the Memorial Day break, which means he has two weeks to complete his task.

The committee chairman also sidestepped questions about recent media reports on the specific details of the legislation, including a Bloomberg story today that said Waxman had settled on a 17 percent cut in greenhouse gas emissions by 2020. "I don't think it makes any sense to talk about any numbers or details," Waxman said. "We're in discussions, so nothing is in cement."

Other lawmakers involved in the talks gave a thumbs-up to the process.

"I've seen numbers," said Rep. G.K. Butterfield. "I can't confirm what they are. But it's movement in the right direction."

The North Carolina Democrat said he did not expect the legislation to provide a 100 percent distribution of credits to industry. "We've got to get some revenue from the bill, because we've got some things we've got to do," he said, citing funding for low-income Americans who will see their energy bills increase due to the emissions limits.

Butterfield said he is also willing to accept President Obama's original 2020 emissions limit of 14 percent below 2005 levels. "Let's shoot for 14 percent," he said. "I can live with 14 percent."

Waxman's suggestion to take the legislation up first in full committee has drawn complaints from a handful of Democrats, including Butterfield and Reps. Peter Welch of Vermont and Charles Melancon of Louisiana. Melancon, a member of the House Blue Dog Coalition, said his group has been urging Democratic leaders to use regular order on legislation dating back to the party's 2007 takeover of Congress.

"I hope they don't vacate that," Melancon said.

David  
McIntosh/DC/USEPA/US  
01/24/2011 01:48 PM

To: Richard Windsor  
cc: Michael Moats, Seth Oster  
bcc:  
Subject: Re: Good Quote from a Credible Source in Today's Blog  
Clips - Highlighted Below



Got it, thanks.

Richard Windsor

01/24/2011 12:39:21 PM

From: Richard Windsor/DC/USEPA/US  
To: David McIntosh/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Michael  
Moats/DC/USEPA/US@EPA  
Date: 01/24/2011 12:39 PM  
Subject: Good Quote from a Credible Source in Today's Blog Clips - Highlighted Below

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**News Headline:** Coal Victories and Challenges |  

**Outlet Full Name:** DAILY KOS

**News OCR Text:** Every week it seems as if there's coal-related news to celebrate and to challenge us.

We celebrated last week's decision from the Environmental Protection Agency (EPA) and Lisa Jackson to veto the water permit for the massive Spruce No. 1 mountaintop removal coal mining site in West Virginia.

Administrator Jackson's brave step stopped a mountaintop mine that would have destroyed more than seven miles of vital streams and more than 2,000 mountain acres in an important part of Appalachia.

The fight against this Spruce No. 1 mine lasted 12 years. It was 1998 when a resident of Pigeonroost Hollow, one of the hollows that would be destroyed by the mine, sued the United States Army Corps of Engineers to revoke Arch Coal's Clean Water Act permit.

"We knew the cumulative impact of all these mines was going to be devastating to the state," said Cindy Rank, Chair of the Mining Committee for the West Virginia Highlands Conservancy.

"Now EPA has proof and documentation over these past 10 to 12 years of (mountaintop removal coal mining's) serious impact to the land, environment, people and communities around it."

For Chuck Nelson of the Ohio Valley Environmental Coalition, the permit veto stood for even more. "This is not just an environmental justice issue, but more so a human rights issue. EPA is doing its job; it's following the law and science."

Nelson, Rank, the Sierra Club and many others also hope EPA will go even farther and stop all mountaintop removal coal mining.

"Today, mountains are still being blown up," said Bill Price of the Sierra Club in West

Virginia. "We don't need to take a permit by permit approach, we need total abolition.

"(Mountaintop removal coal mining) has a negative economic impact. You can't locate a business where you can't drink the water. This has no economic value, it has an economic cost."

Meanwhile in Texas, EPA moved in to protect public health and the environment last Friday by holding a hearing in response to Gov. Rick Perry's refusal to enact Clean Air Act safeguards in the state that would protect the public from coal and other emitters' carbon pollution.

The public support for EPA in this measure was overwhelming, as hundreds turned out at Friday's hearing to call for EPA's help in protecting their health from global warming.

"These common sense safeguards were smoothly implemented in every state except Texas. Gov. Rick Perry's refusal to follow the law is putting Texas families' health at risk and Texas businesses at a competitive disadvantage," said Jennifer Powis, Senior Regional Representative, Sierra Club in Texas who spoke at the hearing.

"It is time for Gov. Rick Perry to follow the law, address the pollution problem in Texas, and look out for the Texas economy and jobs."

But now, unfortunately, Texas is not the only state objecting to EPA action to clean up our air.

This week, Missouri Senator Roy Blunt criticized EPA for holding Ameren, an electric utility in Missouri, accountable for air pollution at its Rush Island plant. The Rush Island plant is in direct violation of the Clean Air Act, but more importantly, it is currently contributing to dangerous levels of air pollution that lead to asthma, lung disease, heart attacks, and premature death throughout the St. Louis metro area and beyond.

Senator Blunt called EPA's actions to reduce pollution "disingenuous", "irresponsible" and "offensive." Is he more interested in profits than the health of his state's residents?

I thought the sentiment was summed up best by John Kissel, MD, FACP, former Medical Director at Regional Medical Center in St. Louis and a local Sierra Club member.

"Every day, doctors and nurses in St. Louis deal with the effects of childhood asthma: pain and suffering, missed school days, and the drain that it puts on our economy and social services. Why are our public officials apologizing for Ameren's toxic and illegal pollution while blaming the EPA for doing its job by enforcing the laws that protect the air we breathe? We need Senator Blunt to stand up for us and protect our health. He should be on our side - not on the side of corporate polluters."

We need EPA to protect public and environmental health - we applaud them for standing up to polluters.



David  
McIntosh/DC/USEPA/US  
11/02/2010 01:52 PM

To Richard Windsor, Seth Oster  
cc  
bcc  
Subject Fw: 19 States, Automakers, Power Companies, Small  
Businesses Oppose Attacks on EPA

This is a helpful summary.

----- Forwarded by David McIntosh/DC/USEPA/US on 11/02/2010 01:51 PM -----

From: Vickie Patton <vpatton@edf.org>  
To: Vickie Patton <vpatton@edf.org>  
Date: 11/02/2010 01:35 PM  
Subject: 19 States, Automakers, Power Companies, Small Businesses Oppose Attacks on EPA

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Dear Journalists,

Yesterday, 19 states, the nation's automakers, and a coalition of environmental groups, including Environmental Defense Fund, filed briefs in the U.S. Court of Appeals in Washington, D.C. opposing Motions by Texas and some of the nation's largest polluters that are seeking to stay EPA's greenhouse gas standards.

The states indicate that they are ready, willing and able to implement greenhouse gas emission permit requirements for stationary sources beginning January 2011; the nation's automakers explain that a stay would result in tremendous hardship for their companies and; major power companies filing accompanying declarations indicate that they support EPA's careful, measured regulation of greenhouse gases under the Clean Air Act. The Main Street Alliance, the Small Business Majority and South Carolina Small Business Chamber of Commerce also provided supportive declarations.

Some highlights are noted below. I would be pleased to provide any of the underlying documents.

**The Opposition Brief filed yesterday by the Alliance of Automobile Manufacturers and Association of International Automobile Manufacturer states:**

Brief Page 18: "Accordingly, movants' statement that "no one will be harmed by the stay," *see* CRR Br. 79, is simply and patently incorrect and betrays movants' ignorance of the Tailpipe Rule's importance to the automobile industry. Declarants from six manufacturers have attested to the fact that staying the implementation of the rule would result in tremendous hardship to their companies."

**The Opposition Brief filed yesterday by 19 states and environmental intervenors explains:**



Brief Page 26: "The attached declarations from state air pollution officials from across the country further show -- contrary to Petitioners' unfounded speculation -- that states are ready, willing, and able to implement PSD permitting for greenhouse gas emissions come January 2, 2011, or shortly thereafter."

Brief Page 27: "Texas is the sole state that is both refusing to change its own regulations and resisting EPA's backstop procedure to assure that sources can get a federally-issued permit."

Brief Pages 42-43: "a one-year stay of the permit requirements could result in the release of hundreds of millions of extra tons of greenhouse gas emissions by allowing the construction of dozens of new or modified major stationary sources that will operate for decades without any greenhouse gas controls." "These additional dangerous emissions would persist in the atmosphere for far longer than the stay itself--up to a hundred years or more."

**Major Power Companies Supporting EPA action declare:**

The state and environmental intervenors' brief was accompanied with a declaration supporting EPA's regulations filed on behalf of major power companies including Calpine Corporation, Exelon Corporation, National Grid, New York Power Authority, NextEra Energy, PG&E Corporation and Seattle City Light. The declaration states:

Declaration Page 1: "a stay of EPA's actions concerning GHG emissions for stationary sources would only exacerbate and prolong uncertainty associated with GHG regulation."

Declaration Paragraph 4: "Based on the science underlying climate change, the companies on behalf of whom I am making this declaration agree that climate change is a significant problem that must be addressed now..... [I]n light of Congressional inaction on climate legislation, these companies believe that EPA regulation of GHG emissions under the Clean Air Act can be an important first step in reversing the current trend of increasing GHG emissions. Further, these companies believe that EPA can design regulations for GHGs as well as air quality to facilitate efficient and long-term investment decisions that can help the transition to low-carbon, cleaner technologies. For these reasons, these companies support EPA's implementation of reasonable regulations governing GHG emissions from the electric sector under the Clean Air Act."

Declaration Paragraph 10: "Thus far, EPA has demonstrated a careful, measured approach, seeking input from industry and other stakeholders, and limiting the initial scope of regulation through the Tailoring Rule."

\* \* \*

Sincerely yours,  
Vickie Patton  
General Counsel  
Environmental Defense Fund  
720-837-6239

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David  
McIntosh/DC/USEPA/US  
04/27/2010 01:00 PM

To Richard Windsor, Seth Oster  
cc  
bcc

Subject Fw: From Greenwire -- CLIMATE: EPA chief won't take  
comedian's bait on Graham

Good headline.

----- Forwarded by David McIntosh/DC/USEPA/US on 04/27/2010 12:59 PM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 04/27/2010 12:59 PM  
Subject: From Greenwire -- CLIMATE: EPA chief won't take comedian's bait on Graham

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Personal message:



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**CLIMATE: EPA chief won't take comedian's bait on Graham**  
(Tuesday, April 27, 2010)

**Robin Bravender, E&E reporter**

U.S. EPA Administrator Lisa Jackson deflected suggestions from "Daily Show" host Jon Stewart that Republican Lindsey Graham is a "big, fat baby" for backing away from Senate climate bill negotiations.

During an interview that aired last night on Comedy Central, Stewart pressed Jackson to address how the South Carolina lawmaker's threat to walk away from climate talks has affected the Obama administration's push for a sweeping climate and energy bill.

"Do you feel like Senator Graham is a big fat baby, and would you like to say to him right now on the show, 'Waah, waah waah? Waah, Lindsey Graham?'" Stewart said.

Jackson's response: "No, listen. I think, you know, Senator Graham is looking at a changing political landscape, and I do think that at this point it's in all of our interest to invite him back in, tell him how important his work will be to success ultimately on the bill."

But Stewart wouldn't relent. "Have you thought about candy, or a pacifier, for Senator Graham?" he asked. Then he added, "You don't have to answer that."

Graham has been crafting a climate and energy bill with Sens. John Kerry (D-Mass.) and Joe Lieberman (I-Conn.), but he has threatened to abandon the talks because of the Democratic leadership's push to simultaneously overhaul federal immigration policies. The trio was slated to unveil the bill yesterday, but the release was stalled after Graham's announcement.

"We were pretty close to having the discussion start to move in the U.S. Senate for the first time in a long time in a meaningful way," Jackson told Stewart. "The support of Senator Graham shouldn't be underestimated, because he's worked a long time to make it a bipartisan, actually a tripartisan effort if you count Senator Lieberman."

Graham insisted yesterday that he wants to work on the climate bill but doubts it has any chance of success this year so long as Senate Majority Leader Harry Reid (D-Nev.) continues forward with an immigration overhaul ([E&E Daily](#), April 27).

"You all are talking about energy and climate," Graham told reporters after a meeting with Kerry and Lieberman in the Capitol. "Well, Lindsey Graham is part of both. And I'm not going to be a party to bringing up immigration in this Congress, I mean in this year, in a way that will destroy the issue. I'm not going to have my fingerprints on a political maneuver that could wind up breaking this country apart. So how much clearer can I be? Immigration brought up this year is nothing but a political

stunt. It will divide the country."

A Graham spokeswoman did not respond to a request for a comment.

[Click here](#) to watch the interview.

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David  
McIntosh/DC/USEPA/US  
03/05/2010 01:51 PM

To Richard Windsor, Seth Oster  
cc  
bcc

Subject Fw: From Greenwire -- CLIMATE: Looming regulations put  
EPA in conservatives' cross hairs

Nothing we didn't know already.



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## **CLIMATE: Looming regulations put EPA in conservatives' cross hairs**

*(Friday, March 5, 2010)*

**Alex Kaplun, E&E reporter**

U.S. EPA moves toward regulating greenhouse gases is drawing fire from conservatives who are hoping to slow the agency's efforts using many of the same political strategies that they used to stall climate legislation on Capitol Hill.

The agency has in recent weeks become a favorite target for conservative political candidates and commentators and tea party movement-linked blogs and rallies.

"Most believe that cap and trade is dead in the U.S. Senate, and when they hear that the EPA might do it on its own, they have a very strong reaction to it," said Phil Kerpen, policy director for a tea party organizer, Americans for Prosperity. "That taps into a lot of sentiment that a lot of grass roots has; I think it's already becoming a major issue with the grass roots, and it will become a bigger issue as the year goes along."

To be sure, EPA is no stranger to controversy, but it is rare to find an agency maneuvering to attract so much attention beyond regulated industry and the usual political trench battles in Washington. But activism on the right and a corresponding push from the left -- environmental groups have launched their own media campaigns to promote federal regulatory action on climate change -- show that EPA controversies have leapt over the Beltway.

Kerpen's Americans for Prosperity has been circulating a petition urging individuals to write members of Congress to express support for legislative measures aimed at blocking EPA action on greenhouse gases. The petition describes EPA as "an out-of-control bureaucracy attempting an unprecedented power-grab, seeking to regulate every aspect of our lives and take control of the U.S. economy."

"I think a lot of people are seeing that this is where the cap-and-trade fight is this year, and it seems like the bigger bills are stalled, and I don't think we'll see any legislative activity as we get closer to the election cycle," said Wayne Brough, vice president for research at FreedomWorks, which has an ongoing campaign against EPA.

The anti-EPA message is also being carried by prominent conservative politicians and commentators.

"In an attempt by the Environmental Protection Agency to establish a national energy tax by circumventing the legislative process, the EPA (with the backing of the Obama Administration) is pushing emission regulations which will destroy jobs and further impact our already struggling economy," Rep. Michele Bachmann (R-Minn.), a prominent conservative voice, wrote in a blog post this week on townhall.com.

Similar comments have appeared on other popular conservative Web sites. And officials linked to the tea party movement said the issue is being raised at town hall events as more individuals learn about potential EPA regulatory action. A post on the Web site of the Tea Party Patriots, for example, calls for disbanding EPA and describes the agency as a "toxic political ideology funded by taxpayer dollars."

In Texas' Republican gubernatorial primary, Debra Medina -- a little-known figure supported by the Texas Tea Party -- gained traction with a message that EPA should be abolished or, at minimum, ignored.

"We begin to do that by telling the EPA, 'You have no authority here,'" Medina said at a rally late last month. "Get out of Texas energy. Get out of Texas agriculture. Get out of Texas manufacturing." Medina finished third in the Republican primary this week, with 18 percent of the vote, but that

showing in a field that featured the longest-sitting governor in state history and a sitting U.S. senator surprised political pundits. During the campaign, both Gov. Rick Perry (R), the ultimate winner of the primary, and Sen. Kay Bailey Hutchison, who finished a distant second, also denounced EPA. In Kentucky, U.S. Senate candidate Rand Paul (R), the son of Texas Rep. Ron Paul (R), has repeatedly criticized EPA's authority on climate change and coal mining. "Their agenda is not pollution, it's capitalism," Rand Paul said in a recent debate. "These people do not like our way of life." Of proponents of action on climate change, he said, "We need to oppose them and rein in the EPA."

Paul's views are shared by the other GOP candidates in the Senate race. They have even crossed party lines, with Kentucky Attorney General Jack Conway, the front-runner for the Senate nomination on the Democratic side, promising he would "fight any attempts by the EPA to overreach its authority."

Activists promoting political action against EPA admit that many rank-and-file voters and tea party participants may not fully understand the agency's regulatory efforts on the climate front. But they argue the EPA initiative hits all hot-button ideas fueling the conservative movement.

EPA, those activists say, represents the notion that the Obama administration is trying to implement a "big government" program that will burden taxpayers with no real purpose other than to expand the federal power.

"We've got a political system that's designed for the legislative branch to be accountable to the public," said Kerpen of Americans for Prosperity. "I think most people don't understand all of the details ... but I think that just the overall complexity of it is enough for most people to know that this not an appropriate vehicle to use."

### **Will pressure matter?**

Opponents of EPA climate regulation argue that a far-reaching political movement can delay or scuttle action, much as they believe campaigns managed to delay cap-and-trade legislation and the health care bill.

"The pressure is huge. It's not even the tea parties, it's the town hall meetings," said Marc Morano, executive editor of the Web site Climate Depot and a former staffer for Sen. James Inhofe (R-Okla.), Congress' most outspoken skeptic on climate issues. "The public opinion is powerful. That's why Harry Reid has been dragging his feet, why Obama has been dragging his feet.

"You have talk radio, Internet, blogs on a daily basis just shelling what was left of this consensus on global warming. People no longer buy it and congressmen know it"

But while conservatives are riled up about EPA's regulatory moves, the issue does not appear to have become a political liability for moderate Democrats, the *de facto* deciding voices on many major legislative debates.

Still, advocates say they anticipate Democrats will be under pressure as Election Day nears and it becomes clear to voters that EPA -- not legislative action -- represents the best chance of putting greenhouse regulations into law.

"They've already beaten cap and trade in Congress," Morano said. "All that's left is the EPA, and they're going after it with gusto."

Environmentalists and their allies see it differently. They say tea parties and other far-right entities show opposition to climate regulation comes far from the political center.

"It shows the fringy nature of the complaint, and that may actually serve to limit its reach rather than extend its reach," said David Doniger, policy director of the Natural Resources Defense Council's Climate Center.

But one Capitol Hill Republican argued this week that opposition to EPA regulation would gain traction with moderate Democrats who have been battered by their party's support for cap-and-trade legislation, noting that Democrats like Sen. Jay Rockefeller of West Virginia have begun pushing measures to block or delay EPA action.

"If I were a Democrat trying not to displease the administration, trying to win midterm elections and trying to do what's right for my state, I'd say that Rockefeller does a pretty good job of threading the needle," said Rep. Darrell Issa (R-Calif.), referring to legislation introduced by Rockefeller and other coal-state Democrats this week that would delay EPA climate-related smokestack rules for two years.

*Senior reporter Darren Samuelsohn contributed.*

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David  
McIntosh/DC/USEPA/US  
10/25/2010 02:02 PM

To Richard Windsor  
cc Seth Oster  
bcc

Subject Fw: From Greenwire -- CLIMATE: Obama to address  
emissions through 'bite sized' energy policy

FYI

----- Forwarded by David McIntosh/DC/USEPA/US on 10/25/2010 02:02 PM -----

From: David McIntosh/DC/USEPA/US@EPA  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 10/25/2010 02:02 PM  
Subject: From Greenwire -- CLIMATE: Obama to address emissions through 'bite sized' energy policy

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Personal message:



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**CLIMATE: Obama to address emissions through 'bite sized' energy policy** (Monday, October 25, 2010)  
Katherine Ling, E&E reporter

President Obama plans to tackle a renewable electricity standard, fuel efficiency and green buildings as part of a "bite sized" strategy to work with Republicans to address climate and energy policy next year.

The piecemeal approach is workable for Democrats, Republicans and a skeptical public worried about any policy "perceived as reducing job growth," Obama told *National Journal* in an interview published yesterday.

"Most of the steps that we can take for our national security, for our energy independence, for our economy are ones that would have the side benefit of dealing with climate change," Obama said. "So my approach to Republicans would be to say, 'Regardless of what you think about climate change, here are a bunch of things that are smart to do. It will save consumers money, it will save the country as much money going into foreign oil imports, so let's concentrate on things that we just know are smart to do.' If we do that, we can probably get a quarter of the way there in terms of where we need to be in terms of carbon emissions," Obama said.

Obama said it is "not realistic to expect that we have another big, omnibus, comprehensive, one-size-fits-all energy bill."

Instead, he will work to pass energy legislation in a "series of more bite-sized pieces that have to do with renewable energy standards, that continue to build on the good work we've done to improve fuel efficiency in cars, energy efficiency in buildings," he said. Obama laid out a similar "chunks" strategy last month ([E&ENews PM](#), Sept. 28).

Obama said he also sees potential collaboration with Republicans on bills supporting nuclear power, natural gas and strong investment in "clean technology" research and development.

"The point is that there's things that we can do short-term on that don't require you to perfectly agree on the science of climate change in order for you to think that it's beneficial for Americans long-term," he said.

Sen. Jeff Bingaman (D-N.M.), chairman of the Senate Energy and Natural Resources Committee, has laid out a similar agenda and introduced bills that parallel Obama's strategy. Likewise, Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.) have said they are open to such a plan.

Lobbyists are doubtful, however, that smaller bills just addressing energy efficiency or small nuclear reactors will be able to pass through the Senate and House without getting bogged down with other



lawmakers' priorities ([Greenwire](#) ), Oct. 18).

During the interview, Obama also said Republicans' plans to balance the budget and cut taxes while maintaining entitlement programs can only be accomplished by eliminating investment in items like clean energy or infrastructure. But those are key to America's future economic prospects, he said, and there is probably not enough money to cut from areas like national parks or U.S. EPA to cover the deficit.

"Do they think it's wise for us not to make investments in clean energy? Does anybody think that our infrastructure is adequate to compete with the 21st century?" Obama said. "I do not know a single person who's been to Shanghai or Beijing or Singapore and comes back and says, 'We're doing great when it comes to infrastructure.'"

With the right investments in clean energy, Obama said, the United States will maintain its prominence in the world, similar to what it was able to do in the late 1980s during Japan's economic expansion.

"Everybody was sure that Japan was going to clean our clock. We had a similar sense of distress about America's position in the world. And next thing you know, in the mid-'90s, we took off again and left everybody else behind. I have confidence in our ability to adapt again," Obama said.

"When it comes to manufacturing, the investments we made in research and development, particularly in sectors like clean energy that show promise for the future," he added. "Those aren't going to pay off immediately, but if we start positioning ourselves so that we're a leader in advanced battery manufacturing, we're a leader when it comes to solar and wind energy, then we have the opportunity once again to make up some of that ground that we lost over the last decade."

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#### About Greenwire

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David  
McIntosh/DC/USEPA/US  
09/01/2010 11:23 AM

To Richard Windsor, Seth Oster  
cc  
bcc  
Subject positive small business letter that is circulating

----- Forwarded by David McIntosh/DC/USEPA/US on 09/01/2010 11:22 AM -----

From: "Doniger, David" <ddoniger@nrdc.org>  
To: David McIntosh/DC/USEPA/US@EPA  
Date: 09/01/2010 11:12 AM  
Subject: FW: MSA letter

---

FYI. We are also working with a variety of other business groups, big and small.

David D. Doniger  
Policy Director, Climate Center  
Natural Resources Defense Council  
1200 New York Ave., NW  
Washington, DC 20005  
Phone: (202) 289-2403  
Cell: (202) 321-3435  
Fax: (202) 789-0859  
[ddoniger@nrdc.org](mailto:ddoniger@nrdc.org)  
on the web at [www.nrdc.org](http://www.nrdc.org)  
read my blog: <http://switchboard.nrdc.org/blogs/ddoniger/>

**From:** Altman, Pete  
**Sent:** Wednesday, September 01, 2010 11:02 AM  
**To:** Doniger, David  
**Subject:** MSA letter

They had about 175 signers as of last week, and are still collecting.

<http://mainstreetalliance.org/wordpress/national/2768/>

## **Small Business Statement: Stand with Small Businesses, Not Big Polluters, on New EPA Standards**

As small business owners, we know our businesses are the backbone of our local economies. We're committed to providing high quality goods and services, and creating local jobs. We're also committed to protecting our shared quality of life, because it's the right thing to do and because it makes good business sense: healthy communities sustain healthy small businesses.

Climate change poses a serious threat to the health of our communities, putting Main Street small businesses' economic future at risk. The Environmental Protection Agency, recognizing this threat to public health, is preparing new standards that will ensure that large emitters of greenhouse gas pollution install the best available technology to limit their emissions. This will not only protect local communities and economies from the perils of climate change, but also

encourage investments in clean energy and create green jobs.

The EPA has been protecting American communities from environmental health threats for 40 years. But entrenched special interests – like Big Oil and Big Coal – are lobbying hard to gut the EPA’s authority to do its job. We can’t let that happen. We call on Congress to stand with small businesses and our communities, not big polluters, and support EPA’s move to regulate greenhouse gas emissions.

David  
McIntosh/DC/USEPA/US  
09/27/2010 07:56 AM

To Richard Windsor  
cc Seth Oster  
bcc

Subject two 'defend the CAA' editorials, from OH and PA

These identical editorials in Ohio and Pennsylvania papers are likely the fruit of environmental-community efforts. And your CAA@40 speech probably also helped to pique the interest of editorial boards.

**News Headline:** EPA UNDER ATTACK | 

**Outlet Full Name:** Pittsburgh Post-Gazette

**News OCR Text:** The Environmental Protection Agency was established in 1970 by President Richard M. Nixon at a time when Americans had become shocked by pollution. Because the EPA has since saved tens of thousands of lives in improving the quality of life for millions, it ought to be celebrated as one of the great achievements by a Republican or any other president.

But 40 years later, the irony is that some of the most conservative groups in America are trying to stop the EPA from doing its job.

The EPA is an example of big government that plainly works for the people, so resentment of the agency in right-wing circles has long simmered but lately has grown in intensity. The trigger for this renewed opposition came in 2007 when the U.S. Supreme Court ruled that the EPA has authority under the Clean Air Act to regulate greenhouse gases.

Since then, the EPA has been going about the business of promulgating regulations, and industry groups and the politicians who cater to them have been pushing back with renewed zeal. Predictably, the claim that the new rules will be ruinous to the economy has been part of the chorus. With the anti-government, anti-regulation cries of the tea party movement echoing across the land, the threat to the EPA's future effectiveness is not imaginary.


In June, Sen. Lisa Murkowski, R-Alaska, fired a preliminary shot in this campaign when she attempted to stop the EPA from regulating greenhouse gas emissions. She did not succeed, but the Senate vote was a close 53-47 with half a dozen Democrats joining the Republicans. As it was, the vote signaled that the hopes of passing a comprehensive energy bill this year were doomed.

With the foes of environmental regulation emboldened, environmental groups fear that other attempts to gut the EPA are only a matter of time as Congress finishes up its session.

Sen. Jay Rockefeller, D-West Virginia, protective of the interests of Big Coal, has a bill (S 3072) that seeks to suspend for two years EPA rules on carbon dioxide and methane for stationary sources of pollution such as power plants (HR 4753 in the House version). But the threat could just as easily come with a rider attached to any important bill, one that President Barack Obama would be hard-pressed to veto.

The Pennsylvania delegation to Congress must stand firm. If any member needs encouragement, it can be found in a speech by EPA Administrator Lisa P. Jackson on

the 40th anniversary of the Clean Air Act earlier this month. "Today's forecasts of economic doom are nearly identical -- almost word for word -- to the doomsday predictions of the last 40 years," she said.

The best job Congress can do is let the EPA, which has a proven record of protecting the American people over four decades, do its job. **News Headline:** Let EPA do its job | 

**Outlet Full Name:** Toledo Blade - Online

**News OCR Text:** THE U.S. Environmental Protection Agency was established in 1970 by President Richard Nixon, at a time when Americans had become shocked by pollution. Because the EPA has since saved tens of thousands of lives and improved the quality of life for millions, it ought to be celebrated as one of the great achievements by a Republican or any other president.

But 40 years later, some of the most conservative groups in America are trying to stop the EPA from doing its job. As an example of big government that works for people, the agency faces resentment in right-wing circles that has long simmered but lately has grown in intensity. The trigger for this renewed opposition came in 2007, when the U.S. Supreme Court ruled that the EPA has authority under the Clean Air Act to regulate greenhouse gases.

Since then, the EPA has been promulgating regulations. Industry groups and the politicians who cater to them have been pushing back with renewed zeal. Predictably, the claim that the new rules will ruin the economy has been part of the chorus. With the anti-government, anti-regulation cries of the Tea Party echoing across the land, the threat to the EPA's future effectiveness is not imaginary.

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With the foes of environmental regulation emboldened, environmental groups fear that it is only a matter of time before other efforts to gut the EPA succeed, as Congress finishes up its session.

Sen. Jay Rockefeller (D., W. Va.) protective of the interests of Big Coal, wants to suspend for two years EPA rules on carbon dioxide and methane for stationary sources of pollution such as power plants. There's also a House version. But the threat could just as easily come attached to any important bill, one that President Obama would be hard-pressed to veto.

Ohio's congressional delegation needs to stand firm. If any member needs encouragement, it can be found in a speech by EPA Administrator Lisa Jackson on the 40th anniversary of the Clean Air Act earlier this month.

"Today's forecasts of economic doom are nearly identical - almost word for word - to the doomsday predictions of the last 40 years," she said. "This broken record continues despite the fact that history has proven the doomsayers wrong again and again."

The best job Congress can do is to let the EPA, which has a proven record of protecting the American people over four decades, do its job.

David  
McIntosh/DC/USEPA/US  
03/04/2010 07:39 AM

To Richard Windsor  
cc Seth Oster  
bcc

Subject US Conference of Mayors letter against Murkowski resolution

March 1, 2010  
United State Senate  
Washington DC 20515

Dear Senator:

On behalf of The U.S. Conference of Mayors I urge you to oppose the resolution of disapproval (S.J. Res. 26) introduced by Senator Lisa Murkowski (AK), and any other efforts to block the enforcement of Clean Air Act requirements to reduce global warming pollution.

The U.S. Conference of Mayors has a strong record on pursuing policies that protect our climate from the impact of greenhouse gas emissions. We have over 1,000 Mayors from across the United States who have committed their communities to reduce their greenhouse gas emissions. We have policy encouraging alternative energy sources and fuels, transit-oriented development, energy-efficient buildings, and the concept of an Energy Efficiency and Conservation Block Grant. These policies will help reduce greenhouse gas emissions, however, the global warming crisis requires leadership at every level of government. The federal government must rise to this challenge and in doing so hold the largest polluters accountable for carbon emissions and help grow the clean energy economy.

Instead of embracing the progress of state and local governments to combat climate change, efforts to block all or part of the Clean Air Act would seriously undermine the overwhelming science of climate change and further exacerbate impacts to national security and public health and welfare. Additionally, these efforts hold back billions of dollars in job-creating clean energy investments all across the country. America has the ability to lead the world in growing the clean energy economy but our continued dependence on fossil fuels does nothing to drive investments in the clean energy and efficiency programs needed to spur local economic development and job growth.

The Clean Air Act has cost-effectively protected our citizens and the environment for decades. In a 2007 landmark decision the Supreme Court ruled the Clean Air Act covers greenhouse gases and now is the time to put this law to work to fight climate change.

The Conference of Mayors urges you oppose attacks on the Clean Air Act that would undermine long-overdue action to protect Americans citizens from climate change impacts and jeopardize growing a vibrant clean energy economy.

Thank you for your consideration and support. If you have any questions, please contact my staff, Judy Sheahan, at [jsheahan@usmayors.org](mailto:jsheahan@usmayors.org) or 202-861-6775.

Sincerely,

Tom Cochran  
CEO and Executive Director  
The U.S. Conference of Mayors

David  
McIntosh/DC/USEPA/US  
03/02/2010 05:20 PM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure, Adora Andy, Brendan  
Gilfillan, Michael Moats  
bcc  
Subject letter of support from 569 scientists

## Protect the Clean Air Act:

*A letter signed by 569 U.S. Scientists*

March 1, 2010

Dear Congress,

We the undersigned urge you to oppose an imminent attack on the Clean Air Act (CAA) that would undermine public health and prevent action on global warming. This attack comes in the form of House and Senate resolutions that would reverse the Environmental Protection Agency's (EPA) finding that global warming endangers public health and welfare. Because the EPA's finding is based on solid science, this amendment also represents a rejection of that science.

The EPA's "endangerment finding" is based on an exhaustive review of the massive body of scientific research showing a clear threat from climate change. The 2007 Fourth Assessment Report of the Intergovernmental Panel on Climate Change found that global warming will cause water shortages, loss of species, hazards to coasts from sea level rise, and an increase in the severity of extreme weather events.<sup>1</sup> The most recent science includes findings that sea level rise may be more pronounced than the IPCC report predicted<sup>2</sup> and that oceans will absorb less of our future emissions<sup>3</sup>. Recently, 18 American scientific societies sent a letter to the U.S. Senate confirming the consensus view on climate science and calling for action to reduce greenhouse gases "if we are to avoid the most severe impacts of climate change." The U.S. National Academy of Sciences and ten international scientific academies have also released such statements.<sup>4</sup> Unfortunately, these resolutions would force the EPA to ignore these scientific findings and statements.

The CAA is a law with a nearly 40-year track record of protecting public health and the environment and spurring innovation by cutting dangerous pollution. This effective policy can help address the threat of climate change - but only if the EPA retains its ability to respond to scientific findings. Instead of standing in the way of climate action, the Senate should move quickly to enact climate and energy legislation that will curb global warming, save consumers money, and create jobs. In the meantime, I urge you to respect the scientific integrity of the EPA's endangerment finding by opposing Senate and House attacks on the Clean Air Act.

Sincerely,

<sup>1</sup> IPCC (2007) *Climate Change 2007: The Physical Science Basis. Contribution of Working Group I to the Fourth Assessment Report of the Intergovernmental Panel on Climate Change (AR4)*. S Solomon et al eds, Cambridge University Press, Cambridge, UK and NY, USA. More than 450 lead authors, 800 contributing authors, and an additional 2,500 reviewing experts from more than 130 countries contributed to AR4

<sup>2</sup> Stroeve, J Marika M Holland, Walt Meier, Ted Scambos, and Mark Serreze (2007) Arctic sea ice decline: Faster than forecast *Geophysical Research Letters*, Vol 34, L09501, Doi: 10.1029/2007gl029703

<sup>3</sup> Canadell, J G, C Le Quéré, M R Raupach, C B Field, E T Buitenhuis, P Ciais, T J Conway, N P Gillett, R A Houghton, and G Marland 2007 Contributions to accelerating atmospheric CO<sub>2</sub> growth from economic activity, carbon intensity, and efficiency of natural sinks, *Proceedings of the National Academy of Sciences*

<sup>4</sup> A list of these scientific societies and academies and links to their statements is available at <http://www.ucsusa.org/ssi/climate-change/scientific-consensus-on.html>



David  
McIntosh/DC/USEPA/US  
10/02/2009 03:01 PM

To Richard Windsor  
cc Seth Oster, Allyn Brooks-LaSure, Gina McCarthy, Lisa  
Heinzerling  
bcc

Subject Center for American Progress blog post by Joe Romm

## The American Enterprise Institute compares EPA Administrator Lisa Jackson to Clint Eastwood and carbon polluters to criminals

Posted By [Joe](#) On October 2, 2009 @ 12:41 pm In [Politics](#) | [4 Comments](#)

In a bizarre pop-culture flip-flop, Kenneth Green of the American Enterprise Institute has compared the mild-mannered EPA administrator to Dirty Harry:

[You can just see Jackson standing there with a .44 magnum in her hand, and a steely glint in her eye, telling industry "You've got to ask yourself one question, 'do I feel lucky?' Well, do ya, punk?"](#)<sup>[1]</sup>

Seriously!

Let me get this straight, the right-wing is now saying it's bad to be like Clint, the quintessential tough guy hero lionized by conservatives because he'll do whatever is needed to save human life? That means Green is directly equating U.S. industry with the psychopathic serial killer and criminals that Clint fights in the [iconic 1971 movie](#)<sup>[2]</sup>.

Well, logic was never a priority of Denier-Industrial-Complex Kooks ([DICKs](#)<sup>[3]</sup>) like Green, who regularly spouts nonsense like, "We're back to the average temperatures that prevailed in 1978.... No matter what you've been told, the technology to significantly reduce emissions is decades away and extremely costly" — from a 2008 speech AEI later removed from their website (excerpts [here](#)<sup>[4]</sup>).

In fact, Green's analogy makes no sense whatsoever since Jackson is simply obeying the command of the highest court in the land to regulate carbon pollution (see [here](#)<sup>[5]</sup>). Green entirely omits the fact that in 2007, [the U.S. Supreme Court](#)<sup>[6]</sup> determined that carbon dioxide and other greenhouse gases were pollutants and that the EPA would have to regulate them if they were found to endanger public health and welfare.

So the only part of the analogy that makes sense is that deniers and delayers like Green oppose the rule of law — while Jackson is trying to enforce it.

Ironically, in its zealous quest to kill climate action, AEI has done another flip-flop. Jackson proposes to start regulating only "[large industrial facilities that emit at least 25,000 tons of GHGs a year](#)<sup>[5]</sup>." Jackson explained, "This is a common sense rule that is carefully tailored to apply to only the largest sources — those from sectors responsible for nearly 70 percent of U.S. greenhouse gas emissions sources." She told the Governors Climate Summit in Los Angeles, "we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy," adding, "The corner coffee shop is not a meaningful place to look for carbon reductions."

**But Green doesn't believe in common sense — he urges big polluters to sue to make sure small businesses and farmers are regulated also:**

For that matter, the large emitters would be wise to sue for this also, both to ensure that they're not the only ones disadvantaged by the EPA's actions, and to make manifest the insanity involved with EPA regulating greenhouse gases.

Note that **for Green and the American Enterprise Institute, obeying the Supreme Court is "insanity."** You don't have to be Dirty Harry to realize which side of the law he is on.

Fundamentally, Green wants to use the legal system to pervert the process. And this scorched earth strategy is one the big polluters are threatening, too. I'll end this post with an analysis — "[It's Hard To Hide An Oil Refinery Behind a Donut Shop](#)"<sup>[7]</sup>" — from David Doniger, Policy Director at NRDC's Climate Center, and former "director of climate change policy at the U.S. Environmental Protection Agency and, before that, counsel to the head of the EPA's clean air program":

Two years ago, the Supreme Court issued a [landmark ruling](#)<sup>[8]</sup> that EPA has the authority and responsibility to use the existing Clean Air Act to cut dangerous global warming pollution. And under President Obama, EPA is starting act. Under the [clean car peace treaty](#)<sup>[9]</sup> unveiled in the Rose Garden last March, Administrator Jackson has proposed nationwide global warming pollution standards for new cars and trucks, modeled on California's path-breaking standards. And EPA is working on carbon limits for big power plants, oil refineries, cement plants, and other big factories responsible for most of our heat-trapping pollution. In a fairly desperate reaction, some of America's biggest polluters — led by the U.S. Chamber of Commerce, the National Petroleum Refiners Association (NPRA), and others — are trying to scare America's small businesses owners into thinking it's them that the EPA is after.

If they force me to curb my pollution, the [big boys say](#)<sup>[10]</sup>, they'll come after schools, homes, and hot dog stands. No one is safe, they shout. Be afraid. Be very afraid.

But it's hard to hide an oil refinery behind a donut shop.

So what is EPA really doing?

Well, when EPA issues its final clean car standards next March, certain other things happen automatically under the Clean Air Act. The most important is that when companies build or expand big pollution sources — power plants, oil refineries, or cement kilns, for example — they will have to install the "best available control technology" (BACT) for carbon dioxide and the other global warming pollutants. This is nothing fancy. It's what they've done for years for other dangerous pollutants like sulfur dioxide.

EPA is proposing to set "thresholds" — carbon pollution levels that separate big sources that will have to meet these requirements from small ones that will not.

This is a common sense concept that NRDC and other environmental groups proposed a more than a year ago.

But along come lawyers and spokesmen for the big boys arguing that EPA can't do that. If you regulate any of us, you have to regulate all of us, down to the donut shop.

It's hostage taking. We're gonna take everyone down with us. Listen to Charles Drevna, of the National Petroleum Refiners Association:

"This proposal *incorrectly assumes that one industry's greenhouse gas emissions are worse than another's*," [Drevna said](#)<sup>[11]</sup>. "Greenhouse gas emissions are global in nature, and are not isolated to a few select industries. The Clean Air Act stipulates unequivocally that the threshold to permit major sources is 250 tons for criteria pollutants. EPA lacks the legal authority to categorically exempt sources that exceed the Clean Air Act's major source threshold from permitting requirements, and this creates a troubling precedent for any agency actions in the future."

EPA argues that it can set a different threshold — it has proposed 25,000 tons of carbon dioxide — to recognize that each power plant or other big source emits roughly 100 times more carbon dioxide than conventional pollutants like sulfur dioxide. Accordingly, EPA says the proposed 25,000 ton threshold respects Congress's decisions about which big plants should have to install the best available control technology, and which small ones should not. Congress, EPA contends, never wanted to treat mom and pop shops the same as the big

boys. In short, EPA argues that its new thresholds avoid absurd results and administrative nightmares.

The big boys' lawyers are getting ready to argue that EPA can't do this, that only Congress can change these threshold numbers. They claim the courts will strike EPA's rule down. But who'll bring that suit? It won't be NRDC or any of the other environmental groups active in this fight. And it's not clear that the big boys have "standing" – the kind of legal injury needed to take to take this complaint to court. And the courts themselves have recognized the doctrines of avoiding absurd results and administrative nightmares.

So I'm betting on EPA. And then, with small businesses safely shielded, the Chamber and NPRA will have no one to hide behind.

What's more likely is that Congress will clear this up well before the courts weigh in, by writing the EPA's thresholds into new comprehensive climate and energy legislation. That's an idea with support from both environmental organizations and responsible companies.

Maybe I'm a dreamer, but it's never too late for the Chamber and its allies to stop the scare-mongering and join the effort to pass this new legislation.

Well, the [Chamber's call for a 'Scopes monkey trial of the 21st century'](#)<sup>[12]</sup> worked out so well for them (see "[Nike runs fast and loud from the incredible, shrinking U.S. Chamber Board over its global warming denial](#)"<sup>[13]</sup>"), that if they want to pursue this lawsuit, which I suspect will be equally popular with their members, I say, "Go ahead, make my day!"

David  
McIntosh/DC/USEPA/US  
01/25/2011 05:40 PM

To Richard Windsor, Seth Oster, Arvin Ganesan, Bob Sussman  
cc  
bcc

Subject From E&ENews PM -- REGULATIONS: Sunstein to testify on  
Obama admin's reform effort tomorrow

**REGULATIONS: Sunstein to testify on Obama admin's reform effort tomorrow**  
(Tuesday, January 25, 2011)

**Sarah Abruzzese and John McArdle, E&E reporters**

Turns out, Republicans on the House Energy and Commerce Committee eventually got their man for tomorrow's hearing on the White House's new regulatory reform efforts.

Last week, Chairman Fred Upton (R-Mich.) said that Cass Sunstein, who oversees the White House Office of Information and Regulatory Affairs, would appear before the panel. But after some back and forth, the committee announced Friday that Office of Management and Budget Director Jacob Lew had instead been called to testify. Today, the committee announced that Sunstein was back on and would be the sole witness.

Despite the evolving witness list, Oversight and Investigations Subcommittee Chairman Cliff Stearns (R-Fla.), who will be conducting the hearing, said he is eager to hear from Sunstein tomorrow.

"We feel that a lot of what the administration is saying has not occurred," Stearns said today. "So we are going to explore with him is this actually real or is this language that is done to try and move the president towards a center left?"

Stearns said he wanted to know specifics about what regulations would be targeted to be rolled back and about Republican concerns that the administration is actually creating more regulations in certain areas like health care and U.S. EPA rules on greenhouse gas emissions.

"We just want to see the credibility of what the administration is doing versus what they are saying" he said.

Stearns also offered some insight on other hearings that might be on the committee's agenda for the year, including possible hearings on the 2010 BP PLC oil spill and on how those who were affected by the spill were compensated. Stearns said he also had hoped to have White House energy and climate czar Carol Browner appear before the panel. Browner announced today that she was leaving her post at the White House, but Stearns indicated there still may be time to bring her before Congress.

"I think there is a lot of questions members have asked me that they would like to ask her, since she has been the lead in so many of the areas that Republicans are concerned about," Stearns said. "It would have been helpful to have her providing some kind of answers, but she said she is going to stay on for a little while, so if that is true, we'll go ahead and try to bring her in and talk to her about some of these issues."

Stearns described Browner's announcement today as abrupt but did not indicate whether he believed she was leaving to avoid congressional hearings.

"She's been there how long -- two years?" Stearns said. "She has a very strong feeling about the issues, so I would think she would want to tell the American people and answer some of the questions that we have."

David  
McIntosh/DC/USEPA/US  
02/23/2011 01:27 PM

To Richard Windsor, Seth Oster, Brendan Gilfillan, Arvin Ganesan, Diane Thompson, Bob Perciasepe, Bob Sussman, Michael Goo, Bicky Corman, Scott Fulton, Lawrence Elworth, Janet Woodka, Jose Lozano, "Adora Andy"  
cc  
bcc  
Subject a good, early trade-press story on the boiler air toxics rule

-----Forwarded by David McIntosh/DC/USEPA/US on 02/23/2011 01:25PM

To: David McIntosh/DC/USEPA/US@EPA  
From: David McIntosh/DC/USEPA/US@EPA  
Date: 02/23/2011 01:23PM  
Subject: From Greenwire -- AIR POLLUTION: EPA scales back final boiler rules

**This Greenwire story was sent to you by:** mcintosh.david@epa.gov

**Personal message:**

An E&E Publishing Service

## **AIR POLLUTION: EPA scales back final boiler rules (Wednesday, February 23, 2011)**

**Gabriel Nelson, E&E reporter**

Bound by a court-ordered deadline and facing intense pressure from Congress, U.S. EPA has overhauled its rules for toxic air pollution from industrial boilers to go easier on businesses.

With a set of final [rules](#) released today, EPA claims to have found a more cost-effective way to protect public health by sparing cleaner boilers and small facilities from the strictest limits on chemicals such as mercury, lead and dioxins. Because of those changes, the final rules will cost about \$1.8 billion less per year than the rules that were proposed last spring.

The boiler rules have been labeled as an early test of President Obama's executive order to review the effects of new rules on businesses, and today's announcement seems to reflect a desire to show the administration is serious about balancing public health and the economy.

In a letter to stakeholders that was obtained by *Greenwire*, EPA Administrator Lisa Jackson said the final rule would cut compliance costs in half while greatly reducing exposure to toxic pollution.

"I am proud of the work that the EPA has done to craft protective, sensible standards," Jackson wrote in the letter, which was dated today. "The standards reflect what industry has told the agency about the practical reality of operating these units."

Under the final rules, the roughly 13,800 largest industrial boilers will still need to meet specific limits on toxic emissions. Those limits will force some facilities such as chemical plants and refineries to install new controls, cutting back on air pollution that is linked to asthma, heart attacks and early death.

Based on updated figures, EPA estimates that the rules would prevent 2,500 to 6,500 premature deaths once the rules take effect in 2014, along with 4,000 heart attacks and 41,000 cases of aggravated asthma.

But smaller boilers that release less pollution will only need tuneups to show they are doing as much as possible to limit their emissions, according to the Associated Press. Boilers powered by cleaner-burning fuels such as natural gas will also need to use certain work practices rather than stay under a hard limit on their pollution.

"We continue to believe that this is the appropriate control measure," said Howard Feldman, director of regulatory and scientific affairs at the American Petroleum Institute, in a statement. He said the group would keep working with the agency to "ensure that the final rule protects the environment while allowing businesses to create jobs and get Americans back to work."

The final rules also create a subcategory for boilers that burn biomass, distinguishing them from coal-fired boilers, and granting a request by the American Forest & Paper Association. The trade group claimed that the rules proposed last year couldn't be achieved by many paper mills that use wood waste to power their operations.

Environmentalists said the rule appears to protect public health despite concessions to industry groups.

Bill Becker, executive director of the National Association of Clean Air Agencies, said he was pleased that the agency didn't allow certain exemptions based on the risk of toxic pollution to public health, which he described as "illegal and inappropriate."

"It appears that EPA has addressed many of the industry complaints while still putting out standards that would bring significant public health benefits," said Frank O'Donnell, president of the advocacy group Clean Air Watch. "Let's hope that EPA stands its ground when industries argue for further changes. "

When the agency analyzed the costs and benefits of the proposed rule last year, it found a bigger bang for the buck in reducing pollution from the largest boilers. Controlling the smaller "area source" boilers would produce \$900 million to \$2.4 billion in benefits per year at an upfront cost of \$2.5 billion and an annual cost of \$1 billion, but controlling the larger "major source" boilers would yield \$17 billion to \$41 billion in benefits per year at an upfront cost of \$9.5 billion and an annual cost of \$2.9 billion.

## Concerns from Congress

While today's announcement drew cautious praise from both industry groups and environmentalists, the final rules might still evolve because EPA has signaled that it will work out more kinks in the months ahead.

Over the next two months, businesses and environmental groups with concerns about the rules will be allowed to file petitions with the agency, which has the option to delay the implementation of the new rules for an extra three months as it reviews the arguments.

It also remains unclear how the changes will be received on Capitol Hill, where hundreds of lawmakers have signed letters urging EPA to ensure that the final rules don't impose unnecessary costs on businesses.

Among the critics is Sen. Rob Portman, a freshman Republican from Ohio. Last week, he joined three Republican colleagues and two Democrats in signing a letter that asked whether EPA would welcome a congressional assist in reworking the boiler rules.

Yesterday afternoon, while President Obama was stumping for innovative businesses at Cleveland State University, Portman was 200 miles southwest in Chillicothe, Ohio, visiting a specialty paper plant that would be subject to EPA's new air pollution rules.

Portman told *Greenwire* he is worried that the boiler rules could hurt the competitiveness of the P.H. Glatfelter Co. plant, which employs about 1,200 workers at an average salary of more than \$60,000 per year. The company told him the rules proposed last year couldn't be met with existing technology, and that complying could wipe out a whole year's worth of profits for the U.S. printing industry.

The backlash in Congress reflects that the shock waves from the rule would be felt up and down the supply chain, from the producers of wood fiber to the companies that use the finished paper products, Portman said. So, too, with the public sector, because many schools and hospitals use

boilers to provide heat and power.

"I can't believe, with the thousands of comments that they've received, that they wouldn't be rethinking the rule," Portman said yesterday. "This is not workable."

The boiler rule is one of the Obama administration's most closely watched efforts under the Clean Air Act. It was prompted, like a similar upcoming rule for coal-fired boilers at power plants, by a court ruling that decided the pollution rules issued by the George W. Bush administration were illegal.

Both environmentalists and industry sources agree that the rules issued today were a particular challenge because so many facilities use boilers in different ways. When EPA issued its proposal last year, businesses hadn't provided enough information, so it was difficult to "calculate standards that fully reflected operational reality," EPA Administrator Lisa Jackson wrote in a letter to members of Congress.

During the public comment period, the agency received a lot of new information, an EPA spokesman said at the time. He said the agency would need to make substantial changes, which is what appears to have happened today.

"The final standards, which are not due until early next year, will reflect all of the relevant new information, and that is exactly how this process is supposed to work," the spokesman said ([Greenwire](#) , Sept. 28, 2010).

[Click here](#) to read the rules.

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David  
McIntosh/DC/USEPA/US  
10/04/2010 08:28 AM

To Richard Windsor, Seth Oster, Diane Thompson, Bob  
Perciasepe  
cc  
bcc  
Subject Politico story this morning

Nothing really new here.

## EPA rules could hurt Obama in 2012

By: [Darren Samuelsohn](#)  
October 4, 2010 04:37 AM EDT

President Barack Obama's Environmental Protection Agency is putting some hazardous speed bumps on his 2012 electoral road in key swing states.

Controversial rules covering everything from power plants to petroleum refiners, manufacturers, coal mines and farmers could come back to haunt the White House in industrial and Midwestern states that carried Obama to the presidency two years ago.

Political battlegrounds like Ohio, Pennsylvania and Virginia that Obama won in 2008 will be watching how the EPA moves on climate change. Coal-reliant states such as Indiana and Missouri — which Obama lost by less than 1 percentage point — will be monitoring clean air rules and coal ash standards. And farm states that Obama carried, including Iowa, Minnesota and Wisconsin, are waiting on a proposal to tighten air quality limits for microscopic soot.

Obama's situation is tricky. He campaigned on the need to address climate change and faces pressure on his left to tackle a range of issues that environmentalists complain were neglected by former President George W. Bush.

But with EPA regulations expected to come out in rapid-fire succession over the next two years, Republican presidential hopefuls are already adding them to the larger, anti-Obama narrative against expansive government.

"Some of the things his administration is proposing are just disastrous in the heartland," Sen. John Thune (R-S.D.) said in an interview. "If he has any hope of winning votes in the center of the country, then he is going to have to reconsider a lot of these things the EPA and some of his agencies are trying to get done."

Mississippi GOP Gov. Haley Barbour said he's looking forward to Obama's environmental policies surfacing during the race. "Hopefully, those issues will be at issue," he said.

For their part, some Democrats who represent an industrial region battered by the worst economic downturn since the Great Depression are worried as well.

West Virginia Gov. Joe Manchin, for example, told POLITICO that the EPA's climate policies, alongside plans designed to overhaul disposal methods for toxic coal ash waste,

have put his state out of play for Obama in 2012.

“Not even close to a chance,” said Manchin, who is running for the Senate in part by railing against the president’s green agenda. “Not even in the ballgame.”

Administration officials are well aware of the political risks ahead and the impression that EPA actions will harm the economy. They insist they are making smart decisions, responsive to public health risks, that won’t result in the dire consequences being repeated — often erroneously — by opponents to stir up public fear.

“Today’s forecasts of economic doom are almost identical, word for word, to the doomsday predictions over the last 40 years,” EPA Administrator Lisa Jackson said last month during an event to commemorate the passage of the Clean Air Act.

Obama can’t be seen as meddling in the EPA’s efforts, either. Carol Browner, former President Bill Clinton’s EPA administrator and now Obama’s top energy and climate adviser, and other top Democrats often criticized the Bush White House for trumping a number of EPA decisions.

A White House official said there’s a clear separation between the agency’s mission and any presidential politics.

“The EPA must follow science and its legal obligations, but the president has consistently advocated for a legislative means of addressing climate change that would create millions of jobs in the U.S. and enhance our competitiveness abroad,” the official said.

Nikki Roy, vice president for federal government outreach at the Pew Center on Global Climate Change, said he expects the Obama EPA will be successful in navigating the political land mines.

“If handled poorly, they could” affect the election, Roy said. “But that tells me this administration has every reason not to handle them poorly. They’ll look for opportunities to be as rational as possible.”

Whether Obama blinks over the next two years because of the electoral map is a big question. If they win the House or Senate next month, Republicans — and some like-minded Democrats — could force the issue.

The groundwork is already laid for action on several fronts. Last week, 41 senators, including 18 Democrats, raised concerns over the reach of new air toxin regulation for industrial boilers. And 21 senators called the soot proposal the “most stringent and unparalleled regulation of dust in our nation’s history.”

Sen. John Rockefeller (D-W.Va.) and Republican lawmakers are pushing for a floor vote to block for two years the climate rules expected in January 2011. Obama has threatened to veto that measure, but many observers expect his reelection bid may prompt a

reversal.

"At some point, especially if the job numbers keep looking bad, he may feel forced to go ahead and sign one of those," said Chelsea Maxwell, who served as the top climate change aide to former Sen. John Warner (R-Va.).

"I hope Congress will stop" the EPA," said Barbour. "If Congress is not willing to pass legislation because they think it's bad policy, they certainly shouldn't let some nameless, faceless bureaucrats impose those policies on the American people."

Sen. Lindsey Graham (R-S.C.), who worked with Obama earlier this year on climate legislation, said the issue will be a factor in 2012 if the president must rely on the EPA to drive his global warming agenda.

"Ohio is going to be the ultimate swing state," Graham said. "So if they lower the boom on carbon through the EPA, he's going to have a real problem in Ohio."

But some Democrats see Obama's environmental policy, if framed the right way, as a winner on the campaign trail, even in tough Rust Belt states.

"It's no longer jobs versus the environment. Done right, efforts to reduce emissions can mean jobs," said Ohio Sen. Sherrod Brown. "For example, [corporate average fuel economy] standards both increased air quality and made American manufacturers more competitive."

Dan Weiss, a senior fellow at the Center for American Progress Action Fund, said the message on the environment could turn off the wider audience that's needed to win the White House.

"This is something aimed at the base, but as public opinion stands today, it would actually be hurtful in a general election," Weiss said.

A survey by Democratic pollster Joel Benenson and the Natural Resources Defense Council in late summer found that 60 percent of respondents supported government regulating greenhouse gases, with 34 percent opposed.

As for the EPA, respondents gave a 51 percent favorable rating to the agency, compared with 40 percent opposed. And 54 percent said they are "confident" that the EPA is up to the job of regulating greenhouse gases, with 42 percent "not confident."

Graham said he would warn Republicans against going too far in challenging Obama's policies, especially if they don't have their own solid alternatives.


"It's not like it's his problem only," Graham said. "Part of it is our problem. If we go too far, and we basically belittle those who believe the air should be cleaner when it comes to carbon pollution, then we risk alienating younger voters."



David  
McIntosh/DC/USEPA/US  
04/22/2010 08:36 AM

To Richard Windsor  
cc Seth Oster, Robert Goulding  
bcc

Subject Fw: From E&E Daily -- CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill



**ENVIRONMENT & ENERGY DAILY**  
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**CLIMATE: Voinovich throws curveball at senators' plan to limit GHG regs in climate bill** *(Thursday, April 22, 2010)*  
**Robin Bravender, E&E reporter**

Architects of the Senate climate bill yesterday confirmed plans to limit state and federal climate change programs but signaled that a sweeping measure from Sen. George Voinovich goes further than they plan to.

"The regulatory system set up in our bill would pre-empt the state governments and the federal government, including the power that EPA has certified by the court on greenhouse gases," said Sen. Joe Lieberman (I-Conn.), who will roll out draft climate legislation Monday with Sens. John Kerry (D-Mass.) and Lindsey Graham (R-S.C.).

"We are definitely looking at saying that if our bill passes, it would be the law of the land to provide predictability," Lieberman added.

Limiting the ability of states or U.S. EPA to regulate greenhouse gas emissions outside the authority of a climate bill has been an ongoing fight for more than a year, but Voinovich (R-Ohio) threw a new wrinkle in the debate yesterday.

Voinovich is circulating a [proposal](#) that would go beyond Clean Air Act pre-emptions to block the federal government from regulating greenhouse gas emissions under laws including the Endangered Species Act, the Clean Water Act and the National Environmental Policy Act. The amendment would fully prohibit states from regulating greenhouse gases based on their effects on climate change and would prohibit public nuisance litigation related to climate change.

Notably, Voinovich's measure would also prevent EPA from moving forward with its part of a joint rulemaking finalized this month with the Transportation Department. The rules seek to raise the fuel economy of the nation's passenger fleet while imposing the first-ever greenhouse gas standards on cars and trucks.

But Voinovich's measure would give the Transportation Department exclusive authority to regulate greenhouse gases from automobiles and "would not allow EPA to move forward with its tailpipe standards," a Voinovich aide said yesterday.

"We're kicking EPA out of that, but quite frankly, we didn't think EPA should have been there anyway," the aide added.

The proposal expands significantly on the pre-emption language included in the House-passed climate bill ([H.R. 2454](#)) and in previous versions of Senate climate bills.

The House bill from Reps. Henry Waxman (D-Calif.) and Ed Markey (D-Mass.) would block U.S. EPA from regulating greenhouse gases under certain Clean Air Act provisions and would impose a five-year timeout during which states and localities could not implement or enforce their own caps on greenhouse gas emissions. And a climate bill from Sen. Barbara Boxer (D-Calif.) that cleared the Environment and Public Works Committee last year would also curtail EPA's ability to regulate greenhouse gases under some Clean Air Act provisions and included a five-year timeout on state emission caps.

Voinovich, who is retiring at the end of the year, said his vote on a climate bill is partially dependent on the measure including the pre-emption language. "To get my support on any climate change legislation, it must include a comprehensive pre-emption provision that goes well beyond language included in previous climate bills," Voinovich said in a statement.

Neither Lieberman or Kerry had read the proposed amendment, but Lieberman said Monday's climate bill will have language is "similar" to the measure being floated by Voinovich but that it

sounds like the Ohio Republican's amendment "goes a little further."

Kerry said he would oppose the amendment from Voinovich. Asked whether the authors had an alternative, he said, "We hope to have a rational approach," but he declined to offer details. Voinovich's bill immediately drew the ire of environmentalists pressing to preserve EPA and state regulatory authority.

"What Senator Voinovich is proposing is simply outrageous," said Earthjustice senior legislative representative Sarah Saylor. "He is saying is that the most fundamental and effective environmental laws that this country has had in place for decades should not apply to the single-most pressing environmental threat today."

Bill Snape, senior counsel at the Center for Biological Diversity, said Voinovich is "setting down a marker of what it's going to take to get his vote, and I think to get his vote under the conditions that he's setting isn't worth it."

This is not the first attempt from Voinovich to limit state and EPA climate rules. He floated a draft bill in 2008 as an alternative to climate legislation from Lieberman and then-Sen. John Warner (R-Va.) that called for the pre-emption of all state climate laws and an end to the Clean Air Act's New Source Review permit program.

Some senators hoping to limit EPA and state rules signaled support yesterday for Voinovich's measure.

Sen. John Thune (R-S.D.), who has supported past efforts to block EPA, said he "can't imagine [Kerry, Graham and Lieberman] agreeing to it," but "that's what we've been trying to get." Thune added, however, that he would not likely support the forthcoming climate bill.

Sen. Jay Rockefeller (D-W.Va.) also said he would support the amendment. Rockefeller last month introduced legislation ([S. 3702](#)) that would block EPA for two years from regulating greenhouse gases from industrial sources like power plants, manufacturers and other large facilities.

*Reporter Darren Samuelsohn contributed.*

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David McIntosh/DC/USEPA/US  
11/25/2009 10:29 AM

To Richard Windsor  
cc "Michelle DePass", "David McIntosh", "Seth Oster", "Diane Thompson"  
bcc  
Subject Re: Fw: Breaking News: Obama to go to Copenhagen climate talks

Good!

Richard Windsor Hmmm ----- Original Message ----- 11/25/2009 10:25:56 AM

From: Richard Windsor/DC/USEPA/US  
To: "David McIntosh" <mcintosh.david@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Michelle DePass" <depass.michelle@epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>  
Date: 11/25/2009 10:25 AM  
Subject: Fw: Breaking News: Obama to go to Copenhagen climate talks

Hmmm

----- Original Message -----

From: "The Washington Post" [newsletters@email.washingtonpost.com]  
Sent: 11/25/2009 10:02 AM EST  
To: Richard Windsor  
Subject: Breaking News: Obama to go to Copenhagen climate talks

9:45 AM EST Saturday, November 25, 2009

President Obama will travel to Copenhagen Dec. 9, a day before accepting the Nobel Peace Prize in Oslo, to help launch a U.N.-sponsored global climate change summit, a White House official said. The president will meet with other world leaders gathered for the summit, which is scheduled for Dec. 7-18.

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/PSLW3N/TSGNM/7MIOL9/ESIZE7/FQY0S/82/t) -  
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David  
McIntosh/DC/USEPA/US  
02/25/2011 01:30 PM

To Windsor.Richard, Perciasepe.Bob, thompson.diane,  
Ganesan.Arvin, Gilfillan.Brendan, "Michael Goo",  
Corman.Bicky, "Scott Fulton", "Bob Sussman", "Janet  
Woodka", "Lawrence Elworth", "Barbara Bennett", oster.seth,  
garcia.lisa  
cc  
bcc  
Subject Fw: From Greenwire -- APPROPRIATIONS: House GOP's  
two-week funding bill drops EPA measures

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**From:** David McIntosh  
**Sent:** 02/25/2011 01:25 PM EST  
**To:** David McIntosh  
**Subject:** From Greenwire -- APPROPRIATIONS: House GOP's two-week funding bill drops EPA measures

**This Greenwire story was sent to you by:** mcintosh.david@epa.gov

**Personal message:**

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**APPROPRIATIONS: House GOP's two-week funding bill drops EPA measures** *(Friday, February 25, 2011)*  
**Elana Schor, E&E reporter**

House Republicans are preparing a two-week government funding bill for debate next week that amounts to a short-term version of the \$60 billion in federal cuts they approved last week -- but without that longer legislation's restrictive riders on U.S. EPA and other agencies.

The GOP's planned two-week continuing resolution (CR) would slice \$4 billion from current spending levels in a bid to coax Senate Democrats into endorsing cuts beyond those in the current funding measure, which expires one week from today. That \$4 billion in stopgap cuts would be achieved by speeding up program "terminations and reductions" included in the White House's 2012 budget request and eliminating "funding locked in place for earmarks" that the president and most in his party have forsworn, House Majority Leader Eric Cantor (R-Va.) told reporters today. A House GOP aide confirmed that the two-week CR will not include language barring EPA from implementing its politically volatile greenhouse gas emissions rules, its transition to a higher ethanol blend in transportation fuels, its pending limits on water pollution from coal mining operations and other riders that Republicans attached to their seven-month CR before its final passage early Saturday (*E&E Daily*, Feb. 19).

Cantor, House Majority Whip Kevin McCarthy (R-Calif.) and their lieutenants today repeatedly said the newest CR amounts to the GOP's second attempt to avert a shutdown, compared with the lack of action on a CR in the upper chamber.

"If they walk away from this offer, they are then actively engineering a government shutdown," Rep. Peter Roskam (R-Ill.) told reporters, describing his conference's new CR as "a commitment to keep the government open" beyond the current funding bill's expiration.

Some Senate Democrats have expressed openness to discussing cuts beyond the CR that Congress passed before adjourning in December, which slashed \$41 billion from the president's 2011 budget request -- or nearly \$60 billion less than the seven-month House CR. But Democratic leaders in the upper chamber have shown no inclination to accept the essentially prorated cuts that would headline the new two-week CR.

"This 'new' proposal is nothing more than a Trojan horse for the extreme and reckless legislation

recently passed by House Republicans," said Patty Murray of Washington, the Senate Democrats' campaign chief and conference secretary, in a statement yesterday.

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David  
McIntosh/DC/USEPA/US  
02/21/2011 03:55 PM

To Windsor.Richard, thompson.diane, Perciasepe.Bob,  
Sussman.Bob, "Seth Oster", gilfillan.brendan, andy.adora,  
"Arvin Ganesan", goo.michael, "Bicky Corman", "Lawrence  
Elworth", bennett.barbara, garcia.lisa, "Daniel Kanninen",  
"Eric Wachter", "Scott Fulton", "Jose Lozano"  
cc  
bcc  
Subject Fw: Oilmarks Replace Earmarks in Budget; Obama Remains  
Silent

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**From:** Jeremy Symons [symons@nwf.org]  
**Sent:** 02/21/2011 03:42 PM EST  
**To:** Jeremy Symons <symons@nwf.org>  
**Subject:** FW: Oilmarks Replace Earmarks in Budget; Obama Remains Silent

**From:** Jeremy Symons  
**Sent:** Monday, February 21, 2011 2:22 PM  
**To:** Jeremy Symons  
**Subject:** Oilmarks Replace Earmarks in Budget; Obama Remains Silent

## [Earmarks Give Way to Oilmarks in GOP Spending Bill](#)

02/20/2011 // [Jeremy Symons](#) //

# White House Remains Silent on Clean Air, Clean Water Attacks

new GOP majority in Congress promised to reduce the deficit, but failed to mention they would give **polluters free reign to replace Pork Barrel spending with Oil Barrel favors**. In a week-long marathon of votes, the House spending bill to keep the government running in 2011 became a polluter piñata. Oil companies and other corporate polluters looked on gleefully as their allies in Congress took beating sticks to the Clean Air Act and Clean Water Act. Polluters rejoiced further when the House defeated the one oil amendment that actually would have made a dent in the deficit by removing billions of dollars of taxpayer subsidies for oil companies. In this budget charade, the target became polluter regulators, not polluter subsidies. **This extreme and reckless bill amounts to the largest assault on America's bi-partisan legacy of environmental and wildlife safeguards in history.** The bill was passed by the House on a vote of 235-189, largely along party lines. No Democrats supported the bill and only 3 Republicans

voted against it. Click [here](#) to see how members voted.

## Earmarks Give Way to Oilmarks

An oilmark is a congressional prohibition added to a spending bill that prevents government regulators and watchdogs from ensuring that corporate polluters comply with specific environmental laws. **Oilmarks are measures to handcuff regulators, forcing them to look the other way as polluters endanger the air we breathe, the water we drink, and the lands and waters that nurture fish and wildlife.** As with earmarks, oilmarks are usually attached to spending bills to avoid a full debate and instead protect an unpopular measure as part of a bigger bill that must be signed into law.

The House voted to add oilmark after oilmark to the spending bill, all without adding a single penny in savings to the bottom line budget. **In all, 14 of the 51 amendments voted onto the bill were oilmarks seeking to impose politics over science and common sense public health protections.**

One of the oilmarks (amendment #533) was offered by Rep. Don Young (R-Alaska), who is on the threshold of joining Big Oil's Million Dollar Club with [\\$993,000](#) in reported contributions from the oil industry over his career, according to Opensecrets.org. His amendment would push aside federal regulators to allow Shell Oil to rush forward with "[exploratory drilling](#)" in the [Chuckchi and Beaufort Seas off of Alaska's coast](#). These seas are one of the last undamaged ocean frontiers, home to polar bears and other Arctic wildlife and marine life.

Does this sound familiar? You may recall that "exploratory" drilling was the reassuring term used by BP for the Deepwater Horizon before it dumped millions of gallons of toxic crude into the Gulf, with [devastating impacts on wildlife](#). Did we learn nothing from the disaster? According to the Commission that investigated the disaster, the spill was caused in large part "[by failures of government to provide effective regulatory oversight of offshore drilling](#)." Having failed to implement the Commission's recommendations, the House is rushing instead to move in the other direction and open an Alaska-sized loophole in the Clean Air Act and send a clear and intimidating signal to oil regulators that they will be punished by Congress for doing their job. His amendment passed with support of 230 Republicans and 13 Democrats (218 votes are needed to pass). Click [here](#) to see how members voted.

Other oilmarks added to the bill with only a few minutes of debate are detailed at the end of this posting. **Koch Industries, a large oil refining company that [gave more campaign cash to House members than any other oil company](#) this past election, will be one of the largest beneficiaries of weakened pollution standards.** Not surprisingly, Americans for Prosperity, a Koch-founded advocacy group, [lobbied Congress to support many of these amendments](#).

Oilmarks added to the bill would:

- Allow 5,000 additional tons of hazardous air pollution and mercury emissions.
- Block new health standards to reduce soot pollution that is particularly harmful to the lungs of our children.
- Block funding for climate change science and sensible regulations to start reducing carbon

dioxide pollution from oil refineries and power plants.

- Block science-based restoration of the Chesapeake Bay, Klamath Basin, San Francisco Bay Delta, and Florida waters.
- Block new rules and guidance to prevent hazardous coal ash from entering water supplies as happened in the 2008 Tennessee disaster.
- Block new guidance and rules to protect stream valleys and wetlands from dumping of waste from mountain top removal and other sources.
- Block implementation of the Equal Access to Justice Act, enacted by President Reagan.

The total budget savings for these 14 oilmarks was ZERO dollars. **Not one dime was shaved from the deficit** that was ostensibly the purpose of this bill. To the contrary, they will drive up health care costs and put people out of work. The Clean Air Act is one of the most successful and most thoroughly studied pieces of legislation in history, preventing lung diseases such as asthma and delivering [\\$2 trillion](#) in health benefits while making American industry a leader in environmental technology industries that employ [1.7 million Americans](#).

## Preserving Oil Company Subsidies

While adding all kinds of oilmarks to the spending bill, the House rejected the one amendment, offered by Rep. Markey (D-Mass.), that would have eliminated billions of dollars in taxpayer subsidies to oil companies. Closing a royalty payment loophole for oil companies operating in the Gulf of Mexico could save taxpayers [\\$53 billion in the coming years, but the amendment \(#27\) was defeated 251-174](#). 226 Republicans and 25 Democrats voted to protect these subsidies. Click [here](#) to see how members voted.

## The Crushing Weight of Polluter Money in Washington

Not long ago, our government reflected Americans' strong environmental values. When Congress updated the Clean Air Act in 1990 to protect thousands of lives and curb acid rain, the House passed the legislation with an overwhelming vote of 401-25. Today, we instead face bold and unprecedented assaults from Congress seeking to roll back America's legacy of environmental safeguards. As soon as the dust settled on the 2010 elections, GOP House leaders sent a [letter](#) to oil companies and 150 other businesses and trade associations asking what regulations they wanted scaled back. What has changed? In 1990, major polluters made \$20 million in campaign contributions. Since that time, polluters have used their profits to pour more and more money into buying access and influence in Washington. **Corporate polluters have spent more than a billion dollars on campaign contributions and lobbying in the past two years alone.**

## White House Silent

Fortunately, the voting public still strongly supports America's environmental laws. A [recent poll](#) confirms that 77% of Americans, including 61% of Republicans, believe that "Congress should let the EPA do its job." **This attack can be turned back if the public finds out what is happening. It's up to all of us to spread the word and make sure everyone knows what's at**

**stake. But it is troubling that President Obama hasn't yet said anything about this assault on America's bedrock environmental laws.** Importantly, President Obama has threatened to veto the spending bill. But the president is missing an important opportunity to educate the public about the benefits of the Clean Water Act, the Clean Air Act, and the wildlife programs that create jobs and protect our Great Outdoors throughout America. We will continue to see more of these hidden polluters attacks on other pieces of legislation until they are brought from the backrooms of Congress into the light, and nobody has a brighter flashlight than the president.

## **Oilmarks in the GOP House Spending Bill**

[Note: The exact text of amendments can be found in one of two Congressional Record files [here](#) and [here](#) by searching on the name of the sponsor; similarly, a GOP summary of all 500+ amendments that were filed can be found [here](#); only a portion of the amendments were debated and only 51 were approved by recorded vote.]

### **Putting Polluter Soot Ahead of Our Children's Lungs**

An oilmark added by the House would force EPA to ignore recent scientific [studies](#) confirming that specific air pollutants — coarse particles, or soot — penetrate deeply into our lungs and trigger asthma attacks in young children. The oilmark, sponsored by Rep. Noem (R-SD), would put a halt to the scientific process established by the Clean Air Act to update the health standards for soot based on the latest science and studies. The standards are the basis of pollution control requirements that oil refiners and other major emitters must adhere to. Here is the text of Rep. Noem's oilmark (Amendment #563), which passed by a vote of 255-168. Click [here](#) to see how members voted.

**No funds made available by this Act may be used to modify the national primary ambient air quality standard or the national secondary ambient air quality standard applicable to coarse particulate matter under section 109 of the Clean Air Act.**

### **Thousands of Pounds of Mercury and 5,000 Tons of Hazardous Air Pollutants – Seriously?**

Another oilmark amendment added to the budget bill would prevent EPA from enforcing a rule that reduces emissions of toxins including mercury, which is an acute [threat to fish, wildlife and our health](#). According to the amendment (#165), sponsored by Rep. Carter (R-TX), "None of the funds made available by this Act may be used to implement, administer, or enforce the rule entitled 'National Emission Standards for Hazardous Air Pollutants [the cement production industry],'" which is the third-largest industrial source of toxic mercury emissions. The amendment passed 250-177. Click [here](#) to see how members voted. The American Lung Association, the American Public Health Association and other public health groups wrote a letter to Congress opposing the amendment. Here's an excerpt:

**As the American Academy of Pediatrics notes, "mercury in all of its forms is toxic to the fetus**

and children, and efforts should be made to reduce exposure to the extent possible to pregnant women and children as well as the general population.” Cement plants are the third-largest source of human-caused mercury emissions; rolling back mercury standards for such plants would be a step in exactly the wrong direction. Under the standards, which the Environmental Protection Agency issued in final form in September 2010, cement plants emissions of mercury and other pollutants would fall dramatically, reducing mercury pollution by 16,400 pounds, other hazardous air pollutants by 5,200 tons, and acid gases by 5,900 tons. In addition, EPA calculates that the standards would greatly reduce fine particulate pollution from cement plants, preventing up to 2,500 premature deaths annually and saving up to \$18 billion in human health costs.

## Clean Water Act Under Attack

One of the most far-reaching oilmarks in the bill was included in the underlying bill unveiled by GOP leaders last week. [A letter from 45 of National Wildlife Federation’s state affiliates opposing the spending bill](#) explains:

One rider in the bill explicitly extends loopholes in the Clean Water Act that jeopardize drinking water for 117 million Americans and handed over 20 million acres of wetlands and prime wildlife habitat to polluters and developers. The CR bans the Environmental Protection Agency (EPA) from working to close these loopholes, which threaten wetlands such as those in the Prairie Pothole Region—the breeding grounds for the majority of North America’s ducks.

Additional oilmarks that have been added to the spending bill and undermine the Clean Water Act include the following:

- **Endangering the Chesapeake Bay:** Amendment #467, sponsored by Rep. Goodlatte (R-VA), would block efforts to clean the Chesapeake Bay just as progress is finally being made around the region. The amendment bars funds for the promulgation, development and implementation of measures that govern the amount of allowable pollution in waters that feed the bay (TMDLs). It passed 230-195. Click [here](#) to see how members voted.
- **Dumping Waste from Mountain Top Removal in Stream Valleys:** Amendment #109, sponsored by Rep. Griffith (R-VA), would block EPA from using its funding to implement or enforce new guidance for the review of water pollution from proposed coal-mining projects, including mountain-top removal mining. It passed 235-185. Click [here](#) to see how members voted.
- **Endangering Florida Waters:** Amendment #13, sponsored by Rep. Tom Rooney (R-Florida), would stop EPA from implementing and enforcing new water quality standards for Florida’s lakes and flowing waters, which were issued in November. This amendment would stop public education to help protect Florida’s waters from excess pollution from sewage, manure and fertilizer. It passed 237-189. Click [here](#) to see how members voted.
- **Blocking Klamath Salmon Restoration:** Amendment #296, sponsored by Rep. McClintock (R-CA), would prohibit use of funds to complete the Klamath Dam Removal and Sedimentation Study that is needed to, as the Sacramento Bee writes in an [editorial](#), “reopen hundreds of miles of spawning habitat for endangered coho salmon, the largest salmon restoration project on the West Coast; assure water and reduced-rate electricity for farmers on a federal irrigation project; remove four PacifiCorp dams; and allow Indians tribes to buy back some land.” It passed narrowly by a 215-210 vote. Click [here](#) to see how members voted.
- **Endangering the San Francisco Bay Delta:** A measure included in the underlying bill would



overrule the biological opinions of scientists on California's incredible San Francisco Bay Delta. The measure would instead further subsidize corporate special interests and jeopardize the existence of salmon and Delta smelt and the health of the entire Bay ecosystem, which is reliant on its life-giving water supply.

- **Blocking Hazardous Coal Ash Rules:** Amendment #217, sponsored by Rep. McKinley (R-WV), would restrict EPA's authority to implement strong, national safeguards on coal ash. Coal ash is a dangerous hazardous waste that has been insufficiently regulated, as evidenced by the 2008 disaster in Tennessee that blocked a tributary of the Tennessee river with more than a billion gallons. Coal ash is generated by burning coal for energy, and it contains many hazardous metals and chemicals like arsenic and lead. EPA has the authority and responsibility to put in place common-sense rules that protect human health and the environment by controlling the disposal of coal ash to protect communities from dangerous pollution. The amendment passed 239 – 183, and you can click [here](#) to see how members voted.
- **EPA Blocked from Protecting Wetlands and Streams from Harmful Dumping:** Amendment #216, sponsored by Rep. McKinley (R-WV), would block EPA from protecting wetlands, streams and rivers from being destroyed by dumping fill and dredge material. It would stop EPA from administering or enforcing section 404 (c) of the Clean Water Act, which requires EPA to deny the dumping of dredged or fill material in waters of the United States (including wetlands) whenever it determines, after notice and opportunity for public hearing, that the dumping would have an unacceptable adverse impact on fisheries, wildlife, municipal water supplies, or recreational areas. It passed 240-182. Click [here](#) to see how members voted.

## Climate Change: “Stop Work” and Science Blindfolds

A series of oilmark amendments have been included in the bill that pull the plug on scientific exploration of climate change and prudent efforts to reduce greenhouse gas emissions.

- **Blindfold on International Climate Science:** Amendment #149, sponsored by Rep. Luetkemeyer (R-Missouri), prohibits funding for the Nobel-Prize-Winning international science panel (the IPCC) that was launched by President George H.W. Bush to encourage the world's best scientists to advance our understanding of how pollution is contributing to the planet's increasingly chaotic climate. It passed 244-179. Click [here](#) to see how members voted.
- **“Stop Work” Order on Reducing Carbon Dioxide and other Greenhouse Gases:** Amendment #466, sponsored by Rep. Poe (R-Texas), would bar EPA from beginning to regulate carbon dioxide pollution and other greenhouse gas emissions from refineries and other major sources, as currently required by the Clean Air Act and a Supreme Court order. It would ensure that more dangerous pollution is dumped into the air and that U.S. companies fall behind in the global competition for clean energy markets. The amendment states that: “None of the funds made available by this Act may be used by the Environmental Protection Agency to implement, administer, or enforce any statutory or regulatory requirement pertaining to emissions of carbon dioxide, methane, nitrous oxide, sulfur hexafluoride, hydrofluorocarbons, or perfluorocarbons from stationary sources that is issued or becomes applicable or effective after January 1, 2011.” It passed 249-177. Click [here](#) to see how members voted.
- **Blindfold on NOAA Climate Science:** Amendment #495, sponsored by Rep. Hall (R-Texas), eliminates the NOAA National Climate Service, a climate science program designed to provide scientific assistance to farmers, fishery managers, water managers and transportation managers. It passed 233-187. Click [here](#) to see how members voted.
- **Gag Order for America's Negotiating Team:** Amendment #204, sponsored by Rep. Scalise (R-Louisiana), eliminates funding for the State Department's Special Envoy on Climate Change, the main negotiator responsible for the United States at international treaty negotiations, and a

positive force for getting other nations to reduce their pollution that affects the security of the United States. It passed 249-179. Click [here](#) to see how members voted.

## Federal Agency Environmental Compliance

Amendment #195, sponsored by Rep. Lummis (R-WY), would block implementation of the Equal Access to Justice Act, which was signed into law by President Reagan. The law, which gives people the right to recoup attorney fees if they prevail in court, has helped to ensure that federal agencies are held accountable for violations of environmental, health and safety laws. It passed 232-197. Click [here](#) to see how members voted.

## Oversized Budget Hatchet Jeopardizes Successful Wildlife Programs

While ignoring opportunities to cut billions in oil company subsidies, the House spending bill also makes dramatic and oversized funding cuts in programs that have been incredibly successful in protecting wildlife and America's Great Outdoors. **Read more about these cuts [here](#).** Unlike the oilmarks listed above, the spending cuts affect the government's bottom line and are part of the budget debate. However, keep in mind that **over the past 30 years, America's investment in parks, wildlife, clean water, and clean air has fallen from 1.7% of federal spending to 0.6% of federal spending.** Yet a disproportionately large share of the proposed cuts come from the Department of Interior and EPA. Although programs implemented by Department of Interior and EPA are a small sliver of federal spending, they currently deliver a big payoff in the form of 3 million jobs in communities throughout America.

The spending bill would:

- **Eliminate funding for the State and Tribal Wildlife Grant Program**, which is the nation's premier program for keeping species off the endangered species list by supporting non-regulatory, state-based conservation efforts to keep common species common. This program leverages more than \$100 million per year in state and private dollars, and directly supports jobs in virtually all states.
- **Eliminate funding for the North American Wetlands Conservation Fund**, a key program for conserving waterfowl and other migratory bird habitat through providing a catalyst for leveraging non-Federal funding and fostering public and private sector partnerships. Through the work of more than 4,000 partners, this program has leveraged over \$2 billion in matching funds affecting 25 million acres, and fostered public and private sector cooperation for migratory bird conservation, flood control, erosion control, and water quality. Hunters depend on this program to ensure healthy populations of waterfowl, which in turn is essential for sustaining strong local economies especially in rural communities.
- **Cut funding to the Land and Water Conservation Fund (LWCF) by 90%**. LWCF, which is funded by oil royalties and helps expand national parks, protects hunting and fishing areas, and funds local projects like city parks and playing fields. LWCF has provided crucial funding for some of America's most amazing places throughout the nation, from Yellowstone National Park to the Appalachian National Scenic Trail to Gettysburg National Military Park.

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Jeremy Symons
Senior Vice President, Conservation and Education
National Wildlife Federation
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National Wildlife Federation's mission is to inspire Americans to protect wildlife for our children's future.

**David
McIntosh/DC/USEPA/US**
01/25/2010 05:05 PM

To windsor.richard
cc
bcc

Subject Murkowski vote will be in February

CLIMATE: Murkowski wants vote on EPA resolution next month (01/25/2010)

Robin Bravender, E&E reporter

Sen. Lisa Murkowski (R-Alaska) will seek a vote next month on her bid to overturn U.S. EPA's endangerment finding.

Murkowski last week introduced a resolution<

http://www.eenews.net/features/documents/2010/01/21/document_pm_04.pdf> that would effectively veto the agency's determination that greenhouse gases pose a threat to public health and welfare. That finding gives EPA the authority to move forward on regulations aimed at curbing the heat-trapping emissions.

The Alaska senator will seek a vote on the resolution sometime in February, her spokesman Robert Dillon said today.

Murkowski has repeatedly expressed concerns that EPA climate rules would have widespread economic consequences. Last week, she called the finding a "floodgate" that will "unleash a wave of damaging new regulations that will wash over and further submerge our struggling economy."

Senate Democrats and environmentalists who oppose the measure have countered that the resolution constitutes an unprecedented move to overturn a finding made at the direction of the U.S. Supreme Court. In its 2007 decision in *Massachusetts v. EPA*, the court found that EPA has the authority to regulate greenhouse gas emissions.

Murkowski's resolution would require 51 votes to clear the chamber. The resolution has the backing of three moderate Democrats and 35 Republican co-sponsors.

**David
McIntosh/DC/USEPA/US**
12/02/2009 06:48 PM

To windsor.richard
cc
bcc
Subject Re: Reuters: UK climate expert steps aside after hacked e-mails

Excellent quote. Well done.

Adora Andy	UK climate expert steps aside after hac...	12/02/2009 06:45:07 PM
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From: Adora Andy/DC/USEPA/US
To: "Richard Windsor" <windsor.richard@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>
Date: 12/02/2009 06:45 PM
Subject: Reuters: UK climate expert steps aside after hacked e-mails

UK climate expert steps aside after hacked e-mails
05:23 PM EST

- * University of East Anglia to investigate hacked e-mails
- * Sceptics say undermines evidence of climate change
- * US EPA head says flap won't stop possible regulations (Adds U.S. reaction)

LONDON, Dec 2 (Reuters) - The head of a British climate research institute has stepped aside after hacked e-mails were seized upon by sceptics as evidence that the case for global warming has been exaggerated.

Phil Jones, head of the Climatic Research Unit (CRU) at the University of East Anglia, will step aside "until the completion of an independent review," the university said in a statement.

"It is an important step to ensure that CRU can continue to operate normally," University Vice-Chancellor Professor Edward Acton said after accepting Jones' offer to stand aside.

Dubbing the affair "Climategate," some climate change sceptics have seized upon the e-mails, some of them written 13 years ago, and accused scientists at CRU of colluding to suppress data that might have undermined their arguments.

In the United States, some Republican politicians opposed to climate change legislation pounced on the controversy, calling on the U.S. Environmental Protection Agency to stop climate change regulatory efforts, which they say are based on "dubious science."

EPA Administrator Lisa Jackson responded that her agency's work "is proceeding."

"At this point I have seen nothing that indicates that scientists out there have said that they've changed their consensus" that human actions contribute to global warming, she said.

"These emails certainly may show some poor manners, maybe more ... but what we have to be constantly

looking at is the science."

The Obama administration wants Congress to pass comprehensive legislation controlling greenhouse gas emissions but says it stands ready to regulate if legislative efforts fail.

'OUT OF CONTEXT'

Sceptics have pointed to phrases in the e-mails in which climate scientists talk of using a "trick" to "hide the decline" in temperatures as evidence that they adjusted data to fit their theories. CRU denies any manipulation.

Delegates meet in Copenhagen for a Dec. 7-18 talks to try to work out a new U.N. pact to address global warming.

The head of the U.N.'s Intergovernmental Panel on Climate (IPCC) Change, Rajendra Pachauri, told Reuters last week that the leaks do not affect findings in 2007 that it was more than 90 percent certain that human activities were causing climate change.

"This private communication in no way damages the credibility of the ... findings," he said, saying that all conclusions were subjected to rigorous review.

Some CRU researchers contribute to the IPCC's reports that pull together data from scientists around the world in an attempt to give a consensus view on climate change.

"Opposition groups are taking passages out of context to try to undermine public confidence in climate science," the Union of Concerned Scientists said in a statement Wednesday.

"Even without data from CRU, there is still an overwhelming body of evidence that human activity (is) triggering dangerous levels of global warming," it said. (Additional reporting by Richard Cowan in Washington; Editing by Robin Pomeroy) ((For a TAKE A LOOK about the Road to Copenhagen, click on [nSP382015]. For an overview of climate change stories, click [nCLIMATE])) (For an Interactive factbox on the Climate Change conference in Copenhagen please click on <http://uk.reuters.com//news/factbox?fj=20091111151536.js&fn=Climate%20Change%20conference%20in%20Denmark%20>)

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rm://alister.doyle.reuters.com@reuters.net))

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David
McIntosh/DC/USEPA/US
12/18/2009 04:37 PM

To windsor.richard
cc oster.seth, depass.michaelle
bcc

Subject White House Announces Agreement in Climate Talks

December 19, 2009

White House Announces Agreement in Climate Talks

By [HELENE COOPER](#) and [JOHN M. BRODER](#)

COPENHAGEN — Leaders here concluded a [climate change](#) deal the Obama administration called “meaningful” but which falls short of even the modest expectations for the summit here.

The agreement addresses many of the issues that leaders came here to settle, but the answers are bound to leave many of the participants unhappy.

Even an Obama administration official conceded, “It is not sufficient to combat the threat of climate change, but it’s an important first step.”

“No country is entirely satisfied with each element,” the administration statement said, “but this is a meaningful and historic step forward and a foundation from which to make further progress.”

The accord drops the expected goal of concluding a binding international treaty by the end of 2010, which leaves the implementation of its provisions uncertain. It is likely to undergo many months, perhaps years, of additional negotiation before it emerges in any internationally enforceable form.

“We entered this negotiation at a time when there were significant differences between countries,” the American official said. “Developed and developing countries have now agreed to listing their national actions and commitments, a finance mechanism, to set a mitigation target of two degrees Celsius and to provide information on the implementation of their actions through national communications, with provisions for international consultations and analysis under clearly defined guidelines.”

The deal came after a dramatic moment in which Mr. Obama burst into a meeting of the Chinese, Indian and Brazilian leaders, according to senior administration officials. Chinese protocol officers noisily protested, and Mr. Obama said he did not want them negotiating in secret. The intrusion led to new talks that cemented key terms of the deal, American officials said.

Friday morning, [President Obama](#), speaking to world leaders gathered here at the frenzied end of two weeks of climate talks, urged them to come to an agreement — no matter how imperfect — to address global warming and monitor whether countries are in compliance with promised

emissions cuts.

His remarks appeared to be a pointed reference to China's resistance on the issue of monitoring, which has proved a stubborn obstacle at the talks and a source of tension between China and the United States, the two largest emitters of greenhouse gases.

After delivering the speech to a plenary session of 119 world leaders, Mr. Obama met privately with China's prime minister, [Wen Jiabao](#), in an hourlong session that a White House official described as "constructive."

However, in a day of high brinkmanship and seesawing expectations, Mr. Wen did not attend two smaller, impromptu meetings that Mr. Obama and United States officials conducted with the leaders of other world powers, an apparent snub that infuriated administration officials and their European counterparts and added more uncertainty to the proceedings. At 7 p.m. Copenhagen time, Mr. Obama and Mr. Wen met again, joined by Prime Minister Mammoghan Singh of India and President [Luiz Inácio Lula da Silva](#) of Brazil.

Earlier in the day, in his address to the plenary session shortly after noon, Mr. Obama, clearly frustrated by the absence of an agreement, was both emphatic and at times impatient.

"The time for talk is over," he said.

He arrived here prepared to lend his political muscle to secure an agreement on climate change at negotiations that have been plagued by distrust over a range of issues, including how nations would hold each other accountable.

"I don't know how you have an international agreement where you don't share information and ensure we are meeting our commitments," he said. "That doesn't make sense. That would be a hollow victory."

Within an hour of [Air Force One](#)'s touchdown in Copenhagen on Friday morning, Mr. Obama went into an unscheduled meeting with a high-level group of leaders representing some 20 countries and organizations. Mr. Wen did not attend that meeting, instead sending the vice foreign minister, He Yafei.

Mr. Wen did, however, meet privately with Mr. Obama for 55 minutes shortly after the American president's eight-minute speech to the plenary session. The two leaders "took a step forward and made progress," a White House official said, after the meeting that broke up a little after 1:35 p.m. Copenhagen time.

The official, who spoke on condition of anonymity because of the continuing negotiations, said that the two men touched on all of the three issues Mr. Obama raised during his speech: emissions goals from all critical countries, verification mechanisms and financing.

Mr. Obama and Mr. Wen asked their negotiators to meet with one another and with other countries "to see if an agreement can be reached," the White House official said.

Still, it was unclear how much progress had occurred. After a lunch break, President Obama returned to another session with leaders of the same countries that he had met with Friday morning—Australia, Britain, France, Germany, Japan, India, South Africa, Brazil — and Mr. Wen once again sent another emissary in his place, a special representative, Yu Qingtai, White House officials said.

On a separate issue, later in the day, Mr. Obama was to meet with President [Dmitri A. Medvedev](#) of Russia, as the two were to negotiate to replace an expired nuclear arms control treaty.

In speaking to the plenary session, Mr. Obama stressed the urgency of reaching a climate accord, no matter how “imperfect” it might have to be.

“We are running short on time,” he warned. “And at this point, the question is whether we will move forward together, or split apart. Whether we prefer posturing to action.

“We can again choose delay, falling back into the same divisions that have stood in the way of action for years,” he said.

But he added that this course would leave leaders “back having the same stale arguments month after month, year after year, perhaps decade after decade — all while the danger of climate change grows until it is irreversible.”

The United States, Mr. Obama said, was “ready to get this done today.”

Before Mr. Obama’s speech, President [Nicolas Sarkozy](#) of France said that China was holding back progress in the climate talks and said that Chinese resistance to monitoring of emissions was a crucial sticking point.

Mr. Wen, who addressed a plenary session of conference delegates as Mr. Obama’s first meeting was ending, outlined China’s actions to reduce emissions and repeated his promise to reduce carbon dioxide intensity — the measure of emissions per unit of economic activity — by between 40 and 45 percent by 2020. He said China would report its emissions as part of an international plan but gave no sign that he was willing to agree to any outside verification measures.

“We will further enhance domestic surveillance and monitoring methods, increase transparency and actively engage in international dialogue and cooperation,” he said.

He stressed that China was trying to reduce the rate of growth of its emissions voluntarily “in light of its national circumstances.” He added: “We have not attached any condition to the target or linked it to the target of any other country. We are fully committed to meeting or even exceeding the target.”

Negotiators here had worked through the night, charged with delivering a draft of the political agreement by 8 a.m. ahead of the arrival of dozens of heads of state and high-level ministers for

the final stretch of deliberations.

[Drafts of a political agreement](#) suggesting the broad outlines of what high-level ministers and heads of state are considering began circulating through the Bella Center by early afternoon Friday. An early version said that a binding accord should be reached “as soon as possible,” and no later than at the next meeting of the parties, in Mexico City in November 2010. But by early evening, the 2010 date had been dropped and the draft contained no specific deadline, saying only that the agreement should be reviewed and put in place by 2016.

The later draft also included a few hard figures about joint emissions cuts of 50 percent by 2050. Developed nations committed to reducing their emissions “individually or jointly by at least 80 percent by 2050.”

All the drafts included a dozen or so enumerated points asserting general commitment to the idea that “climate change is one of the greatest challenges of our time” and asserted that “deep cuts” in global emissions are required. The amounts for short-term emissions targets by 2020 remained represented by X’s and Y’s — place holders for later. The drafts also sought to lay out some framework for verification of emissions commitments by developing countries and establish a “high-level panel” to assess financial contributions by rich nations to help poor countries adapt to climate change and limit their emissions.

An American negotiator, weary from a night of discussions, expressed confidence early Friday that the talks would produce some form of an agreed declaration, even if it falls short of the ambitions of many delegates and lacks specifics on some of the toughest issues.

Despite the optimism on the outcome, there was less certainty on when the negotiations might conclude, even though the session is scheduled to end Friday night. Mr. Obama was injecting himself into a multilayered negotiation that has been far more chaotic and contentious than anticipated — frozen by longstanding divisions between rich and poor nations and a legacy of mistrust of the United States, which has long refused to accept any binding limits on its greenhouse gas emissions.

The administration provided the talks with a palpable boost on Thursday when Secretary of State [Hillary Rodham Clinton](#) declared that the United States would contribute its share to \$100 billion a year in long-term financing to help poor nations adapt to climate change. But top negotiators here said that the talks could also prove a humiliating failure, because China and the United States, the world’s two largest emitters, remain deeply divided over a number of difficult problems.

The maneuvering that has characterized the final week of the talks are also a sign of their seriousness; never before have global leaders come so close to a meaningful agreement to reduce the greenhouse gases linked to warming the planet.

Mrs. Clinton’s offer came with two significant conditions. First, the 192 nations involved in the talks here must reach a comprehensive political agreement that takes effect immediately. Second, and more critically, all nations must agree to some form of verification — she repeatedly used

the term “transparency” — to ensure they are meeting their environmental promises.

China has brought the talks to a virtual standstill all week over this issue, which its leaders claim to be an affront to national sovereignty.

But the Chinese resistance on the issue is matched in large measure by Mr. Obama’s own constraints. The Senate has not yet acted on a climate bill that the president needs to make good on his promises of emissions reductions and on the financial support that he has now promised the rest of the world.

China appeared to crack the door a bit toward a system of reporting its emissions and its actions to reduce them on Thursday. Mr. He, the vice foreign minister, repeated China’s opposition to any intrusive international monitoring regime in a news conference on Thursday. But he said his country would consider voluntary “international exchanges” of information on its climate programs.

Reporting was contributed by Elisabeth Rosenthal, Tom Zeller Jr. and Andrew C. Revkin from Copenhagen, and Liz Robbins from New York.

**David
McIntosh/DC/USEPA/US**
06/09/2010 07:09 PM

To "Richard Windsor"
cc
bcc

Subject Fw: Schedule for Thursday, June 10, 2010

FYI, tomorrow's order of events.

From: "Mulvenon, Ryan (DPC)" [Ryan_Mulvenon@DPC.SENATE.GOV]
Sent: 06/09/2010 07:06 PM AST
To: EXECENERGYENVIRONMENT@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV
Subject: FW: Schedule for Thursday, June 10, 2010

FYI, below.

From: Mulvenon, Ryan (DPC)
Sent: Wednesday, June 09, 2010 6:55 PM
To: 'DPC-ENVIRONMENTENERGY@DEMOCRATIC-MESSAGE-CENTER.SENATE.GOV'
Subject: Schedule for Thursday, June 10, 2010

FYI, from the floor staff.

The Senate will convene at 9:30am. Following any leader remarks, the Senate will turn to the motion to proceed to S.J.Res. 26, a joint resolution disapproving a rule submitted by the EPA relating to the endangerment finding and the cause or contributing findings for greenhouse gases. There will be 6 hours for debate equally divided and controlled between Senators Boxer and Murkowski, or their designees. The time beginning at 9:45am will be controlled in 30 minute alternating blocks of time, with Senator Murkowski controlling the first block of time.

If all time is used, the vote on the motion to proceed to S.J.Res, 26 would occur at approximately 3:45pm.

If the motion is successful, there would be up to 1 hour for debate prior to a vote on the joint resolution.

David
McIntosh/DC/USEPA/US
02/19/2011 11:05 AM

To "Richard Windsor", "Jose Lozano", andy.adora, "Seth Oster",
bennett.barbara, Ganesan.Arvin, "Bob Perciasepe",
thompson.diane, woodka.janet, "Bob Sussman", "Lawrence
Elworth", goo.michael, "Bicky Corman", "Daniel Kanninen",
"Eric Wachter", garcia.lisa, fulton.scott
cc
bcc
Subject Fw: From E&E Daily -- THE BUDGET: Government shutdown
looms as House passes CR with huge attacks on EPA

From: David McIntosh
Sent: 02/19/2011 11:02 AM EST
To: David McIntosh
Subject: From E&E Daily -- THE BUDGET: Government shutdown looms as House passes CR with huge attacks on EPA

This E&E Daily story was sent to you by: mcintosh.david@epa.gov

Personal message:

An E&E Publishing Service

THE BUDGET: Government shutdown looms as House passes CR
with huge attacks on EPA *(Saturday, February 19, 2011)*

Elana Schor, E&E reporter

The House passed its short-term government funding measure in the last hours before sunrise today, 235-189, after a final lap of debate that saw lawmakers cross party lines to add extra restrictions on high-profile White House energy and environmental policies.

The House's continuing resolution (CR) is now likely to stall on the other side of the Capitol as Senate Democrats assemble a plan of their own to fund the government beyond March 4, when the existing funding measure expires. House Republicans' indefatigable drive to constrain much of the Obama administration's agenda has ratcheted up the prospects of a government shutdown if leaders in both chambers cannot reach even a short-term agreement on funding.

"For the good of our economy and our democracy, I call on Senate Majority Leader [Harry] Reid [D-Nev.] to allow [the CR] to come to an immediate vote," said House Speaker John Boehner (R-Ohio) in a statement following the bill's final approval. "Cutting federal spending is critical to reducing economic uncertainty, encouraging private-sector investment, and creating a better environment for job creation in our country."

Before approving the GOP's CR, which slashes U.S. EPA funding by \$3 billion and the Energy Department by more than \$1 billion for the seven final months of fiscal 2011, the House shot down a Democratic motion to recommit the bill along party lines, 186-238.

The underlying bill prevented EPA from implementing its pending greenhouse gas emissions rule and Clean Water Act regulations, but Republicans added several fresh hits to the agency in the final round of the 90-plus hours of CR debate.

Anti-EPA amendments win

On a 230-195 vote, Rep. Bob Goodlatte (R-Va.) successfully attached a rider to the bill preventing federal funds from being spent on a total maximum daily load for chemicals or a watershed implementation plan for the Chesapeake Bay.

The House also approved, 237-189, an amendment from Rep. Tom Rooney (R-Fla.) that stops EPA from using its funding to implement, administer or enforce new water quality standards for Florida's lakes and flowing waters, which were issued in November. They have been challenged by the state of Florida ([E&ENews PM](#), Dec. 7, 2010).

Eight Democrats aligned with Republicans in favor of the Goodlatte proposal while 15 Republicans voted against it. Sixteen Democrats, including a few Floridians, voted with the GOP in favor of Rooney's amendment, while 17 Republicans joined Democrats in opposition.

An attempt from Rep. David McKinley (R-W.Va.) to stop EPA from developing or issuing standards that list coal ash as hazardous waste under the Resource Conservation and Recovery Act passed by a 239-183 vote. Nineteen Democrats joined the GOP in voting "yes" on the amendment, while 18 Republicans crossed over to vote "no."

After issuing a proposal last year, the agency has not signaled when it might make a final decision on coal ash, which was thrust into the public eye after a massive spill at a Tennessee Valley Authority power plant in December 2008 ([E&ENews PM](#), July 29, 2010).

Rep. Kristi Noem (R-S.D.) also won her attempt to stop EPA from changing the national ambient air quality standards for coarse particulate matter on a 255-168 vote. The agency plans to issue a proposal and final rule this year, and lawmakers have raised concerns that a change to the standards for coarse particulates would push many dusty rural areas out of compliance with the rules ([Greenwire](#), Jan. 27).

Four Republicans joined Democrats in voting against Noem's amendment, but 21 minority-party members aligned with the GOP -- signaling the potential depth of resistance to the EPA rulemaking.

Ethanol restrictions prevail

Conservative Republicans also won notable bipartisan support last night for two amendments that would force a shift in federal ethanol policy, potentially boding ill for farm-state supporters of the fuel.

Rep. Jeff Flake (R-Ariz.) prevailed, 262-158, on an amendment that prevents federal funds from being used for ethanol storage facilities or the blender pumps that would be used to prepare fuel with a higher ethanol content.

Flake's coalition of backers showed some strange bedfellows linking arms to criticize the ethanol-promotion policies of EPA and other agencies. Among the 78 Democrats voting with Flake were liberal Rep. Raúl Grijalva (D-Ariz.), oil-patch Rep. Gene Green (D-Texas) and Rep. Xavier Becerra (D-Calif.), a member of the minority leadership.

Fifty-three Republicans joined about twice that number of Democrats to oppose the Flake amendment.

A second ethanol amendment from Rep. John Sullivan (R-Okla.) passed, 285-136, stopping EPA from using its funding to implement its decision to allow the ethanol content of gasoline to be increased from 10 percent to 15 percent. EPA issued a rule in October that said E15 could be used in vehicles made after 2007, and in January, the agency followed up with another rule allowing cars made between 2001 and 2006 to use the fuel ([Greenwire](#), Jan. 21).

Seventy-nine Democrats voted alongside Sullivan against the E15 move, while 31 Republicans joined more than three times that number of Democrats in a failed attempt to bring down the proposal.

Climate-change policy limitations

Climate change efforts beyond EPA also were constrained for the duration of the House CR in the wee hours of this morning. House Science Chairman Ralph Hall (R-Texas) won his bid to stop the National Oceanic and Atmospheric Administration from putting its funds toward a planned "climate service," 233-187.

Six Democrats voted with Republicans to block NOAA's climate efforts, while nine in the GOP joined Democrats to vote "no" -- including Rep. Mary Bono Mack of California, a senior Energy and Commerce Committee member who recently agreed to block EPA greenhouse gas rules.

On a 244-179 vote, lawmakers also approved Rep. Blaine Luetkemeyer's (R-Mo.) plan to bar federal funding from going to the United Nations' Intergovernmental Panel on Climate Change. The proposal was part of a sprawling spending-cut package offered last month by the conservative Republican Study Committee that helped pressure GOP leaders to double the amount of cuts they initially envisioned for the spending bill.

Nine Democrats endorsed the U.N. climate-funding plan, while three Republicans opposed it.

Administration coal-mining rules reined in

The House also approved three CR amendments aimed at halting administration plans for stronger environmental protections in the coal-mining hotbed of the Appalachians.

Rep. Morgan Griffith (R-Va.) won, 235-185, in an attempt to stop EPA from using its funding to implement or enforce new guidance for the review of possible water pollution from proposed coal-mining projects. The guidance was challenged last summer by the National Mining Association, which claims EPA has enforced the guidance as if it were a final rule without going through the usual notice-and-comment process.

Eight Democrats voted alongside Griffith, while 10 Republicans opposed the amendment.

Lawmakers voted, 239-186, in favor of Rep. Bill Johnson's (R-Ohio) amendment blocking Obama administration mining regulators from finishing work on rules aimed at protecting streams from coal waste. Joe Pizarchik, director of the Office of Surface Mining Reclamation and Enforcement, told reporters last week that the rule and its impact statement will likely be ready later this year ([E&ENews PM](#) , Feb. 11).

Eleven Democrats joined the GOP in voting to block the mining rules, while nine Republicans voted to preserve federal authority.

And McKinley won his bid to stop EPA from administering or enforcing the sections of the Clean Water Act that govern dredge-and-fill permits. Those are the permits needed by mountaintop-removal operations such as the Spruce No. 1 coal mine, a West Virginia project that had its water quality permit revoked by EPA last month ([Greenwire](#) , Jan. 13).

Seventeen Democrats crossed party lines to vote with McKinley on the amendment, and 14 Republicans broke with their leaders to oppose it.

More amendment failures and successes

Meanwhile, an amendment from Rep. Tom McClintock (R-Calif.) that would stop the use of federal funds for an Interior Department study of removing dams from the Klamath River in southern Oregon and Northern California cleared by a narrow margin, 215-210. State and federal officials signed an agreement yesterday guaranteeing that farmers would get water and power after the removal of hydroelectric dams that block salmon from their spawning grounds.

Rep. David Wu (D-Ore.) lost his attempt to bar the use of federal funding to enforce the section of the Natural Gas Act that governs liquefied natural gas terminals on an 87-338 vote. On a 91-333 vote, the House also shot down Rep. Jim McDermott's (D-Wash.) amendment preventing NOAA from using its funding to move an operations center from Bellingham, Wash., to Newport, Ore.

Rep. John Carney's (D-Del.) bid to stop DOE from using its funding for the Oil and Gas Research and Development Program also failed, 121-300.

But Democrats were not alone in seeing their environmental proposals defeated during the final hours of CR debate. Rep. Paul Broun's (R-Ga.) bid to stop the Army Corps of Engineers from funding its beach replenishment projects was defeated on a 74-348 vote.

Reporter Gabriel Nelson contributed.

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Environment & Energy Daily (E&E Daily) is written and produced by the staff of E&E Publishing, LLC. Designed for policy players who need to know what's happening to their issues on Capitol Hill, from federal agency appropriations to comprehensive energy legislation, E&E Daily is the place insiders go to track their environmental and energy issues in Congress. E&E Daily publishes daily by 9 a.m. while Congress is in session.

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David
McIntosh/DC/USEPA/US
02/25/2011 01:35 PM

To "Richard Windsor", "Seth Oster", "Arvin Ganesan",
thompson.diane

cc

bcc

Subject Fw: From Greenwire -- WATER POLLUTION: EPA loses
enthusiasm for swift rollback of Bush 'fill rule'

From: David McIntosh

Sent: 02/25/2011 01:22 PM EST

To: David McIntosh

Subject: From Greenwire -- WATER POLLUTION: EPA loses enthusiasm for swift rollback of Bush 'fill rule'

This Greenwire story was sent to you by: mcintosh.david@epa.gov

Personal message:

An E&E Publishing Service

WATER POLLUTION: EPA loses enthusiasm for swift rollback of Bush 'fill rule' (Friday, February 25, 2011)

Paul Quinlan, E&E reporter

After vowing last year to revisit a controversial George W. Bush-era policy that made it easier for mining companies to dump debris into waterways, U.S. EPA may be having second thoughts. The fate of the "fill rule" will largely hinge on the public's reception of another upcoming Clean Water Act regulatory move, the Obama administration's soon-to-be-released reinterpretation of Bush's guidance for federal wetland regulators, according to a senior administration official. "There is some waiting to see how this guidance goes before we start throwing out new rules or proposed rules on the Clean Water Act," said the official, who was granted anonymity in exchange for speaking candidly on the behind-the-scenes deliberations.

Due for release any day, the Obama White House's wetlands guidance aims to clarify a confusing 2006 Supreme Court ruling in a major Clean Water Act case, *Rapanos v. United States*, by revamping the Bush administration's take on that decision ([Greenwire](#), Feb. 17; [Greenwire](#), Feb. 7). The guidance is anticipated to place more waterways and wetlands under federal protection than currently are under the more narrow Bush administration policy.

But with President Obama vowing to reduce unnecessary federal regulations and the Republican-led House in an anti-regulatory mood, the administration has increasingly downplayed its still-unofficial efforts to draft a rule to replace Bush's 2002 fill rule ([Greenwire](#), Jan. 18).

That was not the case early last year. In a January 2010 interview with *Rolling Stone* magazine, EPA Administrator Lisa Jackson said the agency was considering a revision of the fill rule and that her staff was "working on it now." The intention, she said, was to clean up gold mining operations in Alaska, adding that the rule would also "curtail" mountaintop-removal coal mining in Appalachian states. Mountaintop removal is a controversial mining technique that involves the dynamiting of mountaintops to expose coal seams and the dumping of debris into adjacent valleys.

In a statement issued days after the magazine story to West Virginia's *Charleston Gazette*, EPA said work on the rule was under way, with a goal "to improve the Clean Water Act review of mining related discharges." EPA said it was "eager to move ahead quickly" with that effort and other Clean Water Act improvements.

But EPA backed off yesterday, issuing this statement: "We don't have plans to move forward at this time with guidance or rulemaking on the definition of fill material."

Top priority for enviro groups

At issue is whether the administration will bar the mining industry's disposal of debris as "fill material" in waterways using dredge-and-fill permits issued by the Army Corps of Engineers under Section 404 of the Clean Water Act.

Critics of the Bush fill rule -- which specifically added "overburden, slurry, or tailings or similar mining-related materials" to the definition of fill -- want mining spoils reclassified as waste, whose disposal would be overseen by U.S. EPA.

Killing the Bush rule topped the list of priorities that environmental groups submitted to the Obama administration transition team in 2008, said Joan Mulhern, senior legislative counsel for Earthjustice.

"We've been talking with them about this ever since," said Mulhern. "If the Obama administration and [EPA] administrator [Lisa] Jackson want to take actions to address these waste dump issues, they need to dig in and start now," Mulhern said in an interview. "We'll do what we can to try to support their actions. Taking a wait-and-see attitude is going to run out the clock."

There have been efforts on Capitol Hill to reverse the Bush fill rule, but they have failed to advance ([E&ENews PM](#), March 4, 2009).

Carol Raulston, spokeswoman for the National Mining Association, said revisiting the rule now would kill jobs.

"This is unfortunate because after many years of litigation, this issue was finally resolved, and now it's thrown up in the air again," said Raulston. "In the end, you have a lot of impact on employment and the ability of mines to operate."

Outrage over the 2002 Bush-era definition of fill peaked in June 2009, when the Supreme Court -- citing ambiguity in the Clean Water Act -- upheld the right of gold miners at the Kensington Mine in Alaska to dump mine tailings -- wastes from the metals-extraction process -- into the Lower Salt Lake under a dredge-and-fill permit issued by the Army Corps.

In the wake of that ruling, EPA said it was "reviewing" the decision "and its potential implications regarding EPA's authority to ensure effective environmental protection under the Clean Water Act" ([E&ENews PM](#), June 22, 2009).

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About Greenwire

Greenwire is written and produced by the staff of E&E Publishing, LLC. The one-stop source for those who need to stay on top of all of today's major energy and environmental action with an average of more than 20 stories a day, Greenwire covers the complete spectrum, from electricity industry restructuring to Clean Air Act litigation to public lands management. Greenwire publishes daily at Noon.

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Gina McCarthy/DC/USEPA/US To "Richard Windsor"
03/25/2010 09:44 AM cc
bcc
Subject Fw: Link to analysis

I sent the links to Seth and John Millete so we could address any on-going press confusion.
Sarah Dunham

----- Original Message -----

From: Sarah Dunham
Sent: 03/25/2010 09:17 AM EDT
To: Margo Oge; David McIntosh; Gina McCarthy
Cc: Karen Orehowsky; Sarah Froman
Subject: Link to analysis

We'll check on what it says in the testimony but the analysis is still available and accessible at the following links:

The longer, direct link is www.epa.gov/otaq/climate/GHGtransportation-analysis03-18-2010.pdf

Shorter link is www.epa.gov/otaq/climate/publications.htm, then go down about half the page for the document.

Heidi Ellis/DC/USEPA/US

08/14/2010 12:01 PM

To Richard Windsor

cc

bcc

Subject AUTO: Out Of the Office (returning 08/18/2010)

I am out of the office until 08/18/2010.

I will be on travel on August 16-18th.

Please contact Katharine Gage and Dan Gerasimowicz for the any scheduling questions. I ask that all time sensitive and/or high priority items be sent to Kate Gage.

Please continue to submit all internal requests to scheduling@epa.gov and send all "day of" items to Aaron Dickerson.

Thank you.

Note: This is an automated response to your message "**Re: Administrator climate hearing on September 15 or 16**" sent on **8/14/2010 8:38:32 AM**.

This is the only notification you will receive while this person is away.

Lawrence
Elworth/DC/USEPA/US
03/26/2010 08:19 AM

To Richard Windsor
cc David McIntosh
bcc

Subject Fw: USA Rice Daily, Thursday, March 25, 2010

Lawrence Elworth
Agricultural Counselor to the Administrator
U. S. Environmental Protection Agency
2415 Ariel Rios North
202 564-1530

----- Forwarded by Lawrence Elworth/DC/USEPA/US on 03/26/2010 08:18 AM -----

From: "Reece Langley" <RLangley@usarice.com>
To: Lawrence Elworth/DC/USEPA/US@EPA, "Harden, Krysta" <Krysta.Harden@osec.usda.gov>, <sarah.bittleman@osec.usda.gov>
Cc: "Steven Hensley" <shensley@usarice.com>
Date: 03/25/2010 04:48 PM
Subject: FW: USA Rice Daily, Thursday, March 25, 2010

Just wanted to be sure you saw this. Thank you all again for your efforts to arrange this very productive meeting. We look forward to continuing the good dialogue on these important issues.

Reece

From: USA Rice Federation [mailto:riceinfo@usarice.com]
Sent: Thursday, March 25, 2010 4:41 PM
To: Reece Langley
Subject: USA Rice Daily, Thursday, March 25, 2010

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USA Rice Daily

Up-to-the-Minute News on Issues and Activities

USA Rice Federation is the global advocate of all segments of the U.S. rice industry with a mission to promote and protect the interests of producers, millers, merchants and allied businesses.

Thursday, March 25, 2010

USA Rice Meets with Secretary Vilsack, Administrator Jackson to Discuss Key Concerns

Upcoming Events
[111th RMA Convention](#)
(June 20-24, 2010)



Frank Rehermann talks with Lisa Jackson.

cers' Group Chairman Frank Rehermann, a California rice producer, participated in a unique meeting today hosted by Environmental Protection Agency (EPA) Administrator Lisa Jackson. U.S. Department of Agriculture (USDA) Secretary Tom Vilsack, along with several other commodity organizations, also participated. The groups met at the request of EPA to establish a dialogue and working relationship on key environmental and regulatory issues.

Among the items discussed were EPA's spray drift labeling; the National Pollutant Discharge Elimination System (NPDES) pesticide permitting issues under the *Clean Water Act* ; *Endangered Species Act* consultation as part of the pesticide re-registration process; regulation of certain greenhouse gas emissions; and other important issues. Jackson acknowledged concerns from agricultural groups regarding the spray drift guidance and NPDES permit issues. She committed to work with the groups to find a practical solution on spray drift labeling and to continue the outreach to agriculture stakeholders on the NPDES issue.



Reece Langley and Rehermann, second and third from left, respectively, participated in the meeting.

nd Vilsack indicated their willingness to continue this cooperative dialogue in the future at the leadership level, as well as ensuring more communication between their staff and the commodity organizations' staffs.

The USA Rice Federation, along with others in attendance, will build on today's discussion to continue the important task of finding workable solutions to these issues.

Contact: [Reece Langley](#), (703) 236-1471

USA Rice Merchants' Association Welcomes Two New Members

USA Rice Merchants' Association welcomes two new merchant members. They are [Cache River Valley Seed LLC](#) of Cash, AR, represented by Randy Woodard, rwood@crvsee.com;

[July Annual Business Meetings](#)
(July 10-13, 2010)

[Events Calendar](#)

Recent Issues

[March 24](#)

[March 23](#)

[March 22](#)

[March 19](#)

[March 18](#)

Mission Statement

USA Rice Federation is the global advocate for all segments of the U.S. rice industry with a mission to promote and protect the interests of producers, millers, merchants and allied businesses.

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and Crowley Grain Drier Inc. of Crowley, LA, represented by David Trahan, crowleygrain@cox-internet.com.

For information on USA Rice membership, please see usarice.com or e-mail kfarmer@usarice.com.

Contact: [Kim Farmer](mailto:kfarmer@usarice.com), (703) 236-1446

Weekly Rice Sales, Exports Increase

Net rice sales of 62,300 metric tons (MT) were 2 percent more than the previous week, but 23 percent less than the prior four-week average, according to today's U.S. Department of Agriculture [Export Sales Highlights Report](#) . Increases were reported for Japan (14,300 MT) Costa Rica (14,100 MT), Mexico (9,500 MT), Saudi Arabia (6,500 MT), Guatemala (5,200 MT), and Jamaica (3,500 MT).

Exports of 100,700 MT were 22 percent more than the previous week and 27 percent more than the prior four-week average. The primary destinations were Mexico (34,600 MT), Japan (13,100 MT), the United Kingdom (9,100 MT), Guatemala (9,100 MT), Nicaragua (7,800 MT), and Costa Rica (6,900 MT).

This summary is based on reports from exporters for the period March 12-18.

CME Group/CBOT Rice Futures Closing

CME Group (Preliminary): [Closing Rough Rice Futures for March 25](#)

Month	Price	Net Change
May 2010	\$12.45	- \$0.225
July 2010	\$12.755	- \$0.215
Sept. 2010	\$12.59	- \$0.105
Nov. 2010	\$12.765	- \$0.10
Jan. 2011	\$13.07	- \$0.105
March 2011	\$13.38	- \$0.10
May 2011	\$13.68	- \$0.095

In the News

[Ag Chairmen Speak Out](#)

Rice Farming -- (USA Rice Federation mentioned)

[ASA: Lift Cuba Trade Restrictions](#)

Mid-South Farmer -- (USA Rice Federation mentioned)

[Here's 'Dirt' on Mississippi Crops](#)

Hattiesburg American , MS - (Rice mentioned)

[Japanese Firm Acquires 40% of Rice Producer](#)

The Sacramento Bee , CA

[Rice Dreams in Louisiana](#)

The New York Times

[US Senate Ag Chief Sees Swaps Reforms, Exemptions](#)

Reuters -- (Rice not mentioned)

[Vilsack: Food Safety Top Priority for Obama](#)

Food Safety News -- (Rice not mentioned)

[Better Ecology for Better Rice](#)

Science Alert , Australia

[West Bengal to Retain Top Slot in Rice Production, Potato Crop Almost Doubles](#)

Food and Beverage News , India

[Govt's Hybrid-Rice Subsidy Available Until Wet Season](#)

Business Mirror , Philippines

[The Middle Man: Necessary for the Rice Economy?](#)

Viet Nam Net Bridge

[Big Food Push Urged to Avoid Global Hunger](#)

BBC News, UK -- (Rice mentioned)

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Email Marketing by



Lisa Garcia/DC/USEPA/US

09/16/2010 06:51 PM

To Diane Thompson, Richard Windsor

cc Bob Perciasepe

bcc

Subject AM mtg

i am a panelist at the CBC/Joint center...climate and EJ event from at 8-10am, so will miss our meeting.

Lisa F. Garcia, Esq.
Senior Advisor to the Administrator
for Environmental Justice

US EPA
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E-mail: garcia.lisa@epa.gov

**Lisa
Heinzerling/DC/USEPA/US**
04/13/2009 01:53 PM

To Richard Windsor
cc
bcc
Subject endangerment

has passed OMB review

!

**Lisa
Heinzerling/DC/USEPA/US**
04/08/2009 10:25 AM

To Richard Windsor
cc
bcc

Subject Fw: Hillary Rodham Clinton Remarks at The Joint Session of
the Antarctic Treaty Consultative Meeting

Here is the speech I mentioned this morning.

Remarks at The Joint Session of the Antarctic Treaty Consultative Meeting and the Arctic Council, 50th Anniversary of the Antarctic Treaty

Hillary Rodham Clinton

Secretary of State

Loy Henderson Conference Room

Washington, DC

April 6, 2009

Thank you very much, Reno, and let me welcome all of you here for this very important event. It's a real pleasure for me to have the honor of serving as Secretary of State as we celebrate really four interlocking events that bring us all to this place today. I want to certainly welcome all of the ministers who are here and also Prince Albert – we greatly appreciate his work – the many representatives of organizations that have been deeply concerned about the Antarctic and the Arctic.

But let me relate the four important events that I think we are marking today: first, the conclusion of the International Polar Year, a coordinated effort in planetary research among scientists from more than 60 nations; second, the start of the Annual Antarctic Treaty Consultative Meeting, which the United States is proud to host for the first time in 30 years; third, the first ever Joint Session of the Antarctic Treaty Consultative Meeting and the Arctic Council; and finally, the 50th anniversary of the treaty itself, which stands as an example of how agreements created for one age can serve the world in another, and how when nations work together at their best the benefits are felt not only by their own people but by all people and by succeeding generations.

In 1959, representatives from 12 countries came together in Washington to sign the Antarctic Treaty, which is sometimes referred to as the first arms control agreement of the Cold War. Today, 47 nations have signed it. And as a result, Antarctica is one of the few places on earth where there has never been war. Other than occasional arguments among scientists and those stationed there over weighty matters having to do with sports, entertainment, and science, there has been very little conflict.

It is a land where science is the universal language and the highest priority and where people from different regions, races, and religions live and work together in one of the planet's most remote, beautiful, and dangerous places.

The genius of the Antarctic Treaty lies in its relevance today. It was written to meet the challenges of an earlier time, but it and its related instruments remain a key tool in our efforts to address an urgent threat of this time, climate change, which has already destabilized communities on every continent, endangered plant and animal species, and jeopardized critical food and water sources.

Climate change is shaping the future of our planets and – our planet in ways we are still striving to understand. But the research made possible within the framework of the Antarctic Treaty has shown us that catastrophic consequences await if we don't take action soon. The framers of the treaty may not have foreseen exactly the shape of climate change, but their agreement allowed scientists to model its effects, including glaciologists studying the dynamics of ice, biologists exploring the effects of harsh temperatures on living organisms, geophysicists like those who discovered the hole in the ozone layer above Antarctica that prompted the ban embodied in the 1987 Montreal Protocol. Today, the hole above the Antarctica is starting to close, thanks to the world's response to this discovery.

So the treaty is a blueprint for the kind of international cooperation that will be needed more and more to address the challenges of the 21st century, and it is an example of smart power at its best. Governments coming together around a common interest and citizens, scientists, and institutions from different countries joined in scientific collaboration to advance peace and understanding. I know there are scientists here today who have conducted research in Antarctica, and I thank you for your commitment and your courage. The United States military has something called the Antarctica Service Award, which it issues to any Americans, military or civilian, who have been members of expeditions to the Antarctica, have served in its waters, or worked in the stations there. And there's a special bar called the Wintered Over bar that goes to those people who stay for a full year. That gives an indication of how tough it can be down there and how determined you have to be to see your work through.

But it is important for humanity's understanding of our planet and our ability to anticipate and mitigate the changes caused by global warming. And with the collapse of an ice bridge that holds in place the Wilkins Ice Shelf, we are reminded that global warming has already had enormous effects on our planet, and we have no time to lose in tackling this crisis. I'm very pleased that the Obama Administration has made it clear that we are committed to working with you and leading in our efforts, advancing toward Copenhagen to take united action on behalf of our response to global climate change.

We need to increase our attention not only to the Antarctic but to the Arctic as well. As a senator, I traveled to the Arctic region, both in Norway and Alaska. I saw for myself the challenging issues that the region is facing today, especially those caused by climate change. This too provides an opportunity for nations to come together in the 21st century, as we did 50 years ago in the 20th century. We should be looking to strengthen peace and security, and support sustainable economic development, and protect the environment.

The warming of the Arctic has profound implications for global commerce, with the opening of new shipping routes. It raises the possibility of new energy exploration, which will, of course, have additional impacts on our environment. And Arctic warming has already serious consequences for the indigenous communities that have made their homes there for many generations.

The changes underway in the Arctic will have long-term impacts on our economic future, our energy future, and indeed, again, the future of our planet. So it is crucial that we work together. Here in Washington, the State Department coordinates Arctic policy for the United States, and I am committed to maintaining a high level of engagement with our partners on this. That starts with the Law of the Sea Convention, which President Obama and I are committed to ratifying, to give the United States and our partners the clarity we need to work together smoothly and effectively in the Arctic region. There are also steps we must take to protect the environment. For example, we know that short-lived carbon forcings like methane, black carbon, and tropospheric ozone contribute significantly to the warming of the Arctic. And because they are short lived, they also give us an opportunity to make rapid progress if we work to limit them.

In advance of the Arctic Council meeting in Norway later this month, I have asked my team here at the State Department to come up with new initiatives that the United States will put forth to be a full, active partner in these efforts.

We also must push forward with research. There is still a lot more to learn about the polar regions. We are encouraged by discoveries made during the International Polar Year. Look at what's been accomplished: scientists produced detailed maps of the last unexplored mountain range on earth, sent robot submarines under the Antarctic Ice Shelf to map the sea beds, drilled deep beneath the sea floor to learn more about the effects of carbon dioxide on the West Antarctic Ice Sheet, and shed light on how climate change affects the microscopic life at the base of our ecosystem.

Together, these discoveries will advance our understanding and hopefully inspire us to work more closely together to limit the impacts on our lives. Now, these projects and many more were the result of partnerships among nations represented here. Exploring our planet, protecting its future, is too large a task for any one country to undertake. And of course, no country

owns the market on good ideas. Breakthroughs can and should come from anywhere and everywhere, especially when genuine collaboration and teamwork are involved. Organizations and events like this that bring people together from across disciplines and regions are crucial. That is the model of the Antarctic Treaty, and it is reflected in events like the International Polar year and in groups like the Arctic Council.

The United States stands in strong support of both the Antarctic Treaty and its purpose: to maintain the Antarctica as a place of peace and to use the science that can only be performed there to benefit the entire planet.

I am pleased to announce that on Friday, President Obama sent to the United States Senate the Annex to the Protocol on Environmental Protection to the Antarctic Treaty that deals with liability arising from environmental emergencies. The President has urged the Senate to give the Annex its consent so the United States can ratify it and we can take a major step forward in enhancing environmental protection in the Antarctica by clearly laying out how countries must prevent emergencies and respond to them if they do occur. The Annex will only take effect once all the countries in the Antarctic Treaty approve it, so I urge all of us to move as quickly as we can to fill this gap in our care for the Antarctica.

The United States has also submitted a proposal to the Consultative Parties of the Antarctic Treaty to extend marine pollution rules in a manner that more accurately reflects the boundaries of the Antarctic ecosystem.

Strengthening environmental regulation is especially important as tourism to the Antarctica increases. The United States is concerned about the safety of the tourists and the suitability of the ships that make the journey south. We have submitted a resolution that would place limits on landings from ships carrying large numbers of tourists. We have also proposed new requirements for lifeboats on tourist ships to make sure they can keep passengers alive until rescue comes. And we urge greater international cooperation to prevent discharges from these ships that will further degrade the environment around the Antarctica.

For the Antarctic Treaty parties, I hope your time here over the next two weeks will be fruitful as you discuss these and other issues related to our polar regions. And as the world prepares for the UN Climate Talks this December in Copenhagen, meetings like this are more important than ever. The Antarctic Treaty is a product of far-sighted, visionary leaders from all walks of life, from government, from academia and science, from the private sector, and others who cared deeply about the future of this great continent to our south. But it serves as a model. It is a living example of how we can form a vital partnership to meet the challenges of this time. So in the spirit of the treaty and in light of the incredible discoveries that took place during the International Polar Year, let us resolve to keep making progress with sharp research and bold action on both ends of our planet, in the south and the north, for the good of our nations and for the people, but mostly for this

beautiful planet we currently share and the succeeding generations that should have the same opportunity to enjoy its bounty and its beauty. Thank you very much. (Applause.)

**Lisa
Heinzerling/DC/USEPA/US**
11/08/2010 01:32 PM

To Richard Windsor, Seth Oster
cc
bcc
Subject

In case you hadn't seen these...

Climate Change
**EPA Policy Chief, Influential on Climate,
To Leave Agency, Resume Teaching Law**

The head of the Office of Policy at the Environmental Protection Agency, a central figure at the agency in formulating policy on climate change, is leaving the agency in December, the agency said Nov. 5.

The official, Lisa Heinzerling, is returning to Georgetown University Law Center, where she is on a two-year leave of absence to work at EPA, according to an agency statement. The leave of absence ends in December, the agency said.

Bill Becker, executive director of the National Association of Clean Air Agencies, told BNA Heinzerling helped EPA undo what he called "bad decisions" by the Bush administration on climate and air policy.

Heinzerling joined EPA in 2009 in the first days of the Obama administration. She had been an adviser to the Obama transition team on EPA.

As law professor at Georgetown, she was the lead author of the brief for plaintiffs in the Supreme Court case in which the court rejected the Bush administration position and declared that greenhouse gases are air pollutants under the Clean Air Act. The court also said that EPA must determine whether greenhouse gas emissions from cars and light trucks endanger human health and welfare and justify that decision scientifically (*Massachusetts v. EPA*, 127 S. Ct. 1438, 63 ERC 2057 (2007); 88 DEN A-8, 5/8/07)).

Heinzerling started at EPA as senior climate policy counsel before being named associate administrator for the Office of Policy in July 2009 (138 DEN A-2, 7/22/09).

Richard Alonso, an attorney representing electric utilities and other energy firms at Bracewell & Giuliani, told BNA that Heinzerling's departure is "a good sign."

"Hopefully this is a signal that EPA will be willing to work with industry instead of jamming regulations down industry's throats without consideration of the impact," Alonso said. "This administration does not welcome industry to come in and work together. I'm hoping this is a sign EPA will be more considerate of industry views and the impact of EPA actions on the economy."

'Integral to Nuts and Bolts.'

Frank O'Donnell, president of Clean Air Watch, told BNA that Heinzerling was "integral to the nuts and bolts of what EPA has been doing on climate," including EPA's finding in 2009 that greenhouse gas emissions from cars and light trucks endanger public health and welfare and subsequent limits on those emissions, as well as EPA moving forward with applying the Clean Air Act to greenhouse gas emissions from stationary sources.

These decisions reversed Bush administration policy opposing using the Clean Air Act to regulate greenhouse gas emissions.

O'Donnell said Heinzerling was instrumental in designing a waiver EPA granted in 2009 to California to implement its own greenhouse gas emissions limits on cars and light trucks so that it was not legally dependent on the endangerment finding being upheld in court. Instead, the waiver was based on California's authority under the Clean Air Act to set emissions standards more stringent than EPA's, he said.

Heinzerling also acted to oppose scaling back the monitoring requirements in its final rule setting national air quality standards for nitrogen dioxide in January, but the agency ultimately approved scaled-back monitoring (18 DEN A-16, 1/29/10).

Becker said Heinzerling was also involved in strengthening environmental justice programs at EPA (142 DEN A-3, 7/27/10).

in heinz sight

Who can fill Lisa Heinzerling's shoes?

by [Michael A. Livermore](#)

5 Nov 2010 10:57 AM

News of Lisa Heinzerling's departure from her position as head of the EPA's Office of Policy and Planning doesn't need to mean the winding-down of aggressive action at the EPA.

While Heinzerling, whose role put her in charge of the agency's economic unit, has no doubt been an important voice within the administration in favor of deeper and faster cuts in carbon, the EPA can and should continue on the path that she helped set. Heinzerling saw historic progress on greenhouse gases during her tenure: Delinquent for two years under George W. Bush, the agency finally responded to the Supreme Court's Massachusetts vs. EPA decision by submitting its finding that greenhouse gas pollution is in fact a danger to public welfare, setting the stage for regulation under the Clean Air Act. Strong new Corporate Average Fuel Economy standards were adopted; greenhouse gas reporting requirements have come into effect, and the EPA is moving forward with standards for power plants and other larger emitters. All this while the agency has cleared a significant backlog of regulations on everything from conventional air pollutants to coal ash, some of which will also lead to greenhouse gas emissions reductions.

This is an incomplete list of the groundbreaking and lasting accomplishments that Heinzerling helped oversee. However, her time at the EPA was self-delineated to two years at the outset -- her plan was always to return to her teaching position at Georgetown. It is not necessary that she be replaced by a wilting violet when it comes to climate.

On the contrary, the Obama administration should replace Heinzerling with someone who also recognizes the urgent environmental and economic case for EPA action on climate change. While some post-midterm-election changes may be looming, science and compliance with the law shouldn't be one of them. Even as the president referred to the changes in the legislature as a shellacking, he did not shy away from a question about carbon, giving some hope that all progress won't grind to a halt. No matter what form the path forward will take, regulation will be part of it, and we'll need another strong voice in Heinzerling's place.

The worst case scenario is an unlikely one -- that Obama will quit using the Clean Air Act to regulate greenhouse gases altogether. Again the remarks he made about the Supreme Court's ruling in his morning-after-Election-Day press conference suggest a recognition of the need to stand by climate rules. But either way, the administration's posture will come from the top and is likely to take effect regardless of who fills Heinzerling's old desk.

Obviously, the dynamic is different now with Election Day 2010 in the rearview and the horse race focus shifting to the 2012 presidential election. But this new political overhang may give

Heinzerling's replacement some unique opportunities for lasting changes of his or her own. With Republicans' spotlight on the EPA, it will be doubly important to make the economic case that greenhouse gas rules are justified -- something Heinzerling's replacement will need to be well-qualified to do.

So while Heinzerling's sayonara is a loss, it does not necessarily portend doom and gloom. But for the EPA to continue being effective, it will be essential that her replacement be ready to counter any new wave of science denial or congressional moves to bog the agency down by pointing to the reality that reducing greenhouse gases is the only economically sound course forward.

Michael A. Livermore is the executive director of the Institute for Policy Integrity at New York University School of Law. He is the author, with Richard L. Revesz, of [*Retaking Rationality: How Cost-Benefit Analysis Can Better Protect the Environmental and Our Health*](#) .

**Lisa
Heinzerling/DC/USEPA/US**
02/10/2010 10:36 AM

To Richard Windsor, "Bob Sussman", "Mathy Stanislaus",
Cynthia Giles-AA, "Lisa Heinzerling"
cc Heidi Ellis, "Diane Thompson", Bob Perciasepe
bcc

Subject Re: Let's catch up on coal ash at 11. Ok?

Ok!

Richard Windsor

----- Original Message -----

From: Richard Windsor
Sent: 02/10/2010 10:34 AM EST
To: "Bob Sussman" <Sussman.bob@epa.gov>; "Mathy Stanislaus"
<stanislaus.mathy@epa.gov>; Cynthia Giles-AA; "Lisa Heinzerling"
<heinzerling.lisa@epa.gov>
Cc: Heidi Ellis; "Diane Thompson" <thompson.diane@epa.gov>; Bob Perciasepe
Subject: Let's catch up on coal ash at 11. Ok?

**Lisa
Heinzerling/DC/USEPA/US**
03/23/2010 09:15 AM

To "Lisa Jackson", "Bob Perciasepe", "Diane Thompson"
cc
bcc
Subject Fw: INSIDE EPA:OIRA's Executive Order Violations?

Sandy Germann

----- Original Message -----

From: Sandy Germann
Sent: 03/23/2010 08:51 AM EDT
To: Lisa Heinzerling; Robert Verchick; Louise Wise; Al McGartland;
Nathalie Simon; Alexander Cristofaro; Ken Munis; Robin Kime
Subject: INSIDE EPA:OIRA's Executive Order Violations?

OIRA's Executive Order Violations?

Activists are charging that the White House's regulatory review office is violating two executive orders by requiring EPA and other agencies to submit their guidance documents for review, taking too long to review agency rules; and not disclosing what changes it made to final regulations.

The Center for Progressive Reform (CPR), a group that generally opposes White House reviews of EPA policies, sent a [March 17 letter](#) to White House Counsel Robert Bauer asking him to review violations of the orders by the Office of Information & Regulatory Affairs (OIRA), part of the Office of Management & Budget (OMB).

In the letter, CPR says that President Obama in January 2009 revoked E.O. 13422, issued by his predecessor President Bush, which gives OIRA authority to review agency guidance documents. Despite Obama revoking the order, "OIRA routinely asserts jurisdiction over some of those documents under criteria that are as opaque as they appear arbitrary."

The group points to a [March 4, 2009 memo](#) from OMB Director Peter Orszag to agency heads, which lays out the office's rationale for the continued review of guidances. "Revocation of these amendments restored the regulatory review process to what it had been under Executive Order 12866 between 1993 and 2007," Orszag wrote in the memo to agencies. "During this period, OIRA reviewed all significant proposed or final agency actions, including significant policy and guidance documents. Such agency actions and documents remain subject to OIRA's review under Executive Order 12866."

Among the EPA guidance documents pending for review at OMB is an [agency document](#) on how state regulators should implement the agency's landmark 2001 fish-tissue criterion for mercury in water, which could eventually force West Virginia and other states to strengthen their water quality rules for the toxin.

While [industry applauded](#) the expanded power of OIRA under E.O. 13422 in 2007, environmentalists have long been concerned that the order could lead to increased use of cost/benefit analysis and other anti-regulatory moves in rulemakings and other policy documents.

The CPR letter also raises concerns that the [extended OIRA review](#) of a pending EPA proposal for first-time coal ash regulations violates the 90-day review period described in the Clinton-era E.O. 12866, which can be extended by only 30 days with the consent of the OIRA administrator and the agency head. "The proposal was submitted on October 16, 2009, a date well over 90 days ago, and we are unaware that EPA Administrator Lisa Jackson has ever agreed to an extension of the review period," according to CPR's letter.

Further, the letter says E.O. 12866 also requires OIRA to make public "all documents exchanged between OIRA and the agency during the review by OIRA" after a rule is published in the *Federal Register*. "OIRA does not fulfill this mandate," the letter says.

**LisaP
Jackson/DC/USEPA/US@EPA**

To Richard Windsor

cc

02/15/2009 08:20 AM

bcc

Subject A washingtonpost.com article from: jackson.lisap@epa.gov

This page was sent to you by: jackson.lisap@epa.gov

Scientists: Pace of Climate Change Exceeds Estimates

By Kari Lydersen

CHICAGO, Feb. 14 -- The pace of global warming is likely to be much faster than recent predictions, because industrial greenhouse gas emissions have increased more quickly than expected and higher temperatures are triggering self-reinforcing feedback mechanisms in global ecosystems, scientists said...

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LisaP Jackson/DC/USEPA/US

12/22/2009 03:57 PM

To Richard Windsor

cc

bcc

Subject Looking Back on a Great 2009

Colleagues:

As we move into the new year, I want to thank you for making 2009 a landmark year for environmental protection. With the many challenges and opportunities we face, I couldn't be happier or prouder to be back at EPA, where I first started my environmental career, and working by your side on these critical issues.

We already have much to feel good about. Over the course of the past 12 months, we've shown America that EPA is back – once again committed to science, transparency, and the rule of law. With the agency leading the way, our nation took its first serious actions to reduce greenhouse gases, a change that will be remembered for generations. We set out principles to ensure that chemicals in our products and our environment are safe, a critical first step in giving Americans the information and protections they deserve. We've revitalized work on the Clean Water Act and stepped up to protect national treasures like Chesapeake Bay and the Great Lakes. We've been part of the solution for American communities in these challenging economic times by creating green jobs and opportunities through the President's Recovery Act. And we're rapidly expanding the conversation on environmentalism by reaching out to people of all ages, from all backgrounds, and all walks of life.

I could go on.

From joining the Interagency Partnership for Sustainable Communities, to reaching one million Energy Star homes, to traveling to Copenhagen to represent the administration and our country at the start of the Global Climate Summit – and I don't think I'll ever forget being onstage with the Flaming Lips to celebrate Earth Day 2009! This year has been a great year for the EPA, and every one of you across this agency, in every program and region, have contributed to our shared success.

This may be the end of the year, but it's just the beginning of our work together. In the year ahead, we will continue with these and other important efforts to protect our health and our environment. You can expect to hear more about our priorities for 2010 very soon. Until then, I'm happy to close 2009 with a brief video I recorded to say thank you and best wishes for the holiday and the New Year.

[Please click here to watch the video.](#)

Thank you for all that you've done to protect our health and the environment. You've made 2009 a year to remember. Seasons greetings and best wishes for 2010!

Sincerely,

Lisa P. Jackson

LisaP Jackson/DC/USEPA/US

To Richard Windsor

01/12/2010 03:29 PM

cc

bcc

Subject MEMORANDUM: Our Top Priorities

MEMORANDUM

From: Lisa P. Jackson, Administrator

To: All EPA Employees

Colleagues:

Almost one year ago, I began my work as Administrator. It has been a deeply fulfilling 12 months and a wonderful homecoming for me. As our first year together draws to a close, we must now look to the tasks ahead.

In my First Day Memo, I outlined five priorities for my time as Administrator. We have made enormous strides on all five, and our achievements reflect your hard work and dedication. By working with our senior policy team, listening to your input and learning from the experiences of the last 12 months, we have strengthened our focus and expanded the list of priorities. Listed below are seven key themes to focus the work of our agency.

Taking Action on Climate Change: Last year saw historic progress in the fight against climate change, with a range of greenhouse gas reduction initiatives. We must continue this critical effort and ensure compliance with the law. We will continue to support the President and Congress in enacting clean energy and climate legislation. Using the Clean Air Act, we will finalize our mobile source rules and provide a framework for continued improvements in that sector. We will build on the success of ENERGY STAR to expand cost-saving energy conservation and efficiency programs. And we will continue to develop common-sense solutions for reducing GHG emissions from large stationary sources like power plants. In all of this, we must also recognize that climate change will affect other parts of our core mission, such as protecting air and water quality, and we must include those considerations in our future plans.

Improving Air Quality: American communities face serious health and environmental challenges from air pollution. We have already proposed stronger ambient air quality standards for ozone, which will help millions of American breathe easier and live healthier. Building on that, EPA will develop a comprehensive strategy for a cleaner and more efficient power sector, with strong but achievable emission reduction goals for SO₂, NO_x, mercury and other air toxics. We will strengthen our ambient air quality standards for pollutants such as PM, SO₂ and NO₂ and will achieve additional reductions in air toxics from a range of industrial facilities. Improved monitoring, permitting and enforcement will be critical building blocks for air quality improvement.

Assuring the Safety of Chemicals: One of my highest priorities is to make significant and long overdue progress in assuring the safety of chemicals in our products, our environment and our bodies. Last year I announced principles for modernizing the Toxic Substances Control Act. Separately, we are shifting EPA's focus to address high-concern chemicals and filling data gaps on widely produced chemicals in commerce. At the end of 2009, we released our first-ever chemical management plans for four groups of substances, and more plans are in the pipeline for 2010. Using our streamlined Integrated Risk Information System, we will continue strong progress toward rigorous, peer-reviewed health assessments on dioxins, arsenic, formaldehyde, TCE and other substances of concern.

Cleaning Up Our Communities: In 2009 EPA made strong cleanup progress by accelerating our Superfund program and confronting significant local environmental challenges like the asbestos Public Health Emergency in Libby, Montana and the coal ash spill in Kingston, Tennessee. Using all the tools at our disposal, including enforcement and compliance efforts, we will continue to focus on making safer,

healthier communities. I am committed to maximizing the potential of our brownfields program, particularly to spur environmental cleanup and job creation in disadvantaged communities. We are also developing enhanced strategies for risk reduction in our Superfund program, with stronger partnerships with stakeholders affected by our cleanups.

Protecting America's Waters: America's waterbodies are imperiled as never before. Water quality and enforcement programs face complex challenges, from nutrient loadings and stormwater runoff, to invasive species and drinking water contaminants. These challenges demand both traditional and innovative strategies. We will continue comprehensive watershed protection programs for the Chesapeake Bay and Great Lakes. We will initiate measures to address post-construction runoff, water quality impairment from surface mining, and stronger drinking water protection. Recovery Act funding will expand construction of water infrastructure, and we will work with states to develop nutrient limits and launch an Urban Waters initiative. We will also revamp enforcement strategies to achieve greater compliance across the board.

Expanding the Conversation on Environmentalism and Working for Environmental Justice: We have begun a new era of outreach and protection for communities historically underrepresented in EPA decision-making. We are building strong working relationships with tribes, communities of color, economically distressed cities and towns, young people and others, but this is just a start. We must include environmental justice principles in all of our decisions. This is an area that calls for innovation and bold thinking, and I am challenging all of our employees to bring vision and creativity to our programs. The protection of vulnerable subpopulations is a top priority, especially with regard to children. Our revitalized Children's Health Office is bringing a new energy to safeguarding children through all of our enforcement efforts. We will ensure that children's health protection continues to guide the path forward.

Building Strong State and Tribal Partnerships: States and tribal nations bear important responsibilities for the day-to-day mission of environmental protection, but declining tax revenues and fiscal challenges are pressuring state agencies and tribal governments to do more with fewer resources. Strong partnerships and accountability are more important than ever. EPA must do its part to support state and tribal capacity and, through strengthened oversight, ensure that programs are consistently delivered nationwide. Where appropriate, we will use our own expertise and capacity to bolster state and tribal efforts.

We will also focus on improving EPA's internal operations, from performance measures to agency processes. We have a complex organization -- which is both an asset and a challenge. We will strive to ensure that EPA is a workplace worthy of our top notch workforce. Our success will depend on supporting innovation and creativity in both what we do and how we do it, and I encourage everyone to be part of constructively improving our agency.

These priorities will guide our work in 2010 and the years ahead. They are built around the challenges and opportunities inherent in our mission to protect human health and the environment for all Americans. We will carry out our mission by respecting our core values of science, transparency and the rule of law. I have unlimited confidence in the talent and spirit of our workforce, and I will look to your energy, ideas and passion in the days ahead. I know we will meet these challenges head on, as one EPA.

Sincerely,
Lisa P. Jackson

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12/10/2009 11:38 AM

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[US Environmental Protection Agency Chief gets "rousing welcome" in Copenhagen](#)

UN Dispatch

According to this post in the Wall Street Journal's Environmental Capital blog, **EPA** administrator **Lisa Jackson** had a "veni, vidi, vici moment" in Copenhagen ...

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[US in Copenhagen: All about Obama](#)

Politico

... we can to move forward on this issue," Environmental Protection Agency Administrator **Lisa Jackson** said during a briefing at the center Wednesday. ...

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[Coal Company Cuts 500 Jobs in West Virginia, Blames Environmentalists](#)

Politics Daily (blog)

Breaking with the Bush administration, incoming **EPA** director **Lisa Jackson** announced in March that the agency would review permits for new mining projects ...

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[Crapo joins effort to curb **EPA** authority | Voices.IdahoStatesman.com](#)

By Erika Bolstad

EPA administrator **Lisa Jackson** has urged senators to reject Murkowski's proposal, saying in a statement that it "put politics over science" and would require the **EPA** to ignore not only the Supreme Court's directive but "the evidence ...

[Voices.IdahoStatesman.com blogs - http://voices.idahostatesman.com/blog](http://voices.idahostatesman.com/blog)

[ATTUABLOG - Ambiente: Environmental News Bits](#)

By Attuablog

3, **EPA** administrator **Lisa P. Jackson** said, "The ruling makes it clear that up to a billion gallons of soy biodiesel by 2022 is a good investment." Enterprise Rent-A-Car commits to biodiesel. Posted: 10 Feb 2010 06:25 AM PST ...

[ATTUABLOG - Ambiente - http://attuablog-ambiente.blogspot.com/](http://attuablog-ambiente.blogspot.com/)

[African American Environmentalist Association: The Group of 10 ...](#)

By Norris McDonald

... Obama administration without changing their discriminatory hiring practices and racially insensitive operations, they will have quite the laugh on the president, **EPA** Administrator **Lisa P. Jackson** and Attorney General Eric H. Holder. ...

[African American Environmentalist... - http://aaenvironment.blogspot.com/](http://aaenvironment.blogspot.com/)

[Flesh and Stone - The Great Climate Debate commits suicide](#)

Vice President Joseph Biden, Senator John Kerry, Mr. Steven Chu (DOE), Mr. Tim Geithner and Ms. **Lisa P. Jackson** (**EPA**), including the Dept. of Commerce, Defense, Energy, Interior, Transportation, Homeland Security, Housing and Urban ...

[Flesh and Stone - http://www.fleshandstone.net/](http://www.fleshandstone.net/)

[Making Sense of **EPA's** Climate Regulations : Energy Efficiency ...](#)

By David Frenkil

Since **EPA** Administrator **Lisa Jackson** was appointed by President Obama in early 2009, the **EPA** has picked up the ball which had been punted by the Bush Administration in regards to GHG regulation following the Supreme Court's landmark ...

[Energy Efficiency & Climate Change Law - http://www.encyclopedia.com/](http://www.encyclopedia.com/)

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[Coal Ash Rule Coming This April](#)

unEARTHED, from Earthjustice (blog)

You remember that **EPA Administrator Lisa Jackson** had been saying since the huge coal ash

[unEARTHED](#) spill in Tennessee in December 2008 that **EPA** was going to introduce ...

[from Earthjustice](#) [See all stories on this topic](#)

(blog)

[EPA faces new legal challenges on GHG ruling](#)

Recharge

Administrator **Lisa Jackson** has said that **EPA** aims to complete new guidelines for carbon emission in March that will apply to automobiles and light trucks, ...

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[EPA's Lisa Jackson and the Science of Mountaintop Removal](#)

Natural Resources Defense Council (blog)

Jackson readily acknowledged the established body of evidence suggesting mountaintop removal

[Natural Resources](#) coal mining harms water quality. How can it not? ...

[Defense Council](#)
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[Salisbury News: Obama To TAX RAINWATER? RAINWATER?](#)

By joalbero

Our freedoms and our economy are being threatened from the **EPA's** arrogant, nutty agenda. The **EPA's** head, **Lisa Jackson**, attended the Climate Change conference in Copenhagen where she stated her intention to "transform" the way the ...

[Salisbury News - http://sbynews.blogspot.com/](http://sbynews.blogspot.com/)

[Reuters: "EPA to issue rules on smokestack greenhouse gases soon ...](#)

By climateandenergy

EPA Administrator **Lisa Jackson** said earlier this year that only plants that emit 75000 tonnes per year or more of carbon dioxide are likely to be regulated under the rule in the next two years. The **EPA** wants to limit U.S. Clean Air Act ...

[Climate and energy - http://blog.climateandenergy.org/](http://blog.climateandenergy.org/)

[Beyond Pesticides Daily News Blog » Blog Archive » EPA Sets New ...](#)

By Beyond Pesticides

In June 2009, Beyond Pesticides and 27 groups from across the country sent Administrator **Lisa Jackson** indicating that the agency's new fumigants policy "continues an outdated **EPA** approach to pesticide regulation that adopts unrealistic ...

[Beyond Pesticides Daily News Blog - http://www.beyondpesticides.org/dailynewsblog/](http://www.beyondpesticides.org/dailynewsblog/)

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Blogs

1 new result for EPA Lisa jackson

[Why American people of faith support the EPA « Climate Progress](#)

By Guest

EPA Administrator Lisa Jackson is a Christian herself and has spoken of the “moral reasons” to be “good stewards of our environment.” She has helped people realize that faith communities and the **EPA** have more common ground than one ...

[Climate Progress - http://climateprogress.org/](http://climateprogress.org/)

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Google Blogs Alert for: **obama transition EPA**

[Blogs @ The Charleston Gazette - » Manchin meets **Obama** and W.Va ...](#)

By Ken Ward Jr.

Ian Hicks: was there talk about whether **EPA** will proceed with stricter regulations on carbon emissions? (manchin essentially turned this into an answer about his land use bill.. huh?) Hicks(?): do you have a "gut feeling" why the **Obama ...**

[Coal Tattoo - http://blogs.wvgazette.com/coalatattoo/](http://blogs.wvgazette.com/coalatattoo/)

[Earthbytes: Jeff Biggers: Bring Back Van Jones! Blindsiding Clean ...](#)

By Cathie Bird

If President **Obama's** brilliant green jobs administrator hadn't been hounded out of office in a bizarre witch hunt last fall, we would be engaged in an exciting discussion about pursuing a just **transition** to a clean energy economy at ground ... I just read **EPA's** press release on **Obama's** plan to boost biofuels and (un)clean coal technology and am bouncing between hopping mad and very discouraged. "...Rapid commercial development and deployment of clean coal technologies, ...

[Earthbytes - http://tennesseehawk.typepad.com/earthbytes/](http://tennesseehawk.typepad.com/earthbytes/)

[China Records Its Climate Actions By Copenhagen Accord Deadline ...](#)

By Barbara Finamore

Given Premier Wen Jiabao's hands-on role, along with President **Obama** and the leaders of India, Brazil and South Africa, in creating the Accord last month, it is encouraging to see China demonstrate its commitment to moving global climate of the Copenhagen Accord and the submission of their pledges that they are ready and willing to come together to take the next steps needed to reach a global agreement on climate change and **transition** to a clean energy future. ...

[Greenlaw – Discussing China's... - http://www.greenlaw.org.cn/enblog/](http://www.greenlaw.org.cn/enblog/)

Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more](#).

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(b) (6) Personal Privacy

02/19/2010 02:55 PM

Please respond to

(b) (6) Personal Privacy

To: Richard Windsor

cc

bcc

Subject: Fw: Google Alert - obama transition EPA

Sent via BlackBerry by AT&T

From: Google Alerts <googlealerts-noreply@google.com>

Date: Fri, 19 Feb 2010 12:27:06 +0000

To: <(b) (6) Personal Privacy>

Subject: Google Alert - obama transition EPA

Google Web Alert for: **obama transition EPA**

[As Energy Initiatives Stall on Hill, **Obama** Reshapes Regulatory ...](#)

Obama's EPA also has been ambitious, said Jeff Holmstead, a former Bush **EPA** ... Presidency of Barack **Obama** · Presidential **transition** of Barack **Obama** ...

[Politics on THE ENVIRONMENTALIST: President **Obama's** Rope-Line ...](#)

I like the fact that President **Obama** stopped on the rope-line long enough to engage ... Does he regard coal as a **transition** fuel or part of our lives for generations to come? Bush intervenes on smog ruling · **EPA** sued by 18 states ...

[Obama: The Making of a Clean Coal President | Energy Bulletin](#)

With **Obama's** unequivocal support of clean coal, his **EPA** — thanks to a 2007 ... a nonprofit organization dedicated to helping the world **transition** away from ...

[Links on "ICF Presidential **Transition**" | Facebook](#)

What are President **Obama** and his team aiming for in the next round of ... What next steps will the U.S. Environmental Protection Agency (**EPA**) take in using ...

[KERA: New **EPA** Chief Updates Barnett Shale Group \(2010-02-05\)](#)

The new **EPA** chief in this region says changes are happening at a very fast pace a year into the **Obama** Administration. KERA's BJ Austin says that's just what ...

Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more](#).

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Maggie Moran
<(b) (6) Personal Privacy >
04/15/2009 03:58 PM

To: Richard Windsor
cc
bcc
Subject: Fw: Nice Hit from PSEG speech

From: Deborah Howlett <(b) (6) Personal Privacy >
To: Sean Darcy; Tom Shea <(b) (6) Personal Privacy > Maggie Moran; Steve Demicco <(b) (6) Personal Privacy >
Sent: Wed Apr 15 15:57:05 2009
Subject: Nice Hit from PSEG speech
ENERGY POLICY: U.S. has much to learn from N.J. programs -- Corzine

(04/15/2009)- Greenwire

Nathanial Gronewold, E&E reporter

New Jersey's energy programs offer a template for federal action on climate, energy efficiency and renewable power, the state's governor told a regional energy summit today.

"I think we are doing a lot to move forward on alternative energy," Gov.

Jon Corzine (D) said. "It is happening broadly across our state." New

Jersey's success in helping launch the nation's only

government-regulated, cap-and-trade program for greenhouse gases

"without a huge hue and cry" shows strong public support for fighting climate change, Corzine told the Council on Competitiveness gathering at Rutgers University.

The meeting is part of a series of regional gatherings designed to

influence debate on new energy and climate legislation. While not

perfect, the move by Northeastern states to the Regional Greenhouse Gas

Initiative, or RGGI, provides lessons for Congress and the Obama

administration, Corzine said. RGGI "is off to a terrific start," he said.

As part of its energy master plan, New Jersey is committed to ambitious goals, including generating 30 percent of its electricity from renewable sources, cutting overall energy consumption by 20 percent and reducing emissions of carbon dioxide and other heat-trapping gases by 25 percent within the next 11 years, Corzine said.

Among initiatives to help the state meet its goals, Corzine cited the state's market for trading renewable energy credits (RECs) from solar power. The state's RECs trade at some of the highest prices in the solar market, helping make New Jersey second to California in the volume of installed solar capacity. New small-scale solar projects continue to sprout in New Jersey despite the economic downturn.

Rutgers is nearing completion of what is billed as the largest U.S. solar plant on a college campus.

Immediately after his speech, Corzine visited a new solar project being built on the East Rutherford campus by the pharmaceutical giant Merck & Co.

The state Board of Public Utilities is also working with PSEG, New Jersey's largest energy provider, to develop an offshore wind farm near Atlantic City. Developers are racing in Massachusetts, Delaware and Rhode Island to build the nation's first offshore wind plant; the New Jersey project is expected to generate 1,000 megawatts by 2013 and 3,000 MW by 2020.

The state is also pursuing policies designed to encourage geothermal power generation.

But Corzine warned that efforts to launch various clean energy initiatives have pitfalls.

"It is very challenging," he said, "to be able to make certain that we get the price and execution of energy efficiency programs, in particular, rolled out.

"New Jersey is struggling to get homeowners and businesses to enhance their energy efficiency. And state regulators are experimenting with "decoupling" electricity-rate rules designed to eliminate the paradox of electricity providers losing revenue as they encourage customers to reduce electricity consumption. Designing a system to encourage energy efficiency in households is thus far proving the greatest challenge, Corzine said.

Regulators and utility executives are trying to learn how to nudge households toward making often-expensive retrofits without raising electricity rates substantially, since New Jersey residents already pay some of the highest power prices in the country.

"I think it's safe to say that we have some work to do," Corzine said.

"We're looking for that right mix so that we can actually unfold a broad-based, scaled program."

Deborah Howlett
(609) 712-0445

Mary-Kay
Lynch/DC/USEPA/US
06/02/2010 02:12 PM

To Richard Windsor
cc
bcc
Subject Fw: Center for Biological Diversity: Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife

The notice of intent to sue was sent to Coast Guard and EPA. Also copied to NOAA and Fish and Wildlife Service. I have sent to DOJ. I also have sent on to others here at EPA.

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 06/02/2010 02:10 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Seth Oster <oster.seth@epa.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Dayna Gibbons/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Dale Perry/DC/USEPA/US@EPA
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA
Date: 06/02/2010 12:54 PM
Subject: Center for Biological Diversity: Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife

FYI - we have rec'd one press inquiry on this and can expect more.

For Immediate Release, June 2, 2010

Contact: Andrea Treece, Center for Biological Diversity, (415) 378-6558;
atreece@biologicaldiversity.org

Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife

SAN FRANCISCO— The Center for Biological Diversity today filed an official [notice of its intent to sue](#) the Environmental Protection Agency for authorizing the use of toxic dispersants without ensuring that these chemicals would not harm endangered species and their habitats. The letter requests that the agency, along with the U.S. Coast Guard, immediately study the effects of dispersants on species such as sea turtles, sperm whales, piping plovers, and corals and incorporate this knowledge into oil-spill response efforts.

“The Gulf of Mexico has become Frankenstein’s laboratory for BP’s enormous, uncontrolled experiment in flooding the ocean with toxic chemicals,” said Andrea Treece, an attorney with the Center for Biological Diversity. “The fact that no one in the federal government ever required that these chemicals be proven safe for this sort of use before they were set loose on the environment is inexcusable.”

Dispersants are chemicals used to break oil spills into tiny droplets. In theory, this allows the oil to be eaten by microorganisms and become diluted faster than it would otherwise. However, the effects of using large quantities of dispersants and injecting them into very deep water, as BP has done in the Gulf of Mexico, have never been studied. Researchers suspect that underwater oil plumes, measuring as much as 20 miles long and extending dozens of miles from the leaking rig, are the result of dispersants keeping the oil below the surface.

On May 24, EPA Administrator Jackson expressed concern over the environmental unknowns of dispersants, which include the long-term effects on aquatic life. Nonetheless, the federal government has allowed BP to pump nearly 1 million gallons of dispersants into the Gulf of Mexico.

“Pouring dispersants into vital fish nursery grounds and endangered species habitat simply trades one evil for another. Had the government first examined dispersants before the disaster, we would not be left wondering what sort of havoc BP is wreaking on the ecosystem just so it can make the oil less visible,” added Treece. “We cannot and will not allow this to happen again.”

Studies have found that oil dispersed by Corexit 9527 damages the insulating properties of seabird feathers more than untreated oil, making the birds more susceptible to hypothermia and death. Studies have also found that dispersed oil is toxic to fish eggs, larvae, and adults, as well as to corals, and can harm sea turtles’ ability to breathe and digest food. Formulations of the dispersants being used by BP, Corexit 9500 and 9527, have been banned in the United Kingdom due to concerns over their impacts on the marine environment.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 260,000 members and online activists dedicated to the protection of endangered species and wild places.

**Mathy
Stanislaus/DC/USEPA/US**
02/19/2010 08:51 AM

To Bob Sussman, Richard Windsor, Lisa Heinzerling, Bob
Perciasepe, Diane Thompson
cc
bcc
Subject Re: Coal Ash from inside EPA

What is the April date based on?
Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 02/19/2010 08:47 AM EST
To: Richard Windsor; Mathy Stanislaus; Lisa Heinzerling; Bob Perciasepe;
Diane Thompson
Subject: Coal Ash from inside EPA

EPA Punts Coal Ash Rule To April

EPA does not plan to issue its long-stalled proposal to regulate coal ash and other coal combustion byproducts until sometime in April -- six months after it forwarded the draft rule to White House regulatory review officials for what is supposed to be at most a 90-day review.

The agency on a new Web site designed to increase transparency of its rulemaking efforts says it now expects to publish [the proposal](#) in the *Federal Register* in April. EPA originally sent the rule to the White House Office of Management & Budget (OMB) Oct. 16 and intended to issue the proposal in December, but opposition from states, industry and other federal agencies has stalled the regulation.

Opponents are seeking to convince EPA to drop its preferred "hybrid" approach to regulate most wet forms of coal ash as hazardous under the Resource Conservation & Recovery Act (RCRA), while designating certain beneficial reuses as non-hazardous under the law.

Environmentalists have long sought a hazardous RCRA designation for the material and are unlikely to support delaying the proposal even longer, with activists [harshly criticizing](#) the intense lobbying efforts at OMB before EPA issues the proposal. Groups have also publicly called for EPA to be able to release the hybrid plan so debate over it can be transparent.

The debate over the status of the coal ash proposal continues as EPA Feb. 18 announced the [new Web site](#) to improve transparency at the agency.

EPA says the site is designed to give the public "additional opportunity to

participate in the agency's rulemaking process, demonstrating President Obama's commitment to more transparent and open government." The rulemaking "gateway" serves as a "portal to EPA's priority rules, providing citizens with earlier and more concise information about agency regulations," EPA said in a [Feb. 18 statement](#).

The agency also says that the gateway will provide information as soon as work begins on a proposal and will update progress on a monthly basis.

2182010_punts

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Mathy
Stanislaus/DC/USEPA/US
09/17/2009 03:01 PM

To Richard Windsor
cc
bcc
Subject Capitol Hill Summit - Registration NOW OPEN - News from
SCDG

Consider speaking at this event

Having trouble viewing this email? www.sustainablecommunitydevelopmentgroup.org

Please accept our apology for any cross-posting, we're working on it. Thanks!



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\$175 Student

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234-0700 or 1-800-THE-OMNI
before

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The Capitol Hill Summit on Sustainable
Communities, Environmental Justice and the New
Economy Hosted by *Honorable John E.*

*Conyers, Jr. House of Representatives United
States Congress* will convene on October 15-16,
2009 seizing this moment to impact the new green
economy. In collaboration, the Alliance seeks to
ensure that federal investments, including the
budget and economic recovery efforts, advance
sustainability by definition incorporating equity,

September 22, 2009, ask for the "Capitol Hill Summit." room block.

[Click Here to make Your Online Hotel Reservation](#)

FOLLOW-UP LINKS:

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[Capitol Hill Summit Online Registration Click Here](#)

[Omni Shoreham Hotel Online Reservations Click Here](#)

-

addressing and meeting community needs.

MEETING LOCATION



Omni Shoreham Hotel

Regency Ballroom
2500 Calvert Street NW (at Connecticut Ave.)
Washington, DC 20008
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Fax: (202) 265-7972

[Omni Shoreham Hotel -Click Here for Website](#)

CONFERENCE AGENDA/TOPICS

October 15-16, 2009

Time: 8:30am - 5:00pm

**Registration will begin at 7:30am daily
Continental Breakfast And Luncheon
Will Be Served Daily.**

OCTOBER 15, 2009

Morning

SUSTAINABILITY AND SHARED PROSPERITY:

INCLUSION IN THE GREEN ECONOMY

-Achieving Sustainable Communities:

Equity and Public Policy

- Enterprise and Employment for the 21st Century

-Wall Street, Credit, Green Jobs and Entrepreneurship

-Mayors Roundtable: Localizing the Green Economy

Afternoon

SUSTAINABLE COMMUNITIES, FEDERAL COLLABORATION AND THE GREEN ECONOMY

- Community Revitalization, Building Local Capacity and Promoting Engagement
- Renewing the Built Environment: National Livability Strategy
- The Federal Inter-Agency Workgroup on Sustainability: Linking US HUD, US DOT and US EPA
- Environmental Roundtable: Eco-Leadership in the Green Economy
- Achieving Community Vitality: Environmental Justice in the Green Economy
- Networking Reception

**OCTOBER 16, 2009
Morning**

HEALTHY NEIGHBORHOODS, COMMUNITY WELL-BEING AND THE GREEN ECONOMY

- Healthy Communities
- Equitable Development and the Color of Green
- Transportation, Smart Growth and the New Energy Future
- Climate Change: Moving Towards a National Policy

Afternoon

HEALTHY NEIGHBORHOODS, COMMUNITY WELL-BEING AND THE GREEN ECONOMY

- Climate Change, Public Health and Sustainability
- Achieving Climate Justice: Protecting Vulnerable Communities
- Climate Change Roundtable

Thank you for your interest and WE LOOK FORWARD TO SEEING YOU AT THE CAPITOL HILL SUMMIT!

FOR MORE INFORMATION ABOUT THE SUMMIT OR SCDG, CONTACT US:

Sustainable Community Development Group, Inc.
P.O. Box 15395
Washington, DC 20003
Telephone (202) 637-2467
Email: info@sustainablecommunitydevelopmentgroup.org
Web: www.sustainablecommunitydevelopmentgroup.org



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Email Marketing by



**Mathy
Stanislaus/DC/USEPA/US**
02/10/2010 10:35 AM

To Richard Windsor
cc Cynthia Giles-AA, "Heidi Ellis", "Lisa Heinzerling", "Bob
Perciasepe", "Mathy Stanislaus", "Bob Sussman", "Diane
Thompson"
bcc

Subject Re: Let's catch up on coal ash at 11. Ok?

OK with me

Mathy Stanislaus
USEPA Assistant Administrator
Office of Solid Waste & Emergency Response

Richard Windsor

02/10/2010 10:34:11 AM

From: Richard Windsor/DC/USEPA/US
To: "Bob Sussman" <Sussman.bob@epa.gov>, "Mathy Stanislaus" <stanislaus.mathy@epa.gov>, Cynthia Giles-AA/DC/USEPA/US@EPA, "Lisa Heinzerling" <heinzerling.lisa@epa.gov>
Cc: "Heidi Ellis" <Ellis.Heidi@epamail.epa.gov>, "Diane Thompson" <thompson.diane@epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>
Date: 02/10/2010 10:34 AM
Subject: Let's catch up on coal ash at 11. Ok?

**Mathy
Stanislaus/DC/USEPA/US**
02/24/2010 04:39 PM

To "Bob Sussman", "Lisa Heinzerling", "Richard Windsor"
cc
bcc

Subject Fw: New EJ/EIP Report on CCW Damage Cases

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]
Sent: 02/24/2010 01:13 PM PST
To: Mathy Stanislaus
Subject: New EJ/EIP Report on CCW Damage Cases

Hi Mathy,

Just wanted to give you the heads up on a report we released today describing 31 new coal ash damage cases.

You can view the report at:

http://www.environmentalintegrity.org/news_reports/news_02_24_10.php

Please let me know if you have any questions.

Sincerely,

Lisa

Lisa Evans
Senior Administrative Counsel
Earthjustice
21 Ocean Ave.
Marblehead, MA 01945
T: (781) 631-4119
F: (212) 918-1556
www.earthjustice.org

*please consider the environment before printing

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**Michelle
DePass/DC/USEPA/US**
11/25/2009 10:28 AM

To Richard Windsor
cc
bcc
Subject Re: Breaking News: Obama to go to Copenhagen climate talks

Wow! We are on it.
Michelle DePass
Assistant Administrator
Office of International Affairs
EPA
(202) 564-6600

----- Original Message -----

From: Richard Windsor
Sent: 11/25/2009 10:25 AM EST
To: "David McIntosh" <mcintosh.david@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Michelle DePass" <depass.michelle@epa.gov>; "Diane Thompson" <thompson.diane@epa.gov>
Subject: Fw: Breaking News: Obama to go to Copenhagen climate talks

Hmmmm

----- Original Message -----

From: "The Washington Post" [newsletters@email.washingtonpost.com]
Sent: 11/25/2009 10:02 AM EST
To: Richard Windsor
Subject: Breaking News: Obama to go to Copenhagen climate talks

9:45 AM EST Saturday, November 25, 2009

President Obama will travel to Copenhagen Dec. 9, a day before accepting the Nobel Peace Prize in Oslo, to help launch a U.N.-sponsored global climate change summit, a White House official said. The president will meet with other world leaders gathered for the summit, which is scheduled for Dec. 7-18.

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/PSLW3N/TSGNM/7MIOL9/ESIZE7/FQY0S/82/t) -
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Michelle
DePass/DC/USEPA/US
10/13/2010 09:05 AM

To "Richard Windsor"
cc
bcc

Subject Fw: WSJ reports on LPJ visit to China and climate talks

Mark Kasman

----- Original Message -----

From: Mark Kasman
Sent: 10/13/2010 08:52 AM EDT
To: Seth Oster; Michelle DePass; Shalini Vajjhala
Subject: Fw: WSJ reports on LPJ visit to China and climate talks

Justin Harris

----- Original Message -----

From: Justin Harris
Sent: 10/13/2010 08:28 AM EDT
To: Mark Kasman
Cc: Luis Troche; Suzanne Giannini-Spohn; "Vose, Tahra L (Beijing)" <VoseTL2@state.gov>; Neil Paradise; Joshua Novikoff; Neilima Senjalia; "Griffin, Andrew A" <GriffinAA@state.gov>; "Eadeh, Julie A (Shanghai)" <EadehJA@state.gov>
Subject: WSJ reports on LPJ visit to China and climate talks

A U.S.-China tiff at the Copenhagen climate talks. Difficulty for U.S. to get environmental equipment in China. The U.S. Embassy's back-channel talks on air pollution levels.



Lisa Jackson, administrator of the U.S. Environmental Protection Agency. By many indications, the world's two largest polluters are at odds. Yet, Lisa P. Jackson, administrator of the U.S. Environmental Protection Agency, she sees "striking similarities" in the how Washington and Beijing

"I have found nothing but – in dealing with my counterparts – in for making further gains. And it's simply because of the fact China is sustainable on the track it is on without considering public health," she told reporters Wednesday in Shanghai.

"But back home we have some fairly significant issues as well," she said. "Air pollution in particular appears to be a "much more intractable" problem in the U.S. than is understood.

"I believe firmly U.S. corporations, multinational companies benefit from the scheme, the way we're approaching environmental protection in the world's biggest economies is similar. It's based on a long history of working together. There really are striking similarities in how we look at a range of issues. Despite the Obama Administration's prioritization of the environment, we've embraced of more "sustainable" standards for measuring economic growth. China have lately seemed more interested in ripping each other apart over environmental challenges than cooperating on them. Jackson suggested business and industry to divide, saying there was an opportunity for technologically minded U.S. to export to China as the country grows more interested in environmental protection. "There's going to be a tremendous market for them here," she said. Jackson made her visit to China around the time of United Nations Climate Change Conference in Tianjin. While she didn't personally attend the talks (a State Department official, U.S.'s chief climate negotiator), she said one of her messages in the talks was criticism of U.S. climate efforts from Chinese officials and widespread belief that climate negotiations will move substantially forward at Cancun next month. The U.S. has already started reducing its carbon emissions.

During her visit, Jackson renewed a memorandum of cooperation between the U.S. Environmental Protection Agency, saying the nations have built links over the years. Her vacation included visits with her family to the Great Wall and Olympic Games. Her meetings in southern China's Guangdong province that included discussions on the issue of electronic waste.

In a brief speech Wednesday to a Sino-U.S. business conference, Jackson said executives should see the benefits of harnessing environmental protection practices. For instance, she said the 40-year-old U.S. Clean Air Act is one of the most cost-effective things we have done for ourselves in the past

For every \$1 spent complying with the act, she said, the U.S. eco benefits.

– *James T. Areddy. Follow him on Twitter @jamestareddy*

Carbon,
Environment,
MEPA

Justin J. Harris
Greater China Program
Office of International & Tribal Affairs
U.S. Environmental Protection Agency
harris.justin@epa.gov

PH: (202) 564-8083
FAX: (202) 565-6433
1300 Pennsylvania Ave, N.W. (MC 2650R)
Washington, DC 20460

Nancy Stoner/DC/USEPA/US

01/24/2011 04:48 PM

To Richard Windsor

cc

bcc

Subject Fw: Michael Brune - Saving Mountains Saves Lives OP Ed on Spruce

Since you are thanked directly, want to be sure you see

----- Forwarded by Nancy Stoner/DC/USEPA/US on 01/24/2011 04:47 PM -----

From: Gregory Peck/DC/USEPA/US
To: Peter Silva/DC/USEPA/US@EPA, Nancy Stoner/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Betsaida Alcantara/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Shawn Garvin/R3/USEPA/US@EPA
Cc: Denise Keehner/DC/USEPA/US@EPA, Matthew Klasen/DC/USEPA/US@EPA, Karyn Wendelowski/DC/USEPA/US@EPA, Christopher Hunter/DC/USEPA/US@EPA, Kevin Minoli/DC/USEPA/US@EPA
Date: 01/24/2011 12:23 PM
Subject: Michael Brune - Saving Mountains Saves Lives OP Ed on Spruce

"Heroic!!!"

Brune: Saving Mountains Saves Lives

By MICHAEL BRUNE

Published: January 24, 2011

"Determined effort, especially in the face of difficulty." That's how Webster's defines heroic, and that's not too strong a word for the final decision announced this month by Lisa Jackson and the Environmental Protection Agency to revoke the permit for Arch Coal's proposed Spruce No. 1 mine in Logan County, W.Va. By stopping what would have been one of the largest mountaintop-removal mines in all of Appalachia, the EPA has sent its strongest message yet that it will defend the health and safety of Americans in the face of strong opposition from corporate polluters and a hostile Congress.

The proposed Spruce Mine exemplified everything objectionable about mountaintop-removal mining — a practice so destructively short-sighted that it's both incredible and shameful that we've allowed it to go on this long. That it has is testimony to the power and influence of the coal industry both on Wall Street and in Washington, D.C. And nowhere in America does coal cast a longer shadow than in West Virginia.

But the truth about mountaintop-removal mining is so terrible that it could not be denied, especially with the courageous work of local activists in Appalachia like the late Judy Bonds, the coal miner's daughter whose memorial service was just held in Beckley, W.Va. She and other activists refused to let America turn a blind eye to the destruction of entire communities and watersheds in some of the poorest areas of our country. It is a bitter irony that she did not live to see this decision.

The Spruce Mine would have blasted away more than 400 feet of Appalachian hilltops. Arch Coal would have cleared 2,200 acres of forestlands, and 110 million cubic yards of mining waste

would then have buried more than 7 miles of high-quality headwater streams forever.

Appalachian headwater streams contain some of the greatest aquatic animal diversity of any area in North America.

Unfortunately, there are applications for additional mountaintop removal mines across Appalachia now pending before the Obama administration that, taken together, would cause many times the damage of the Spruce Mine. When combined with the destruction caused by existing mines, the cumulative damage from any additional mining would be devastating for the region.

The loss of irreplaceable mountains, forests and streams, though, is only part of the story. Massive surface-mining operations like Spruce also contaminate downstream waters with waste products like selenium, and the surface-mining operations fill the mountain air with toxic coal and rock dust. Although our reliance on burning coal for energy adversely affects the health of millions of Americans, nowhere have people suffered more dearly than in Appalachia. For too long, too many Americans — not just coal miners — have paid with their lives for our addiction to coal.

What enabled the EPA to stop the Spruce Mine — and what should stop all future mountaintop removal mining projects — are science and the rule of law. Science has proven that mountaintop-removal mining destroys — irrevocably — a precious natural resource: clean water. The Clean Water Act, which was passed to safeguard the health and safety of the American people, charges the EPA to review mining permits and to deny those that will, as the agency put it, result in "unacceptable adverse impacts."

Fortunately, the EPA exists to enforce the much-needed safeguards that can keep polluters from making us and our children sick. Stopping irresponsible coal mining has another huge benefit for all Americans, though — it moves us closer to a clean-energy economy that creates good jobs and can be the basis for a real, long-term prosperity that doesn't ask ordinary Americans to sacrifice their health to keep the lights on.

We are already hearing howls of protest from those who stand to gain financially by tearing apart Appalachia's mountains to get at the coal inside, as well as from the politicians who leap to their defense.

They say that coal mining creates jobs. They say that clean water, clean air and good health will hurt the economy. The reality, though, is that the coal industry has been cutting jobs and cutting corners in Appalachia for years now. In contrast, clean energy and efficiency investments there could generate almost 80,000 jobs by 2030 and save consumers more than \$25 billion in energy costs.

Lisa Jackson and the EPA deserve our gratitude for taking a bold stand on the Spruce Mine — one that puts people first — instead of chaining us to the dirty-energy past.

Michael Brune is executive director of the Sierra Club and the author of "Coming Clean"

Breaking America's Addiction to Oil and Coal." Contact him at Michael.Brune@sierraclub.org .

Gregory E. Peck
Chief of Staff
Office of Water
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

202-564-5778

Peter Grevatt/DC/USEPA/US

11/02/2009 05:40 PM

To Richard Windsor, thompson.diane

cc

bcc

Subject Climate change threatens lives of millions of children, says
"Save the Children"

FYI

Peter Grevatt, Ph.D.
Director, Office of Children's Health Protection
and Environmental Education
U.S. EPA,
1200 PA Ave., NW
Mail Code 1107-A
Washington, DC 20460
202-564-8954

To see this story with its related links on the guardian.co.uk site, go to
<http://www.guardian.co.uk/environment/2009/nov/02/save-the-children-climate-change>

Climate change threatens lives of millions of children, says charity

Save the Children urges world leaders at talks in Barcelona to prioritise effects of droughts, cyclones and floods on children

Press Association
Tuesday November 3 2009
guardian.co.uk

<http://www.guardian.co.uk/environment/2009/nov/02/save-the-children-climate-change>

A quarter of a million children could die next year due to the effects of climate change, Save the Children warned today.

The charity said the figure could rise to more than 400,000 per year by 2030.

Its report *Feeling the Heat*, which is launched today, claims that climate change is the biggest global health threat to children in the 21st century.

The charity predicts that 175 million children a year - equivalent to almost three times the population of Great Britain - will suffer the consequences of natural disasters such as cyclones, droughts and floods by 2030.

It warns that more than 900 million children in the next generation will be affected by water shortages and 160 million more children will be at risk of catching malaria - one of the biggest killers of children under five - as it spreads to new parts of the world.

Save the Children is urging world leaders to put children first during climate change negotiations in Barcelona this week, ahead of the Copenhagen summit in December.

Ultravox star Midge Ure, a Save the Children ambassador, recently returned to Ethiopia 25 years after the 1984 famine which prompted him to create Band Aid with Bob Geldof.

"Climate change is no longer a distant, futuristic scenario, but an immediate threat," he said.

"We've all heard about the East African food crisis but I've been in Ethiopia seeing first hand the impact it's having on children's lives.

Erratic rainfall means farmers can no longer predict the weather and have lost their crops which are a vital source of food for their family.

"I asked one farmer in the highlands of Ethiopia what would happen if the food aid stopped coming. He replied: 'It is in the hands of the gods.' Maybe we could lend a hand as well?"

Save the Children's director of policy David Mepham said: "Global leaders need to act now to stop the needless deaths of millions of children. It is still possible to avoid the worst predictions for climate change if governments are bold and commit to a binding international agreement to reduce greenhouse gas emissions when they meet in Copenhagen."

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To find out more and to nominate a deserving team or individual, visit <http://guardian.co.uk/publicservicesawards>. Entries close 17th July.

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Registered in England Number 908396

Richard Windsor/DC/USEPA/US
10/05/2009 11:40 AM

To Adora Andy
cc
bcc
Subject Re: 60 minutes coal ash story

Got it. Tx.
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/05/2009 11:39 AM EDT
To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; Bob Sussman
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats
Subject: 60 minutes coal ash story
<http://www.cbsnews.com/video/watch/?id=5362297n&tag=contentMain;cbsCarousel>

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andy.adora@epa.gov

Richard Windsor/DC/USEPA/US
10/13/2009 08:33 PM

To Adora Andy
cc
bcc

Subject Re: AP: Endangerment updated story

Nice

Adora Andy

----- Original Message -----

From: Adora Andy

Sent: 10/13/2009 08:09 PM EDT

To: "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; Lisa Heinzerling; David McIntosh

Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats

Subject: AP: Endangerment updated story

Obama EPA releases Bush-era global warming finding
By DINA CAPPIELLO - 2 hours ago

WASHINGTON – A controversial e-mail message buried by the Bush administration because of its conclusions on global warming surfaced Tuesday, nearly two years after it was first sent to the White House and never opened.

The e-mail and the 28-page document attached to it, released Tuesday by the Environmental Protection Agency, show that back in December of 2007 the agency concluded that six gases linked to global warming pose dangers to public welfare, and wanted to take steps to regulate their release from automobiles and the burning of gasoline.

The document specifically cites global warming's effects on air quality, agriculture, forestry, water resources and coastal areas as endangering public welfare.

That finding was rejected by the Bush White House, which strongly opposed using the Clean Air Act to address climate change and stalled on producing a so-called "endangerment finding" that had been ordered by the Supreme Court in 2007.

As a result, the Dec. 5 e-mail sent by the agency to Susan Dudley, who headed the regulatory division at the Office of Management and Budget was never opened, according to Jason Burnett, the former EPA official that wrote it.

The Bush administration, and then EPA administrator Stephen Johnson, also refused to release the document, which is labeled "deliberative, do not distribute" to Democratic lawmakers. The White House instead allowed three senators to review it last summer, when excerpts were released.

The Obama administration in April made a similar determination, but also concluded that greenhouse gases endanger public health. The EPA is currently drafting the first greenhouse gas standards for automobiles, and recently signaled it would attempt to reduce climate-altering pollution from refineries, factories and other large industrial sources.

In response, the U.S. Chamber of Commerce and Republican lawmakers have criticized the EPA's reasoning and called for a more thorough vetting of the science. An internal review by a dozen federal agencies released in May also raised questions about the EPA's conclusion, saying the agency could have been more balanced and raising questions about the difficulty in linking global warming to health effects.

The agency released the e-mail and documents after receiving requests under the Freedom of Information Act.

Adora Andy, a spokeswoman for EPA administrator Lisa Jackson, said Tuesday that the draft shows the science in 2007 was as clear as it is today.

"The conclusions reached then by the EPA scientists should have been made public and should have been considered," she said

Richard Windsor/DC/USEPA/US
10/13/2009 04:50 PM

To Adora Andy
cc
bcc
Subject Re: AP: Obama EPA releases Bush-era global warming finding

Good quote.
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/13/2009 04:38 PM EDT
To: Richard Windsor; Diane Thompson
Cc: Seth Oster; Allyn Brooks-LaSure
Subject: AP: Obama EPA releases Bush-era global warming finding

Obama EPA releases Bush-era global warming finding

By DINA CAPPIELLO – 37 minutes ago

WASHINGTON — A controversial e-mail message buried by the Bush administration because of its conclusions on global warming surfaced Tuesday, nearly two years after it was first sent to the White House and never opened.

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pollution from refineries, factories and other large industrial sources.

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"The conclusions reached then by the EPA scientists should have been made public and should have been considered," she said.

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Richard
Windsor/DC/USEPA/US
10/07/2009 12:31 PM

To Adora Andy
cc
bcc
Subject Re: CHARLESTON GAZETTE: EPA-CORPS SHOWDOWN
COMING?

Boy oh boy. Tx!
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/07/2009 12:20 PM EDT
To: Richard Windsor; Bob Sussman; David McIntosh; Seth Oster; Allyn
Brooks-LaSure
Cc: Betsaida Alcantara; Brendan Gilfillan; Arvin Ganesan; Michael Moats
Subject: CHARLESTON GAZETTE: EPA-CORPS SHOWDOWN COMING?

Charleston Gazette Blog:

Obama and MTR: EPA-Corps showdown coming?

by Ken Ward Jr.

As West Virginia Gov. Joe Manchin [continues his war of words](#) against the Obama Environmental Protection Agency, a showdown may be nearing between EPA and the Corps over the largest mountaintop removal permit in state history.

Corps officials in Huntington have rejected [EPA's urging that the Corps suspend or permit for Arch Coal Inc.'s Spruce No. 1 Mine](#).

In a [Sept. 30 letter to EPA](#), Corps District Engineer Robert D. Peterson said his agency rejected other practical alternatives that would have less impacts on the aquatic environment than an operation covering 2,278 acres and including 8.3 miles of valley fills and other structures expected to cause or contribute to violations of applicable state water quality standards of the environment." After re-examining the proposed permit, Peterson said, the Corps has taken appropriate steps were taken to minimize potential adverse impacts."

But the story doesn't end there ...

On Monday, Department of Justice lawyers asked U.S. District Judge Robert C. Chambers to block the Spruce Mine for another 30 days.

In [this legal filing](#), DOJ told Chambers that EPA "is now considering whether to exercise its authority under the Clean Water Act "to prohibit discharges into waters of the United States as authorized by the permit."

Under [Section 404\(c\) of the Clean Water Act](#), EPA may override Corps decisions to issue permits, but can do so only after first issuing a public notice and providing opportunity for public comment.

determines that the proposed permit:

... Will have an unacceptable adverse effect on municipal water supply and fishery areas (including spawning and breeding areas), wildlife

Recall that in early September EPA officials urged the Corps to revoke, suspend or [cite a long list of problems with the current mining proposal](#). DOJ lawyers then asked the court to stay from Judge Chambers on Arch Coal Inc.'s efforts to have the permit tossed from the lawsuit still pending before the judge.

Arch Coal [had strenuously objected](#) to the stay, and political leaders including [Man](#) jumped in to complain about EPA's actions.

For years, environmental groups have viewed the Corps as being little more than a rubber stamp for permits, and sought to have EPA more rigorously exercise its oversight role over the permit process. Environmentalists hoped to see the Corps change its way with the appointment of [Darcy](#), by President Obama. And the [Corps and EPA have made like they're playing](#). In his Spruce Mine letter to acting EPA regional director William Early, Peterson in the following language:

... I am mindful of your agency's concerns and appreciate the effort to improve the environmental review of pending applications for surface mining activities.

Your staff is very helpful and they are providing excellent support to your Regulatory staff to provide a more rigorous review of applications. We look forward to continued collaboration as we work closely with your agency.

But the Corps' rejection of EPA's efforts to block the Spruce Mine shows there remains a disconnect between these two agencies about the environmental impacts of mountaintop removal. The Obama administration ought to regulate the practice. Stay tuned, because a showdow

Adora Andy
Press Secretary
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Richard Windsor/DC/USEPA/US
04/20/2010 06:25 PM

To Adora Andy
cc
bcc
Subject Re: Fyi Tweet in 5 min

Cool
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 04/20/2010 06:20 PM EDT
To: "Richard Windsor" <windsor.richard@epa.gov>
Cc: Alisha Johnson
Subject: Fyi Tweet in 5 min

Twitter: Tonight I'll be @ GWU to join @planet_forward for q&a on climate, innovation and what's next for EPA. Looking forward to it!

Facebook: I'm looking forward to meeting tomorrow's leaders tonight at George Washington University. I'll join Planet Forward for a lively conversation on climate, sustainability and what's next for EPA. To watch the event LIVE, visit: <http://www.planetforward.org/page/time-to-ac>

Richard Windsor/DC/USEPA/US
09/08/2009 09:08 AM

To Adora Andy
cc
bcc
Subject Re: FYI: As Congress Returns, Climate Bill to Be Slowed by Health-Care Debate

Welcome back! How was it?
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 09/08/2009 08:55 AM EDT
To: Richard Windsor
Cc: Seth Oster
Subject: FYI: As Congress Returns, Climate Bill to Be Slowed by Health-Care Debate
WWW.NASDAQ.COM

As Congress Returns, Climate Bill To Be Slowed by Health-Care Debate

By Siobhan Hughes, Of DOW JONES NEWSWIRES

WASHINGTON -(Dow Jones)- A health-care debate threatens to keep energy and climate legislation on the back burner when the U.S. Congress returns from recess Tuesday and enters the final push of 2009.

U.S. President Barack Obama is scheduled to plead his case on health care in a joint address to Congress this week, as U.S. Senate Majority Leader Harry Reid, D-Nev., delays action on climate and energy legislation.

The Senate's top Democrat now says that climate legislation will be considered by the end of the year - a deadline that buys time to see whether Democrats will have the political strength to take up climate change after a bruising health-care fight.

"The odds change day-to-day, and some days even hour-to-hour," said David Brown, an executive in the government affairs office of electric utility Exelon Corp. "If they can come up with a healthcare package that passes sooner rather than later, our chances are better."

But if the health care debate drags on, the energy bill could get stalled by the 2010 congressional midterm elections, he added.

The Democratic party is already fractured over climate legislation. Coal, oil, and manufacturing state lawmakers have warned about the costs for their regions. Sen. Byron Dorgan, D-N.D., has said that Congress should drop its plan to hand out allowances granting the right to pollute up to a limit, or cap. Democrats from the manufacturing-heavy Midwest have warned that climate legislation must include tariffs on countries that fail to regulate

greenhouse-gas emissions.

Many people believe Obama must become personally involved in order to smooth out opposition. A number of energy bill observers say that Obama has so far failed to engage on the issue in basic ways, giving opponents an opportunity to define a climate bill as a large tax on consumers. Others see signs the Obama administration is trying to signal that it is sensitive to lawmaker concerns.

"The administration is motivated and they're doing what they have to do to try to look responsive to a lot of different stakeholder groups," said Kevin Book, an analyst at ClearView Energy Partners LLC. He puts the odds of passing legislation at 60%, making Book among the most optimistic of forecasters surveyed.

Among the pieces of evidence is a proposal submitted by the Environmental Protection Agency for White House review last week that suggested the agency would try to limit the reach of greenhouse-gas regulations. The message is two-fold: that the EPA is moving forward on a plan to regulate emissions, even in the absence of congressional action, but that it hopes to make limited use of that power.

"We have absolutely no intention of regulating every school, every church," EPA Administrator Lisa Jackson said in a radio interview last week.

The widely watched deadline is for Senate action ahead of December's international climate-change talks in Copenhagen. The Copenhagen meeting is where countries will try to reach a pact on emission-reductions after 2012, when a current treaty expires.

Jackson said she hopes the U.S. will head to the talks with "a strong platform that reflects both houses' opinion."

An easier solution might be to pass a scaled-back energy package - but that could be an affront to the U.S. House of Representatives. That's because House lawmakers cast tough votes earlier this year when the chamber narrowly passed an energy and climate bill.

So far, Reid's rhetoric suggests he remains ambitious. "We must do energy legislation as a package," he said at a clean-energy summit in Las Vegas last month. He said that congressionally mandated energy-efficiency measures had been "minimal," and that the U.S. Congress needs to pass legislation that is comprehensive rather than "scattershot."

Politics in Reid's home state could be an X factor. Christine Tezak, an analyst at Robert W. Baird & Co., last week lowered the odds for a climate law this year to 10%, down from 30%. But she said in a report that if energy-related stimulus funds begin flowing to Nevada, "Sen. Reid might benefit at home from moving climate legislation forward."

-By Siobhan Hughes, Dow Jones Newswires; 202-862-6654; Siobhan.Hughes@dowjones.com

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Richard
Windsor/DC/USEPA/US
11/10/2009 03:52 PM

To Adora Andy
cc
bcc

Subject Re: NJ POLITICKER: Obama's Climate Change Dilema

Cute, huh?
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 11/10/2009 03:51 PM EST
To: Richard Windsor; Bob Sussman; Seth Oster; Allyn Brooks-LaSure; Bob Perciasepe; Diane Thompson
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats
Subject: NJ POLITICKER: Obama's Climate Change Dilema

Obama's Climate Change Dilemma

By [Alan Steinberg](#)

Last Thursday, Lisa Jackson, Administrator of the U.S. Environmental Protection Agency (EPA) announced the appointment of my successor as Regional Administrator of Region 2 EPA, Judith Enck, who had been serving as Deputy Secretary of the Environment under New York Governors Eliot Spitzer and David Patterson. Simultaneously, Lisa also announced the appointment of other Regional Administrators in Regions 1, 3, 6, and 9.

It is most interesting that three of the five new Regional Administrators, including Judith Enck, have deep roots in the environmental advocacy community. I do not say this in any negative way. President Obama is deeply committed to climate change policies along the lines of those advocated by former Vice President Al Gore. The Regional Administrator appointments reflect the ideology of not only President Obama and Lisa Jackson but also that of White House Climate Change Czar Carol Browner.

The difficulty facing Obama and Lisa Jackson is that the present cap-and-trade legislation being considered by the United States Senate is now intertwined with the same political considerations impeding the progress of the President's health care package. The final outcome of both legislative proposals is not yet predictable, and the results in both cases will depend upon the decision of Connecticut Senator Joseph Lieberman as to whether to cast the 60th vote for cloture needed to end a Republican filibuster.

I wrote extensively and critically about the version of cap-and-trade legislation passed by the U.S. House of Representatives in my July 1, 2009 column in this space. My major criticism of this legislation was its woefully inadequate provisions to encourage nuclear power.

As Regional Administrator of Region 2 EPA, I encouraged the expansion of clean and safe nuclear energy. My involvements in the cases in New York of the Indian Point Nuclear Power Plant and the former West Valley Reprocessing Facility were focused on ensuring safe disposal of both low and high level nuclear waste. At Indian Point, I also injected into the license review

process a demand that the facility be secure against any terrorist threat in the post 9-11 world. In the case of the Oyster Creek, New Jersey facility, in addition to the usual safety and waste concerns, a major additional priority was the avoidance of destruction of fish.

My view continues to be that if the waste issue is effectively resolved, nuclear power is indeed the most "green" form of energy. Nuclear power plants are virtually emission free in terms of criteria pollutants, air toxics, and greenhouse gases.

Additionally, both in terms of job creation and cost per unit of energy produced, nuclear power is far more efficient and effective than solar and wind. While as Regional Administrator I encouraged wind and solar projects as well, particularly the placement of solar panels on closed landfills, I believe it is utopian to believe that wind and solar projects alone could meet the increasing baseload needs for clean and safe energy in New York and New Jersey.

In the Senate, there are currently negotiations underway between Senators Lindsey Graham (R-South Carolina) and John Kerry (D-Massachusetts) to insert provisions into the legislation that would promote nuclear power as an efficient low greenhouse gas emission energy alternative. Another proposal of Senator Lamar Alexander (R-Tennessee) would promote the building of 100 new nuclear power plants.

It appears doubtful that any climate change bill that does not significantly promote nuclear power can pass the Senate. In fact, if the House-passed legislation is not significantly amended, the Republican Senate minority may filibuster the cap-and-trade bill.

Joe Lieberman is very much a supporter of nuclear power. Despite his history of sponsorship and support for climate change legislation, it is highly unlikely that he would vote for cloture to cut off a Republican filibuster unless the legislation was amended to meet his objectives in promoting nuclear energy.

The dilemma the Obama administration faces is that the same environmental advocacy organizations that support Obama's climate change initiatives also, for the most part, take a dim view of nuclear power. If the legislation that passes the Senate in their view excessively promotes nuclear power, they will pressure the White House and the House of Representatives to reject the Senate legislation. They will not be mollified by the fact that the Obama administration appointed Regional Administrators who have deep roots in these very same environmental advocacy organizations.

If Congress does not pass climate change legislation, the EPA has the power to issue greenhouse gas regulations, pursuant to the U.S. Supreme Court holding in the 2007 *Massachusetts v. EPA* case. In fact, the EPA is currently developing such regulations.

The regulatory difficulty for the EPA, however, is in defining what constitutes an "emission source". Federal agencies are not immune from Congressional influence, and individual key Representatives and Senators will pressure the EPA to carve out exclusions and exceptions for emission sources in their respective states. This will lead to litigation challenging the regulations from states and special interests who do not receive special treatment from the EPA in the

regulatory process. In fact, it is highly unlikely that the regulations could become effective before 2012 even in the absence of litigation.

Accordingly, the Obama administration has a definite preference for legislation. In this regard, in negotiating with the House and Senate leadership of both parties, Lisa Jackson will play a key role.

As Regional Administrator of Region 2 EPA, I worked very closely with Lisa Jackson while she served as Commissioner of the New Jersey Department of Environmental Protection. Despite the differences in our political philosophies and affiliations, we actually together achieved significant accomplishments, particularly with regard to the remediation of the Passaic River, the nation's most polluted waterway.

Lisa is a person of exceptional scientific and technical knowledge, but it was her people skills and strong pragmatism that enabled us to have a good working relationship. These attributes should serve her well as she seeks a legislative solution to the Obama administration's climate change dilemma.

Alan J. Steinberg served as Regional Administrator of Region 2 EPA during the administration of former President George W. Bush. Region 2 EPA consists of the states of New York and New Jersey, the Commonwealth of Puerto Rico, the U.S. Virgin Islands, and seven federally recognized Indian nations.

Alan Steinberg can be reached via email at Asteinberg613@comcast.net .

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andy.adora@epa.gov

Richard Windsor/DC/USEPA/US
12/02/2009 06:51 PM

To Adora Andy
cc
bcc
Subject Re: Reuters: UK climate expert steps aside after hacked e-mails

Ok right?
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 12/02/2009 06:45 PM EST
To: "Richard Windsor" <windsor.richard@epa.gov>; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; David McIntosh; "Bob Sussman" <sussman.bob@epa.gov>; Gina McCarthy; Bob Perciasepe; Diane Thompson; Lisa Heinzerling
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats
Subject: Reuters: UK climate expert steps aside after hacked e-mails
UK climate expert steps aside after hacked e-mails
05:23 PM EST

- * University of East Anglia to investigate hacked e-mails
- * Sceptics say undermines evidence of climate change
- * US EPA head says flap won't stop possible regulations (Adds U.S. reaction)

LONDON, Dec 2 (Reuters) - The head of a British climate research institute has stepped aside after hacked e-mails were seized upon by sceptics as evidence that the case for global warming has been exaggerated.

Phil Jones, head of the Climatic Research Unit (CRU) at the University of East Anglia, will step aside "until the completion of an independent review," the university said in a statement.

"It is an important step to ensure that CRU can continue to operate normally," University Vice-Chancellor Professor Edward Acton said after accepting Jones' offer to stand aside.

Dubbing the affair "Climategate," some climate change sceptics have seized upon the e-mails, some of them written 13 years ago, and accused scientists at CRU of colluding to suppress data that might have undermined their arguments.

In the United States, some Republican politicians opposed to climate change legislation pounced on the controversy, calling on the U.S. Environmental Protection Agency to stop climate change regulatory efforts, which they say are based on "dubious science."

EPA Administrator Lisa Jackson responded that her agency's work "is proceeding."

"At this point I have seen nothing that indicates that scientists out there have said that they've changed their consensus" that human actions contribute to global warming, she said.

"These emails certainly may show some poor manners, maybe more ... but what we have to be constantly looking at is the science."

The Obama administration wants Congress to pass comprehensive legislation controlling greenhouse gas emissions but says it stands ready to regulate if legislative efforts fail.

'OUT OF CONTEXT'

Sceptics have pointed to phrases in the e-mails in which climate scientists talk of using a "trick" to "hide the decline" in temperatures as evidence that they adjusted data to fit their theories. CRU denies any manipulation.

Delegates meet in Copenhagen for a Dec. 7-18 talks to try to work out a new U.N. pact to address global warming.

The head of the U.N.'s Intergovernmental Panel on Climate (IPCC) Change, Rajendra Pachauri, told Reuters last week that the leaks do not affect findings in 2007 that it was more than 90 percent certain that human activities were causing climate change.

"This private communication in no way damages the credibility of the ... findings," he said, saying that all conclusions were subjected to rigorous review.

Some CRU researchers contribute to the IPCC's reports that pull together data from scientists around the world in an attempt to give a consensus view on climate change.

"Opposition groups are taking passages out of context to try to undermine public confidence in climate science," the Union of Concerned Scientists said in a statement Wednesday.

"Even without data from CRU, there is still an overwhelming body of evidence that human activity (is) triggering dangerous levels of global warming," it said. (Additional reporting by Richard Cowan in Washington; Editing by Robin Pomeroy) ((For a TAKE A LOOK about the Road to Copenhagen, click on [nSP382015]. For an overview of climate change stories, click [nCLIMATE])) (For an Interactive factbox on the Climate Change conference in Copenhagen please click on <http://uk.reuters.com/news/factbox?fj=20091111151536.js&fn=Climate%20Change%20conference%20in%20Denmark%20>)

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Richard Windsor/DC/USEPA/US
01/25/2011 12:33 PM

To Adora Andy
cc
bcc

Subject Re: SUNDANCE DOCUMENTARY: "Last Mountain" lifts lid on environmental tragedy

Tx
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 01/25/2011 12:06 PM EST
To: Richard Windsor; Seth Oster; Stephanie Owens; Arvin Ganesan; Bob Sussman; Diane Thompson; Bob Perciasepe; Nancy Stoner; Peter Silva
Cc: Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Andra Belknap; Michael Moats; Vicki Ekstrom; Dru Ealons
Subject: SUNDANCE DOCUMENTARY: "Last Mountain" lifts lid on environmental tragedy

RUETERS: "Last Mountain" lifts lid on environmental tragedy

Sun, Jan 23 2011

By James Greenberg

PARK CITY, Utah (Hollywood Reporter) - In the tradition of great advocacy documentaries, "The Last Mountain" makes a powerful case against the coal mining industry in West Virginia.

Films like this are largely preaching to the choir -- opponents are unlikely to go near it. But its importance cannot be underestimated. As a call to arms for sympathetic viewers, the film is informative, stirring, and most importantly, inspiring, and should resonate for a likeminded audience. This is a documentary with a point of view and director Bill Haney makes no bones about trying to be fair and balanced. The visuals and facts speak eloquently for themselves. In the valleys of Appalachia, big coal companies like Massey Energy are blowing the tops off mountains to enhance profits, leaving the once lush forests looking like a lunar landscape. In this unfortunate region, Coal Mountain is the last mountain.

Robert F. Kennedy, Jr. serves as kind of an environmental host as he gets involved in the case to save Coal Mountain and goes around meeting local activists and confronts the president of the West Virginia Coal Association. It is encouraging to witness the commitment of ordinary West Virginians like Maria Gunnoe and Bo Webb who have seen too much to stand by any longer.

Mountaintop removal has destroyed 500 Appalachian mountains, decimated 1 million acres of forest, and buried 2000 miles of streams. Flashing the figures on the screen in bold graphics is a bit distracting, but there is no denying their impact. Haney and his team have rounded up an impressive collection of academics, writers, and organizers from around the country, but it is the locals who tell the story most powerfully.

The flattening of mountains is not just an aesthetic disaster; it destroys the area's eco-system, pollutes the water, spreads toxic silicon dust, and adversely affects the health of children. In one heartbreaking scene, a resident walks around and points out the homes of six of her neighbors who died of brain tumors. Equally moving is the story of Ed Wiley, a former Massey contractor who turned activist when he saw the damage being done to his granddaughter. Together they make a trip to plead with Democratic Governor Joe Manchin, who is proud to be a "friend of coal."

As the film demonstrates, the fight against big coal is not a popular struggle in West Virginia and often pits neighbors against neighbors. Almost everyone here has ties to the mining industry, and for many it's inconceivable to bite the hand that feeds them. Which makes the struggle of these rag tag crusaders even more heroic.

The film is strongest when it stays local, and side trips to Pennsylvania and Rhode Island seem like unnecessary digressions. But as Haney and his co-writer (and editor) Peter Rhodes point out, coal accounts for half of the electricity produced in the U.S. and it is a national environmental issue. The Last Mountain admirably presents the truth for anyone who wants to see it.

IFC NEWS:

"The Last Mountain," Reviewed

Dredging the sins of Big Coal in this documentary about the fight to save a West Virginia mountain from being mined.

Posted 01/22/2011 12:17 PM by Alison Willmore

"The Last Mountain," Reviewed



"The Last Mountain," Uncommon Productions, 2011

Reviewed at the [Sundance Film Festival 2011](#) .

If you need something new to be incensed about, "[The Last Mountain](#)," a documentary directed by Bill Haney (of 2007's "The Price of Sugar"), will do the trick nicely. Its outrage of choice is mountaintop removal (MTR) mining, the considerably controversial practice of deforesting and then dynamiting mountain ridges to extract coal seams, then piling everything back up in roughly the same shape -- except nothing ever seems to grow there again. MTR is closely associated with Appalachia, and the film's primary battleground is Coal River Valley, WV, where locals and activists gather to try to prevent Massey Energy, the country's fourth largest producer of coal, from mining Coal River Mountain.

If the issues were only environmental, "The Last Mountain" would be something of a familiar refrain, but the film has more up its sleeve than (to be sure, wrenching) helicopter shots of the decimated moonscapes that are the working mines, barren construction zones permanently altering the face of the countryside. Coal processing plants and sludge dams release toxins into the air and water. The film finds communities cut through with high occurrences of brain tumors, an elementary school coated in silica dust from a nearby facility, families whose homes are destroyed by flooding caused by the rearranged landscape, towns emptied out by broken unions and a changing industry able to up its output while cutting its labor, politicians who are quick to pronounce themselves a "friend of coal" despite what coal extraction is doing to their constituents. Earnest dreadlocked protesters come into town to chain themselves to machinery and camp in trees, and the Coal River group finds itself a high profile defender in the papery voiced Robert Kennedy Jr., but it's the locals, fighting on behalf of their children, their neighbors, their homes, that linger in the mind and that seem best suited to answering the counterprotests from workers afraid for their jobs. Ah, jobs. Massey Energy is a major employer in an area with few other options, and at every protest "The Last Mountain" documents, there are miners howling for the speakers to go home, trying to protect their means of survival, insisting that coal has

to be safe, since it's been used for so long. When Kennedy meets a Massey exec for a public debate, the man uses his membership in the community as a shield, hosting Kennedy at a local diner and answering his every damning charge by insisting that his company is taking care of the area by providing it with thousands of jobs. It's a frightening portrait of a truly dysfunctional capitalistic relationship, in which Big Coal soothes those who falls in its shadow with paternalistic language while literally poisoning them and the land on which they live.

"The Last Mountain" does not yet have US distribution.

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Richard Windsor/DC/USEPA/US
01/11/2010 04:43 PM

To Adora Andy
cc
bcc

Subject Re: WaPo Blog: Murkowski and her lobbyist allies

Interesting
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 01/11/2010 04:19 PM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; Stephanie Owens
Subject: WaPo Blog: Murkowski and her lobbyist allies

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 01/11/2010 04:14 PM EST
To: Adora Andy
Cc: Brendan Gilfillan
Subject: WaPo Blog: Murkowski and her lobbyist allies

Murkowski and her lobbyist allies

By Juliet Eilperin

Sen. Lisa Murkowski (R-Alaska) is likely to postpone offering an amendment next week that would bar the Environmental Protection Agency from regulating carbon dioxide as a pollutant under the Clean Air Act, according to sources familiar with the matter.

The delay would give Democrats a little bit of breathing space on the politically sensitive issue of whether the Obama administration can take the lead on curbing greenhouse gases if Congress fails to act this year. Murkowski first attempted to offer the measure back in September, but as part of a leadership deal between the two parties, she had postponed the move until Jan. 20.

The maneuvering comes as The Washington Post has confirmed that two Washington lobbyists, Jeffrey R. Holmstead and Roger R. Martella, Jr., helped craft the original amendment Murkowski planned to offer on the floor last fall. Both Holmstead, who heads the Environmental Strategies Group and Bracewell & Guiliani, and Martella, a partner at Sidley Austin LLP, held senior posts at EPA under the Bush administration and represent multiple clients with an interest in climate legislation pending before Congress.

In an interview, Holmstead said of the Murkowski amendment, "I certainly worked with her staff" on the exact phrasing of the measure in September.

"I was involved," he said, adding that Martella also helped advise Murkowski's aides on the matter. "The line out of the White House and the administration was that the amendment would block the car and truck rule" setting the first-ever greenhouse gas limits on emissions from vehicles, which are set to become final in March.

Holmstead represents industry interests including Southern Company, Duke Energy, Progress Energy and the Electric Reliability Coordinating Council on climate matters, according to congressional lobbying registration forms, while Martella represents the National Alliance of Forest Owners and the Alliance of Food Associations on the same subject.

Murkowski spokesman Robert Dillon said the senator, who is set to return from Afghanistan Monday, has not made a final decision on whether to offer her amendment on Jan. 20, but her staff is presenting her

with multiple options.

Some Republicans are worried the Democrats will offer a second-degree amendment to the measure which would codify the Obama administration's effort to limit any future greenhouse gas limits to facilities that emit at least 25,000 tons of carbon dioxide a year.

"The possibility of a second-degree amendment plays into our consideration into how to advance the EPA issue," Dillon said.

He confirmed that both Holmstead and Martella helped with the EPA amendment, but added, "Senator Murkowski and her staff write all of her amendments."

"What they offered was technical assistance," Dillon said, adding the senator solicited feedback from the EPA and Senate Democrats as well.

Emily Figdor, who directs the federal global warming program at the advocacy group Environment America, said the fact that Murkowski continues to explore different legislative options shows the uphill battle she faces in attacking EPA's Clean Air Act authority.

"Striking at the heart of the Clean Air Act isn't a popular thing to do," said Figdor, adding that as of last month Murkowski ranked as the top congressional recipient of donations from electric utilities.

And Frank O'Donnell, president of the advocacy group Clean Air Watch, said, "It's not a total shock that ex-Bush administration officials are ghostwriting for Murkowski on climate, though she ought to come clean and admit it so we can understand that big polluters are behind her initiative."

Richard
Windsor/DC/USEPA/US
10/09/2009 05:00 PM

To Adora Andy
cc
bcc
Subject Re: WASHINGTON EXAMINER:Obama seeks to silence the
U.S. Chamber of Commerce

Hahahaha
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/09/2009 04:58 PM EDT
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Gina McCarthy; Lisa
Heinzerling; David McIntosh; Seth Oster; Allyn Brooks-LaSure
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats; Arvin Ganesan
Subject: WASHINGTON EXAMINER:Obama seeks to silence the U.S. Chamber of
Commerce
Washington Examiner

Obama seeks to silence the U.S. Chamber of Commerce

By: [Mark Tapscott](#)
Editorial Page Editor
10/09/09 2:33 PM EDT

Steven Chu, President Obama's energy secretary, is putting the power of the federal government behind a budding movement among politically correct Fortune 500 executives to pull out of the U.S. Chamber of Commerce. Chu told attendees at a solar power conference Thursday that it was "[wonderful](#)" to see the companies leaving the Chamber.

The chamber opposes many of the Obama administration's major energy policies and has called for a "Snopes Monkey trial-like" examination of the evidence for and against global warming. Among the firms pulling out of the Chamber, which has long been the chief lobbying voice on behalf of Fortune 500 and other business interests in the nation's capital, are Apple, Pacific Gas & Electric, and Exelon. Nike reportedly has withdrawn from the Chamber board, but continues as a member in order to lobby for a change in official Chamber policies.

Chu's comments sparked a [blistering response](#) from Marlo Lewis of the Competitive Enterprise Institute (CEI). Writing on the Open Market blog, Lewis called for Chu's resignation for crossing the line of appropriate criticism of a private organization by a spokesman for the White House:

"This crosses the line. The Secretary of Energy is not supposed to use the authority of his taxpayer-funded office to advocate the breakup of the Chamber of Commerce, or of any lawful private association, for that matter.

"Chu is of course free to criticize the Chamber's positions on climate policy. Even then, however, such criticism should be generic, focused on the positions, not on the organization, lest it have a chilling effect.

"But when Chu praises companies for leaving the Chamber, he is not only injecting himself into a quarrel that is none of his business; he is taking hostile action against the organization.

Imagine the outcry from congressional Democrats, the liberal media, and the environmental community if Bush energy secretary Samuel Bodman had urged companies to quit U.S. CAP, or if Bush EPA Administrator Steven Johnson told Sierra Club members to cancel their memberships."

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Richard Windsor/DC/USEPA/US
12/11/2009 06:29 AM

To Adora Andy
cc
bcc

Subject Re: WSJ Strassel: The EPA's Carbon Bomb Fizzles

Interesting
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 12/10/2009 10:20 PM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>
Cc: "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; Michael Moats
Subject: WSJ Strassel: The EPA's Carbon Bomb Fizzles
OPINION: POTOMAC WATCH
DECEMBER 10, 2009, 9:31 P.M. ET

The EPA's Carbon Bomb Fizzles

The administration has given a skittish Congress another reason not to pass cap and trade.

By KIMBERLEY A. STRASSELShare:

In the high-stakes game of chicken the Obama White House has been playing with Congress over who will regulate the earth's climate, the president's team just motored into a ditch. So much for threats.

The threat the White House has been leveling at Congress is the Environmental Protection Agency's "endangerment finding," which EPA Administrator Lisa Jackson finally issued this week. The finding lays the groundwork for the EPA to regulate greenhouse gas emissions across the entire economy, on the grounds that global warming is hazardous to human health.

From the start, the Obama team has wielded the EPA action as a club, warning Congress that if it did not come up with cap-and-trade legislation the EPA would act on its own—and in a far more blunt fashion than Congress preferred. As one anonymous administration official menaced again this week: "If [Congress doesn't] pass this legislation," the EPA is going to have to "regulate in a command-and-control way, which will probably generate even more uncertainty."

The thing about threats, though, is that at some point you have to act on them. The EPA has been sitting on its finding for months, much to the agitation of environmental groups that have been upping the pressure for action.

President Obama, having failed to get climate legislation, didn't want to show up to the Copenhagen climate talks with a big, fat nothing. So the EPA pulled the pin. In doing so, it exploded its own threat.

Far from alarm, the feeling sweeping through many quarters of the Democratic Congress is relief. Voters know cap-and-trade is Washington code for painful new energy taxes. With a recession on, the subject has become poisonous in congressional districts. Blue Dogs and swing-state senators watched in alarm as local Democrats in the recent Virginia and New Jersey elections were pounded on the issue, and lost their seats.

But now? Hurrah! It's the administration's problem! No one can say Washington isn't doing something; the EPA has it under control. The agency's move gives Congress a further excuse not to act.

"The Obama administration now owns this political hot potato," says one industry source. "If I'm [Nebraska Senator] Ben Nelson or [North Dakota Senator] Kent Conrad, why would I ever want to take it back?"

All the more so, in Congress's view, because the EPA "command and control" threat may yet prove hollow. Now that the endangerment finding has become reality, the litigation is also about to become real. Green groups pioneered the art of environmental lawsuits. It turns out the business community took careful notes.

Industry groups are gearing up for a legal onslaught; and don't underestimate their prospects. The leaked emails from the Climatic Research Unit in England alone are a gold mine for those who want to challenge the science underlying the theory of manmade global warming.

But the EPA's legal vulnerabilities go beyond that. The agency derives its authority to regulate pollutants from the Clean Air Act. To use that law to regulate greenhouse gases, the EPA has to prove those gases are harmful to human health (thus, the endangerment finding). Put another way, it must provide "science" showing that a slightly warmer earth will cause Americans injury or death. Given that most climate scientists admit that a warmer earth could provide "net benefits" to the West, this is a tall order.

Then there are the rules stemming from the finding. Not wanting to take on the political nightmare of regulating every American lawn mower, the EPA has produced a "tailoring rule" that it says allows it to focus solely on large greenhouse gas emitters. Yet the Clean Air Act—authored by Congress—clearly directs the EPA to also regulate small emitters.

This is where green groups come in. The tailoring rule "invites suits," says Sen. John Barrasso (R., Wyo.), who has emerged as a top Senate watchdog of EPA actions. Talk of business litigation aside, Mr. Barrasso sees "most of the lawsuits coming from the environmental groups" who want to force the EPA to regulate everything. The agency is going to get hit from all directions. Even if these outsiders don't win their suits, they have the ability to twist up the regulations for a while.

Bottom line: At least some congressional Democrats view this as breathing room, a further reason to not tackle a killer issue in the run-up to next year's election. Mr. Obama may emerge from Copenhagen with some sort of "deal." But his real problem is getting Congress to act, and his EPA move may have just made that job harder.

Write to kim@wsj.com

Richard Windsor/DC/USEPA/US
09/14/2010 12:22 PM

To Adora Andy
cc Aaron Dickerson, Michael Moats, Gladys Stroman
bcc

Subject Re: PLEASE REVIEW: OP-ED DUE TODAY

Great w me. Tx.
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 09/14/2010 11:41 AM EDT
To: Richard Windsor
Cc: Aaron Dickerson; Michael Moats; Gladys Stroman
Subject: PLEASE REVIEW: OP-ED DUE TODAY

Administrator,

We have drafted an op-ed from you to give to The Hill today for their special spread on the Clean Air Act. The op-ed is based on your remarks at the Clean Air Act Conference today. Other op-ed writers for this section will likely include Senators Kerry, Cardin, Murkowski and Inhofe.

Please review and let Mike and I know what changes need to be made.

Thank you,
Adora

----- Forwarded by Adora Andy/DC/USEPA/US on 09/14/2010 11:35 AM -----

Attached and pasted below.

[attachment "20100915 Hill Climate op-ed (3).doc" deleted by Richard Windsor/DC/USEPA/US]

The Clean Air Act: 40 years of Overcoming the Naysayers

By: EPA Administrator Lisa P. Jackson

This month we're celebrating 40 years of healthier communities, a stronger economy and bipartisan partnerships under the Clean Air Act.

Since 1970, the Clean Air Act has saved hundreds of thousands of lives and reaped trillions of dollars in health benefits for our nation. Breathing cleaner air has not only spared Americans from expensive treatments and costly hospital stays – it has also supported productivity through less sick days for

our workers and students.

As air pollution dropped over the last 40 years, GDP rose by 207 percent. A long-term analysis of the Clean Air Act shows total benefits amounting to more than 40 times the costs of regulation. At \$40 in benefits for every \$1 invested, the Clean Air Act is one of the most cost-effective things the American people have done for themselves in the last half century.

The great irony is that one of the most economically successful environmental programs in American history is also one of the most economically maligned. Time and again, efforts to clean up the air we breathe have met with economic doomsday predictions. Time and again those predictions were wrong.

In the 1970s, lobbyists claimed that the phase-in of catalytic converters for new cars and trucks would cause "entire industries" to "collapse." Instead, the requirement gave birth to a global market for catalytic converters and enthroned American manufacturers at the top of that market.

In the 1980s, they said proposed Clean Air Act Amendments would cause "a quiet death for businesses across the country." Instead, the US economy grew by 64 percent as the Clean Air Act Amendments cut Acid Rain pollution in half. The requirements gave birth to a global market in smokestack scrubbers and, again, gave American manufacturers dominance in that market.

And in the 1990s, the lobbyists told us using the Act to phase out the CFCs depleting the Ozone Layer would create "severe economic and social disruption." Instead, new technology cut costs while improving productivity.

The phase-out happened five years faster than predicted and cost 30 percent less. And by making their products better and cleaner, the American refrigeration industry gained access to new overseas markets.

Far from inhibiting our economy, the Clean Air Act thrives on innovation and entrepreneurship. From new clean air standards come new innovations. It's important to remember these success stories as we step up to tackle greenhouse gases and fight climate change.

Last year, EPA acknowledged the 2007 Supreme Court decision that greenhouse gases are covered under the Clean Air Act, and began taking sensible steps to apply the law to greenhouse-gas pollution.

Those steps included an endangerment finding based on decades of peer-reviewed scientific research.

They included a clean cars program that – developed with autoworkers and automakers – will cut 950 million tons of greenhouse gases, save drivers \$3,000 at the gas pump, and keep \$2.3 billion at home in our economy rather than buying oil overseas. As with every Clean Air Act program, it will also spark new innovations.

EPA also finalized a rule to shield small businesses and nonprofits from new permitting requirements, making sure we are getting meaningful cuts and not overburdening small entities for minimal results.

Yet - true to form – the opponents of commonsense actions have dusted off the old predictions of economic catastrophe. One prominent lobbyist was even quoted saying that if EPA is to regulate greenhouse gas emissions,

"then it ought to have to regulate facilities large and small and suffer all the consequences, warts and all." They seem so eager to see their wild projections of economic collapse come true – just once – that they are open to forcing EPA to regulate in the most aggressive and disruptive way imaginable.

Fortunately, we at EPA know better. Just as we have done for 40 years, we're moving carefully and thoughtfully, taking modest steps for measurable results. While the Clean Air Act cannot achieve the magnitude of greenhouse gas emissions reductions that new legislation can achieve, the fact remains that it is time to get started. It is time to recognize the overwhelming scientific evidence, time to move past the false choice between our planet and our prosperity, and time to realize that this problem gets more damaging, more expensive and harder to solve the longer we wait.

Now is the time to write the next chapter in the history of the Clean Air Act. As it has been since the beginning of the Clean Air Act, our work will be good for our health, good for our environment, and good for our economy.

Richard Windsor/DC/USEPA/US
10/07/2009 02:38 PM

To Adora Andy, Bob Sussman, Steve Owens, David McIntosh, Arvin Ganesan, Allyn Brooks-LaSure, Seth Oster
cc Michael Moats, Brendan Gilfillan, Betsaida Alcantara
bcc

Subject Re: NYT: Experts Debate Ways to Reform 1976 Toxics Law

Nice.

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/07/2009 02:34 PM EDT
To: Richard Windsor; Bob Sussman; Steve Owens; David McIntosh; Arvin Ganesan; Allyn Brooks-LaSure; Seth Oster
Cc: Michael Moats; Brendan Gilfillan; Betsaida Alcantara
Subject: NYT: Experts Debate Ways to Reform 1976 Toxics Law

New York Times

October 7, 2009

Experts Debate Ways to Reform 1976 Toxics Law

By SARA GOODMAN of [Greenwire](#)

An overhaul of federal toxics regulations will require prioritizing tens of thousands of chemicals currently in the marketplace, representatives of industry and advocacy groups agree.

At issue: the 1976 Toxic Substances Control Act.

"Getting prioritization is the key to TSCA modernization," Mike Walls, vice president of the American Chemistry Council (ACC), yesterday told a Washington gathering of chemical manufacturers, environmental and public health advocates, environmental justice leaders and consumer product goods companies.

With more than 80,000 chemicals in the TSCA inventory, the first step in prioritization is aligning the list with what is in commerce, Walls said. There is widespread agreement that the focus should be on the highest-priority chemicals and that it should be based on materials' potential for human health risks. But how to do that remains up for debate.

Industry is pushing to use existing data to prioritize because that process can start quickly. "In our view, the appropriate starting point to drive a priority system is available hazard and use information," Walls said.

But Richard Wiles, executive director of the Environmental Working Group, said it will be critical to get new information because little is known about many chemicals. "We're really flying blind on the exposure side, we don't know anything," he said.

Wiles agreed with the industry call to begin with existing data but cautioned that the overall emphasis needs to be on gathering new data to uncover what he called the "essential missing piece to prioritization" -- chemicals found in human bodies.

"It's not a bad idea to set priorities based on what we know now; that's probably a great way to jump-start the program," Wiles said. "But priority setting has to be dynamic. Come up with a quick list right off the bat, but then we need a way to force the key data we need to set the next set of chemicals within a very short period of time, within 18 months, two years after we start this process, and that's going to have to be based on new data."

The debate over priorities comes in preparation of TSCA reform legislation expected to be introduced this month in Congress.

"This truly is an historic event, and we are encouraged to see the EPA, environmental groups and consumer companies come together to discuss a law that is central to one of the most important issues Americans are faced with today: the safety of the products we use to make our lives better, safer and healthier," ACC President Cal Dooley said.

Added EPA Administrator Lisa Jackson: "We are truly at a transformative period."

Jackson last week unveiled six principles she said should guide Congress as it debates a TSCA overhaul. She wants lawmakers to place the burden of proving the safety of a chemical on industry and to give EPA sufficient authority to require additional information about chemicals and take risk-management actions. The agency is also advocating a system for prioritizing high-risk chemicals and providing equal scrutiny for new and existing chemicals.

Under current TSCA regulations, EPA faces what many critics call a Catch-22 in regulating chemicals because of the burden of proof the law places on the government. The agency must prove a chemical poses a health threat before it can act, but regulators also need proof before they can require companies to provide more information about a chemical.

Since TSCA was enacted, EPA has used it to evaluate the safety of 200 chemicals and banned five.

"We know far too little about chemicals coming into the market," Jackson said. "Manufacturers have far too little certainty about how chemicals they make are regulated. The EPA needs the tools to do the job that the public expects."

Setting a safety standard

Another potential sticking point in the reform effort is the question of how to define TSCA's safety standard.

The current definition says EPA must show why it believes a chemical poses a health threat and must use the least burdensome alternative to restrict a chemical's use.

Jane Houlihan, senior vice president for research with the Environmental Working Group, said her group is pushing to change the standard. To ensure a reasonable certainty of no harm, she said, the standard should require the use of biomonitoring to protect the most vulnerable populations -- including children in utero -- and acknowledge scientific uncertainty.

Steve Goldberg, vice president and associate general counsel for Germany-based BASF, presented a list that also emphasized the need for a risk-based standard. But he emphasized the importance of having a standard that does not discourage innovation or stop companies while regulators determine how to proceed on a chemical. Finally, he said the standard should focus on chemical regulation rather than product regulation.

Speakers at the conference agreed on the advantages of trying to work together across ideological lines.

"We have to be able to go to the Hill and show alignment at least at the principle level," said ACC's vice president for federal government relations, Marty Durbin. "It's not a simple issue, and it doesn't have broad recognition of climate change or health care. ... We've got to find a way to make this a bipartisan process."

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For more news on energy and the environment, visit www.greenwire.com.

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Richard Windsor/DC/USEPA/US
10/06/2010 10:15 AM

To Adora Andy, David McIntosh, Seth Oster, Arvin Ganesan, Brendan Gilfillan, Betsaida Alcantara, Alisha Johnson, Michael Moats

cc

bcc

Subject Re: POLITICO: RAHM TAKES LABOLT

"The boys" ???
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/06/2010 10:13 AM EDT
To: Richard Windsor; David McIntosh; Seth Oster; Arvin Ganesan; Brendan Gilfillan; Betsaida Alcantara; Alisha Johnson; Michael Moats
Subject: POLITICO: RAHM TAKES LABOLT

Emanuel takes LaBolt with him

By: [Carol E. Lee](#)
October 6, 2010 12:00 AM EDT

A member of President Barack Obama's close-knit team is leaving the White House to work for former chief of staff Rahm Emanuel's mayoral bid in Chicago, POLITICO has learned.

Ben LaBolt, a native Chicagoan and one of Obama's longest-serving press aides, will serve as Emanuel's campaign's communications director, according to sources with knowledge of the hire. LaBolt will leave his job as an assistant White House press secretary by the end of October, sources said.

Emanuel was looking for someone with Chicago roots and a combative side for the campaign he launched Sunday, just two days after leaving his White House post. LaBolt, 29, was born and raised in the Chicago area and understands the city's media and political worlds. He's also known for his push-back on reporters writing stories he perceives as unflattering and for serving as the point person on thorny issues. The hire has been in the works for days, with the final details ironed out Tuesday.

LaBolt is a veteran in the Obama press operation who served as Obama's press secretary when he was in the Senate and worked on his presidential campaign from the start. In January 2009, he became one of a handful of spokesmen to work under White House press secretary Robert Gibbs.

LaBolt has been tasked with handling several high-profile controversies for Obama. During the campaign it was speculation about the authenticity of Obama's birth certificate, and later it was questions about the indictment and subsequent trial of former Illinois Gov. Rod Blagojevich.

His official White House portfolio includes issues that fell within the departments of Energy, Interior, Commerce and Justice. So he's handled press for Obama's Supreme Court nominees and worked on the BP oil spill – the politics of it, not the nitty-gritty details of the response. His duties have also at times included acting as spokesman for the White House Counsel's office and Carol Browner, Obama's top adviser on energy and climate change.

Prior to his time with Obama, LaBolt served as press secretary and legislative assistant to Rep. Jan Schakowsky (D-Ill.). A graduate of Middlebury College, he's also worked at the Democratic National Committee, on Howard Dean's 2004 presidential campaign and as press secretary for Sherrod Brown's successful 2006 Senate campaign in Ohio.

LaBolt's departure will be a loss for his White House colleagues, with whom he has close friendships and has shared tight working quarters on a daily basis since the beginning of the Obama campaign in 2007. He will be the first of the small circle of press aides – "the boys" as they're known – to leave the White House.

Not that Obama's communications shop hasn't seen its share of change.

Former EMILY's List executive director Ellen Moran left her position as White House communications director less than three months after Obama took office after it became clear the job wasn't the right fit. Veteran Democratic strategist Anita Dunn took over in the interim until Dan Pfeiffer was permanently given the job in November 2009.

Deputy communications director Jen Psaki was promoted from deputy press secretary shortly after Pfeiffer moved up. Psaki was replaced by Amy Brundage, who had been regional communications director. And Caroline Hughes became a press assistant when Priya Singh left to become an aide to United Nations ambassador Susan Rice.

LaBolt's replacement has not been named.

Adora Andy
Deputy Associate Administrator
U.S. Environmental Protection Agency
Office of External Affairs and Environmental Education
202-564-2715
andy.adora@epa.gov

Richard Windsor/DC/USEPA/US
03/13/2010 11:14 AM

To Adora Andy, Gina McCarthy, Lisa Heinzerling, "Lisa Jackson", Bob Perciasepe, Diane Thompson, "Bob Sussman", David McIntosh, "Seth Oster", "Allyn Brooks-Lasure", "Arvin Ganesan", Stephanie Owens
cc "Betsaida Alcantara", "Brendan Gilfillan", Michael Moats, Alisha Johnson
bcc

Subject Re: NYT: Worse Than Inaction on Climate Change

Very cool too.
Adora Andy

----- Original Message -----

From: Adora Andy

Sent: 03/13/2010 10:55 AM EST

To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens

Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; Alisha Johnson

Subject: NYT: Worse Than Inaction on Climate Change

EDITORIAL

Worse Than Inaction on Climate Change

Published: March 13, 2010

The Obama administration has always had a backup plan in case Congress failed to pass a broad climate change bill. The Environmental Protection Agency would use its Clean Air Act authority to regulate greenhouse gases. Regulation, or the threat of it, would goad Congress to act or provide a backstop if it did not.

The House passed a bill last year seeking an economywide cap on emissions, but there has been no progress in the Senate. Now some senators seem determined to undercut the E.P.A.'s regulatory authority. These include not only Republicans who panic at any regulation, but also Democrats who say they worry about climate change but insist that the executive branch stand aside until Congress gets around to dealing with it.

The most destructive idea is a "resolution of disapproval" concocted by Lisa Murkowski, a Republican from Alaska. It would reject the E.P.A.'s recent scientific finding that greenhouse gases are a danger to public health and welfare, effectively repudiating the agency's authority - granted to it by the Supreme Court - to regulate these gases. As a practical matter, it would also stop last year's widely applauded agreement to limit greenhouse gas emissions from cars and trucks.

Ms. Murkowski has temporarily set aside her amendment while the Senate mulls a seemingly more benign bill from Jay Rockefeller, a West Virginia Democrat. His bill does not tamper with the new rules on vehicle emissions or deny the E.P.A.'s legal authority to regulate greenhouse gases. But it would severely narrow the agency's reach by blocking it from proposing, or even doing much work on, regulations on emissions from stationary sources like power plants, for two years while Congress worked on broader legislation.

Industrial emissions account for a third of this country's greenhouse gases, and freezing the government's ability to regulate them makes no sense. There is no guarantee that Congress will produce

a broad bill. And even if it does, what is the harm in requiring power plants and other industrial facilities to make near-term improvements in efficiency, or switch to less-polluting fuels?

These senators seem to have bought the hype, spun by industry, that the E.P.A. will run amok. This is not the way we read the intentions of the E.P.A. administrator, Lisa Jackson, who has promised that whatever regulations she proposes will be gradual, cost-effective and affect only the largest facilities.

Nor is it the way we read Congress's responsibility to the country. That is to address the very real danger of climate change, not deny the government the tools it needs - and legally has - to fight it.

Richard Windsor/DC/USEPA/US
04/02/2010 11:02 PM

To Adora Andy, "Lisa Jackson"
cc "Seth Oster", "Allyn Brooks-Lasure"
bcc

Subject Re: NEWSWEEK: Regulate, Baby, Regulate

Same article. Fun title.
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 04/02/2010 10:56 PM EDT
To: "Richard Windsor" <windsor.richard@epa.gov>
Cc: "Seth Oster" <oster.seth@epa.gov>; "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>
Subject: NEWSWEEK: Regulate, Baby, Regulate

See below. :)

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 04/02/2010 05:09 PM EDT
To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan; Alisha Johnson; Michael Moats
Subject: NEWSWEEK: Regulate, Baby, Regulate
(Magazine version)

Regulate, Baby, Regulate

EPA chief Lisa Jackson is taking on the president's next big challenge: climate change. Will her hardball tactics persuade Congress to play along?

By Daniel Stone | NEWSWEEK

Published Apr 2, 2010

From the magazine issue dated Apr 12, 2010

Washington, D.C., is littered with the careers of bright, well-meaning public servants who came to the capital to do good but fell victim to politics. Lisa Jackson is determined not to become one of them. As head of the U.S. Environmental Protection Agency, Jackson oversees the quality of America's air and water and monitors pollution levels. It's a job that endears her to green activists (and people who like clean air and water)—but it also puts her at odds with some of the nation's largest, richest industries.

For decades, big manufacturers and commercial farmers, who retain powerful lobbyists and make large contributions to the election campaigns of members of Congress, have pushed back against the EPA's efforts to enact stricter controls on pollution. In the years when George W. Bush was president they often got their way, as the EPA rolled back on enforcement to suit the administration's pro-industry politics.

Some of those industry heads have also been heard in the Obama White House, which last week announced plans to open parts of Alaska and the East Coast to new offshore drilling—a gambit the president hopes will build support for a climate-change bill in Congress. But if that conciliatory approach doesn't work, Obama can count on Jackson as his climate enforcer. Unless Congress acts by next January, Jackson says, the EPA will use its authority under America's Clean Air Act to phase in new restrictions on carbon dioxide, the greenhouse gas that contributes to global climate change. The U.S.

emits nearly a quarter of the world's carbon dioxide; the EPA has identified it and five other greenhouse gases as a threat to public health. "The difference between this administration and the last is that we don't believe we have an option to do nothing," Jackson told NEWSWEEK.

Despite the rage of environmentalists, the drilling decision didn't bother Jackson much. Just weeks before, she admitted that any energy policy "should include offshore drilling" so long as it doesn't harm the environment—a condition that would seem nearly impossible to fulfill. If anything, energy companies unearthing more fossil fuels would only boost the emissions she's aiming to cut, giving her fight more urgency. But that doesn't mean her job will be easy. Three months after announcing her intent, Jackson, a chemical engineer who spent years working within the EPA bureaucracy, is starting to see just how difficult it may be. For starters, the Nixon-era Clean Air Act was never intended to regulate a pollutant as pervasive as carbon. Both environmentalists and industry heads also acknowledge that Congress would be able to address the problem better. "The only thing everyone agrees on is that a regulatory approach would be more extensive and less effective than legislation," says Paul Bledsoe, spokesman for the National Commission on Energy Policy, a Washington think tank. But until Congress takes up the question, Obama holds the only key to sweeping carbon cuts.

Jackson doesn't seem to mind that the job has been deputized to her, yet she knows her agency's credibility—and her own—could be at stake. Already, powerful interests are lining up against the anticipated changes, which she and agency scientists have promised to detail later this year. Industry groups like the American Public Power Association are readying lobbying campaigns to kill or at least slow the impending regulations, and more than 100 agriculture and energy groups have demanded that Jackson back off. "It will create a huge competitive disadvantage to our industry," says Nancy Gravatt, a spokesperson for the American Iron and Steel Institute. "We already filed a legal challenge. The further this gets, the more of that we will be doing. We will continue to contest this."

Politicians on Capitol Hill are also agitating against the carbon cuts. "Getting climate policy right will take a lot of work and should rightfully be done by those elected to Congress," says Republican Sen. Lisa Murkowski of Alaska, one of the nation's largest producers of oil and gas. "We may not be moving as fast as some would like, but we are working." Murkowski says that Obama's pivot on drilling sounds nice to the media, but won't be enough to bring her to the table.

Jackson knew that threatening to act by executive fiat wouldn't be popular. But she also knew it would get people's attention and, along with Obama's drilling plan, maybe prod Congress to act. She says that she would prefer to go through—instead of around—Congress. "You can definitely cut emissions through regulation, but a much more efficient way is through legislation," she says. For one thing, Congress would sugarcoat any carbon-cutting bill with tax breaks and other incentives for industries to go along.

Jackson's do-it-or-else version will contain none of that. Yet despite protests by members of Congress that Jackson is infringing on their turf, leaders on Capitol Hill—mistrustful after the passage of health care and worried about a double-dip recession—have shown little interest in taking up the issue. Republicans, largely skeptical of climate change, are opposed to steep emissions cuts, and even many Democrats who are sympathetic to the cause in principle don't want to make trouble with big employers (and donors) back in their home districts. (Some lawmakers have introduced protest bills that threaten to rewrite the Clean Air Act to curtail the EPA's power, and even to dry up funding for the agency. They aren't expected to go anywhere, although Jackson says she's prepared to fight such measures.)

The few members of Congress who do want to take up global warming recognize that pushing for carbon regulations is the last way to win the support of their colleagues. In the Senate, Democrats John Kerry and Joe Lieberman and Republican Lindsey Graham are working on a broad energy bill that will include government subsidies for businesses to use renewable energy sources. But the measure is expected to be lax on carbon reductions, and is unlikely to make a meaningful dent in the nation's greenhouse-gas emissions.

The big question in Washington isn't whether the EPA has the authority to singlehandedly force polluters to radically cut their carbon emissions; the U.S. Supreme Court ruled in 2007 that it does. It's whether the White House is actually serious about carrying out Jackson's plan—or if it is just noisily bluffing to get

Congress to take some action, even if it falls short of Jackson's ambitious cuts.

The one to watch for that answer isn't Jackson, but Obama. With a health-care victory under his belt, the president has new clout, both with Congress and with a growing number of voters. But if the January deadline approaches and Congress still hasn't taken up a plan to reduce carbon, Obama will have to decide if he has the political stomach to make good on Jackson's ultimatum—a move unpopular enough that it could land him back in the trenches. It wouldn't be a quiet fight. The other side would attack him as anti-business and anti-jobs, and it wouldn't all be Republicans.

Already there are signs that it may not come to that. As Jackson talks tough about deadlines and cuts—trying to convince industry that the administration is standing behind her plan—the president himself has been notably quiet on her threat. Obama's openness to drilling and new nuclear plants, two things he at first opposed during his campaign, signals he's willing to make broad concessions to avoid such a showdown. "The president understands that EPA must follow the science and its legal obligations," says a White House official who spoke under the usual rules of anonymity. "But he has made abundantly clear that his strong preference is for Congress to pass energy and climate legislation." Hardball Washington translation: let's make a deal.

Richard Windsor/DC/USEPA/US
12/08/2009 05:01 PM

To Adora Andy, "Seth Oster"
cc
bcc
Subject Re: Top 10 - Time Magazine

Woohoo!
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 12/08/2009 04:27 PM EST
To: Richard Windsor; Seth Oster
Subject: Top 10 - Time Magazine

We made it twice under top 10 green ideas!

Top 10 Green Ideas

U.N. Climate-Change Summit
Cap-and-Trade Debate in Washington
Stricter Auto Fuel-Efficiency Standards
General Motors Goes Bankrupt
EPA to Regulate CO2
Biofuels Aren't That Green
Factory Farming and Swine Flu
Obama's Green Cabinet
China's Green Stimulus
Nissan's All-Electric Leaf

<http://www.time.com/time/specials/packages/completelist/0,29569,1945379,00.html>

5. EPA to Regulate CO2

By BRYAN WALSH Tuesday, Dec. 08, 2009

The Clean Air Act mandates the EPA to regulate harmful pollutants such as particulate matter and ozone. Pollutants like carbon dioxide and other greenhouse gases, however, were long excluded under the law, since they don't harm human health directly but rather through the process of global warming. But two years ago those exceptions were eliminated when the Supreme Court ruled that the EPA could indeed regulate CO2 as a pollutant under the Clean Air Act. Problem was, the then Bush Administration EPA dragged its feet on any response to the ruling and even buried scientific evidence on the harmful effects of global warming. With Obama's election, that changed. On Sept. 30 new EPA Administrator Lisa Jackson announced that the Federal Government would begin the process of regulating CO2. It's still not clear what that will mean, and both Jackson and Obama have said they'd prefer Congress to take the lead on limiting CO2, but regulation remains a powerful weapon for environmentalists.

8. Obama's Green Cabinet

By Bryan Walsh Tuesday, Dec. 08, 2009

Traditionally, the environment and energy slots have not been the highest-profile positions in the President's Cabinet. But that changed when President Obama began assembling his team after the 2008 election. He installed some big names, including Nobel Prize-winning physicist Steven Chu as Secretary

of Energy; Carol Browner, who ran the EPA under former President Bill Clinton, as the new climate czar; and the tough New Orleans native Lisa Jackson as the first African-American head of the EPA. The change has been remarkable, with Jackson's EPA moving to regulate CO₂ as a pollutant and Chu remaking the sleepy Department of Energy into a laboratory for clean technology.

Richard
Windsor/DC/USEPA/US
12/08/2009 10:22 AM

To Adora Andy
cc "Seth Oster", "David McIntosh", "Allyn Brooks-Lasure"
bcc

Subject Re: Boston Globe: Finally, US leads on environment

Coo-ooo!
Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 12/08/2009 10:17 AM EST
To: Gina McCarthy; Lisa Heinzerling; "Richard Windsor"
<windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman"
<sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>;
"Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>; "Arvin Ganesan"
<ganesan.arvin@epa.gov>
Subject: Boston Globe: Finally, US leads on environment
Finally, US leads on environment

By Derrick Z. Jackson | December 8, 2009

IN A CRITICAL demonstration of backbone on global warming, the Obama administration yesterday declared carbon dioxide a dangerous pollutant. Saying the country "will not ignore science and the law any longer," Lisa Jackson, the administrator of the Environmental Protection Agency, said her findings and declaration "cement 2009's place in history as the year when the United States government began addressing the challenge of greenhouse gas pollution." In a news briefing, Jackson rattled off the predicted effects of unabated climate change, based on "overwhelming amounts of scientific study." The effects range from melting polar ice caps to droughts and from disease to hotspots for military conflict. Her ruling covered six top contributing gases to climate change. Other gases included methane, nitrous oxide, and hydrofluorocarbons. "We know that skeptics have and will continue to try to sow doubts about the science," Jackson said. "It's no wonder that many people are confused. But raising doubts - even in the face of overwhelming evidence - is a tactic that has been used by defenders of the status quo for years. . . . It's time that we let the science speak for itself." After the briefing, Jackson flew to Copenhagen, where she will be the first of several administration officials to address the international climate change summit. The last official will be President Obama on Dec. 18. The fact that the EPA administrator and the president are the two American bookends at Copenhagen is the strongest signal yet of a new American attitude on the environment. Still, the summit does not have a global agreement to reduce greenhouse gas emissions. American business lobbyists and fossil fuel-state politicians have thus far kept federal climate change legislation from getting out of the Senate. The United States, about 6 percent of the world's population, consumes about a quarter of the world's energy and in turn is responsible for a quarter of world's greenhouse gases. This cloud is a hangover from the Bush administration, going back to when EPA Administrator Christine Todd Whitman issued a report in 2002 saying that human activities were responsible for the greenhouse gases of global warming. President Bush brushed off the report as an irrelevant document "put out by the bureaucracy." Whitman later resigned. America became a global pariah in environmental circles. With the EPA now fully in command of the message of a more well-intended administration, there is hope that the Copenhagen summit, whether it does or does not itself end with a binding agreement, will be a springboard, not a dead end. Jackson's command of the message was on display last week in a Senate environmental hearing. For several minutes, she was badgered by the Senate's leading disbeliever of global warming, Republican James Inhofe of Oklahoma. Inhofe tried to play up the recent story of e-mails showing the process of how scientists have debated, in some cases unprofessionally, the findings of climate change. Jackson responded by saying, "While I would absolutely agree that these e-mails show a lack of interpersonal skills . . . I have not heard anything that causes me to believe that [the] overwhelming consensus that climate change is happening and that man-made emissions are contributing to it, have changed." When Inhofe pressed for Jackson to delay her endangerment finding, Jackson stood firm and said, "Senator, I believe that what we should be looking for

are any changes in the consensus opinion of scientists around the world about climate change."Having seen no changes, Jackson officially announced that the gases do endanger us. Congress now has a clock ticking on regulations, with Jackson herself saying the nation would be better served by congressional legislation beyond the powers of the EPA. Obama now has leverage with other large polluting nations, leading by a fresh, unprecedented example at home. One of the high points of the early Obama administration has been letting Jackson deliver the president's message. Now Obama needs to deliver it himself

Richard Windsor/DC/USEPA/US
02/01/2010 01:01 PM

To Allyn Brooks-LaSure
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

Me and Cory...

----- Forwarded by Richard Windsor/DC/USEPA/US on 02/01/2010 01:01 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 02/01/2010 11:16 AM
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[TheGrio's 100: **Lisa Jackson**, Washington's lead environmentalist](#)

The Grio

Jackson's leadership comes at a pivotal time for the **EPA** in the nation's policymaking. The White House and Congress have taken the threat of climate change ...

[See all stories on this topic](#)

[Finding gives US **EPA** power to regulate greenhouse-gas emissions](#)

Petroleum Economist

... "is now authorised and obligated to take reasonable efforts to reduce greenhouse pollutants under the Clean Air Act (CAA)", said **EPA** head **Lisa Jackson**. ...

[See all stories on this topic](#)

Tip: Use quotes ("like this") around a set of words in your query to match them exactly. [Learn more](#).

[Remove](#) this alert.

[Create](#) another alert.

[Manage](#) your alerts.

Richard Windsor/DC/USEPA/US
03/23/2010 09:50 AM

To Allyn Brooks-LaSure
cc Bob Perciasepe, Diane Thompson
bcc
Subject Re: Fw: more info on R 7's emphasis on Administrator's priorities

v cool

Allyn Brooks-LaSure Karl Brooks is making a concerted... 03/22/2010 06:11:45 PM

From: Allyn Brooks-LaSure/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Bob Perciasepe/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA
Date: 03/22/2010 06:11 PM
Subject: Fw: more info on R 7's emphasis on Administrator's priorities

Karl Brooks is making a concerted and continuing effort to amplify your priorities. The latest example...

M. Allyn Brooks-LaSure | Deputy Associate Administrator for Public Affairs

U.S. Environmental Protection Agency | Office of the Administrator

Phone: 202-564-8368 | Email: brooks-lasure.allyn@epa.gov
----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 03/22/2010 06:11 PM -----

From: Rich Hood/R7/USEPA/US
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 03/22/2010 06:08 PM
Subject: more info on R 7's emphasis on Administrator's priorities

Allyn,

I am pasting in the message that went up on the LAN this morning in Region 7 from Regional Administrator Karl Brooks.

Originator: Karl Brooks

Approver: Karl Brooks

Moving Forward: Agency Priorities, Regional Actions

As we prepare for our brown bag session discussing the Administrator's Priorities and how we in Region 7 will

implement those priorities, I wanted to expand on my earlier message to regional staff. You have seen the following statement from Lisa Jackson posted around our buildings: "These priorities are built around the challenges and opportunities inherent in our mission to protect human health and the environment. I have confidence in our ability to meet every challenge, and seize every opportunity."

The posters list the Administrator's Priorities:

- 1) Taking Action on Climate Change
- 2) Improving Air Quality
- 3) Assuring the Safety of Chemicals
- 4) Cleaning up Our Communities
- 5) Protecting America's Waters
- 6) Expanding the Conversation on Environmentalism and Working for Environmental Justice
- 7) Building Strong State and Tribal Partnerships.

I strongly endorse these priorities and want to let you know how I intend to amplify them here in the Region.

- 1) Enforce – EPA Region 7 enforces some of our nation's most important laws, including ones that deal with climate, air quality, chemical safety, water quality and cleaning up our communities.
- 2) Endorse – EPA Region 7 makes sure that our partners in state government, tribal and local governments are carrying out their important duties. Working together we can accomplish our challenging mission.
- 3) Encourage – EPA Region 7 has technical know-how and capacity to help American citizens figure out new and better

ways of living right with the earth. We encourage citizens to take responsibility for the conditions of our world and the world we will leave to our kids.

4) Visibility – As the presidential appointee here, I can function as the Administrator’s eyes and ears on environmental matters in our region. I need to be out and among the people of this region, and I intend to do that. Visibility is important both to me as the regional administrator, and it’s also something I can help you accomplish.

5) Credibility – I have always believed that EPA and the folks who work for EPA speak with credibility. As regional administrator I will act always to enhance our credibility by demonstrating to the people of this region that when the agency intervenes on an issue or tackles a problem, we do so using all our knowledge, skill and resources to help people devise a solution or even just understand the problem.

6) Renewability – During my time as regional administrator I will help my colleagues who have already been on the job move our agency forward. I will help my colleagues identify those who must come after me to renew EPA’s ability to do our hard work. This agency shines as a bright beacon of environmental responsibility throughout our region. I will work with all of you to keep us in the forefront. Our mission is perennial, but the tools we bring to it are renewable. I will always remember that our people are EPA’s greatest resource.

I look forward to meeting with you on March 25.

Rich Hood
Associate Regional Administrator
For Media, Intergovernmental Relations

Region 7

(o) 913-551-7906

(c) 913-339-8327

Richard Windsor/DC/USEPA/US
09/18/2009 06:05 PM

To Allyn Brooks-LaSure, Scott Fulton, Bob Perciasepe, Bob Sussman, Diane Thompson, Gina McCarthy, Mathy Stanislaus, Steve Owens, Cynthia Giles, Peter Silva, Michelle DePass, Craig Hooks, Chuck Fox, Lawrence Elworth, Cameron Davis, David McIntosh, Lisa Heinzerling, Sarah Pallone, Arvin Ganesan
cc Seth Oster, Stephanie Owens, Adora Andy, "William Early", "Stan Meiburg"
bcc

Subject Re: Reactions to EPA's actions

And that's just a sampling. Folks - thanks to you and your respective staffs for the important and outstanding work you are doing for the American people. Have a gret weekend. Lisa
Allyn Brooks-LaSure

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 09/18/2009 05:55 PM EDT
To: Richard Windsor; Scott Fulton; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy; Mathy Stanislaus; Steve Owens; Cynthia Giles; Peter Silva; Michelle DePass; Craig Hooks; Chuck Fox; Lawrence Elworth; Cameron Davis; David McIntosh; Lisa Heinzerling; Sarah Pallone; Arvin Ganesan
Cc: Seth Oster; Stephanie Owens; Adora Andy
Subject: Reactions to EPA's actions

Below are assorted reactions to EPA actions during the past several days.

Environmental Community Commentary Round-up Office of Public Outreach Week Ending September 18, 2009

EPA Announces it Will Reconsider National Smog Standards Release date: 09/16/2009

Sept. 16: "EPA's commitment to protect human health from dangerous smog is a breath of fresh air," said Cal Baier-Anderson, Ph.D., a toxicologist with **Environmental Defense Fund**. "For millions of kids, smog can make it difficult to attend school, to play outside and to breathe on polluted day." ###

Sept. 16: Statement of Charles D. Connor, President and Chief Executive Officer, **American Lung Association**. "We at the American Lung Association applaud her decision to remedy a serious misjudgment that the EPA made in 2008. ###

Sept. 16: **Earthjustice** attorney David Baron: "This action gives hope to millions of people suffering from polluted air throughout the nation. It's crucial that there be no delay in this schedule." ###

Sept. 16: "Good news for clean air today" **John Walke, Senior Attorney and Clean Air Director for Natural Resources Defense Council**. "Today's announcement bodes

well for more good news for clean air in the future. ###

EPA Tightens Air Emissions for Hospital, Medical, and Infectious Waste

Release date: 09/16/09

Sept 16: "The actions taken by EPA today to reduce air pollution in communities hosting medical waste incinerators is long overdue and welcomed," said **Jane Williams, chair of the Sierra Club Air Toxics Task Force.** ###

Sept 16: "EPA's new Administrator, Lisa Jackson, has taken a big step toward reducing pollution from medical waste incinerators," said **Jim Pew, an Earthjustice attorney who handled the cases.** "It is a breath of fresh air, figuratively and literally, that EPA has taken action that will allow people to breath more easily in towns and cities across the country." ###

DOT Secretary Ray LaHood and EPA Administrator Lisa P. Jackson Propose National Program to Improve Fuel Economy and Reduce Greenhouse Gases/ New Interagency Program to Address Climate Change and Energy Security

Release date: 09/15/09

Sept 15: Statement by Roland Hwang, vehicles policy director for NRDC: "This historic proposal moves America further down the road to cleaner, more fuel-efficient vehicles. This unprecedented national program would reduce global warming pollution, break our dependence on oil, and save drivers money at the pump. Working together, the Obama administration, states, the auto industry, and environmental leaders have come to an agreement that will enable car makers to meet the challenges of the 21st century, while protecting our planet and our health. ###

Sept 15: You have to go back to the days of disco to see a fuel economy improvement like this," said **Jim Kliesch, a senior engineer in the Union of Concerned Scientists' Clean Vehicles Program.** "If finalized, these proposed standards will be the biggest increase in fuel economy in more than 30 years. That's good news for the environment, consumers' wallets, and our nation's energy security." ###

Sept 15: **Statement of Ann Mesnikoff, Sierra Club Green Transportation Campaign** "After decades of inaction, President Barack Obama directed the Environmental Protection Agency and the National Highway Traffic Safety to work together to speed up the pace for cleaning up the nation's new cars and trucks. We applaud President Obama for this move to curb global warming and our dependence on oil while giving Americans better vehicle choices. ###

Sept. 15: "This is a critical step to reduce our dependence on foreign oil and curb pollution that threatens our health," said **Environmental Defense Fund President Fred Krupp.** "It will deliver immediate benefits for the country as Congress crafts

comprehensive climate legislation." ###

Sept 15: **Joe Mendelson, the National Wildlife Federation's director of global warming policy**, said today: "The Environmental Protection Agency has taken an important and overdue step to clean up tailpipe pollution. The effort will jump-start the modernization and retooling of our auto industry, protect our environment, and reduce our reliance on oil. ###

Sept. 15: "The Obama Administration has put America in the driver's seat to become more energy independent. This historic action will reduce our nation's oil dependence, save consumers money at the pump, and cut global warming pollution," said **Environment American Global Warming Advocate Timothy Telleen-Lawton. ###**

Federal Agencies Release Draft Reports Required by Chesapeake Bay Executive Order

Release date 09/10/09

Sept 10: **A statement follows from Nancy Stoner, Co-Director of the Water Program at the Natural Resources Defense Council:** "These agencies have put together strong recommendations that give the President a solid blueprint for improving the health of the Chesapeake Bay. The federal government's plan tackles the biggest challenges to a healthy estuary – from contaminated runoff from our cities and crops, to massive manure pollution at factory farms, which NRDC has fought to stop for more than a decade." ###

EPA Releases Preliminary Results for Surface Coal Mining Permit Reviews

Release date: 09/11/2009

Sept 11: **Carl Pope, Executive Director of the Sierra Club issued the following statement:** "This is Mountain Joy. This announcement is also a testament to the Obama Administration's commitment to science, transparency and enforcing environmental safeguards." ###

"EPA's action today creates a welcome reprieve for the people who live below these enormous mining sites and the waste dumps they put into our waters," said **Judy Bonds, co-director of Coal River Mountain Watch.** "We will continue our fight for a total, complete reprieve for our children and for our beloved mountains and streams." ###

"We applaud this action by the Obama administration to return the rule of law to the Appalachian coalfields," said **Mary Anne Hitt, Deputy Director of the Sierra Club's Beyond Coal Campaign.** " ###

"While many mountains, streams and communities continue to be impacted or

annihilated by mountaintop removal because of years of lawless mining, EPA's announcement today provides people with some hope that from this day forward, real science and laws will be applied before any more permits are issued," said **Janet Keating, executive director of the Ohio Valley Environmental Coalition.** " ###

"We are pleased, but not surprised, that these 79 mines failed to pass muster under the Clean Water Act at this stage in the review. We have been saying for years that these types of mines are too destructive to proceed," said **Joe Lovett, executive director of the Appalachian Center for the Economy and the Environment.** "It is satisfying to know that there are finally leaders at EPA and in other federal environmental agencies who are willing to acknowledge that reality."

"For this stage in the permitting review process, EPA is doing the right thing, and we commend Administrator Jackson for her leadership," said **Joan Mulhern, senior legislative counsel for Earthjustice.** "

Richard Windsor/DC/USEPA/US
09/09/2009 03:17 PM

To: Betsaida Alcantara
cc
bcc
Subject: Re: Cap and Trade in Senate Limbo as Obama Makes All-Out Push on Health Care

I like it. You?
Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 09/09/2009 02:30 PM EDT
To: Richard Windsor
Subject: Cap and Trade in Senate Limbo as Obama Makes All-Out Push on Health Care

long article that gives an overview of where we are with climate bill. this was published on nytimes.com through climatewire. mentions you and quotes some of your stuff from Diane Rehm show....

September 8, 2009

Cap and Trade in Senate Limbo as Obama Makes All-Out Push on Health Care

By DARREN SAMUELSON of [ClimateWire](#)

President Obama's energy and global warming agenda stands at a major crossroads as lawmakers return today from their monthlong summer break amid an all-out push to pass health care legislation.

Senate Democrats originally intended to roll out their version of a cap-and-trade climate bill this week, but they have since delayed that schedule until later this month in part because of the brewing battle over health care.

Gone is the immediacy for action on global warming, and there is even talk that passing a climate bill this year has faded to third place on the administration's agenda behind financial reform legislation that responds to last year's Wall Street meltdown.

Asked last week about prospects for the Senate climate bill, White House spokesman Robert Gibbs changed the subject and instead predicted a "major push" from Obama and Congress to pass a bill that heads off any future financial crisis.

"I think that will be a very important part of the legislative agenda moving forward in the fall in strong hopes that by the end of the year we have new rules of the road going forward so that something like this doesn't happen under the same circumstances again," Gibbs told reporters Aug. 31.

Yet significant questions remain about just how much success can be had on financial reform, let alone the health care bill that gets center stage tomorrow night when Obama delivers a nationally televised speech before a joint session of Congress.

All sides of the global warming debate will be watching Obama close to see if their issue even merits a mention.

"If I were betting, he'll probably slip in a line about climate change," said Jeff Holmstead, a former U.S. EPA air pollution chief for President George W. Bush. "Because there'll be some people who are core constituents who will want to see that. The political calculus is the president will need to show he's still interested."

Democrats have been juggling health care and climate change since Obama took office. Earlier this year, House Speaker Nancy Pelosi (D-Calif.) and White House chief of staff Rahm Emanuel agreed to take on both issues simultaneously, which helped result in a House-passed climate bill just before the July 4 recess.

But many moderate Democrats complained about that strategy, and sources tracking the debate say Obama's political advisers are now in agreement that the climate issue now belongs on the back burner.

Several Capitol Hill aides said last week that they were confused about their mission -- especially as they continue to get a push to act by some Obama Cabinet members and White House energy adviser Carol Browner.

"It seems like there's a little bit of a gap somewhere," said one Democratic staffer who is working on the climate bill.

U.S. EPA Administrator Lisa Jackson said last week that she did not have a problem with Congress putting its emphasis this fall on health care.

"Certainly, the Senate rightfully is spending an awful lot of time looking at that issue," Jackson said in an appearance Thursday on NPR's "The Diane Rehm Show." "Clean energy is no less important. But rightfully, they want to finish their work on health care.

"All along, we've understood that for something on the order of clean energy, but also health care, they probably needed to be done in sequence," Jackson added.

Environmentalists insist that Democrats and the White House should keep pushing for a climate bill given scientific warnings about irreversible global warming, as well as mounting international pressure headed into U.N. negotiations this December in Copenhagen.

"Congress is capable of and staffed to do more than two important things at once," said David Doniger, policy director of the Natural Resources Defense Council's climate center.

But Manik Roy of the Pew Center on Global Climate Change said that Obama and Congress need to resolve health care before anything else can get traction.

"They can't disengage on health care," Roy said. "Win, lose or draw, they have to see it through. And only once that has played out can we turn to other issues."

EPA chief 'not concerned yet'

All that said, climate change legislation remains on the radar for some important committees and lawmakers.

The Senate Agriculture Committee holds a hearing tomorrow on the regulation of carbon markets, with a panel of witnesses dedicated to the views of farmers and agriculture groups. The House Select Committee on Energy Independence and Global Warming also plans a hearing Thursday with Obama's State Department climate envoy, Todd Stern, on preparations for the summit in Copenhagen, Denmark.

And later today, Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) and Foreign Relations Chairman John Kerry (D-Mass.) are scheduled to meet for the first time in person since the recess -- with an eye on mapping out the legislative road ahead.

The senators gave several reasons last week for why they delayed release of their legislation: Kerry's hip surgery, the death of Sen. Ted Kennedy (D-Mass.) and ongoing action in the Finance Committee to pass health care legislation.

Boxer and Kerry said they would use the extra time to "work on the final details of our bill, and to reach out to colleagues and important stakeholders."

Senate Majority Leader Harry Reid (D-Nev.) has scratched a Sept. 28 deadline that he had originally set out for work to be done on the climate bill in the EPW Committee and five other panels.

Reid spokesman Jim Manley said there is no new deadline for the committees to finish their work, only a call to pass climate legislation "as quickly as possible."

"They are working diligently to craft a well-balanced bill, and Senator Reid fully expects the Senate to have ample time to consider this comprehensive clean energy and climate legislation before the end of the year," Manley said.

Senate Democrats have twice this year pushed back their schedule for acting on a climate bill. Boxer had told reporters during the House climate debate that she would introduce a bill before the August recess. But she punted on that goal shortly after the 219-212 House vote.

Reid and other Senate Democratic leaders have also publicly acknowledged they are shy of the 60 votes needed to pass a bill -- with some of the pushback coming from within their own

caucus.

Off Capitol Hill, perspectives vary on the significance of the latest Senate schedule change.

"I'm not concerned yet," EPA's Jackson said on NPR. "I think the delay announced this week is understandable. It is a piece of legislation that's very complex. ... I just think it needs a little bit more time."

"You can introduce a losing bill anytime you want," added Jeremy Symons, vice president of the National Wildlife Federation. "Introducing a winning bill, however, needs to be done at the right time after the right consultations. So the new schedule doesn't change the fact that all signs are pointing to Senate action this fall."

By contrast, EPW Committee ranking member James Inhofe (R-Okla.) predicted the climate bill's demise as Democrats battle amongst themselves over a costly new program.

"The delay is emblematic of the division and disarray in the Democratic party over cap-and-trade and health care legislation, both of which are big government schemes for which the public has expressed overwhelming opposition," Inhofe said.

Seeking cover for Copenhagen

Absent additional progress on Capitol Hill, Obama will need to turn to other aspects of his environmental agenda as he prepares for the U.N. climate negotiations. Sources tracking the issue say the administration has several obvious choices, starting with the clean energy components included in the \$787 billion economic stimulus package.

Also coming soon: U.S. EPA rules to control greenhouse gas emissions from motor vehicles and power plants -- regulations that are more than a decade in the making and premised on the 2007 Supreme Court decision in *Massachusetts v. EPA* .

"You can take a big bite out of the U.S. global warming pollution under the existing law," Doniger said, who added that it would not be too difficult to quantify the emission reductions from combining the new federal rules.

Obama's diplomatic portfolio also may get a boost when he visits China in November as administration officials work behind the scenes to reach a bilateral agreement on global warming with Beijing.

Sen. Maria Cantwell (D-Wash.), touring China last week, told reporters she would put "higher odds" on a bilateral agreement than she would on a deal in Copenhagen, or on the Senate passing a climate bill.

"If you are producing 40 percent of emissions -- which is what China and the United States are together -- what a legacy, and what a great relationship you could create by saying that's what these two great countries stepped up to do," Cantwell said, according to Reuters.

EPA's Jackson said Obama would also prefer action by the Senate on cap-and-trade legislation before Copenhagen. But she also indicated that a law was not necessary.

"What we need to do is also keep our eye on the president's position," Jackson said. "Climate discussions have been part of the agenda on clean energy from the very beginning."

Most environmental groups would prefer a new U.S. cap-and-trade law before Copenhagen. But there is also significant apprehension that a losing vote in the Senate could be a huge blow to the international talks given the stock already placed in the United States returning to the negotiation table after eight years battling President George W. Bush.

"The real issue is showing progress and momentum," Doniger said. So while it is better if Obama has more concrete actions, Doniger explained that "a bad vote probably hurts the most."

He added, "And there's a lot of space in between."

Leave it to Reid

Boxer's Environment and Public Works Committee remains a key battleground as the climate debate advances. But there is now no clear timetable for when she will mark up a bill.

To date, Boxer has revealed a select number of details about what her bill will look like. She has said she is interested in setting a 20 percent limit on greenhouse gases for 2020 -- a more aggressive level than the House bill. And Boxer is also under pressure from environmental groups to keep EPA's authority for regulating power plant emissions -- something the House legislation surrendered.

From the other direction, Boxer before the August break said she would yield to an industry-driven demand for some type of price collar on greenhouse gas allowances.

Still, without legislative text, many different conclusions are being drawn about the direction Boxer wants to take the climate debate.

"On the issues most important to environmentalists, they'll go to the left," Holmstead said. "And on issues more important to business, she'll go to the right. People are interpreting that in different ways."

Andrew Wheeler, former Republican staff director for the Environment and Public Works Committee, said Boxer will need to make some tough decisions in the weeks and months ahead.

"You can't make it better for both sides," he said. "Somebody has to be told it's not getting better for you."

There are also number of unresolved issues still ahead.

Boxer and Finance Chairman Max Baucus (D-Mont.), for example, remain at loggerheads over who writes the allocation of hundreds of billions of dollars in emission allowances.

Reid is expected to play a key role in resolving the committee dispute, as well as other battles over nuclear power, international trade with developing countries and agriculture.

So with plenty of time still to go, few are showing all of their cards.

"This is at least a three-stage process," said Roy. "There's the EPW process. There's the majority leader's process. And there's what happens on the floor. People are planning with each of these events in mind."

Richard Windsor/DC/USEPA/US
12/04/2009 10:03 AM

To Betsaida Alcantara
cc
bcc
Subject Re: POLITICO: Lisa Jackson

Nice opening!
Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 12/04/2009 10:02 AM EST
To: Richard Windsor
Cc: Allyn Brooks-LaSure
Subject: POLITICO: Lisa Jackson

Lisa Jackson

By: [Alexander Burns](#)
December 3, 2009 11:57 PM EST

Of all the Obama administration officials headed to Copenhagen, Environmental Protection Agency Administrator Lisa Jackson may be the one most directly engaged in the fight against global warming.

Since last April, when the EPA issued a ruling calling climate change a threat to public health, Jackson has been positioning her agency to start placing restrictions on carbon emissions. And even in the initial announcement of the EPA's decision to label carbon a pollutant, Jackson framed the move in terms of comprehensive energy reform.

"This pollution problem has a solution — one that will create millions of green jobs and end our country's dependence on foreign oil," Jackson said.

The former New Jersey environmental protection commissioner has reassured legislators that she does not intend to dictate the kinds of large-scale regulatory shifts under consideration in Congress.

"Even as the president and the members of his Cabinet move forward under existing authority, we continue urging Congress to pass a new clean energy law," Jackson told a Senate panel in late October. "Only new legislation can bring about the comprehensive and integrated changes that are needed to restore America's economic health and keep the nation secure over the long term."

But the EPA's steps toward curbing emissions are unmistakable: The agency recently proposed a new rule requiring power plants exceeding a certain carbon output to demonstrate that they are minimizing emissions to the

greatest degree possible.

So far, the White House has Jackson's back. In a recent news briefing, press secretary Robert Gibbs cast steps toward regulating carbon as legal necessities.

"There's a Supreme Court order that this is an issue that has to be dealt with," Gibbs said. "The president has said throughout this process that the way to deal with this is through legislation. That's what we're trying to do, and that's what we hope to do."

Richard Windsor/DC/USEPA/US
06/25/2010 07:00 PM

To Betsaida Alcantara
cc
bcc

Subject Re: Vanity Fair: A Colossal Fracking Mess

Tx!

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 06/25/2010 06:56 PM EDT
To: Richard Windsor; Bob Perciasepe; Bob Sussman; Seth Oster; Allyn Brooks-LaSure; Adora Andy; Arvin Ganesan; Paul Anastas; Peter Silva
Subject: Vanity Fair: A Colossal Fracking Mess

FYI - Long Vanity Fair article below on hydraulic fracturing. Here are the instances where EPA is mentioned:

"But shale gas and hydraulic fracturing haven't needed much help from the Obama administration. That's because they already got a huge helping hand from the federal government under the Bush administration. Although fracking was never regulated by the federal government when it was a less prevalently used technique, it was granted explicit exemptions—despite dissent within the E.P.A.—from the Safe Drinking Water Act, the Clean Air Act, and the Clean Water Act by the Energy Policy Act of 2005, the wide-ranging energy bill crafted by Dick Cheney in closed-door meetings with oil-and-gas executives. While the average citizen can receive harsh punishment under federal law for dumping a car battery into a pond, gas companies, thanks to what has become known as the Halliburton Loophole, are allowed to pump millions of gallons of fluid containing toxic chemicals into the ground, right next to our aquifers, without even having to identify them."

"While the E.P.A. under Obama is finally undertaking a new review of fracking—a 2001 review commissioned by the Bush administration was tainted by conflicts of interest and suppression of science—that report is not expected to be completed until the end of 2012. Congressional hearings held by the House Energy and Commerce Committee have been taking place since 2009, but proposed legislation to get rid of the Halliburton Loophole has made little progress on Capitol Hill."

"As a New York City-based architect who has worked on infrastructure and water issues for years, 55-year-old Joe Levine, another member of Damascus Citizens, is amazed by the scope of the drilling that could invade the Delaware River Basin as soon as New York State settles on some sort of regulatory framework to allow fracking to go forward. (There is currently a statewide ban on the technique, and a bill has been proposed in the state senate to extend the ban until after the E.P.A. finishes its review, but the Paterson administration has expressed a strong interest in obtaining the tax revenues that drilling would generate.)"

"These are a number of the ways that fracking can conceivably go wrong. Weston Wilson, a former E.P.A. official who blew the whistle on the agency's flawed report on fracking by writing a letter to Congress, likes to talk about the difference between "bad wells" and "good wells gone bad." "Bad wells" are ones that leak because of poor construction or an accident; "good wells gone bad" refers to the possibility that fracking may pose a more fundamental, generalized risk to water supplies, through seepage of the wastewater that remains in the ground. While shale formations are thousands of feet below groundwater levels, geological studies have shown that the Earth is full of cracks at these depths, and no one has ruled out the possibility that fracking may open up arteries for the toxic fluid to seep into groundwater in a more insidious way."

A Colossal Fracking Mess

The dirty truth behind the new natural gas.

By Christopher Bateman

WEB EXCLUSIVE June 21, 2010

A shale-gas drilling and fracking site in Dimock, Pennsylvania.

Early on a spring morning in the town of Damascus, in northeastern Pennsylvania, the fog on the Delaware River rises to form a mist that hangs above the tree-covered hills on either side. A buzzard swoops in from the northern hills to join a flock ensconced in an evergreen on the river's southern bank.

Stretching some 400 miles, the Delaware is one of the cleanest free-flowing rivers in the United States, home to some of the best fly-fishing in the country. More than 15 million people, including residents of New York City and Philadelphia, get their water from its pristine watershed. To regard its unspoiled beauty on a spring morning, you might be led to believe that the river is safely off limits from the destructive effects of industrialization. Unfortunately, you'd be mistaken. The Delaware is now the most endangered river in the country, according to the conservation group American Rivers.

That's because large swaths of land—private and public—in the watershed have been leased to energy companies eager to drill for natural gas here using a controversial, poorly understood technique called hydraulic fracturing. "Fracking," as it's colloquially known, involves injecting millions of gallons of water, sand, and chemicals, many of them toxic, into the earth at high pressures to break up rock formations and release natural gas trapped inside. Sixty miles west of Damascus, the town of Dimock, population 1,400, makes all too clear the dangers posed by hydraulic fracturing. You don't need to drive around Dimock long to notice how the rolling hills and farmland of this Appalachian town are scarred by barren, square-shaped clearings, jagged, newly constructed roads with 18-wheelers driving up and down them, and colorful freight containers labeled "residual waste." Although there is a moratorium on drilling new wells for the time being, you can still see the occasional active drill site, manned by figures in hazmat suits and surrounded by klieg lights, trailers, and pits of toxic wastewater, the derricks towering over barns, horses, and cows in their shadows.

The real shock that Dimock has undergone, however, is in the aquifer that residents rely on for their fresh water. Dimock is now known as the place where, over the past two years, people's water started turning brown and making them sick, one woman's water well spontaneously combusted, and horses and pets mysteriously began to lose their hair.

Craig and Julie Sautner moved to Dimock from a nearby town in March 2008. They were in the process of renovating their modest but beautifully situated home on tree-canopied Carter Road when land men from Houston-based Cabot Oil & Gas, a midsize player in the energy-exploration industry, came knocking on their door to inquire about leasing the mineral rights to their three and a half acres of land. The Sautners say the land men told them that their neighbors had already signed leases and that the drilling would have no impact whatsoever on their land. (Others in Dimock claim they were told that if they refused to sign a lease, gas would be taken out from under their land anyway, since under Pennsylvania law a well drilled on a leased piece of property can capture gas from neighboring, unleased properties.) They signed the lease, for a onetime payout of \$2,500 per acre—better than the \$250 per acre a neighbor across the street received—plus royalties on each producing well.

Drilling operations near their property commenced in August 2008. Trees were cleared and the ground leveled to make room for a four-acre drilling site less than 1,000 feet away from their land. The Sautners could feel the earth beneath their home shake whenever the well was fracked.

Within a month, their water had turned brown. It was so corrosive that it scarred dishes in their dishwasher and stained their laundry. They complained to Cabot, which eventually installed a water-filtration system in the basement of their home. It seemed to solve the problem, but when the Pennsylvania Department of Environmental Protection came to do further tests, it found that the Sautners' water still contained high levels of methane. More ad hoc pumps and filtration systems were installed. While the Sautners did not drink the water at this point, they continued to use it for other purposes for a full year.

"It was so bad sometimes that my daughter would be in the shower in the morning, and she'd have to get out of the shower and lay on the floor" because of the dizzying effect the chemicals in the water had on her, recalls Craig Sautner, who has worked as a cable splicer for Frontier Communications his whole life. She didn't speak up about it for a while, because she wondered whether she was imagining the problem. But she wasn't the only one in the family suffering. "My son had sores up and down his legs from the water," Craig says. Craig and Julie also experienced frequent headaches and dizziness.

By October 2009, the D.E.P. had taken all the water wells in the Sautners' neighborhood offline. It acknowledged that a major contamination of the aquifer had occurred. In addition to methane, dangerously high levels of iron and aluminum were found in the Sautners' water.

The Sautners now rely on water delivered to them every week by Cabot. The value of their land has been decimated. Their children no longer take showers at home. They desperately want to move but cannot afford to buy a new house on top of their current mortgage.

"Our land is worthless," says Craig. "Who is going to buy this house?"

As drillers seek to commence fracking operations in the Delaware River basin watershed and in other key watersheds in New York State—all of which sit atop large repositories of natural gas trapped in shale rock deep underground—concerned residents, activists, and government officials are pointing to Dimock as an example of what can go wrong when this form of drilling is allowed to take place without proper regulation. Some are pointing to a wave of groundwater-contamination incidents and mysterious health problems out West, in Colorado, New Mexico, and Wyoming, where hydraulic fracturing has been going on for years as part of a massive oil-and-gas boom, and saying that fracking should not be allowed at all in delicate ecosystems like the Delaware River basin.

Damascus and Dimock are both located above a vast rock formation rich in natural gas known as the Marcellus Shale, which stretches along the Appalachians from West Virginia up to the western half of the state of New York. The gas in the Marcellus Shale has been known about for more than 100 years, but it has become accessible and attractive as a resource only in the past two decades, thanks to technological innovation, the depletion of easier-to-reach, "conventional" gas deposits, and increases in the price of natural gas. Shale-gas deposits are dispersed throughout a thin horizontal layer of loose rock (the shale), generally more than a mile below ground. Conventional vertical drilling cannot retrieve shale gas in an economical way, but when combined with hydraulic fracturing, horizontal drilling—whereby a deeply drilled well is bent at an angle to run parallel to the surface of the Earth—changes the equation.

Developed by oil-field-services provider Halliburton, which first implemented the technology commercially in 1949 (and which was famously run by Dick Cheney before he became vice president of the United States), hydraulic fracturing has been used in conventional oil and gas wells for decades to increase production when a well starts to run dry. But its use in unconventional types of drilling, from coal-bed methane to shale gas, is relatively new. When a well is fracked, a small earthquake is produced by the pressurized injection of fluids, fracturing the rock around the well. The gas trapped inside is released and makes its way to the surface along with about half of the "fracking fluid," plus dirt and rock that are occasionally radioactive. From there, the gas is piped to nearby compressor stations that purify it and prepare it to be piped (and sometimes transported in liquefied form) to power plants, manufacturers, and domestic consumers. Volatile organic compounds (carbon-based gaseous substances with a variety of detrimental health effects) and other dangerous chemicals are burned off directly into the air during this on-site compression process. Meanwhile, the returned fracking fluid, now called wastewater, is either trucked off or stored in large, open-air, tarp-lined pits on site, where it is allowed to evaporate. The other portion of the fluid remains deep underground—no one really knows what happens to it.

Fracking is an energy- and resource-intensive process. Every shale-gas well that is fracked requires between three and eight million gallons of water. Fleets of trucks have to make hundreds of trips to carry the fracking fluid to and from each well site.

Due in part to spotty state laws and an absence of federal regulation, the safety record that hydraulic

fracturing has amassed to date is deeply disturbing. As use of the technique has spread, it has been followed by incidents of water contamination and environmental degradation, and even devastating health problems. Thousands of complaints have been lodged with state and federal agencies by people all over the country whose lives and communities have been transformed by fracking operations.

In Dimock, where more than 60 gas wells were drilled in a nine-square-mile area, all kinds of ugly things transpired after Cabot came to town. A truck turned over and caused an 800-gallon diesel-fuel spill in April 2009. Up to 8,000 gallons of Halliburton-manufactured fracking fluid leaked from faulty supply pipes, with some seeping into wetlands and a stream, killing fish, in September 2009. Many Dimock residents were having the same problems as the Sautners. A water well belonging to a woman named Norma Fiorentino blew up while she was visiting her daughter. Reports of the havoc appeared in the local press and then gradually trickled into the national media. Reuters and ProPublica were on the story early on; later, everyone from NPR to The New York Times was coming to Dimock.

Over a six-month period Cabot was fined \$360,000 by the D.E.P. for contaminating Dimock's groundwater and failing to fix the leaks that caused the problem. It was also ordered to suspend drilling in Dimock until the situation was resolved. The Sautners are one of more than a dozen Dimock families now suing the company for negligence, breach of contract, and fraudulent misrepresentation, among other charges. Other plaintiffs in the lawsuit include Ron and Jean Carter, who were evacuated after methane levels in their home reached emergency levels, and Victoria Switzer, a schoolteacher who has compiled a grim photo album of spills and leaks around Dimock, including a creek turned Kool-Aid red with diesel fuel. (In a written statement to Vanity Fair, Cabot declined to comment on the lawsuit but said that while it operates its facilities "in full compliance with environmental and oil and gas drilling regulations ... the accidental release of materials has occasionally occurred" during its operations. The company also said that it had created more than 300 full-time jobs in Susquehanna County, where Dimock is located, and that it was working with both the Pennsylvania D.E.P. and the affected families to remediate the situation.)

Even as Dimock was experiencing this series of disasters, Pennsylvania officials assured the public that shale-gas extraction was safe and benefitting the state, providing jobs and millions of dollars in tax revenue. "What do you have to be afraid of? It's only sand and water," said Ron Gilius, the director of the Pennsylvania D.E.P.'s Bureau of Oil and Gas Management, in 2008. "There has never been any evidence of fracking ever causing direct contamination of fresh groundwater in Pennsylvania or anywhere else," said Scott Perry, another Oil and Gas Management official, as recently as April 2010. (John Hanger, secretary of the Pennsylvania D.E.P., now admits that fracking fluid is "nasty, nasty stuff," and the department has announced plans to regulate fracking more closely.)

With natural gas being heavily promoted in TV ads and by politicians and proponents such as oilman and hedge-fund manager T. Boone Pickens, many Americans have come to see the resource in a positive light. Natural gas burns more cleanly than coal and oil do, we are told, and there's an abundance of it right there, under our soil, making it a logical and patriotic energy source for America. We are told that it can help wean us off our dependence on foreign oil as we make the transition to renewable energy. Yet our supplies of natural gas are ultimately finite, and, increasingly, they must be accessed via hydraulic fracturing. In fact, more than 90 percent of natural-gas wells today use fracking.

Shale gas has become a significant part of our energy mix over the past decade. From 1996 to 2006, shale-gas production went from less than 2 percent to 6 percent of all domestic natural-gas production. Some industry analysts predict shale gas will represent a full half of total domestic gas production within 10 years.

It's not just the oil-and-gas industry that's excited about the possibilities. Last year, even a progressive, Washington, D.C.-based think tank, the Center for American Progress Action Fund, desperate for solutions to global warming, touted natural gas as "the single biggest game changer for climate action in the next two decades." President Obama has been supportive of shale gas and says he wants to see an increase in domestic natural-gas production.

But shale gas and hydraulic fracturing haven't needed much help from the Obama administration. That's because they already got a huge helping hand from the federal government under the Bush

administration. Although fracking was never regulated by the federal government when it was a less prevalently used technique, it was granted explicit exemptions—despite dissent within the E.P.A.—from the Safe Drinking Water Act, the Clean Air Act, and the Clean Water Act by the Energy Policy Act of 2005, the wide-ranging energy bill crafted by Dick Cheney in closed-door meetings with oil-and-gas executives. While the average citizen can receive harsh punishment under federal law for dumping a car battery into a pond, gas companies, thanks to what has become known as the Halliburton Loophole, are allowed to pump millions of gallons of fluid containing toxic chemicals into the ground, right next to our aquifers, without even having to identify them.

Claiming that the information is proprietary, drilling companies have still not come out and fully disclosed what fracking fluid is made of. But activists and researchers have been able to identify some of the chemicals used. They include such substances as benzene, ethylbenzene, toluene, boric acid, monoethanolamine, xylene, diesel-range organics, methanol, formaldehyde, hydrochloric acid, ammonium bisulfite, 2-butoxyethanol, and 5-chloro-2-methyl-4-isothiazotin-3-one. (Recently, in congressional testimony, drilling companies have confirmed the presence of many of these chemicals.) According to Theo Colborn, a noted expert on water issues and endocrine disruptors, at least half of the chemicals known to be present in fracking fluid are toxic; many of them are carcinogens, neurotoxins, endocrine disruptors, and mutagens. But Colborn estimates that a third of the chemicals in fracking fluid remain unknown to the public.

While the E.P.A. under Obama is finally undertaking a new review of fracking—a 2001 review commissioned by the Bush administration was tainted by conflicts of interest and suppression of science—that report is not expected to be completed until the end of 2012. Congressional hearings held by the House Energy and Commerce Committee have been taking place since 2009, but proposed legislation to get rid of the Halliburton Loophole has made little progress on Capitol Hill.

All of this is mind-boggling to activists like Pat Carullo. A 56-year-old graphic designer, Carullo is a member of Damascus Citizens for Sustainability, a group that opposes hydraulic fracturing in the Delaware River Watershed. Tan and animated, with a white beard, he has an earthy quality and is wearing an eagle medallion around his neck when I meet him in Damascus.

Carullo and other members of Damascus Citizens have homes in this area. They created the group when it became clear that drilling was poised to begin on leased land in the watershed and were galvanized in 2008 when a large oil-and-gas company, Chesapeake, drilled an exploratory well in their county and signs of a spill—dying trees and vegetation—appeared at the site. (After Damascus Citizens filed a complaint about the matter, the Pennsylvania D.E.P. served Chesapeake a notice of violation, saying that traces of petrochemicals had been detected in the soil around the well site. While Chesapeake director Brian Grove states that “a detailed review of our operations reveals no events or operational deficiencies that would have negatively impacted the environment,” Pennsylvania D.E.P. official Tom Rathbun told Vanity Fair that chlorides from the shale returned as wastewater seem to have been responsible for killing the vegetation.” At the time, the position the group took was radical: no fracking in the Upper Delaware watershed, period. Since then, others have come around to it. Damascus Citizens is now at the center of efforts around the country to spread awareness about the hazards of fracking, study its effects more thoroughly, address the gaping lack of regulation, and slow down the rush of leasing and drilling that has swept so much of the country. A documentary about natural-gas drilling and fracking, *Gasland*, which won the Special Jury Prize for Documentary at this year’s Sundance Film Festival and debuts on HBO this month, is dedicated to the group.

Still, Carullo and the other activists of Damascus Citizens face an uphill battle because of the corporate and political interests stacked against them, the vast amount of money at stake, and the dynamics of our nation’s energy-policy debate. “What it is we’re doing here is trying to dismantle the whole propaganda machine that the industry is involved in,” says Carullo. “For example, ‘natural gas is the bridge to the future.’ That’s the industry’s claim. Only problem is, there’s nothing natural about this, because it’s the most unnatural thing you can imagine—hauling around tons of chemicals, taking pure water and turning it into the worst industrial waste on the planet!”

To bolster his argument, Carullo points to decisions by the local governments of New York City and

Syracuse, New York, to protect their watersheds from fracking, even though large tracts of state and private land in them have already been leased to drillers. Indeed, a New York City study concluded that the risks posed by fracking could be "catastrophic" to the area's prized water supply, one of only four unfiltered major-metropolitan water systems in the country. If New York City and Syracuse have (for the time being, at least) taken their watersheds off the table, why is the Delaware Watershed not off limits, too? "This watershed is even grander than those," Carullo says. "It provides water to even more people."

As a New York City-based architect who has worked on infrastructure and water issues for years, 55-year-old Joe Levine, another member of Damascus Citizens, is amazed by the scope of the drilling that could invade the Delaware River Basin as soon as New York State settles on some sort of regulatory framework to allow fracking to go forward. (There is currently a statewide ban on the technique, and a bill has been proposed in the state senate to extend the ban until after the E.P.A. finishes its review, but the Paterson administration has expressed a strong interest in obtaining the tax revenues that drilling would generate.) "If you take the industry model, there could be more than 40,000 wells in the Marcellus," says Levine, who founded a nonprofit advocacy group, NYH2O, dedicated to protecting New York City's water from gas drilling. "That's what the industry aspires to." Levine provides some perspective as to what that would entail: Two hundred billion gallons of water. The clearing of hundreds of thousands of acres and hundreds of millions of trees.

Levine remembers when the offering price for an acre of Marcellus Shale land was just \$25. That changed quickly as word spread that an old-fashioned gold rush had hit the area, just like the oil booms of the 19th and early-20th centuries. "It was a big deal when it went up to \$200," Levine says. "Now it's about \$5,000 an acre." (The Indian materials and energy conglomerate Reliance Industries recently paid Pennsylvania-based Atlas Energy about \$1.7 billion for 120,000 acres, or more than \$14,000 per acre, to get in on the action.) Many landowners in the Delaware Watershed remain eager to cash in on the royalties they stand to receive, and resent efforts by their neighbors to stop drilling from happening. But Damascus Citizens has found allies such as fishing and hunting advocates in the region, and continues to influence the debate as the Delaware River Basin Commission (the governing body with officers from New York, New Jersey, Pennsylvania, and Delaware that regulates the entire river system) examines the issue and decides how to proceed.

Reports of environmental degradation have come out of many places where natural-gas drilling and fracking are going on. The full extent of the problem is difficult to determine because much of the evidence is anecdotal and because drilling companies have been known to buy people off when things go wrong. In Silt, Colorado, a woman named Laura Amos no longer talks about the adrenal-gland tumor and other health complications she developed after her water was contaminated by a gas well drilled less than 1,000 feet from her home. (A state investigation into the matter concluded that a drilling failure had likely led to intermingling between the gas and water strata in the ground.) She signed a non-disclosure agreement as part of a deal to sell her tainted land to EnCana, the large Canadian gas company that drilled the well. But perusing newspapers from towns where fracking is going on reveals how the issue refuses to die, with headlines like "Fears of Tainted Water Well Up in Colorado," "Collateral Damage: Residents Fear Murky Effects of Energy Boom," and "Worker Believes Cancer Caused by Fracking Fluids" appearing regularly.

A macro look at the way oil and gas drilling has transformed entire landscapes out West, carving them up into patterns resembling those of a transistor board, can be seen by typing "San Juan Basin, New Mexico" into Google Maps and clicking on the satellite view. In Colorado, some 206 chemical fluid spills from oil and gas wells, connected to 48 cases of suspected water contamination, happened in 2008 alone. In New Mexico, toxic fluid had seeped into water supplies at more than 800 oil and gas drilling sites as of July 2008. Clusters of unusual health problems have popped up in some of these drilling hot spots. Kendall Gerdes, a physician in Colorado Springs, tells me of how he and other doctors in the area saw a striking number of patients come to them with chronic dizziness, headaches, and neurological problems after drilling began near their homes. One of Dr. Gerdes's patients, 62-year-old Chris Mobaldi, developed idiopathic hemorrhaging, or spontaneous bleeding, as well as neuropathy, a pituitary gland tumor, and a rare neurological speech impediment after alleged frequent exposure to noxious fumes from drilling. Although her health improved after she moved to another part of Colorado, she continues to have trouble speaking and walking to this day.

And with drilling in the Marcellus Shale, the complaints have spread East. Despite making more than a million dollars in royalties from drilling on his 105-acre farm, Wayne Smith, a farmer in Clearville, Pennsylvania, wishes he'd never signed a lease. Some of his livestock mysteriously dropped dead after having motor-skill breakdowns; a veterinarian said the deaths could be attributed to arsenic, high levels of which were found in water on Smith's property. (Smith also worries about health problems he has developed, such as frequent headaches, abscessed teeth, and other mouth problems.) In Avella, Pennsylvania, a wastewater impoundment caught fire and exploded on George Zimmermann's 480-acre property, producing a 200-foot-high conflagration that burned for six hours and produced a cloud of thick, black smoke visible 10 miles away. An E.P.A.-accredited environmental-testing company sampled the soil around the well sites on Zimmerman's property and found arsenic at 6,430 times permissible levels and tetrachloroethene, a carcinogen and central-nervous-system suppressant, at 1,417 times permissible levels. (In January, the state of Pennsylvania fined the company that is drilling on Zimmerman's land, Atlas Energy, \$85,000 for environmental violations related to fracking—a drop in the bucket for a corporation that brought in \$1.5 billion in revenue last year. As of press time, Atlas had not provided Vanity Fair with a comment on the matter.)

These are a number of the ways that fracking can conceivably go wrong. Weston Wilson, a former E.P.A. official who blew the whistle on the agency's flawed report on fracking by writing a letter to Congress, likes to talk about the difference between "bad wells" and "good wells gone bad." "Bad wells" are ones that leak because of poor construction or an accident; "good wells gone bad" refers to the possibility that fracking may pose a more fundamental, generalized risk to water supplies, through seepage of the wastewater that remains in the ground. While shale formations are thousands of feet below groundwater levels, geological studies have shown that the Earth is full of cracks at these depths, and no one has ruled out the possibility that fracking may open up arteries for the toxic fluid to seep into groundwater in a more insidious way.

That's not to mention the risks posed by the above-ground handling of return wastewater and the airborne pollution endemic to natural-gas processing. Leaks and spills have occurred at the on-site pits where wastewater is allowed to fester. And the city of Fort Worth, Texas, which sits atop the country's most productive shale-gas formation, demonstrates the dangers that natural-gas processing poses to "airsheds." Chemical emissions from natural-gas processing in and around Fort Worth now match the city's total emissions from cars and trucks, leading to alarming levels of volatile organic compounds and other pollutants in the air.

Facing increasing lawsuits and scrutiny, the gas industry no longer stands by the position it took for years that there's nothing unsafe in fracking fluid. But it still says that shooting fracking fluid into the ground is a safe and sensible practice. (In a written statement to Vanity Fair, American's Natural Gas Alliance, an industry lobbying group, said that the current federal regulation of fracking is adequate.) It continues to hammer home the notion that natural gas is cleaner than its fossil-fuel relatives, coal and oil, and produces lower levels of greenhouse gases.

But a new preliminary assessment by Cornell ecology and environmental-biology professor Robert Howarth of the emissions generated throughout the fracking process suggests that, when the thousands of truck trips required to frack every single well are counted, natural gas obtained by fracking is actually worse than drilling for oil and possibly even coal mining in terms of greenhouse-gas production. While Howarth explains that his estimates are subject to uncertainty because of the lack of complete, concrete data about fracking, he concludes, "There is an urgent need for a comprehensive assessment of the full range of emission of greenhouse gases from using natural gas obtained by high-volume, slick water hydraulic fracturing.... Society should be wary of claims that natural gas is a desirable fuel in terms of the consequences on global warming."

Yet the shale-gas boom, driven by fracking, continues on a global scale. Shale land is already being leased in Western and Central Europe while foreign companies buy up land in the Marcellus Shale. A May 25 memorandum of economic and strategic dialogue between the U.S. and China prominently lists an initiative to help China assess and extract its own shale gas as an item of agreement. In Australia, where fracking has been sweeping the Queensland countryside and where landowners have little or no

control over their mineral rights, a furor has been growing over the water contamination happening around drilling locations.

At the same time, the people who have been burned badly by their firsthand experience with what you might call the New Natural Gas, and who have not gone silent, are spreading their message of acute disillusionment, ecological destruction, land-value decimation, and serious health concerns. As I sit and talk with the members of Damascus Citizens for Sustainability, news reports from the tragic Deepwater Horizon leak in the Gulf pop up from time to time on their computers. The disaster serves as a grim backdrop to our conversation, reinforcing the hazards of pushing forward with experimental forms of drilling whose risks are not well understood.

At one point, we see a news alert revealing the likely cause of the Deepwater explosion: a methane bubble. It's a complication also encountered in land-based gas drilling, and it's just one of the things Carullo fears could precipitate a catastrophe in the Delaware watershed. "This is exactly what we're trying to prevent here," Carullo tells me. "This is exactly what we've been talking about."

Richard Windsor/DC/USEPA/US
04/17/2009 12:23 PM

To bicky.corman
cc
bcc
Subject Fw: EPA Made History Today

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/17/2009 12:18 PM -----

From: Message from the Administrator
To: All EPA Employees
Date: 04/17/2009 12:14 PM
Subject: EPA Made History Today

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[All Hands Email-Archive](#)

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.



Colleagues:

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and

future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

Richard
Windsor/DC/USEPA/US
07/15/2009 02:07 PM

To Bob Sussman
cc
bcc
Subject Re: article on CERCLA 108 b notice and mining --comments
by Salazar

Saw it. Yes.
Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 07/15/2009 11:43 AM EDT
To: Richard Windsor
Subject: Fw: article on CERCLA 108 b notice and mining --comments by
Salazar

[You may have seen this already but just in case ...](#)
**Salazar Says EPA Financial Rules Provide Urgency To
Mining Reform**

Interior Secretary Ken Salazar says EPA's decision to subject the hardrock mining industry to new financial assurance rules should send a message to the Senate that it should quickly reform the federal hardrock mining law in order to reduce legal uncertainty surrounding mining issues.

EPA's decision -- which the agency announced July 13 over industry objections -- was in response to a court decision prompted by an environmentalist lawsuit and should "give the Senate a greater sense of urgency" as it considers legislation that would reform the federal hardrock mining law originally passed in 1872 as a means of promoting westward expansion, he told *Inside EPA* following a July 14 Senate hearing on the legislation.

Passing the legislation would create "legal framework" for controversial mining issues and "provide certainty to communities" effected by mining," he said.

During the hearing Salazar said the Senate should act quickly to pass legislation in part because "not knowing what [Congress] is going to do with 1872 mining law reform" is creating uncertainty for companies considering mining in the U.S.

Salazar described the hardrock mining industry as part of the country's "economic engine" and said it was important that the legislation -- which would among other things establish first-time royalty fees on companies

mining public lands in order to fund environmental cleanup -- "find the right balance" between not driving mining jobs overseas and providing "a fair return to taxpayers."

But Salazar expressed support for at least some legislative provisions to which industry is opposed, such as the creation of new environmental standards for hardrock mining.

"Some may say we already have enough environmental protections" from laws such as the National Environmental Policy Act, the Endangered Species Act and the Clean Air Act, Salazar said, echoing an industry argument against the creation of new environmental standards for hardrock mining. But in "reality, that is not always the case," Salazar said, adding that in the past bankrupt mining companies have left behind environmental contamination.

Concern over the bankruptcy issue was in large part what drove environmentalists to file the lawsuit that has now prompted EPA to develop financial assurance rules for the hardrock mining industry. Environmentalists filed the lawsuit last year while legislative efforts to address the issue -- which have been ongoing for several years -- continued to falter in the Senate.

As a result of the lawsuit, EPA is now proposing to subject the hardrock mining industry to first-time Superfund financial assurance rules to prevent the creation of future abandoned waste sites despite industry claims that such rules unnecessary, are based on inappropriate data, and overlap with existing requirements in other state and federal laws ([see related story](#)).

Richard
Windsor/DC/USEPA/US
08/17/2010 04:29 PM

To Bob Sussman
cc
bcc

Subject Re: From Greenwire -- COAL: Traditional plants are on the rise in U.S.

Sigh

From: Bob Sussman
Sent: 08/17/2010 04:08 PM AST
To: Richard Windsor
Subject: From Greenwire -- COAL: Traditional plants are on the rise in U.S.

This Greenwire story was sent to you by: sussman.bob@epa.gov

Personal message:

An E&E Publishing Service

COAL: Traditional plants are on the rise in U.S. *(Tuesday, August 17, 2010)*

More than 30 traditional coal plants are under construction or have been completed since 2008, marking the largest expansion in two decades, despite mounting pressure from climate change advocates, high fossil fuel prices and recent disasters.

The expansion, documented through Department of Energy records and utility information, is a sign that "clean coal" technology and renewable-energy power plants are still a long way off and signal that utilities think government action restricting emissions will fail.

"Building a coal-fired power plant today is betting that we are not going to put a serious financial cost on emitting carbon dioxide," said Severin Borenstein, the director of the Energy Institute at the University of California, Berkeley. "That may be true, but unless most of the scientists are way off the mark, that's pretty bad public policy."

Investments in new coal plants, stretching from Arizona to South Carolina to Washington, total more than \$35 billion, at least 10 times the \$3.4 billion in federal stimulus funds to "clean coal" plants that would capture and store greenhouse gases. Utilities say coal is cheaper than any alternative power source, like natural gas or nuclear power, but the price of coal is rising and consumers could see bills increase by as much as 30 percent.

Dozens more coal plants have been challenged in court by scientists and environmentalists. In fact, a few years ago federal regulators predicted there would be 151 new coal plants. Still, 16 new plants have started operating since 2008 and another 16 are being built. That will contribute about 125 million tons of greenhouse gases a year while producing 17,900 megawatts of energy, enough to power 15.6 million homes.

DOE spokesman John Grasser said the plants were a missed opportunity to restrict carbon emissions but that they would afford more opportunities as carbon-reduction technology grows (Matthew Brown, *AP/San Francisco Chronicle*, Aug. 17). -- JP

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Richard
Windsor/DC/USEPA/US
03/25/2009 02:48 PM

To Bob Sussman
cc
bcc

Subject Re: Sen Byrd's comments on the MTM announcement

Good.

Bob Sussman

----- Original Message -----

From: Bob Sussman
Sent: 03/25/2009 02:35 PM EDT
To: Richard Windsor
Cc: Arvin Ganesan; Allyn Brooks-LaSure
Subject: Fw: Sen Byrd's comments on the MTM announcement

Robert M. Sussman

Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

----- Forwarded by Bob Sussman/DC/USEPA/US on 03/25/2009 02:33 PM -----

From: Arvin Ganesan/DC/USEPA/US
To: Bob Sussman/DC/USEPA/US@EPA, Gregory Peck/DC/USEPA/US@EPA, Mike Shapiro/DC/USEPA/US@EPA
Date: 03/25/2009 01:50 PM
Subject: Fw: Sen Byrd's comments on the MTM announcement

Not bad, everything considered. Our staff had a meeting with Byrd's people which they say went well.

From: Eric Carlson/R3/USEPA/US
To: Catherine Libertz/R3/USEPA/US@EPA, John Pomponio/R3/USEPA/US@EPA
Cc: Jeffrey Lapp/R3/USEPA/US@EPA, John Forren/R3/USEPA/US@EPA, Jessica Greathouse/R3/USEPA/US@EPA, Jack Bowles/DC/USEPA/US@EPA, Carolyn Levine/DC/USEPA/US@EPA
Date: 03/25/2009 01:32 PM
Subject: Sen Byrd's comments on the MTM announcement

"There appears to be a significant amount of misleading reports regarding permits and mountaintop mining over the past 48 hours. That is unfortunate for it led to a significant amount of concern among certain sectors of West Virginia industry."

"I have urged the Environmental Protection Agency to clarify its actions and assuage concerns."

"I have long advocated responsible mining practices in West Virginia. The future of coal mining depends on striking a balance between environmental conservation, our Nation's economic and energy needs, and the

health of the people who live in and around the areas where mining occurs. And I truly believe that is possible to achieve."


"In that regard, we need much better enforcement of the laws governing best mining practices and we must ensure that we are enforcing the laws on the books at every level of government."

"As we all know, these are perilous economic times. Every job in West Virginia matters. Everyone involved must act swiftly in concert and cooperation to remedy any problems that threaten coal jobs and the people who live in the local communities where coal is mined."

Eric Carlson
Congressional/State Liaison
Environmental Protection Agency
Wheeling , West Virginia
Phone: 304-234-0233

Richard
Windsor/DC/USEPA/US
09/03/2010 11:00 AM

To Bob Sussman
cc
bcc
Subject fyi

News Headline: CRS SUGGESTS NEW WASTE LAW PROVISION FOR EPA
REGULATION OF COAL ASH | 

Outlet Full Name: Inside EPA Weekly Report

News OCR Text: The Congressional Research Service (CRS) is suggesting that Congress add a new subtitle to federal waste law to give EPA enforcement authority over coal waste rules without declaring the waste hazardous and to regulate beneficial reuse of coal ash, a move that could resolve a fight over how EPA should regulate the waste.

The Aug. 9 report, "Regulating Coal Combustion Waste Disposal Issues For Congress," suggests that lawmakers consider amending the Resource Conservation & Recovery Act (RCRA) to create a new subtitle K "that would specifically address issues unique to the management" of coal combustion waste (CCW). EPA is currently weighing whether to regulate CCW as hazardous under RCRA subtitle C or as solid waste under subtitle D.

CRS' suggestion could serve as a compromise avoiding the stringent hazardous waste regulation that industry opposes while providing EPA with the enforcement authority it would lack under less-strict solid waste rules. EPA has identified that lack of enforcement power as a major concern over issuing subtitle D rules.

The approach could also resolve questions over the extent to which EPA should regulate beneficial reuses of coal waste in products such as cement. Industry claims that a hazardous waste designation would decimate the reuse industry, which recyclers say handles almost half of the coal waste produced annually.

But at least one key group of state environmental officials is expressing concern about the CRS report, saying it did not meet states' expectations because it includes little input from states.

EPA June 21 issued its proposal to establish first-time federal CCW disposal rules that seeks comment on either regulating the material as hazardous under RCRA subtitle C or as nonhazardous under RCRA subtitle D. The agency's proposal was long stalled at the White House due to industry concerns about the stigma of a hazardous classification, and EPA recently extended the comment period for the proposal by 60 days, through Nov. 19.

The CRS report suggests that a RCRA subtitle K approach "broadly, could direct EPA to develop waste management standards applicable to disposal units that accept CCW (similar to subtitle D), but also provide EPA with federal enforcement authority to require states to implement those standards (similar to subtitle C) while avoiding labeling the material a 'hazardous' waste. Such a proposal could also authorize EPA to specifically regulate certain beneficial uses." Relevant documents are available on

InsideEPA.com.

Rep. Heath Shuler (D-NC) floated a similar option in July, though he did not provide details, such as whether his approach would amend subtitle D or add a new subtitle to RCRA.

CRS also notes, "Congress may also choose to do nothing. That is, Congress may allow the current rulemaking process to continue and allow EPA to select either its subtitle C -- or D -- related proposal."

It is unclear which lawmaker requested the report, but a bipartisan group of House members has expressed concern about EPA RCRA subtitle C rules, with 31 members of the Energy & Commerce Committee sending EPA Administrator Lisa Jackson a July 29 letter "to express our strong opposition" to a subtitle C approach. The letter was signed by House energy committee's oversight panel chair Rep. Bart Stupak (D-MI), technology panel chair Rep. Rick Boucher (D-VA), environment panel ranking member Rep. Fred Upton (R-MI) and others.

The letter acknowledged EPA's concern about not being able to federally enforce RCRA solid waste rules for CCW but says "that obstacle should not be cause for more burdensome regulation."

Additionally, Shuler, chairman of the House Small Business Committee's rural development panel, said at a July 22 hearing that he and other lawmakers were developing legislation to give EPA authority to enforce CCW rules under RCRA subtitle D as a way for all parties to move forward on the issues. "We want to be able to work with everyone to get a compromise and I think a compromise is good at this point," he said in an interview after the hearing. (Inside EPA, July 30). Shuler is not on the Energy & Commerce Committee and did not sign the bipartisan letter to EPA.

Speaking to Inside EPA after the July hearing, Shuler declined to provide further details on his pending coal waste legislation. Shuler's office could not be reached for comment on the CRS report.

The report is at least the second CRS has issued on coal waste this year. In January, CRS in a report noted lawmakers' concern about what was then EPA's pending proposal, including that it could be too strict or too lax. The report also cited difficulty in getting information about CCW, due to a lack of federal rules. "Since the regulation of CCW disposal and use is controlled by individual states, it is difficult to determine certain information about the waste. For example, it is difficult to determine the entire amount of CCW that has been disposed of in the United States," CRS said. It did not include recommendations for Congress but noted a high level of interest following the massive 2008 coal ash spill at a Tennessee Valley Authority (TVA) facility, which is the impetus for the EPA rule.

Although CRS' report could provide some stakeholders room to discuss a compromise over EPA's coal ash rule, a top official from the Environmental Council of the States (ECOS) is raising concerns over the report.

Steve Brown, executive director of ECOS, said at the group's annual meeting Aug. 29 in Whitefield, NH, that the report "didn't meet our expectations because it had very little input from states." Brown said that ECOS was planning to have a meeting

with CRS over the report.

One reason for ECOS' concern with the report could be CRS' recommendation for a subtitle K, because it would give EPA new authority to enforce RCRA subtitle D rules, which are now enforced by states. For coal ash, however, EPA has expressed dissatisfaction with the stringency of some state approaches and, though its proposal is neutral, the agency points out that compliance would be far higher under subtitle C due exclusively to enforcement.

At the ECOS meeting Aug. 30, Gary Baughman, director of the Colorado Department of Public Health & Environment's Hazardous Materials & Waste Management Division and also president of the Association of State & Territorial Solid Waste Management Officials, warned ECOS members that if EPA finalized a rule classifying CCW as hazardous, that would create major problems given a lack of storage capacity.

Baughman said of the 136 million tons of CCW generated annual, 75 million tons are disposed in landfills and surface impoundments, compared to 50 million tons that are beneficially reused and 10 million tons placed in mines. There is not enough capacity to add 75 million tons of material to existing hazardous waste landfills, he said, adding that it would increase the amount of hazardous waste disposed annually by about 40 percent.

However, environmentalists are continuing to step up their push for hazardous waste rules, with environmental groups citing alleged new incidents of CCW contamination in communities around the country to pressure EPA to finalize a subtitle C rule that would impose strict coal waste controls.

The Environmental Integrity Project, Earthjustice and Sierra Club released an Aug. 26 report they say shows that state regulation of CCW is inadequate. The report, "In Harm's Way Lack of Federal Coal Ash Regulations Endangers Americans & Their Environment," seeks to document contamination to ground and surface water near coal ash disposal sites, identifying 39 new contamination instances in 21 states in addition to 67 sites EPA has already acknowledged.

Additionally, during EPA's first hearing on its proposal Aug. 30 in Arlington, VA, environmentalists sought to focus on contamination from the massive TVA coal ash spill. That waste is being taken for disposal to historically black and poor Perry County, AL, which is experiencing severe negative impacts, including discolored drinking water and foul odors, according to testimony by Perry County District Attorney Michael Jackson. Jackson added that it is difficult for citizens to fight against the impacts in the absence of strict EPA rules. -- Dawn Reeves

Richard Windsor/DC/USEPA/US
04/13/2010 06:56 PM

To Bob Sussman
cc Bob Perciasepe, Diane Thompson, Lisa Heinzerling, Mathy Stanislaus, Seth Oster
bcc
Subject Re: Enviro Letter to president

K

Bob Sussman [Mathy has learned through Lisa Evans...](#) 04/13/2010 06:50:56 PM

From: Bob Sussman/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Lisa Heinzerling/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA
Cc: Mathy Stanislaus/DC/USEPA/US@EPA
Date: 04/13/2010 06:50 PM
Subject: Enviro Letter to president

Mathy has learned through Lisa Evans of Earth Justice that 240 environmental groups will send a letter to the President tomorrow asking him to release the coal ash rule.

Robert M. Sussman
Senior Policy Counsel to the Administrator
Office of the Administrator
US Environmental Protection Agency

Richard Windsor/DC/USEPA/US
09/15/2010 07:53 AM

To: Brendan Gilfillan
cc
bcc
Subject: Re: Climate leaders today

Tx

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 09/15/2010 07:27 AM EDT
To: Richard Windsor; Bob Perciasepe
Cc: Seth Oster; Adora Andy
Subject: Climate leaders today

Just a heads up that the climate leader letter to partners announcing the program changes will go out this morning - we'll put out a short news release early afternoon, once we can be confident a majority of partners have received the communication. The letter will also be posted on the program's webpage.

We're still going back and forth on the release but will send the final version around before it goes out.

Thanks

- Brendan

Richard
Windsor/DC/USEPA/US
07/29/2010 08:41 PM

To: Brendan Gilfillan
cc
bcc
Subject: Re: Endangerment petition release for today

Hot!

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 07/29/2010 12:55 PM EDT
To: Richard Windsor
Cc: Adora Andy; Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure
Subject: Endangerment petition release for today

Hey Administrator -

We'll probably click send on this around 2pm Eastern today.

- Brendan

CONTACT:

Cathy Milbourn (News Media Only)
Milbourn.cathy@epa.gov
202-564-4355

FOR IMMEDIATE RELEASE

July 29, 2010

EPA Rejects Claims of Flawed Climate Science

Evidence of human-caused climate change grows

WASHINGTON – The U.S. Environmental Protection Agency (EPA) today denied 10 petitions challenging its 2009 determination that climate change is real, is occurring due to emissions of greenhouse gases from human activities, and threatens human health and the environment.

The petitions to reconsider EPA's "Endangerment Finding" claim that climate science cannot be trusted, and assert a conspiracy that invalidates the findings of the Intergovernmental Panel on Climate Change (IPCC), the U.S. National Academy of Sciences, and the U.S. Global Change Research Program. After months of serious consideration of the petitions and of the state of climate change science, EPA finds no evidence to support these claims. In contrast, EPA's review shows that climate science is credible, compelling, and growing stronger.

"The endangerment finding is based on years of science from the U.S. and around the world. These petitions -- based as they are on selectively edited, out-of-context data and a manufactured controversy -- provide no evidence to undermine our determination. Excess greenhouse gases are a threat to our health and welfare," said EPA Administrator Lisa P. Jackson. "Defenders of the status quo will try and slow our efforts to get America running on clean energy. A better solution would be to join the vast majority of the American people who want to see more green jobs, more clean energy innovation and an end to the oil addiction that pollutes our planet and jeopardizes our national security."

The basic assertions by the petitioners and EPA responses follow.

Claim : Petitioners say that emails disclosed from the University of East Anglia's Climatic Research Unit provide evidence of a conspiracy to manipulate global temperature data.

Response: EPA reviewed every e-mail and found this was simply a candid discussion of scientists working through issues that arise in compiling and presenting large complex data sets. Four other independent reviews came to similar conclusions.

Claim : Petitioners say that errors in the IPCC Fourth Assessment Report call the entire body of work into question.

Response: Of the alleged errors, EPA confirmed only two in a 3,000 page report. The first pertains to the rate of Himalayan glacier melt and second to the percentage of the Netherlands below sea level. IPCC issued correction statements for both of these errors. The errors are not germane to Administrator Jackson's decision. None of the errors undermines the basic facts that the climate is changing in ways that threaten our health and welfare.

Claim : Petitioners say that because certain studies were not included in the IPCC Fourth Assessment Report, the IPCC itself is biased and cannot be trusted as a source of reliable information.

Response: These claims are incorrect. In fact, the studies in question were included in the IPCC report, which provided a comprehensive and balanced discussion of climate science.

Claim : Petitioners say that new scientific studies refute evidence supporting the "Endangerment Finding".

Response: Petitioners misinterpreted the results of these studies. Contrary to their claims, many of the papers they submit as "evidence" are consistent with EPA's Finding. Other studies submitted by the petitioners were based on unsound methodologies. Detailed discussion of these issues may be found in volume one of the response to petition documents.

Climate change is already happening, and human activity is a contributor. The global warming trend over the past 100 years is confirmed by three separate records of surface temperature, all of which are confirmed by satellite data. Beyond this, evidence of climate change is seen in melting ice in the Arctic, melting glaciers around the world, increasing ocean temperatures, rising sea levels, shifting precipitation patterns, and changing ecosystems and wildlife habitats.

America's Climate Choices, a report from the National Academy of Sciences and the most recent assessment of the full body of scientific literature on climate change, along with the recently released *State of the Climate* report from the National Oceanic and Atmospheric Administration both fully support the conclusion that climate change is real and poses significant risk to human and natural systems. The consistency among these and previously issued assessments only serves to strengthen EPA's conclusion.

Information on EPA's findings and the petitions: www.epa.gov/climatechange/endangerment/petitions.html

More information on climate change go to: www.epa.gov/climatechange

Review America's Climate Choices report: <http://americasclimatechoices.org/>

Review State of the Climate report: www.noaanews.noaa.gov/stories2010/20100728_stateoftheclimate.html

Review information on Indicators of Climate Change: www.epa.gov/climatechange/indicators.html

R257

Brendan Gilfillan
Deputy Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2081

gilfillan.brendan@epa.gov

Richard Windsor/DC/USEPA/US
10/06/2010 01:11 PM

To: Brendan Gilfillan
cc
bcc
Subject: Re: statement on WV lawsuit

Tx

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 10/06/2010 12:05 PM EDT
To: Richard Windsor
Subject: statement on WV lawsuit

Hey Boss -

Here's our statement in response to the WV MTM lawsuit filed this morning:

Despite many efforts by EPA, state officials have not engaged in a meaningful discussion of sustainable mining practices that will create jobs while protecting the waters that Appalachian communities depend on for drinking, swimming and fishing. Earlier this year, at the request of the State, EPA issued clear guidance that ensures permits are reviewed using the best science available to protect residents from the significant and irreversible damage this practice can have on communities and their water sources. That science was just recently reaffirmed in a draft report by an independent panel of scientists.

EPA continues to be willing work with industry to reach common sense agreements allowing them to mine coal while avoiding permanent environmental impacts and protecting water quality. The EPA's number one priority is to protect the health of all Americans and the guidance allows the people of West Virginia and other states to have both, a healthy environment and a healthy economy.

Brendan Gilfillan
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2081
gilfillan.brendan@epa.gov

Richard
Windsor/DC/USEPA/US
02/09/2011 02:34 PM

To: Brendan Gilfillan
cc
bcc

Subject: Re: White House Blog: So What Does the Clean Air Act Do?

Tx!

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 02/09/2011 02:32 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster
<oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Gina McCarthy; Janet
McCabe; Joseph Goffman; David McIntosh; Arvin Ganesan; Daniel Kanninen;
Michael Moats; Bob Sussman
Subject: White House Blog: So What Does the Clean Air Act Do?

[The White House Blog](#)

So What Does the Clean Air Act Do?

Posted by Heather Zichal on February 09, 2011 at 02:18 PM EST

Today, EPA Administrator Lisa Jackson testified before the House Energy and Commerce Committee. In her [testimony](#) the Administrator highlighted the agency's ongoing efforts to develop sensible standards that update the Clean Air Act, while ensuring that the landmark law continues to provide Americans the protections from dangerous pollution that they deserve. These reasonable steps will ensure that the air our children breathe and the water they drink is safe, while also providing certainty to American businesses.

Despite these pragmatic steps to implement long overdue updates, big polluters are trying to gut the Clean Air Act by asking Congress to carve out special loopholes from air pollution standards.

The Clean Air Act gives the Environmental Protection Agency the necessary tools to protect our families from mercury, arsenic, smog, particulates and carbon dioxide that can cause asthma and lung disease – especially in children. Weakening these standards would allow more pollution in the air we breathe and threaten our children's health. We thought it might be helpful to refresh everyone on how this landmark law affects our country and protects our health.

- **160,000 Lives Saved Last Year**

In the year 2010 alone, clean air regulations are estimated to have saved over [160,000 lives](#).

- **More than 100,000 Hospital Visits Avoided Last Year**

In 2010, clean air standards prevented [millions of cases of respiratory problems](#), including bronchitis and asthma. It enhanced productivity by preventing millions of lost workdays, and kept kids healthy and in school, avoiding millions of lost school days due to respiratory illness and other diseases caused or exacerbated by air pollution.

- **60% Less Pollution in Our Air, Strong Economic Growth and Lower Electricity Prices**

Since 1970, the Clean Air Act has reduced key air pollutants that cause smog and particulate pollution by [more than 60%](#). At the same time the economy more than tripled. And Since the Clean Air Act Amendments in 1990, electricity production is up and prices are down. In 2009, electric utilities delivered [33 percent](#) more electricity to U.S. households and businesses than in 1990, while nationwide electricity prices were [10 percent lower](#).

- **Benefits Far Out Weigh Costs**

Over its forty-year span, the benefits of the Clean Air Act – in the form of longer lives, healthier kids, greater workforce productivity, and ecosystem protections – outweigh the costs by [more than 30 to 1](#).

Heather Zichal is Deputy Assistant to the President for Energy and Climate Change

Richard Windsor/DC/USEPA/US
02/08/2011 05:15 PM

To: Brendan Gilfillan
cc
bcc
Subject: Re: WSJ: Letter Shows Bush EPA Chief Supported Regulating Greenhouse Gas Emissions

My
Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 02/08/2011 04:58 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; David McIntosh; Adora Andy; Betsaida Alcantara; Gina McCarthy; Janet McCabe; Joseph Goffman; Arvin Ganesan; Stephanie Owens; Dru Ealons
Subject: WSJ: Letter Shows Bush EPA Chief Supported Regulating Greenhouse Gas Emissions

WSJ: Letter Shows Bush EPA Chief Supported Regulating Greenhouse Gas Emissions

Dow Jones International News Service via Dow Jones

By Stephen Power

Of THE WALL STREET JOURNAL

WASHINGTON (Dow Jones)--A former Environmental Protection Agency administrator

under President George W. Bush told Mr. Bush in 2008 that his administration was

obligated to declare that emissions of heat-trapping greenhouse gases linked to

climate change endanger public health or welfare.

Stephen Johnson, the EPA's administrator from 2005 until 2009, also suggested

in a Jan. 31, 2008, letter that the agency propose regulations to limit

greenhouse gas-emissions from automobiles and from other human sources--a stance

that the Obama administration has taken.

(This story and related background material will be available on The Wall

Street Journal website, WSJ.com.)

The letter was made public Wednesday by the senior Democrat on the House

Energy and Commerce Committee, Rep. Henry Waxman of California, a day before

Republicans on the panel are to hold a hearing on legislation that would

overturn a December 2009 finding by the EPA's current administrator, Lisa

Jackson, that greenhouse gas emissions endanger public health and welfare, the

legal prerequisite to regulating them under the Clean Air Act.

"As Administrator Johnson's letter makes clear, both Republican

and Democratic

administrations have had the same view of the science: carbon emissions are a

serious threat to our nation's welfare," Mr. Waxman wrote in a letter Tuesday to

the panel's chairman, Rep. Fred Upton (R., Mich.). "I urge you to leave the

science to scientists and drop your effort to use legislation to overturn EPA's

endangerment finding."

Richard Windsor/DC/USEPA/US
12/30/2010 10:19 PM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, Seth Oster, Bob Sussman, "David McIntosh", "Gina (Sheila) McCarthy", Joseph Goffman, Janet McCabe, Stephanie Owens, "ealons dru", Betsaida Alcantara, Daniel Kanninen
cc
bcc
Subject: Re: NY Times: E.P.A. Limit on Gases to Pose Risk to Obama and Congress

Tx!

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 12/30/2010 10:15 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Bob Sussman; mcintosh.david@epa.gov; mccarthy.gina@epa.gov; Joseph Goffman; Janet McCabe; Stephanie Owens; ealons.dru@epa.gov; Betsaida Alcantara; Daniel Kanninen
Subject: NY Times: E.P.A. Limit on Gases to Pose Risk to Obama and Congress
Congress
E.P.A. Limit on Gases to Pose Risk to Obama and Congress

With the federal government set to regulate climate-altering gases from factories and power plants for the first time, the Obama administration and the new Congress are headed for a clash that carries substantial risks for both sides.

While only the first phase of regulation takes effect on Sunday, the administration is on notice that if it moves too far and too fast in trying to curtail the ubiquitous gases that are heating the planet it risks a Congressional backlash that could set back the effort for years.

But the newly muscular Republicans in Congress could also stumble by moving too aggressively to handcuff the Environmental Protection Agency, provoking a popular outcry that they are endangering public health in the service of their well-heeled patrons in industry.

"These are hand grenades, and the pins have been pulled," said William K. Reilly, administrator of the environmental agency under the first President George Bush.

He said that the agency was wedged between a hostile Congress and the mandates of the law, with little room to maneuver. But he also said that anti-E.P.A. zealots in Congress should realize that the agency was acting on laws that Congress itself passed, many of them by overwhelming bipartisan margins.

President Obama vowed as a candidate that he would put the United States on a path to addressing climate change by reducing emissions of carbon dioxide and other greenhouse gas pollutants. He offered Congress wide latitude to pass climate change legislation, but held in reserve the threat of E.P.A. regulation if it failed to act. The deeply polarized Senate's refusal to enact climate change legislation essentially called his bluff.

With Mr. Obama's hand forced by the mandates of the Clean Air Act and a 2007 Supreme Court decision, his E.P.A. will impose the first regulation of major stationary sources of greenhouse gases starting Jan. 2.

For now, administration officials are treading lightly, fearful of inflaming an already charged atmosphere on the issue and mindful that its stated priorities are job creation and economic recovery. Officials are not seeking a major confrontation over carbon regulation, which offers formidable challenges even in a less stressed economic and political climate.

"If the administration gets it wrong, we're looking at years of litigation, legislation and public and business outcry," said a senior administration official who asked not to be identified so as not to provide an easy target for the incoming Republicans. "If we get it right, we're facing the same thing."

"Can we get it right?" this official continued. "Or is this just too big a challenge, too complex a legal, scientific, political and regulatory puzzle?"

The immediate effect on utilities, refiners and major manufacturers will be small, with the new rules applying only to those planning to build large new facilities or make major modifications to existing plants. The environmental agency estimates that only 400 such facilities will be affected in each of the first few years of the program. Over the next decade, however, the agency plans to regulate virtually all sources of greenhouse gases, imposing efficiency and emissions requirements on nearly every industry and every region.

Lisa P. Jackson, administrator of the E.P.A., has promised to pursue a measured and moderate course. The agency announced last week that it would not even begin issuing standards for compliance until the middle of 2011, and when it did so the rules would not impose unreasonable costs on industry.

But the reaction in Congress and industry has been outsized, with some likening the E.P.A. to terrorists and others vowing to choke off the agency's financing for all air-quality regulation. A dozen states have filed suit to halt the new greenhouse gas rules, with one, Texas, flatly refusing to comply with any new orders from Washington.

Two federal courts, including one this week in Texas, have refused to issue restraining orders halting the implementation of the new rules. But both left open the possibility of finding the new rules unsupported by federal law.

Representative Fred Upton, the Michigan Republican who is set to become chairman of the powerful House Energy and Commerce Committee, said he was not convinced that greenhouse gases needed to be controlled or that the E.P.A. had the authority to do so.

"This move represents an unconstitutional power grab that will kill millions of jobs - unless Congress steps in," Mr. Upton wrote this week in a Wall Street Journal opinion essay.

His co-author was Tim Phillips, president of Americans for Prosperity, a conservative group financed by Koch Industries and other oil companies that has spread skepticism about global warming and supported many of the Tea Party candidates who will join the new Congress.

Mr. Upton has proposed a moratorium on all global warming regulation until the courts have ruled definitively on the legality of federal action on the issue, decisions that are probably years away.

Others in Congress, including Senator John D. Rockefeller IV and Representative Nick J. Rahall II, both Democrats from West Virginia, have proposed a two-year delay in regulation by the E.P.A. while Congress comes up with its own rules. Virtually no one expects action on climate change legislation in the next Congressional session.

White House officials have said that they will recommend that Mr. Obama veto any measure that restricts the administration's power to enforce clean air laws.

So the stalemate continues.

Greenhouse gas emissions in the United States are already falling faster than any current legislative or regulatory proposal envisions, because of the recession-driven drop in demand for electricity. Carbon dioxide emissions from the energy sector, by far the largest source of total emissions, fell to about 5,400 metric tons in 2009, down from 5,800 metric tons the year before, and they are likely to fall even further this year. Demand for electricity in 2009 fell by the largest amount in six decades and is almost certain to slip further in 2010.

When demand for power begins to rebound with the economy, emissions are expected to rise more slowly than in the past, in part because utilities are using fuel more efficiently and switching to cleaner-burning natural gas for part of their electricity generation. But such moves will not take the place of the across-the-board reductions in emissions that will be required to meet the administration's target of a 17 percent reduction in emissions over 2005 levels by 2020.

And it is that broader mandate that has set off such intense opposition from industry and its allies in Congress.

"Early next year we're going to have a very serious debate on whether the E.P.A. should be allowed to unilaterally go forward and restructure the American economy," Jack Gerard, the president of the American Petroleum Institute, said in an interview.

"As the president looks to 2012, his message has to be job creation, and this kind of regulation is inconsistent with that," he said. "The public has a long memory. Anything viewed as hurting the opportunity to create jobs will not be well received."

Richard Windsor/DC/USEPA/US
10/29/2010 10:07 AM

To: Brendan Gilfillan, Bob Perciasepe, Diane Thompson, "Seth Oster", Bob Sussman, Lisa Heinzerling, Gina McCarthy, Janet McCabe, Joseph Goffman, David McIntosh, Arvin Ganesan, Stephanie Owens, Dru Ealons, Daniel Kanninen
cc
bcc
Subject: Re: AP: Companies Fight to Keep Global Warming Data Secret

Good job.
Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 10/29/2010 10:01 AM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Bob Sussman; Lisa Heinzerling; Gina McCarthy; Janet McCabe; Joseph Goffman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Daniel Kanninen
Subject: AP: Companies Fight to Keep Global Warming Data Secret

Companies Fight to Keep Global Warming Data Secret

AP

Some of the country's largest emitters of heat-trapping gases, including businesses that publicly support efforts to curb global warming, don't want the public knowing exactly how much they pollute.

Oil producers and refiners, along with manufacturers of steel, aluminum and even home appliances, are fighting a proposal by the Environmental Protection Agency that would make the amount of greenhouse gas emissions that companies release — and the underlying data businesses use to calculate the amounts — available online.

While gross estimates exist for such emissions from transportation and electricity production and manufacturing as a whole, the EPA is requiring companies for the first time to submit information for each individual facility.

The companies say that disclosing details beyond a facility's total emissions to the public would reveal company secrets by letting competitors know what happens inside their factories. More importantly, they argue, when it comes to understanding global warming, the public doesn't need to know anything more than what goes into the air. "There is no need for the public to have information beyond what is entering the atmosphere," Steven H. Bernhardt, global director for regulatory affairs for Honeywell International Inc., said in comments filed with the agency earlier this year. The Morristown, N.J.-based company is a leading manufacturer of hydrofluorocarbons, a potent greenhouse gas used in a variety of consumer products. Honeywell wants the EPA to reconsider its proposal, which the company said would damage its business.

Other companies are pressing the agency to require a third party to verify the data, so they don't

have to submit it at all, or to allow them to argue on a case-by-case basis to keep some of it confidential, a suggestion the EPA warned would delay public release.

The EPA says it's necessary to make the data public in order for the companies' calculations to be checked. "It is important for outside groups and the public to have access to this information so they can essentially see and check EPA's and the company's math — giving the public greater confidence in the quality of data," the agency said in a statement.

As the EPA prepares to regulate greenhouse gases, the data companies are being required to submit will help determine what limits eventually are put in place and whether they are working.

The EPA required companies responsible for large amounts of heat-trapping pollution to begin this year collecting 1,500 pieces of information. The data, which is due to be reported by March, will be used in the first-ever inventory of greenhouse gases, a massive database that will reveal most sources of greenhouse gases in the United States.

Suppliers of fossil fuels, which when burned release greenhouse gases, plus manufacturers of engines and vehicles, and facilities that release 25,000 tons or more of any of six heat-trapping gases, all must comply with the regulation, the first by the government on pollution blamed for global warming.

Most companies don't have a problem telling the government or the public how much they pollute; they already do it for other types of pollution, such as toxic chemicals and sulfur dioxide, the gas that forms acid rain. What they oppose — almost unanimously — is the public disclosure of the underlying data necessary to calculate the annual amount of greenhouse gases.

The EPA wouldn't need that information if companies actually measured greenhouse gas pollution at its source. But that equipment is expensive and for many companies would cost millions of dollars.

Even the Federal Trade Commission has weighed in, and asked the EPA to treat data used in emissions equations as confidential since it could lead to collusion among companies and raise prices for consumers.

Aluminum smelters want 11 of the 15 data fields the EPA intends to make public kept confidential, according to comments filed by the Aluminum Association. Koch Nitrogen Co. LLC, a fertilizer producer, questions the EPA's desire to make unit-specific or facility-specific emissions available, calling it "misguided" since a change in pollution from a single factory is unlikely to influence policy on a global problem.

For DuPont, a founder of the U.S. Climate Action Partnership — a group of businesses that support controls on global warming pollution — the proposal has caused heartburn, according to Michael Parr, senior manager of government affairs. Many of the company's plants, including a titanium dioxide factory in New Johnsonville, Tenn., release greenhouse gases when generating power.

"We actually lobbied for this reporting bill because we think it is a very good idea," Parr said in an interview. "What we are trying to get across is that if you take that information about how the plant runs and you make that available to the public it does not make the public any better informed about what is coming out of my plant. It exposes the fruits of all my innovation." If there is one polluting sector that is supportive of EPA's plans for full disclosure, it's electricity producers, which make public much of the data already.

Companies that sell information to investors and businesses want even more disclosure. They argue it is necessary to know how efficient a facility is, which is the amount of greenhouse gases released per unit of production. Bloomberg LP, which has provided greenhouse gas data to the financial community since 2005, is asking the EPA to make public production volume data even if it is not used to calculate emissions.

In the company's comments it says, "Greenhouse gas emissions are not meaningful in isolation.

Richard
Windsor/DC/USEPA/US
02/23/2011 11:44 AM

To: Brendan Gilfillan
cc: Brendan Gilfillan, Arvin Ganesan, Bob Perciasepe, Dru Ealons, Gina McCarthy, Janet McCabe, Joseph Goffman, Mathy Stanislaus, Seth Oster
bcc:

Subject: Re: AP boilers - second story

tx

-----Brendan Gilfillan/DC/USEPA/US wrote: -----

To: Brendan Gilfillan/DC/USEPA/US@EPA
From: Brendan Gilfillan/DC/USEPA/US
Date: 02/23/2011 06:19PM
Cc: Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Richard Windsor/DC/USEPA/US@EPA
Subject: Re: AP boilers - second story

WASHINGTON (AP) _ Faced with stiff opposition in Congress and a court-ordered deadline, the Environmental Protection Agency on Wednesday will make it much cheaper for companies to reduce toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less cost to the companies and institutions. That would save businesses \$1.8 billion and still avert thousands of heart attacks and asthma cases a year.

¶ These rules "put in place important public health safeguards...at costs substantially lower than we had estimated under our original proposal," said Gina McCarthy, EPA's top air pollution official, in a news release provided to the AP.

¶ The deep discount for polluting industries will likely send a message to Congress that public health benefits can be achieved more economically, and that the Obama administration is serious about an executive order to review regulations that are onerous for business. The EPA, in its release, says the rules are in line with the review called for by Obama earlier this year.

¶ Republicans and some Democrats have been extremely critical of EPA recently over the costs of a whole host of regulations, including the first-ever rules to control the gases blamed for global warming.

¶ In a letter sent to EPA administrator Lisa Jackson on Monday, six senators expressed concern specifically about the boiler rule, saying that municipalities, universities, and federal facilities could be vulnerable to "excessive and expensive regulatory burdens."

¶ Industrial boilers, which burn coal and other fuels to generate heat and electricity, are used by refineries, chemical plants, hospitals and even churches. They are also the second largest source of toxic mercury emissions in the United States after coal-fired power plants. Mercury is a metal that even at low levels can cause subtle but serious damage to the brain and senses.

¶ Under the new rule, the bulk of industrial boilers at small facilities would not have to meet certain pollution standards. Instead, they would have to do biannual tune ups to reduce emissions. The roughly 13,800 large industrial boilers at refineries, chemical plants and other factories would be

subjected to emissions standards requiring them to install technologies to reduce pollution. Facilities already in operation also would not have to comply with the regulation for three years.

Brendan Gilfillan---02/23/2011 09:12:14 AM--- WASHINGTON (AP) _ The Environmental Protection Agency is making it much cheaper for companies to r

From: Brendan Gilfillan/DC/USEPA/US
To: Bob Perciasepe/DC/USEPA/US@EPA, Gina McCarthy/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Seth Oster <oster.seth@epa.gov>, Arvin Ganesan/DC/USEPA/US@EPA, Janet McCabe/DC/USEPA/US@EPA, Joseph Goffman/DC/USEPA/US@EPA
Cc: Dru Ealons/DC/USEPA/US@EPA
Date: 02/23/2011 09:12 AM
Subject: AP boilers - first story

WASHINGTON (AP) _ The Environmental Protection Agency is making it much cheaper for companies to release toxic air pollution from industrial boilers and incinerators.

¶ In a vastly overhauled regulation obtained by The Associated Press in advance of its release Wednesday, the EPA says it has found ways to control pollution at more than 200,000 industrial boilers, heaters and incinerators nationwide at 50 percent less cost. That would save businesses \$1.8 billion and avert thousands of heart attacks and asthma cases a year.

¶ Republicans and some Democrats in Congress have criticized the EPA over the boiler rule, saying it would be too expensive for industry.

¶ A senior EPA official told the AP that cost wasn't the driving factor, but the changes made were driven in part by an executive order to review burdensome regulations.

¶

Richard Windsor/DC/USEPA/US
03/11/2011 08:22 AM

To Charles Imohiosen
cc
bcc

Subject Re: 1. POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA (03/11/2011)

Saw it. Tx.
Charles Imohiosen

----- Original Message -----

From: Charles Imohiosen
Sent: 03/11/2011 08:13 AM EST
To: Richard Windsor; Bob Perciasepe; "David McIntosh" <mcintosh.david@epa.gov>
Subject: 1. POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA (03/11/2011)

[REDACTED]

1. POLITICS: Democrats cry foul over GOP's attempts to tie fuel prices to EPA (03/11/2011)

Elana Schor and Sarah Abruzzese, E&E reporters

House Republicans' move to join the two most politically volatile threads in the Washington, D.C., energy debate -- gas prices and U.S. EPA rules -- sparked Democratic charges of deception yesterday and silence so far from the Obama administration.

Speaker John Boehner (R-Ohio) amplified the GOP gambit as he laid out a new project, dubbed the American Energy Initiative, calling for more domestic fossil-fuel production, new nuclear power plants and an end to EPA's authority over greenhouse gases. While the Republican message had percolated all week, Boehner's decision to spotlight the anti-EPA bill now sailing through the House Energy and Commerce Committee gave the gas-price charge a far broader platform.

[REDACTED]

The administration's offshore oil-production policies and regulation of greenhouse gases, Boehner said yesterday, represent a systematic hit to economic growth. "If the White House has its way -- and the EPA imposes a backdoor national energy tax -- gas prices will only go higher," the Ohioan told reporters.

Energy and Commerce Chairman Fred Upton (R-Mich.) began invoking the effect of EPA emissions rules on fuel prices earlier this week, citing cost estimates from a 2009 study of the now-defunct House climate change bill (E&E Daily, March 9). But Democrats were still perplexed by the elevation of that argument, with several accusing the GOP of stretching the boundaries of logic to serve its political goals.

"If they could fool people into believing there's a connection, I think they would gain some political mileage, but it's all deceptive," said Rep. Henry Waxman of California, the Energy and Commerce panel's top Democrat and a chief author of that 2009 climate bill. "There's no connection to EPA regulating greenhouse gases for certain stationary sources by requiring them to be more efficient and the price of gasoline."

In fact, Waxman added, large-scale emitters are more likely to reduce their fuel consumption in response to the EPA regulations, saving industry more money. Another senior Energy and Commerce Democrat, Rep. Jay Inslee of Washington, raised similar points by billing the emissions rules as "incentives for industry to make investments" in efficiency -- with no direct effect on gas prices.

"We're locked into higher oil prices, and the only way to get off of it is finding efficiencies," Inslee said in an interview.

As for Republicans' chances of scoring politically with their new strategy, Inslee quipped: "You can repeal the Clean Air Act. You can't repeal the First Law of Thermodynamics. You can't repeal the law of supply and demand. ... People realize there are much bigger forces on gas prices than the Republican caucus."

Senate Environment and Public Works Chairwoman Barbara Boxer (D-Calif.) appeared nonplussed upon hearing about the Republican strategy.

"They're ignoring the political upheaval in the Middle East and the fact that we're not moving fast enough to alternative fuels and clean vehicles," she said. Of the 2009 study employed by House Republicans, she added: "It's funny that they're blaming a law that didn't pass for high gas prices."

Yet the rhetoric was not confined to the House side of the Capitol. The ranking Republican on Boxer's panel, Sen. James Inhofe of Oklahoma, delivered a floor speech blaming the White House for rising gas prices and dismissing the impact of recent unrest in the Middle East.

"[A] lot of people are saying that the gas prices that are going up are a result partially of what's happening over there," Inhofe said. "That isn't the real problem. The real problem is a political problem."

Several Democrats, however, found problems with the factual basis of the relationship between gas prices and greenhouse gas emissions limits that would apply to refineries and power plants starting in 2012. Rep. Emanuel Cleaver (D-Mo.), for one, termed the argument "bizarre."

"It reminds me of somebody who ate a hamburger and then ends up catching pneumonia and then says, 'Hamburgers cause pneumonia,'" Cleaver said.

EPA did not respond to requests for comment last night.

Refiners' avowals

In addition to the 2009 study of the House-passed climate bill, Energy and Commerce aides pointed to testimony and supportive letters from refiners who hailed Upton's plan to revoke EPA power over greenhouse gases under the Clean Air Act.

"Every credible economic analysis that has been performed shows that Americans will pay higher prices at the pump and that the refining sector, its high-paying jobs and our nation's energy security will suffer as a direct result of EPA's action," Valero Energy Corp. CEO Bill Klesse wrote in a Wednesday letter to Upton.

Rep. Ed Whitfield (R-Ky.), who chairs the House Energy and Power Subcommittee, cited such testimony as the reason the Republicans are pushing for legislative changes.

In some cases, Whitfield said there is not even technology available to deal with new EPA mandates. "The additional costs that they would have to go through and investments they would have to be making to try to start complying would increase the price of gasoline," he said.

Another letter of support from 16 trade associations, including the National Petrochemical and Refiners Association and the U.S. Chamber of Commerce, praised the economic benefits of restricting EPA regulations but did not specifically address gas prices.

However, in recent testimony before the Energy and Commerce Committee, a top executive at Arkansas-based refiner Lion Oil Co. directly linked the EPA regulations to higher gas prices. New fuel-efficiency standards for vehicles drove up costs for his industry by reducing demand, Lion Vice President Steve Cousins told House members last month, and legislation blocking EPA's greenhouse gas rules would be "necessary to protect consumers, farmers and truckers from higher gasoline and diesel fuel prices," he said.

Rep. Ed. Markey (D-Mass.), the co-sponsor of the climate change bill that passed the House two years

ago, said flatly, "the EPA has not done anything to increase gas prices."

That's a point Whitfield acknowledged as well.

"I'm not saying it's contributing to it right now, because the regulations haven't been finalized but we're talking down the road," he said.

Markey dismissed the GOP argument as a distraction from larger issues like the unrest in the Middle East, which is influencing American energy prices.

"Instead of focusing on Gaddafi and the other Middle East dictators, they have decided just to use it as a way of engaging in partisan political finger pointing, and I just think they have no credibility," Markey said.

[Click here to read Valero's letter to Upton.](#)

[Click here to read the multi-association letter to Upton and Whitfield.](#)

Reporters Jean Chemnick, Katie Howell, Jeremy P. Jacobs, Hannah Northey and John McArdle contributed

Charles Imohiosen
Counselor to the Deputy Administrator
Office of the Administrator
US Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.

Sent via Blackberry

Richard Windsor/DC/USEPA/US
04/13/2009 09:49 AM

To David Cohen
cc
bcc

Subject Re: assume u've seen this

Nope. Tx.
David Cohen

----- Original Message -----

From: David Cohen
Sent: 04/13/2009 09:45 AM EDT
To: Allyn Brooks-LaSure; Richard Windsor
Subject: assume u've seen this

Newswise — Tuesday, April 14, Environmental leaders will hold a telephone press briefing to provide background on the upcoming Environmental Protection Agency announcement (expected on the 16th) that global warming pollution constitutes a danger to the public health and welfare. EPA is expected to declare its authority to hold polluters accountable under the Clean Air Act. The decision, ordered by the Supreme Court in 2007 and based upon years of scientific research and analysis, has the potential to significantly alter energy politics and policy. Environmental leaders say it will spur clean energy jobs and protect public health and welfare.

The following questions will be addressed:

How is carbon dioxide a threat to public health and welfare?

What are the implications of common sense EPA regulation of greenhouse gases that will likely result?

How does action under the current Clean Air Act relate to potential new climate legislation?

What signals does it send to the international community as nations continue to work on a climate treaty?

Environmental leaders will explain the history and significance of the expected announcement in a telephone briefing for reporters.

A Q&A session will follow.

WHO:

David Doniger, Climate Center Policy Director, Natural Resources Defense Council

David Bookbinder, Chief Climate Counsel, Sierra Club

Emily Figdor, Federal Global Warming Program Director, Environment America

Joe Mendelson, Global Warming Policy Director, National Wildlife Federation (moderating)

Dr. Amanda Staudt, Climate Scientist, National Wildlife Federation

WHEN: Tuesday, April 14, 2009. 11:00 AM.

WHERE: Via Teleconference. 800-791-2345, code 58418. Credentialed media only.

Richard Windsor/DC/USEPA/US
04/17/2009 12:20 PM

To David Cohen
cc
bcc

Subject Re: EPA Made History Today

Finally - a picture I like. And its because its not about me, its abt the piece of paper.

David Cohen

----- Original Message -----

From: David Cohen
Sent: 04/17/2009 11:56 AM EDT
To: Richard Windsor
Subject: Fw: EPA Made History Today

i hope you are sitting at a desktop computer where you can see the photo of you that accompanies your message.

very, very cool!

----- Forwarded by David Cohen/DC/USEPA/US on 04/17/2009 11:55 AM -----

From: Message from the Administrator
To: All EPA Employees
Date: 04/17/2009 11:52 AM
Subject: EPA Made History Today

[Visit the Agency's Intranet for More Information](#)



[All Hands Email-Archive](#)

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.



Colleagues:

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean

energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

Richard
Windsor/DC/USEPA/US
09/27/2010 06:25 AM

To: David Cohen
cc
bcc
Subject: Re: just fyi: politico profile of browner; (you and epa mentioned)

Tx

From: David Cohen
Sent: 09/27/2010 03:41 AM EDT
To: Richard Windsor
Subject: just fyi: politico profile of browner; (you and epa mentioned)

From: "Cohen1207" (b) (6) Personal Privacy
Sent: 09/27/2010 03:39 AM AST
To: David Cohen
Subject: just fyi: politico profile of browner; (you and epa mentioned)

Browner's green blues

Its a measure of Carol Browners growing influence in the West Wing that shes been given the coveted key to the taupe-accented kingdom President Barack Obamas personal BlackBerry e-mail address.

The administrations so-called energy czar is just about the only high-ranking official to emerge from the BP oil disaster with an enhanced reputation making her, some say, the most powerful woman in the White House next to Obamas longtime friend Valerie Jarrett.

Yet even as Browners stock rises, her rationale for remaining by Obamas side is declining. The collapse of the administrations comprehensive climate change effort a career-long goal for Browner has stoked rumors that shell head for the exit rather than settle for an incremental, vastly scaled-back energy agenda.

And some environmental advocates, deeply disappointed that Browner didnt have enough clout to push climate change to the top of Obamas agenda, blame her for the debacle. The real challenge at the top is, Carol Browner is not a strategic thinker, griped one environmental advocate with close ties to the administration.

It makes a lot of sense for her to go, said another top environmentalist, who thinks

Browner has been pragmatic but also the most committed friend of the greens in the West Wing. If you were her, would you stick around to watch your dream being dismantled?

Browner brushed aside but didnt completely rule out an early departure in an interview with POLITICO. I'm enjoying what I do . . . I don't have any date [to leave], said Browner, who served a bruising eight years as head of Bill Clintons Environmental Protection Agency, the longest tenure of any Clinton Cabinet official.

Browner, who briefly considered a Senate run in her native Florida back in 2000, has no taste for elective office these days but is at no loss for private-sector options. During the Bush administration, she served on the boards of green nonprofits while earning a handsome living as an environmental adviser to private companies as a founding member of The Albright Group.

If Browner decides to stay in the White House, she can expect a bureaucratic slog one senior administration official said theres only a tiny chance the Senate will take up the comprehensive climate change bill during the lame-duck session. And Democratic leaders have even less ambitious ideas for climate over Obamas next two years, assuming theyre even controlling Congress.

Obama aides said the loss of Browner would be a serious blow at a time when Obama is looking to recalibrate his energy agenda and defend against coming attacks. Besides, shes one of the few Clinton veterans the president genuinely trusts with Obama often taking Browners side during internal policy debates.

Browner, brought on board by Obama Transition Director John Podesta, talks with the president almost daily and e-mails him even more frequently. In addition, she is one of only three or four female staffers who regularly attend chief of staff Rahm Emanuels 7:30 a.m. meeting, along with a dozen or more male officials, aides said.

Many environmentalists, too, would be sad to see her go, as would feminists who decry the paucity of women in Obamas inner circle. Add to that a small handful of Senate Republicans who hint at revisiting climate change once the polarizing midterms have passed.

I heard, by reputation, she was some environmental wacko, but I didnt find that at all, said Sen. Lindsey Graham (R-S.C.), who pulled the plug on bipartisan talks over the summer.

On the other hand, a Browner departure would be the gladdest of tidings for industry lobbyists who think she is a green zealot like her former boss Al Gore.

And while shes managed to insulate Obama from the wrath of many environmentalists on the left one of them referred to her as the presidents green Teflon some say Browner and the White House legislative affairs team erred by refusing to negotiate a scaled-back deal when prospects of a bigger cap-and-trade bill evaporated for good earlier this spring.

They never had a legitimate legislative strategy to get 60 votes in the Senate, said an environment expert who worked with Browner in the Clinton administration. The consequence of that is the policy they really do believe in has been damaged beyond recognition politically.

Union of Concerned Scientists President Kevin Knobloch said hes not sure why Obama and Browner didnt release a written plan to drive the climate debate. I personally dont understand why it wasnt translated into, early on, a legislative outline that then leadership in the House and Senate could work from, he said.

Browner has just as many defenders. Brian Wolff, director of communications at industry group Edison Electric Institute, was impressed by her tenacious lobbying in June 2009 during the House climate bill vote. Wolff said he was surprised Browner exhibited a similar level of intensity during a meeting with utility CEOs this summer, when the effort was on the verge of being declared dead.

Shes very methodical; shes very to the point. Some people are offended by it. But I think its her biggest strength, added Wolff, a veteran Democratic operative.

Those traits served Browner well when the administration scrambled to cope with the fallout from the Deepwater Horizon oil spill in the Gulf. White House insiders said that Obama and Emanuel were deeply frustrated by bureaucratic tangling during the first days of the spill and felt that the response needed a strong, centralized command based in the West Wing.

The 54-year-old University of Florida graduate, who had no real background in emergency management, was involved from the start, as was Jarrett, who handled the sensitive issue of how to deal with local officials highly critical of the federal response.

But aides said it was only after Homeland Security Secretary Janet Napolitano, Interior Secretary Ken Salazar and EPA Administrator Lisa Jackson proved unable to coordinate the massive interagency effort that Obama and Emanuel tapped Browner to quarterback.

She knew how to put together all the pieces, said an administration official involved in the talks.

Browner filled another void as a spokeswoman who could reassure the American public at a time when no one knew how long the spill would last or how dire the environmental and economic consequences would be.

The Miami native, who once snorkeled in the Florida Keys when she was eight months pregnant, comes across as approachable but unflappable on TV. But she flinched when White House staffers informed her she had been booked for the May 30th Sunday morning shows.

Browner spent two days nervously honing her message -- and dragooned her staffer Jake Levine for beer, leftovers and a mini-murder board session.

After it was over, White House officials, from Obama on down, told Browner she had struck the right tone.

At the time, Browner had wanted, perhaps naively, to turn the BP spill to her advantage, hoping it would jump-start the moribund climate change bill in the Senate. It didnt happen.

People just werent talking about it, she said. The vast majority of people it really surprised me they moved on very quickly.

With no forward momentum, Browner is now forced to play defense.

In the short term, her energy will be consumed fighting off challenges to EPAs authority for writing climate-themed rules in the absence of congressional action.

And she has already assembled a to-do list for the end of this year and 2011: new emissions standards for tractor-trailers and large trucks, a series of EPA rollouts and a bipartisan legislative push to enact new national standards for renewable energy, a move backed by some industry and environmental groups.

A year ago, Browner and the small green team she oversees in the Old Executive Office Building had much more ambitious goals. But she lost her first and most important battle on climate change early in Obamas term, when the president and his brain trust, including her old friend Emanuel, pushed comprehensive climate change to the back of the legislative queue, behind the health care reform effort.

The clock ran out, she said. You had health care taking far longer than anyone anticipated.

Browner and her aides flatly refuted a report that Emanuel scuttled her plans to draft a set of legislative principles, a charge leveled in Bloomberg Businessweek Deputy Editor Eric Pooleys book The Climate War.

But that hasnt quelled the what-if speculation by embittered environmental activists, who say Browners strategy which included generous deals on nuclear power loan guarantees and the lifting of the offshore drilling moratorium didnt result in a single GOP defection to the legislation.

For Browner, the setbacks evoke a Groundhog Day feeling. She had Bill Clintons superficial commitment to climate policies in the early 1990s but had to fight for attention amid Hillary Clintons disastrous health care reform push.

In 1994, newly minted House Speaker Newt Gingrich made systematic attacks on the EPA, with no fewer than 16 legislative riders to defund or derail Browners regulatory agenda.

This is somewhat reminiscent to me of the 90s, she said of the current mood. It feels very similar. Youve got a lot of attacks on ... the use of the regulatory authorities.

Instead of folding, Browner dug in. She proposed the most sweeping air pollution regulations in her agencys history, cannily using authority that bypassed the GOP-controlled Congress.

A decisive moment of Browners career came during an Oval Office meeting when Clinton canvassed a handful of advisers to see if they backed Browners smog and soot regulations.

Clintons economic and political advisers had just finishing trashing her plans, when Clinton shouted, What do you think? to Emanuel who was walking into the room.

Emanuel paused, then blurted out, I agree with her.

Clinton eventually backer Browner and she, in turn, never forgot the favor Emanuel did her.

In 2002, when Emanuel was locked in a tough Democratic primary against Illinois State Representative Nancy Kaszak for a Chicago House seat, Browner campaigned for him, despite opposition from womens groups, including EMILYs List.

Later, a puzzled Emanuel approached Browner to ask why she was so dedicated to his cause.

A Democrat who worked on the campaign said that when Browner recounted his role in the EPA debate, Emanuel shrugged: Hed nearly forgotten the whole episode.

Richard
Windsor/DC/USEPA/US
03/13/2009 06:52 AM

To David Cohen
cc
bcc
Subject Re: no "life cycle" story! but....

Tx

David Cohen

----- Original Message -----

From: David Cohen
Sent: 03/13/2009 06:08 AM EDT
To: Richard Windsor; Lisa Heinzerling; David McIntosh
Subject: no "life cycle" story! but....

a politics/costs-of-climate-change story in the post's biz section worth noting, especially the last paragraphs. fyi, in case you've not seen yet:

Push to Reduce Greenhouse Gases Would Put a Price on Emitting Pollution

By Steven Mufson
Washington Post Staff Writer
Friday, March 13, 2009; D01

President Obama's endorsement of climate legislation to clamp down on greenhouse gases has set off a lobbying rush in Congress and made the air thick with rival proposals.

Coal companies, utilities, economists and environmentalists are vying to shape legislation that could rechannel hundreds of billions of dollars from one part of the economy to others. The sense of urgency has been heightened by House Energy and Commerce Committee Chairman [Henry A. Waxman](#)'s push to have a bill ready by the end of May; the California Democrat plans to circulate a draft in about two weeks.

Because of regional differences in energy sources, the political lines are blurred, potentially uniting Democrats and Republicans from states heavily dependent on coal plants against other parts of the nation looking for alternatives.

Most lawmakers and climate activists embrace an approach to limiting greenhouse gas emissions known as cap-and-trade, which would set and gradually lower a limit on nationwide emissions while letting companies buy and sell rationing allowances. But some economists have lined up with big oil companies such as Exxon Mobil, which has endorsed a carbon tax instead. Seven House Democrats, including House Democratic Caucus Chairman [John B. Larson](#) (Conn.), introduced a carbon tax measure this week.

Either way, climate legislation will aim to reduce emissions by putting a price on carbon, raising the cost of everything from gasoline to plastics to electricity.

Opposing sides are striving to either frighten or woo voters with talk of whether climate legislation should be viewed as a big ill-timed tax or whether it will unlock new industries and technologies to make the economy more efficient and less dependent on foreign oil. On Tuesday, White House spokesman Robert Gibbs called it "a market-based solution that will drive us to energy independence and create . . . an even more robust market for alternative fuels." Earlier, House [Minority Leader John A. Boehner](#) (Ohio) said " 'cap-and-trade' is code for increasing taxes, killing American jobs and raising energy costs for consumers."

Even companies are divided. The owners of nuclear power generators, which don't emit carbon dioxide, are at odds with utilities that rely on coal. And the emerging wind and solar industries are gaining a powerful voice as well.

"There's no end of the political fault lines and there's going to be a heavy burden for the White House," said Philip Sharp, president of Resources for the Future and a former House member.

The Obama administration's budget includes an outline of a relatively simple plan that, starting in 2011, would establish a cap on the quantity of emissions and auction off the right to emit pollutants. It would give the bulk of the money back to lower- and middle-income Americans through a means-tested tax credit. It would set aside a portion of auction revenue for aiding households and industries in regions hurt most by higher costs. It would also reserve a modest portion for research and development. The administration says it wants the program to be revenue-neutral.

At the center of the political battle in Congress are Democratic lawmakers like [Sens. Sherrod Brown](#) (Ohio), whose state relies on coal-fired plants for 86 percent of its electricity; [Evan Bayh](#) (Ind.), whose state gets 94 percent of its electricity from coal; and [Byron L. Dorgan](#) (N.D.), whose state both relies on and exports coal-fired electricity and also has large wind potential. Republican lawmakers in the thick of the battle include Maine's [Sens. Susan Collins](#) and [Olympia J. Snowe](#).

"I believe there's something happening in respect to our climate, and we ought to address that," said Dorgan, who chairs the Senate Appropriations subcommittee on energy. "The Congress is intent on doing something, but how quickly and how much, I don't think is clear yet."

Plans vary widely. Senate Energy and Natural Resources Committee Chairman [Jeff Bingaman](#) (D-N.M.) favors a mechanism to put a ceiling on carbon prices to protect consumers.

Some cap-and-trade advocates believe the program should be designed as a "cap-and-dividend," giving every household a check for its share of the money raised through auctions. Supporters believe that would generate popular support for the legislation, much as Social Security checks generated support for Social Security taxes. [Rep. Chris Van Hollen](#) (D-Md.) is planning to introduce a version of the cap-and-dividend idea next week.

At the other end of the spectrum are companies and environmentalists who believe that any plan must initially give away allowances to utilities in coal-intensive areas so that consumers there

are not hit by suddenly higher electricity bills. Over time, the free allowances could be phased out and replaced by auctions. The 25-member U.S. Climate Action Partnership, that includes major corporations and a handful of environmental groups, has its own plan that would give away 40 percent of allowances to local coal-intensive utilities that would then keep rates low. How fast those allowances would be phased out is something on which the group cannot agree.

"I think you have to have at least a transition period of many years, a decade or so," said Fred Krupp, head of the Environmental Defense Fund and a key member of the group. "The question is: 'Is it fair?' Think about the customers in one of these coal-burning states. Their utility would be retooling to retrofit or generate low carbon energy in some other way. So what's fair is to have a transition period where carbon does go down, but there isn't a price shock in any region of the country."

That approach has the support of [Sen. Joseph I. Lieberman](#) (I-Conn.), co-sponsor of three earlier cap-and-trade bills that failed to win Senate approval. Lieberman plans to form a bipartisan group of senators with [Sen. John McCain](#) (R-Ariz.), who co-sponsored two of those earlier measures.

"I see myself as a coalition builder," Lieberman said. "I don't think you can have a 100 percent auction. For fairness and the political viability of a proposal, we have to give assistance to the industries most affected by the major change we're proposing."

Sources familiar with the administration's thinking say the White House would be prepared to agree to a transition period, but that it wants to avoid a repeat of what happened to a bill last year that became laden with add-ons. "At some point, you've given away too much," said a person familiar with administration thinking.

"We think a well-designed cap-and-trade program will not have an adverse short-term impact on energy prices," said a White House official who spoke on the condition of anonymity. "But if we're completely eliminating the price signal, then we're removing the incentives for investments in energy efficiency."

"The ideological lines are being drawn," Van Hollen said. "There are a lot of interests arrayed to try to defeat this or water it down. What we have to do is to make sure we keep the public's interest in mind and make sure that we don't have a bill at end of the day that is so riddled with loopholes that it doesn't accomplish the purpose."

Richard Windsor/DC/USEPA/US
03/09/2009 06:21 PM

To: David Cohen, Allyn Brooks-LaSure, Adora Andy, Bob Sussman, David McIntosh
cc
bcc
Subject: Re: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Nice
David Cohen

----- Original Message -----

From: David Cohen
Sent: 03/09/2009 06:14 PM EDT
To: Allyn Brooks-LaSure; Adora Andy; Bob Sussman; David McIntosh
Subject: Fw: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

----- Forwarded by David Cohen/DC/USEPA/US on 03/09/2009 06:13 PM -----

From: Carolyn Levine/DC/USEPA/US
To: Amy Hayden/DC/USEPA/US@EPA, Raquel Snyder/DC/USEPA/US@EPA, Joyce Frank/DC/USEPA/US@EPA, Randy Deitz/DC/USEPA/US@EPA, George Hull/DC/USEPA/US@EPA, David Cohen/DC/USEPA/US@EPA, Latisha Petteway/DC/USEPA/US@EPA, Roxanne Smith/DC/USEPA/US@EPA, Matt Hale/DC/USEPA/US@EPA
Date: 03/09/2009 05:53 PM
Subject: Senator Boxer and Senator Carper press release on EPA's plans to regulate coal ash

Boxer and Carper Applaud EPA Plan to Better Assess and Regulate Coal Ash Dangers

March 9, 2009

Washington, DC - U.S. Senators Barbara Boxer (D-CA), Chairman of the Senate Committee on Environment and Public Works, and Tom Carper (D-DE), Chairman of the Subcommittee on Clean Air and Nuclear Safety, today applauded U.S. Environmental Protection Agency (EPA) Administrator Lisa Jackson's announcement that EPA will begin reviews and inspections of all coal ash impoundments in the U.S. and will start the process of issuing rules to regulate coal combustion waste.

The Senate Committee on Environment and Public Works held a hearing on the Kingston, Tennessee, coal ash spill immediately after the disaster. Senator Boxer also raised the Tennessee spill and the potential for similar disasters at other coal ash impoundments nationwide at Administrator Jackson's confirmation hearing. On March 4, Senators Boxer and Carper introduced a Senate Resolution (S. Res. 64) calling on EPA to use its authority under existing law to inspect coal combustion waste facilities and begin the rulemaking process under the Resource Conservation and Recovery Act (RCRA).

Senator Boxer said: **"The plans EPA Administrator Jackson announced today reflect the measures we included in our Senate resolution last week, and are an important first step toward making sure our families and communities will be protected from toxic coal ash waste in the future."**

Senator Carper, chairman of the Senate Subcommittee on Clean Air and Nuclear Safety

which has oversight jurisdiction over TVA said: **"I am pleased to see our nation's new EPA Administrator Lisa Jackson is making real environmental improvements in this crucial area by using her authority to regulate the disposal of coal ash waste. This decision shows the EPA is serious about cleaning up our nation's dirtiest coal facilities."**

#

Carolyn Levine
U.S. EPA/Office of Congressional Affairs
(202) 564-1859
FAX: (202) 501-1550

Richard
Windsor/DC/USEPA/US
08/05/2009 08:04 AM

To David McIntosh
cc
bcc
Subject Re: Climate Progress: EIA Analysis of ACES finds it costs relatively little, confirming CBO, EPA projections

Tx
David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 08/05/2009 07:46 AM EDT
To: Richard Windsor
Subject: Fw: Climate Progress: EIA Analysis of ACES finds it costs relatively little, confirming CBO, EPA projections
----- Forwarded by David McIntosh/DC/USEPA/US on 08/05/2009 07:46 AM -----

From: Dan Weiss <dweiss@americanprogress.org>
To: undisclosed-recipients;;
Date: 08/04/2009 04:41 PM
Subject: Climate Progress: EIA Analysis of ACES finds it costs relatively little, confirming CBO, EPA projections

[Despite its many flaws, EIA analysis of climate bill finds 23 cents a day cost to families, massive retirement of dirty coal plants and 119 GW of new renewables by 2030 — plus a million barrels a day oil savings](#)

August 4, 2009

Let's set aside for the moment that the Energy Information Administration (EIA) doesn't fully model the House climate and clean energy bill — they utterly ignore a major cost containment provision and the clean energy bank, while underestimating likely efficiency gains.

The EIA analysis, "[Energy Market and Economic Impacts of H.R. 2454, the American Clean Energy and Security Act of 2009](#)," still finds that **the average cost to households from 2012 to 2030 (discounted) is \$83!** A fact sheet can be found [here](#).

As *The Hill* wrote in "[EIA says costs of climate bill modest at first](#)":

The move by bill sponsors to give away pollution allowances rather than selling them appears to be a good one; the EIA credits the free distribution of credits with keeping energy costs from rising precipitously....

Electric bills would increase only 3 to 4 percent by 2020 under a carbon cap imposed by the bill.

Reuters [reports](#) that EIA finds the clean energy bill would “increase the energy costs of the average family by \$142 a year in 2020 and by \$583 in 2030,” adding:

The estimate from the U.S. Energy Information Administration is in line with cost impact projections made by the Congressional Budget Office and the Environmental Protection Agency, and **contradict claims by energy and business trade groups that consumers would pay thousands of dollars more a year under a government plan to fight global warming.**

In fact, the only reason the energy costs rise so much in 2030 compared to 2025 is that the allowance distribution to regulated utilities phases out after 2025. While the EIA is stuck in a relatively rigid analysis and reporting methodology, **in the real world, the increased auction revenues would be given back to consumers, which would again offset their increased energy costs with tax cuts.** So while energy costs might jump post-2050, net impacts on consumers would not.

The EIA projects an allowance price of \$32 per metric ton of CO2 equivalent in 2020 — about double what EPA and I project and 50% higher than CBO’s projection. Very unlikely.

The EIA has historically lowballed the prospects for energy efficiency, and here again they find a total drop in energy use under the climate bill of only about 3% in 2020 (3 quadrillion BTUs) and 6% in 2030 (6.5 quads). According to the EPA analysis of the bill, Waxman-Markey lowers demand 7 quads in 2020 compared to business as usual, and 10.4 quads in 2030 (see [“New EPA analysis of Waxman-Markey: Consumer electric bills 7% lower in 2020 thanks to efficiency — plus 22 GW of extra coal retirements and no new dirty plants”](#)). That is similar to what the American Council for an Energy-Efficient Economy (ACEEE) calculates for the savings from W-M’s efficiency provisions — 5 quads saved in 2020 and 12.3 quads in 2030 (see [“The triumph of energy efficiency: Waxman-Markey could save \\$3,900 per household and create 650,000 jobs by 2030”](#)).

If EIA had a decent model of energy efficiency, and if they had calculated the tax reduction from returning auction allowances back to consumers, I am quite certain that they would have again found the net cost to American families of close to a postage stamp a day even in 2030.

Even with all its flaws, the **“total discounted GDP losses over the 2012 to 2030 time period” are a whopping 0.2%**, which is pretty much what every major analysis of climate action finds ([“Intro to climate economics: Why even strong climate action has such a low total cost — one tenth of a penny on the dollar”](#)).

EIA has some interesting findings of the bill’s impact on how we use energy.

Even though they lowball energy efficiency — and don’t even model Obama’s big fuel economy deal in their main case — they find a savings in liquid fuel use in 2030 of some 320 million barrels, nearly 900,000 barrels of oil a day.

EIA finds that under W-M

... new coal bill without CCS beyond those that are already under construction are almost eliminated. **There is also a large increase in coal power plant retirements [and a 60% drop in coal use in power plants] by 2030 from current levels in the ACESA main cases, well above the 1% of existing coal**

capacity projected to retire in the reference case.

The fact sheet notes:

Nuclear power would expand dramatically without added financial assistance.

Whether that is good news to you or not, it does suggest that the Senate bill doesn't need to put many nuclear incentives into the bill.

New renewable capacity added from 2007 through 2030 under the bill is 119 GW — 38 GW higher than in the reference case.

Two final points. First, EIA didn't even bother trying to model W-M's strategic reserve, which presumably would have helped lower costs. My guess is that it was just too darn complicated for them to figure out. It needs changing.

Second, like EPA (but unlike CBO), the EIA concludes that large numbers of international offsets will be purchased in the early years, which simply defies logic. Since the EIA lowballs efficiency and fuel switching to natural gas in the bill, they overestimate allowance costs and hence offset purchases.

Mysteriously, the EIA notes:

One recent analysis doubts that even 150 MMT of international offsets will be used by 2020.

They never specify what recent analysis, but it is suspiciously similar to my conclusion [here](#): "I doubt even 150 million tons of offsets will be used by emitters in 2020." Since I haven't seen anyone else use a similar 150 MMT figure, I guess EIA reads my blog, even if they ignore its conclusions.

The bottom line: **Yet another analysis makes clear the House climate and clean energy bill would dramatically reduce greenhouse gas emissions and accelerate the clean energy transition at a very low cost.** And this from an independent, nonpartisan agency known for underestimating the potential and overestimating the cost of clean energy.

Richard
Windsor/DC/USEPA/US
01/12/2011 01:55 PM

To David McIntosh
cc
bcc

Subject Re: From Greenwire -- CLIMATE: EPA gives biomass a
3-year reprieve from GHG permits

Good. Tx.
David McIntosh

----- Original Message -----

From: David McIntosh

Sent: 01/12/2011 01:30 PM EST

To: Richard Windsor; Diane Thompson; Bob Perciasepe; Seth Oster; Brendan Gilfillan; Bob Sussman; Scott Fulton; Lawrence Elworth; Janet Woodka; Arvin Ganesan

Subject: Fw: From Greenwire -- CLIMATE: EPA gives biomass a 3-year reprieve from GHG permits

CLIMATE: EPA gives biomass a 3-year reprieve from GHG permits
(Wednesday, January 12, 2011)

Gabriel Nelson, E&E reporter

The use of biomass will be exempt from the Obama administration's new greenhouse gas regulations for three years, U.S. EPA announced today, giving the agency more time to address concerns that permitting requirements could chill investment in an emerging form of renewable energy.

The decision responds to criticism from the biomass industry, which has claimed that the energy source is not contributing to climate change because it is part of a natural, carbon-neutral cycle. When new plants are grown, the argument goes, they absorb the same amount of carbon dioxide that the other plants had released when they were burned.

In a statement today, EPA Administrator Lisa Jackson gave a nod to biomass as a form of "clean energy." The sentiment was echoed by Agriculture Secretary Tom Vilsack, who said the decision would create jobs and promote energy independence.

"We are working to find a way forward that is scientifically sound and manageable for both producers and consumers of biomass energy," Jackson said. "In the coming years we will develop a common-sense approach that protects our environment and encourages the use of clean energy. Renewable, homegrown power sources are essential to our energy future, and an important step to cutting the pollution responsible for climate change."

Today's decision will require changes to EPA's "tailoring" rule, which lays out which types of new facilities will need to get greenhouse gas permits under the Clean Air Act.

The first phase of greenhouse gas rules, which took effect Jan. 2, applies only to sources that needed permits anyway.

By July, when the second round of requirements kick in, EPA intends to finish a rulemaking that will prevent biomass facilities from triggering the permitting requirements because of their greenhouse gas emissions alone.

For facilities that use biomass, permitting requirements can still be triggered by other types of pollution, but removing biomass emissions from the mix could allow some facilities to avoid the permitting process.

Dave Tenny, president of the National Association of Forest Owners, said the decision will lift some of the uncertainty that had been surrounding the use of biomass.

"We think this is a very positive step in the right direction," Tenny said. "The signal they're sending is positive for biomass, and it's our expectation that the effort going forward will produce a policy that favors biomass and fully recognizes the carbon benefits."

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Richard
Windsor/DC/USEPA/US
07/20/2010 03:41 PM

To David McIntosh
cc
bcc
Subject Re: Here is the Politico story

Tx

David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 07/20/2010 03:40 PM EDT
To: Richard Windsor
Subject: Here is the Politico story

It essentially just indicates that none of the Democratic Senators said anything illuminating as they emerged from today's Caucus Lunch.

Climate bill on the ropes

By: [Darren Samuelsohn](#)
July 20, 2010 03:10 PM EDT

Senate climate legislation appeared to be on life support Tuesday after two key advocates said they were skeptical of reaching a quick deal on a controversial bill that includes a cap on greenhouse gases from power plants.

"The clock is our biggest enemy," John Kerry told reporters shortly after a meeting with several major electric utility industry CEOs. "Some people know that. We have to figure out what is doable in this short span of time. That's the test, and we're going to take a look at that."

Majority Leader Harry Reid said Monday night he was about ready to unveil details on energy and climate, and he raised the issue during a Democratic leadership meeting on Tuesday. But Reid and his aides have sidestepped questions for the last week on what will go into that package ahead of a floor debate he wants to begin as soon as next week. Reid also is trying to wrap up work on other Senate business ahead of the August recess, including a confirmation vote for Elena Kagan.

Addressing reporters Tuesday afternoon, Reid was noncommittal about when a bill would come or what it would contain.

"We're going to make a decision in the near future," the majority leader said, describing plans for a Democratic caucus on the issue Thursday. "We're really not at a point where I can determine what I think is best for the caucus."

Reid said he's still contemplates a bill that involves "something on utilities."

But he said he hadn't yet spoken with Kerry or Sen. Joe Lieberman about their discussions with utility executives. Lieberman and Kerry met Tuesday with members of the board of directors from the Edison Electric Institute, who are in Washington for a lobbying campaign on climate legislation.

According to Lieberman, the CEOs pleaded with the senators to resurrect their original bill introduced in May that limits emissions not just from power plants but from manufacturers and transportation fuels as well. Short of that, they pressed for similar language friendly to their cause but worried that there's not enough time to reach agreement before the August break.

'They want to work with us to see if they can negotiate an agreement on a utility-only bill, but as far as they're concerned, they can't do it in 10 days, so they're pleading for more time,' Lieberman said. "And I think that's something we ought to consider."

Kerry said the electric utility industry's biggest demand is the same industry-friendly formula for distributing emission allowances. But that approach gets tricky when the Senate bill is focusing just on power plants.

"Whether we can replicate that in terms of what we're doing is what we have to go back and try and find out," Kerry said.

Electric utilities also want relief from several existing Clean Air Act rules dealing with smog, soot and mercury, but that demand draws complaints from many environmental groups who see it as an unworthy trade.

"That's a tough one," Lieberman said. "They frame it in different way. They just want a breather. And not an eternal preemption. These are all topics of negotiation. That's what we're supposed to be doing here."

Reid's goal of tackling energy and climate, including a limit on power plant emissions, before the August break is seen in many quarters as doubtful. Asked Tuesday whether he expected a bill to hit the floor next week, Sen. Max Baucus (D-Mont.) shrugged and said: "Depends on schedules, depends on what gets passed. Don't know."

Republicans were more blunt.

"He's waiting until we have, like, two or three days to tackle a subject that usually takes seven or eight weeks," said GOP Conference Chairman Lamar Alexander (R-Tenn.). "That makes it very difficult."

"Can I be very candid with you?" said Sen. George Voinovich (R-Ohio). "This whole thing is very cynical. Anybody who's been in the Senate for any period of time knows there's no way -- no way -- an energy bill can get done between now and the election or even now and end of year."

Given the complaints, both Kerry and Lieberman seemed prepared for several additional months of debate.

"This issue is not going away ever until it's addressed," Kerry said. "It's going to have to be addressed correctly at some point in time. So if we're not about to do that now because we don't have the right formula or can't, it's absolutely going to continue at an issue."

"Everybody here assumes, including you all, that we're going to be here in November and December," Lieberman said. "I know there's a certain awkwardness in a lame duck session. But these are big and important issues regarding energy independence, pollution reduction, job creation that requires some time. I hope we're not going to force ourselves to be constrained by an artificial setting."

A former Senate Democratic aide said climate advocates need to start gearing up for 2011, which will require a big push from President Barack Obama, Democratic control of the House and support from Senate Republicans to have any chance of success "The window is definitely almost shut and if it closes without action in the next few weeks, a lot of advocates will need to take stock about when this could be realistically attempted again," the former staffer said.

Coral Davenport contributed to this report.

Richard Windsor/DC/USEPA/US
10/04/2010 08:42 AM

To David McIntosh
cc
bcc
Subject Re: Politico story this morning

Tx

David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 10/04/2010 08:28 AM EDT
To: Richard Windsor; Seth Oster; Diane Thompson; Bob Perciasepe
Subject: Politico story this morning

Nothing really new here.

EPA rules could hurt Obama in 2012

By: [Darren Samuelsohn](#)
October 4, 2010 04:37 AM EDT

President Barack Obama's Environmental Protection Agency is putting some hazardous speed bumps on his 2012 electoral road in key swing states.

Controversial rules covering everything from power plants to petroleum refiners, manufacturers, coal mines and farmers could come back to haunt the White House in industrial and Midwestern states that carried Obama to the presidency two years ago.

Political battlegrounds like Ohio, Pennsylvania and Virginia that Obama won in 2008 will be watching how the EPA moves on climate change. Coal-reliant states such as Indiana and Missouri — which Obama lost by less than 1 percentage point — will be monitoring clean air rules and coal ash standards. And farm states that Obama carried, including Iowa, Minnesota and Wisconsin, are waiting on a proposal to tighten air quality limits for microscopic soot.

Obama's situation is tricky. He campaigned on the need to address climate change and faces pressure on his left to tackle a range of issues that environmentalists complain were neglected by former President George W. Bush.

But with EPA regulations expected to come out in rapid-fire succession over the next two years, Republican presidential hopefuls are already adding them to the larger, anti-Obama narrative against expansive government.

"Some of the things his administration is proposing are just disastrous in the heartland," Sen. John Thune (R-S.D.) said in an interview. "If he has any

hope of winning votes in the center of the country, then he is going to have to reconsider a lot of these things the EPA and some of his agencies are trying to get done."

Mississippi GOP Gov. Haley Barbour said he's looking forward to Obama's environmental policies surfacing during the race. "Hopefully, those issues will be at issue," he said.

For their part, some Democrats who represent an industrial region battered by the worst economic downturn since the Great Depression are worried as well.

West Virginia Gov. Joe Manchin, for example, told POLITICO that the EPA's climate policies, alongside plans designed to overhaul disposal methods for toxic coal ash waste, have put his state out of play for Obama in 2012.

"Not even close to a chance," said Manchin, who is running for the Senate in part by railing against the president's green agenda. "Not even in the ballgame."

Administration officials are well aware of the political risks ahead and the impression that EPA actions will harm the economy. They insist they are making smart decisions, responsive to public health risks, that won't result in the dire consequences being repeated — often erroneously — by opponents to stir up public fear.

"Today's forecasts of economic doom are almost identical, word for word, to the doomsday predictions over the last 40 years," EPA Administrator Lisa Jackson said last month during an event to commemorate the passage of the Clean Air Act.

Obama can't be seen as meddling in the EPA's efforts, either. Carol Browner, former President Bill Clinton's EPA administrator and now Obama's top energy and climate adviser, and other top Democrats often criticized the Bush White House for trumping a number of EPA decisions.

A White House official said there's a clear separation between the agency's mission and any presidential politics.

"The EPA must follow science and its legal obligations, but the president has consistently advocated for a legislative means of addressing climate change that would create millions of jobs in the U.S. and enhance our competitiveness abroad," the official said.

Nikki Roy, vice president for federal government outreach at the Pew Center

on Global Climate Change, said he expects the Obama EPA will be successful in navigating the political land mines.

"If handled poorly, they could" affect the election, Roy said. "But that tells me this administration has every reason not to handle them poorly. They'll look for opportunities to be as rational as possible."

Whether Obama blinks over the next two years because of the electoral map is a big question. If they win the House or Senate next month, Republicans — and some like-minded Democrats — could force the issue.

The groundwork is already laid for action on several fronts. Last week, 41 senators, including 18 Democrats, raised concerns over the reach of new air toxin regulation for industrial boilers. And 21 senators called the soot proposal the "most stringent and unparalleled regulation of dust in our nation's history."

Sen. John Rockefeller (D-W.Va.) and Republican lawmakers are pushing for a floor vote to block for two years the climate rules expected in January 2011. Obama has threatened to veto that measure, but many observers expect his reelection bid may prompt a reversal.

"At some point, especially if the job numbers keep looking bad, he may feel forced to go ahead and sign one of those," said Chelsea Maxwell, who served as the top climate change aide to former Sen. John Warner (R-Va.).

"I hope Congress will stop" the EPA," said Barbour. "If Congress is not willing to pass legislation because they think it's bad policy, they certainly shouldn't let some nameless, faceless bureaucrats impose those policies on the American people."

Sen. Lindsey Graham (R-S.C.), who worked with Obama earlier this year on climate legislation, said the issue will be a factor in 2012 if the president must rely on the EPA to drive his global warming agenda.

"Ohio is going to be the ultimate swing state," Graham said. "So if they lower the boom on carbon through the EPA, he's going to have a real problem in Ohio."

But some Democrats see Obama's environmental policy, if framed the right way, as a winner on the campaign trail, even in tough Rust Belt states.

"It's no longer jobs versus the environment. Done right, efforts to reduce emissions can mean jobs," said Ohio Sen. Sherrod Brown. "For example,

[corporate average fuel economy] standards both increased air quality and made American manufacturers more competitive."

Dan Weiss, a senior fellow at the Center for American Progress Action Fund, said the message on the environment could turn off the wider audience that's needed to win the White House.

"This is something aimed at the base, but as public opinion stands today, it would actually be hurtful in a general election," Weiss said.

A survey by Democratic pollster Joel Benenson and the Natural Resources Defense Council in late summer found that 60 percent of respondents supported government regulating greenhouse gases, with 34 percent opposed.

As for the EPA, respondents gave a 51 percent favorable rating to the agency, compared with 40 percent opposed. And 54 percent said they are "confident" that the EPA is up to the job of regulating greenhouse gases, with 42 percent "not confident."

Graham said he would warn Republicans against going too far in challenging Obama's policies, especially if they don't have their own solid alternatives.

"It's not like it's his problem only," Graham said. "Part of it is our problem. If we go too far, and we basically belittle those who believe the air should be cleaner when it comes to carbon pollution, then we risk alienating younger voters."

Richard Windsor/DC/USEPA/US
03/15/2010 05:07 PM

To David McIntosh
cc
bcc

Subject Re: UAW Letter Opposing Disapproval Resolutions

Cool

David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 03/15/2010 02:28 PM EDT
To: Richard Windsor; Seth Oster
Subject: Fw: UAW Letter Opposing Disapproval Resolutions

From: Alan Reuther [mailto:AREuther@uaw.net]
Sent: Monday, March 15, 2010 2:08 PM
To: Miller, Chris (Reid); Thompson, Darrel (Reid)
Cc: Poirier, Bettina (EPW)
Subject: UAW Letter Opposing Disapproval Resolutions

Attached is the letter the UAW just sent to the Hill opposing any disapproval resolutions or riders seeking to overturn the EPA's endangerment finding on greenhouse gas emissions. [attachment "Disapproval Resolution 1.doc" deleted by Richard Windsor/DC/USEPA/US]

Richard Windsor/DC/USEPA/US
09/27/2010 04:58 PM

To David McIntosh
cc
bcc

Subject Re: we have received the Senate boiler MACT letter

Tx.

David McIntosh

----- Original Message -----

From: David McIntosh

Sent: 09/27/2010 04:56 PM EDT

To: Richard Windsor

Cc: Diane Thompson; Bob Perciasepe; Bob Sussman; Lisa Heinzerling; Seth Oster; Arvin Ganesan; Lawrence Elworth; Scott Fulton

Subject: we have received the Senate boiler MACT letter


It's attached. In the end only 41 signatures, which is at least 20 fewer than I was expecting. In the end, Senator Landrieu is the lead D on it. Senator Collins is the lead R.

Liz

[attachment "BMACT Letter with signatures.pdf" deleted by Richard Windsor/DC/USEPA/US]

Richard
Windsor/DC/USEPA/US
09/03/2010 11:00 AM

To David McIntosh
cc
bcc
Subject fyi

News Headline: CRS SUGGESTS NEW WASTE LAW PROVISION FOR EPA
REGULATION OF COAL ASH | 

Outlet Full Name: Inside EPA Weekly Report

News OCR Text: The Congressional Research Service (CRS) is suggesting that Congress add a new subtitle to federal waste law to give EPA enforcement authority over coal waste rules without declaring the waste hazardous and to regulate beneficial reuse of coal ash, a move that could resolve a fight over how EPA should regulate the waste.

The Aug. 9 report, "Regulating Coal Combustion Waste Disposal Issues For Congress," suggests that lawmakers consider amending the Resource Conservation & Recovery Act (RCRA) to create a new subtitle K "that would specifically address issues unique to the management" of coal combustion waste (CCW). EPA is currently weighing whether to regulate CCW as hazardous under RCRA subtitle C or as solid waste under subtitle D.

CRS' suggestion could serve as a compromise avoiding the stringent hazardous waste regulation that industry opposes while providing EPA with the enforcement authority it would lack under less-strict solid waste rules. EPA has identified that lack of enforcement power as a major concern over issuing subtitle D rules.

The approach could also resolve questions over the extent to which EPA should regulate beneficial reuses of coal waste in products such as cement. Industry claims that a hazardous waste designation would decimate the reuse industry, which recyclers say handles almost half of the coal waste produced annually.

But at least one key group of state environmental officials is expressing concern about the CRS report, saying it did not meet states' expectations because it includes little input from states.

EPA June 21 issued its proposal to establish first-time federal CCW disposal rules that seeks comment on either regulating the material as hazardous under RCRA subtitle C or as nonhazardous under RCRA subtitle D. The agency's proposal was long stalled at the White House due to industry concerns about the stigma of a hazardous classification, and EPA recently extended the comment period for the proposal by 60 days, through Nov. 19.

The CRS report suggests that a RCRA subtitle K approach "broadly, could direct EPA to develop waste management standards applicable to disposal units that accept CCW (similar to subtitle D), but also provide EPA with federal enforcement authority to require states to implement those standards (similar to subtitle C) while avoiding labeling the material a 'hazardous' waste. Such a proposal could also authorize EPA to specifically regulate certain beneficial uses." Relevant documents are available on

InsideEPA.com.

Rep. Heath Shuler (D-NC) floated a similar option in July, though he did not provide details, such as whether his approach would amend subtitle D or add a new subtitle to RCRA.

CRS also notes, "Congress may also choose to do nothing. That is, Congress may allow the current rulemaking process to continue and allow EPA to select either its subtitle C -- or D -- related proposal."

It is unclear which lawmaker requested the report, but a bipartisan group of House members has expressed concern about EPA RCRA subtitle C rules, with 31 members of the Energy & Commerce Committee sending EPA Administrator Lisa Jackson a July 29 letter "to express our strong opposition" to a subtitle C approach. The letter was signed by House energy committee's oversight panel chair Rep. Bart Stupak (D-MI), technology panel chair Rep. Rick Boucher (D-VA), environment panel ranking member Rep. Fred Upton (R-MI) and others.

The letter acknowledged EPA's concern about not being able to federally enforce RCRA solid waste rules for CCW but says "that obstacle should not be cause for more burdensome regulation."

Additionally, Shuler, chairman of the House Small Business Committee's rural development panel, said at a July 22 hearing that he and other lawmakers were developing legislation to give EPA authority to enforce CCW rules under RCRA subtitle D as a way for all parties to move forward on the issues. "We want to be able to work with everyone to get a compromise and I think a compromise is good at this point," he said in an interview after the hearing. (Inside EPA, July 30). Shuler is not on the Energy & Commerce Committee and did not sign the bipartisan letter to EPA.

Speaking to Inside EPA after the July hearing, Shuler declined to provide further details on his pending coal waste legislation. Shuler's office could not be reached for comment on the CRS report.

The report is at least the second CRS has issued on coal waste this year. In January, CRS in a report noted lawmakers' concern about what was then EPA's pending proposal, including that it could be too strict or too lax. The report also cited difficulty in getting information about CCW, due to a lack of federal rules. "Since the regulation of CCW disposal and use is controlled by individual states, it is difficult to determine certain information about the waste. For example, it is difficult to determine the entire amount of CCW that has been disposed of in the United States," CRS said. It did not include recommendations for Congress but noted a high level of interest following the massive 2008 coal ash spill at a Tennessee Valley Authority (TVA) facility, which is the impetus for the EPA rule.

Although CRS' report could provide some stakeholders room to discuss a compromise over EPA's coal ash rule, a top official from the Environmental Council of the States (ECOS) is raising concerns over the report.

Steve Brown, executive director of ECOS, said at the group's annual meeting Aug. 29 in Whitefield, NH, that the report "didn't meet our expectations because it had very little input from states." Brown said that ECOS was planning to have a meeting

with CRS over the report.

One reason for ECOS' concern with the report could be CRS' recommendation for a subtitle K, because it would give EPA new authority to enforce RCRA subtitle D rules, which are now enforced by states. For coal ash, however, EPA has expressed dissatisfaction with the stringency of some state approaches and, though its proposal is neutral, the agency points out that compliance would be far higher under subtitle C due exclusively to enforcement.

At the ECOS meeting Aug. 30, Gary Baughman, director of the Colorado Department of Public Health & Environment's Hazardous Materials & Waste Management Division and also president of the Association of State & Territorial Solid Waste Management Officials, warned ECOS members that if EPA finalized a rule classifying CCW as hazardous, that would create major problems given a lack of storage capacity.

Baughman said of the 136 million tons of CCW generated annual, 75 million tons are disposed in landfills and surface impoundments, compared to 50 million tons that are beneficially reused and 10 million tons placed in mines. There is not enough capacity to add 75 million tons of material to existing hazardous waste landfills, he said, adding that it would increase the amount of hazardous waste disposed annually by about 40 percent.

However, environmentalists are continuing to step up their push for hazardous waste rules, with environmental groups citing alleged new incidents of CCW contamination in communities around the country to pressure EPA to finalize a subtitle C rule that would impose strict coal waste controls.

The Environmental Integrity Project, Earthjustice and Sierra Club released an Aug. 26 report they say shows that state regulation of CCW is inadequate. The report, "In Harm's Way Lack of Federal Coal Ash Regulations Endangers Americans & Their Environment," seeks to document contamination to ground and surface water near coal ash disposal sites, identifying 39 new contamination instances in 21 states in addition to 67 sites EPA has already acknowledged.

Additionally, during EPA's first hearing on its proposal Aug. 30 in Arlington, VA, environmentalists sought to focus on contamination from the massive TVA coal ash spill. That waste is being taken for disposal to historically black and poor Perry County, AL, which is experiencing severe negative impacts, including discolored drinking water and foul odors, according to testimony by Perry County District Attorney Michael Jackson. Jackson added that it is difficult for citizens to fight against the impacts in the absence of strict EPA rules. -- Dawn Reeves

Richard Windsor/DC/USEPA/US
05/07/2010 12:57 PM

To: David McIntosh, Gina McCarthy, Bob Perciasepe, Arvin Ganesan
cc
bcc
Subject: Fw: AP: Graham says 'impossible' to pass climate bill now

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/07/2010 12:56 PM -----

From: Seth Oster/DC/USEPA/US
To: "Lisa Jackson" <windsor.richard@epa.gov>
Date: 05/07/2010 12:31 PM
Subject: Fw: AP: Graham says 'impossible' to pass climate bill now

Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 05/07/2010 12:29 PM EDT
To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Brendan Gilfillan; Alisha Johnson; Michael Moats; Vicki Ekstrom
Subject: AP: Graham says 'impossible' to pass climate bill now
Graham says 'impossible' to pass climate bill now

FREDERIC J. FROMMER | May 7, 2010 12:20 PM EST |

WASHINGTON — A key Republican senator negotiating with Democrats on a climate change bill said Friday it's "become impossible" to pass the legislation now because of disagreements over offshore drilling and immigration reform.

Sen. Lindsey Graham of South Carolina said that Congress needs to move forward in a political climate that gives proponents the best chance for success.

"Regrettably, in my view, this has become impossible in the current environment," he said in a statement. "I believe there could be more than 60 votes for this bipartisan concept in the future. But there are not nearly 60 votes today and I do not see them materializing until we deal with the uncertainty of the immigration debate and the consequences of the oil spill."

Sixty votes are required in the Senate to overcome filibusters.

Last month, Graham threatened to withhold his support for the climate and energy legislation because he was angry that Democrats said they would take up a rewrite of immigration policy. That forced his partners, Sen. John Kerry, D-Mass., and Joe Lieberman, I-Conn., to postpone the long-awaited unveiling of the legislation, which aims to cut emissions of carbon dioxide and other greenhouse gases 17 percent below 2005 levels by 2020.

To win over Republicans, the bill calls for expansion of offshore drilling, which some Democrats have said they now oppose because of the Gulf spill.

"Some believe the oil spill has enhanced the chances energy legislation will succeed. I do not share their view," Graham said. While he respects the positions of Democrats who don't want to see more offshore drilling, he said he still believes that it's needed for the country to become energy independent.

"When it comes to getting 60 votes for legislation that includes additional oil and gas drilling with revenue sharing, the climb has gotten steeper because of the oil spill," the senator said.

He said it makes sense to find out what happened in the Gulf spill, take steps to prevent future accidents and build a consensus for expanded offshore drilling.

Just two days ago, Graham told The Associated Press that the oil spill does not necessarily rule out passage of a comprehensive energy bill this year – although he noted it's always difficult to round up 60 votes.

Neither Kerry nor Lieberman had an immediate comment on Graham's statement. But they aren't likely to agree that it's best to wait. Kerry told an environmental gathering Wednesday that this year is "perhaps our last, best chance to pass comprehensive climate and energy legislation."

And Senate Majority Leader Harry Reid, D-Nev., told reporters this week that the oil spill should be incentive to act on legislation. "We have to take care of this issue," he said.

Richard
Windsor/DC/USEPA/US
09/27/2010 08:30 AM

To David McIntosh
cc Seth Oster
bcc

Subject Re: two 'defend the CAA' editorials, from OH and PA

Tx!

David McIntosh

----- Original Message -----

From: David McIntosh

Sent: 09/27/2010 07:56 AM EDT

To: Richard Windsor

Cc: Seth Oster

Subject: two 'defend the CAA' editorials, from OH and PA

These identical editorials in Ohio and Pennsylvania papers are likely the fruit of environmental-community efforts. And your CAA@40 speech probably also helped to pique the interest of editorial boards.

News Headline: EPA UNDER ATTACK | 

Outlet Full Name: Pittsburgh Post-Gazette

News OCR Text: The Environmental Protection Agency was established in 1970 by President Richard M. Nixon at a time when Americans had become shocked by pollution. Because the EPA has since saved tens of thousands of lives in improving the quality of life for millions, it ought to be celebrated as one of the great achievements by a Republican or any other president.

But 40 years later, the irony is that some of the most conservative groups in America are trying to stop the EPA from doing its job.

The EPA is an example of big government that plainly works for the people, so resentment of the agency in right-wing circles has long simmered but lately has grown in intensity. The trigger for this renewed opposition came in 2007 when the U.S. Supreme Court ruled that the EPA has authority under the Clean Air Act to regulate greenhouse gases.


Since then, the EPA has been going about the business of promulgating regulations, and industry groups and the politicians who cater to them have been pushing back with renewed zeal. Predictably, the claim that the new rules will be ruinous to the economy has been part of the chorus. With the anti-government, anti-regulation cries of the tea party movement echoing across the land, the threat to the EPA's future effectiveness is not imaginary.

In June, Sen. Lisa Murkowski, R-Alaska, fired a preliminary shot in this campaign when she attempted to stop the EPA from regulating greenhouse gas emissions. She did not succeed, but the Senate vote was a close 53-47 with half a dozen Democrats joining the Republicans. As it was, the vote signaled that the hopes of passing a comprehensive energy bill this year were doomed.

With the foes of environmental regulation emboldened, environmental groups fear that other attempts to gut the EPA are only a matter of time as Congress finishes up its session.

Sen. Jay Rockefeller, D-West Virginia, protective of the interests of Big Coal, has a bill (S 3072) that seeks to suspend for two years EPA rules on carbon dioxide and methane for stationary sources of pollution such as power plants (HR 4753 in the House version). But the threat could just as easily come with a rider attached to any important bill, one that President Barack Obama would be hard-pressed to veto.

The Pennsylvania delegation to Congress must stand firm. If any member needs encouragement, it can be found in a speech by EPA Administrator Lisa P. Jackson on the 40th anniversary of the Clean Air Act earlier this month. "Today's forecasts of economic doom are nearly identical -- almost word for word -- to the doomsday predictions of the last 40 years," she said.

The best job Congress can do is let the EPA, which has a proven record of protecting the American people over four decades, do its job. **News Headline:** Let EPA do its job | 

Outlet Full Name: Toledo Blade - Online

News OCR Text: THE U.S. Environmental Protection Agency was established in 1970 by President Richard Nixon, at a time when Americans had become shocked by pollution. Because the EPA has since saved tens of thousands of lives and improved the quality of life for millions, it ought to be celebrated as one of the great achievements by a Republican or any other president.

But 40 years later, some of the most conservative groups in America are trying to stop the EPA from doing its job. As an example of big government that works for people, the agency faces resentment in right-wing circles that has long simmered but lately has grown in intensity. The trigger for this renewed opposition came in 2007, when the U.S. Supreme Court ruled that the EPA has authority under the Clean Air Act to regulate greenhouse gases.

Since then, the EPA has been promulgating regulations. Industry groups and the politicians who cater to them have been pushing back with renewed zeal. Predictably, the claim that the new rules will ruin the economy has been part of the chorus. With the anti-government, anti-regulation cries of the Tea Party echoing across the land, the threat to the EPA's future effectiveness is not imaginary.

Last June, Sen. Lisa Murkowski (R., Alaska) fired a preliminary shot in this campaign when she attempted to stop the EPA from regulating greenhouse gas emissions. She did not succeed, but the Senate vote was a close 53-47, with half a dozen Democrats joining Republicans. As it was, the vote signaled that the hopes of passing a comprehensive energy bill this year were doomed.

With the foes of environmental regulation emboldened, environmental groups fear that it is only a matter of time before other efforts to gut the EPA succeed, as Congress finishes up its session.

Sen. Jay Rockefeller (D., W. Va.) protective of the interests of Big Coal, wants to suspend for two years EPA rules on carbon dioxide and methane for stationary sources of pollution such as power plants. There's also a House version. But the threat could just as easily come attached to any important bill, one that President Obama would be hard-pressed to veto.


Ohio's congressional delegation needs to stand firm. If any member needs encouragement, it can be found in a speech by EPA Administrator Lisa Jackson on the 40th anniversary of the Clean Air Act earlier this month.

"Today's forecasts of economic doom are nearly identical - almost word for word - to the doomsday predictions of the last 40 years," she said. "This broken record continues despite the fact that history has proven the doomsayers wrong again and again."

The best job Congress can do is to let the EPA, which has a proven record of protecting the American people over four decades, do its job.

Richard Windsor/DC/USEPA/US
01/24/2011 12:39 PM

To David McIntosh, Seth Oster, Michael Moats
cc
bcc
Subject Good Quote from a Credible Source in Today's Blog Clips - Highlighted Below

News Headline: Coal Victories and Challenges | 

Outlet Full Name: DAILY KOS

News OCR Text: Every week it seems as if there's coal-related news to celebrate and to challenge us.

We celebrated last week's decision from the Environmental Protection Agency (EPA) and Lisa Jackson to veto the water permit for the massive Spruce No. 1 mountaintop removal coal mining site in West Virginia.

Administrator Jackson's brave step stopped a mountaintop mine that would have destroyed more than seven miles of vital streams and more than 2,000 mountain acres in an important part of Appalachia.

The fight against this Spruce No. 1 mine lasted 12 years. It was 1998 when a resident of Pigeonroost Hollow, one of the hollows that would be destroyed by the mine, sued the United States Army Corps of Engineers to revoke Arch Coal's Clean Water Act permit.

"We knew the cumulative impact of all these mines was going to be devastating to the state," said Cindy Rank, Chair of the Mining Committee for the West Virginia Highlands Conservancy.

"Now EPA has proof and documentation over these past 10 to 12 years of (mountaintop removal coal mining's) serious impact to the land, environment, people and communities around it."

For Chuck Nelson of the Ohio Valley Environmental Coalition, the permit veto stood for even more. "This is not just an environmental justice issue, but more so a human rights issue. EPA is doing its job; it's following the law and science."

Nelson, Rank, the Sierra Club and many others also hope EPA will go even farther and stop all mountaintop removal coal mining.

"Today, mountains are still being blown up," said Bill Price of the Sierra Club in West Virginia. "We don't need to take a permit by permit approach, we need total abolition.

"(Mountaintop removal coal mining) has a negative economic impact. You can't locate a business where you can't drink the water. This has no economic value, it has an economic cost."

Meanwhile in Texas, EPA moved in to protect public health and the environment last Friday by holding a hearing in response to Gov. Rick Perry's refusal to enact Clean

Air Act safeguards in the state that would protect the public from coal and other emitters' carbon pollution.

The public support for EPA in this measure was overwhelming, as hundreds turned out at Friday's hearing to call for EPA's help in protecting their health from global warming.

"These common sense safeguards were smoothly implemented in every state except Texas. Gov. Rick Perry's refusal to follow the law is putting Texas families' health at risk and Texas businesses at a competitive disadvantage," said Jennifer Powis, Senior Regional Representative, Sierra Club in Texas who spoke at the hearing.

"It is time for Gov. Rick Perry to follow the law, address the pollution problem in Texas, and look out for the Texas economy and jobs."

But now, unfortunately, Texas is not the only state objecting to EPA action to clean up our air.

This week, Missouri Senator Roy Blunt criticized EPA for holding Ameren, an electric utility in Missouri, accountable for air pollution at its Rush Island plant. The Rush Island plant is in direct violation of the Clean Air Act, but more importantly, it is currently contributing to dangerous levels of air pollution that lead to asthma, lung disease, heart attacks, and premature death throughout the St. Louis metro area and beyond.

Senator Blunt called EPA's actions to reduce pollution "disingenuous", "irresponsible" and "offensive." Is he more interested in profits than the health of his state's residents?

I thought the sentiment was summed up best by John Kissel, MD, FACP, former Medical Director at Regional Medical Center in St. Louis and a local Sierra Club member.

"Every day, doctors and nurses in St. Louis deal with the effects of childhood asthma: pain and suffering, missed school days, and the drain that it puts on our economy and social services. Why are our public officials apologizing for Ameren's toxic and illegal pollution while blaming the EPA for doing its job by enforcing the laws that protect the air we breathe? We need Senator Blunt to stand up for us and protect our health. He should be on our side - not on the side of corporate polluters."

We need EPA to protect public and environmental health - we applaud them for standing up to polluters.

Richard Windsor/DC/USEPA/US
12/02/2009 06:51 PM

To: David McIntosh, "Lisa Jackson"
cc
bcc
Subject: Re: Reuters: UK climate expert steps aside after hacked e-mails

Thanks for the help!
David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 12/02/2009 06:48 PM EST
To: windsor.richard@epa.gov
Subject: Re: Reuters: UK climate expert steps aside after hacked e-mails
Excellent quote. Well done.

Adora Andy UK climate expert steps aside after hac... 12/02/2009 06:45:07 PM

From: Adora Andy/DC/USEPA/US
To: "Richard Windsor" <windsor.richard@epa.gov>, "Seth Oster" <oster.seth@epa.gov>, "Allyn Brooks-LaSure" <brooks-lasure.allyn@epa.gov>, "Arvin Ganesan" <ganesan.arvin@epa.gov>, "David McIntosh" <McIntosh.David@epamail.epa.gov>, "Bob Sussman" <sussman.bob@epa.gov>, "Gina McCarthy" <McCarthy.Gina@epamail.epa.gov>, "Bob Perciasepe" <Perciasepe.Bob@epamail.epa.gov>, "Diane Thompson" <Thompson.Diane@epamail.epa.gov>, Lisa Heinzerling/DC/USEPA/US@EPA
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>, "Brendan Gilfillan" <gilfillan.brendan@epa.gov>, "Michael Moats" <Moats.Michael@epamail.epa.gov>
Date: 12/02/2009 06:45 PM
Subject: Reuters: UK climate expert steps aside after hacked e-mails

UK climate expert steps aside after hacked e-mails
05:23 PM EST

- * University of East Anglia to investigate hacked e-mails
- * Sceptics say undermines evidence of climate change
- * US EPA head says flap won't stop possible regulations (Adds U.S. reaction)

LONDON, Dec 2 (Reuters) - The head of a British climate research institute has stepped aside after hacked e-mails were seized upon by sceptics as evidence that the case for global warming has been exaggerated.

Phil Jones, head of the Climatic Research Unit (CRU) at the University of East Anglia, will step aside "until the completion of an independent review," the university said in a statement.

"It is an important step to ensure that CRU can continue to operate normally," University Vice-Chancellor Professor Edward Acton said after accepting Jones' offer to stand aside.

Dubbing the affair "Climategate," some climate change sceptics have seized upon the e-mails, some of them written 13 years ago, and accused scientists at CRU of colluding to suppress data that might have undermined their arguments.

In the United States, some Republican politicians opposed to climate change legislation pounced on the controversy, calling on the U.S. Environmental Protection Agency to stop climate change regulatory

efforts, which they say are based on "dubious science."

EPA Administrator Lisa Jackson responded that her agency's work "is proceeding."

"At this point I have seen nothing that indicates that scientists out there have said that they've changed their consensus" that human actions contribute to global warming, she said.

"These emails certainly may show some poor manners, maybe more ... but what we have to be constantly looking at is the science."

The Obama administration wants Congress to pass comprehensive legislation controlling greenhouse gas emissions but says it stands ready to regulate if legislative efforts fail.

'OUT OF CONTEXT'

Sceptics have pointed to phrases in the e-mails in which climate scientists talk of using a "trick" to "hide the decline" in temperatures as evidence that they adjusted data to fit their theories. CRU denies any manipulation.

Delegates meet in Copenhagen for a Dec. 7-18 talks to try to work out a new U.N. pact to address global warming.

The head of the U.N.'s Intergovernmental Panel on Climate (IPCC) Change, Rajendra Pachauri, told Reuters last week that the leaks do not affect findings in 2007 that it was more than 90 percent certain that human activities were causing climate change.

"This private communication in no way damages the credibility of the ... findings," he said, saying that all conclusions were subjected to rigorous review.

Some CRU researchers contribute to the IPCC's reports that pull together data from scientists around the world in an attempt to give a consensus view on climate change.

"Opposition groups are taking passages out of context to try to undermine public confidence in climate science," the Union of Concerned Scientists said in a statement Wednesday.

"Even without data from CRU, there is still an overwhelming body of evidence that human activity (is) triggering dangerous levels of global warming," it said. (Additional reporting by Richard Cowan in Washington; Editing by Robin Pomeroy) ((For a TAKE A LOOK about the Road to Copenhagen, click on [nSP382015]. For an overview of climate change stories, click [nCLIMATE])) (For an Interactive factbox on the Climate Change conference in Copenhagen please click on <http://uk.reuters.com//news/factbox?fj=20091111151536.js&fn=Climate%20Change%20conference%20in%20Denmark%20>)

-- For Reuters latest environment blogs click on: <http://blogs.reuters.com/environment/>
((alister.doyle@thomsonreuters.com; +47 900 87 663; Reuters Messaging:
rm://alister.doyle.reuters.com@reuters.net))

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Richard Windsor/DC/USEPA/US
07/28/2010 01:06 PM

To Diane Thompson
cc Allyn Brooks-LaSure, Elle Beard, Michelle DePass, (b) (6) Per
Dennis McLerran
bcc
Subject Re: need a couple of minutes with you before you are wheels up

10 minutes
Diane Thompson

----- Original Message -----

From: Diane Thompson
Sent: 07/28/2010 12:42 PM EDT
To: Richard Windsor
Cc: Allyn Brooks-LaSure; Elle Beard; Michelle DePass; (b) (6) Personal Privacy Dennis McLerran
Subject: need a couple of minutes with you before you are wheels up
Administrator --
One question on Michigan heads up on response to endangerment petitions.
dt

Diane E. Thompson
Chief of Staff
U. S. Environmental Protection Agency
202-564-6999

Richard
Windsor/DC/USEPA/US
06/29/2010 03:05 PM

To Gina McCarthy
cc
bcc
Subject Fw: Readout of the President's Meeting with a Bipartisan
Group of Senators to Discuss Passing Comprehensive
Energy and Climate Legislation

THE WHITE HOUSE
Office of the Press Secretary

FOR IMMEDIATE RELEASE
June 29, 2010

**Readout of the President's Meeting with a Bipartisan Group of Senators to Discuss
Passing Comprehensive Energy and Climate Legislation**

The meeting the President hosted with a bipartisan group of Senators was a constructive exchange about the need to pass energy and climate legislation this year that lasted more than an hour-and-a-half. The President made clear his view that a full transition to clean energy will require more than just the government action we've taken so far. It will require a national effort from all of us to change the way we produce and use energy.

The President told the Senators that he still believes the best way for us to transition to a clean energy economy is with a bill that makes clean energy the profitable kind of energy for America's businesses by putting a price on pollution – because when companies pollute, they should be responsible for the costs to the environment and their contribution to climate change. Not all of the Senators agreed with this approach, and the President welcomed other approaches and ideas that would take real steps to reduce our dependence on oil, create jobs, strengthen our national security and reduce the pollution in our atmosphere.

The President said that there was a strong foundation and consensus on some key policies and the President urged the Senators to come together based on that foundation. There was agreement on the sense of urgency required to move forward with legislation and the President is confident that we will be able to get something done this year.

###

Richard Windsor/DC/USEPA/US
03/25/2010 10:09 AM

To: Gina McCarthy
cc
bcc
Subject: Re: Fw: Link to analysis

tx

Gina McCarthy | sent the links to Seth and john Millete... 03/25/2010 09:44:07 AM

From: Gina McCarthy/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Date: 03/25/2010 09:44 AM
Subject: Fw: Link to analysis

I sent the links to Seth and john Millete so we could address any on-going press confusion.
Sarah Dunham

----- Original Message -----

From: Sarah Dunham
Sent: 03/25/2010 09:17 AM EDT
To: Margo Oge; David McIntosh; Gina McCarthy
Cc: Karen Orehowsky; Sarah Froman
Subject: Link to analysis

We'll check on what it says in the testimony but the analysis is still available and accessible at the following links:

The longer, direct link is www.epa.gov/otaq/climate/GHGtransportation-analysis03-18-2010.pdf

Shorter link is www.epa.gov/otaq/climate/publications.htm, then go down about half the page for the document.

LisaP Jackson/DC/USEPA/US
Sent by: Richard Windsor

02/17/2009 02:44 PM

To (b) (6) Personal Privacy

cc

bcc

Subject (b) (6) Personal Privacy

Cruise Lines Urged to Shrink Their Footprints (*New York Times*)

By JENNIFER CONLIN

February 15, 2009

MOVING gently through pristine blue waters, floating past whales and glaciers, fjords and islands, it is easy to see why travelers might think a vacation on a [cruise](#) ship is more eco-friendly than jetting through the earth's atmosphere on a plane.

Not so, according to Climate Care, a United Kingdom-based carbon-offsetting company, whose statistics show that cruise ships emit nearly twice as much carbon dioxide as airplanes. "We now know they are far more polluting per passenger kilometer than planes," said Justin Francis, co-founder of [Responsibletravel.com](#), a directory of environmentally friendly vacations that partners with Climate Care. "Add to that the fact that many passengers fly to the port of departure before boarding," he said, "and you have a double carbon whammy."

According to environmentalists, carbon dioxide emissions are just a drop in the ocean when it comes to eco problems on luxury liners. Most ships run on so-called bunker fuel, the cheapest and dirtiest fuel oil, which not only powers the vessel, but also all the amenities on board: restaurants, swimming pools and nightclubs among them. Royal Caribbean will launch its largest ship yet this year, the Oasis of the Seas with a capacity of 5,400 passengers, and its amenities will include a microclimate-controlled Central Park, with irrigation and drainage systems, as well as trees that will tower more than two and a half decks high.

Then there is the issue of waste. A one-week voyage on a large ship is estimated to produce 210,000 gallons of sewage, a million gallons of gray water (runoff from sinks, baths, showers,

laundry and galleys), 25,000 gallons of oily bilge water, 11,550 gallons of sewage sludge and more than 130 gallons of hazardous wastes, according to figures supplied by the environmental group Friends of the Earth.

Marcie Keever, director of the Clean Vessels Campaign of Friends of the Earth, said, "These are floating cities that go back and forth through our waters, dumping toxins from their enormous amount of waste." She added that cruise ships also pollute the coast lines (affecting marine life, [beaches](#) and coral reefs), as well as the air (sulfur dioxide and nitrogen oxide emissions from their massive engines). Or as Mr. Francis bluntly put it, "The cruise line industry's record on environmental pollution is generally very poor."

Still, some positive environmental news is beginning to emerge from these murky waters.

Thanks to increased pressure from the [Environmental Protection Agency](#), as well as various environmental campaign groups, stricter state and federal regulations are being passed. As of this year, all ships have to burn low-sulfur diesel fuel instead of the cheaper bunker fuel within 24 nautical miles of [California](#)'s coast, and there is proposed legislation to prohibit the discharge of raw sewage, gray water and oily bilge water within 12 miles of [United States](#) shores. What's more, a recent E.P.A. report assessing cruise ship discharges in [Alaska](#) (where standards are the most stringent), revealed that 60 percent of the ships tested were discharging concentrations of bacteria, chlorine, nutrients, metals and other pollutants — a finding that may move the industry to invest even more heavily in the latest advanced waste-water treatment systems, particularly as the ships that passed the test all had that technology.

"It is definitely possible for them to clean up their act," said Ms. Keever of Friends of the Earth.

"And now that they know about it from the E.P.A. report, they should do something about it.

They certainly have the ability to pay for it."

Cruising continues to be one of the fastest-growing areas of tourism, according to the Cruise Line International Association, an industry group that represents 95 percent of the worldwide market, and includes 23 cruise lines that total 200 ships. Terry Dale, chief executive officer of the association, said, "Even in these tough economic times, we are forecasting that in 2009 a record 13.5 million people will take a cruise," adding that last year the industry was worth \$38 billion, employing roughly 350,000 United States workers. "As a leader in travel we feel we have to be industry stewards of the environment," he said. "We are not sitting back, but rather

trying hard to be proactive and meet the challenges.”

To that end, the cruise industry is now pioneering various new green technologies. Princess Cruises uses “cold ironing” — plugging ships into electrical power at ports — in [San Francisco](#); [Juneau](#), Alaska; and [Seattle](#). Norwegian Cruise Line introduced a recycling program in 2007, in which some 15,000 gallons of used cooking oil were offloaded and then converted into useable biodiesel for farming equipment in Florida. Disney Cruise Lines sponsors volunteer coastal cleanups to remove garbage and debris from shorelines. Holland America has started a Ship to Shore program in which reusable goods (linens, individually sized toiletries, dishes, mattresses) are donated to charities, as well as an Avoiding Whale Strikes program in which crews learn to assist in the recovery and ensure the safety of all whale species.

“ALL our members have to have environmental policies and practices in place,” Mr. Dale said, citing the on-board recycling programs of the association’s ships, and investment in LED lighting, solar panels and high efficiency appliances. In addition, many cruise companies, including Carnival Corporation, have an environmental officer aboard all ships to monitor compliance.

“We even have eco hangers on one line,” he added, mentioning a program introduced last year on Crystal Cruises in which guests are encouraged to take home the recyclable hangers provided on board, to, as a press statement says, “remind them both of the importance of conservationism and Crystal Cruises’ stewardship of the environment.”

Also on the rise are new technologies for smaller vessels. Ecoventura, a family-owned company in [Ecuador](#) that offers cruises in the Galapagos, recently unveiled one of the first hybrid-energy motor yachts. Sponsored by Toyota, a supporter of the World Wildlife Fund, the yacht, which sleeps 20, has 40 solar panels and two wind turbines on the upper deck, which should provide enough power to support roughly 17 percent of the energy formerly produced by two carbon fuel-based generators.

“We know when it comes to vacations, cruising is the best deal financially for many people,” said Ms. Keever, of Friends of the Earth. “We just think travelers should try to choose one that is trying hard to do better environmentally.”

Richard Windsor/DC/USEPA/US
04/17/2009 12:17 PM

To (b) (6) Personal Privacy (b) (6) Personal Privacy
cc
bcc
Subject Fw: EPA Made History Today

----- Forwarded by Richard Windsor/DC/USEPA/US on 04/17/2009 12:16 PM -----

From: Message from the Administrator
To: All EPA Employees
Date: 04/17/2009 12:14 PM
Subject: EPA Made History Today

[Visit the Agency's Intranet for More Information](#)



[All Hands Email-Archive](#)

This message is being sent to all EPA Employees.
Please do not reply to this mass mailing.



Colleagues:

Just minutes ago, I signed a proposed finding indicating that six greenhouse gases pose a threat to the health and welfare of current and

future generations of Americans. This was an historic action, and the first formal recognition by the U.S. government of the threats posed by climate change.

Two years ago, the Supreme Court urged EPA scientists to speak on the question of greenhouse gas pollution and the threats it poses to our health and welfare. They recognized the seriousness of this matter and I'm proud of the work you've done to tackle this question head-on.

We release this proposal amid the President's call to transition to a low-carbon economy, and strong Congressional leadership on clean energy and climate legislation. In the weeks and months ahead, we will work closely with all stakeholders to find the best solutions to the threats of climate change. I believe that the right answer will come through legislation that focuses on green jobs, clean energy, and new technologies.

This is an historic day for our country and our agency. As Earth Day approaches, today's announcement should remind all Americans that change has come for the environment. Change has come to the EPA.

Many hands played a part in this effort. You all have my sincerest appreciation and respect. I know staff and managers in OAR, ORD and OGC played a crucial role in this document's development. In particular, let me highlight the tireless work of Lisa Heinzerling, Dina Kruger, Ben DeAngelo, Rona Birnbaum, Carol Holmes and John Hannon. They, like all EPA employees, have given so much to advance our mission of protecting human health and the environment.

As always, I'm proud to serve with you. Thanks for your extraordinary work.

Sincerely,

Lisa P. Jackson

**Richard
Windsor/DC/USEPA/US**
04/13/2009 02:25 PM

To Lisa Heinzerling
cc
bcc
Subject Re: endangerment

!!!

Lisa Heinzerling

----- Original Message -----

From: Lisa Heinzerling
Sent: 04/13/2009 01:53 PM EDT
To: Richard Windsor
Subject: endangerment

has passed OMB review

!

**Richard
Windsor/DC/USEPA/US**
04/13/2009 02:27 PM

To Lisa Heinzerling
cc
bcc
Subject Re: endangerment

Congrats!
Lisa Heinzerling

----- Original Message -----

From: Lisa Heinzerling
Sent: 04/13/2009 01:53 PM EDT
To: Richard Windsor
Subject: endangerment

has passed OMB review

!

Richard Windsor/DC/USEPA/US
03/17/2009 10:14 AM

To Lisa Heinzerling, David McIntosh, Bob Sussman
cc
bcc

Subject Fw: A washingtonpost.com article from:
(b) (6) Personal Privacy

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/17/2009 10:14 AM -----

From: **(b) (6) Personal Privacy**
To: Richard Windsor/DC/USEPA/US@EPA
Date: 03/17/2009 10:11 AM
Subject: A washingtonpost.com article from: **(b) (6) Personal Privacy**

washingtonpost.com  e-mail

This page was sent to you by: **(b) (6) Personal Privacy**

China Hopes Climate Deal Omits Exports

Countries importing Chinese goods should be responsible for the heat-trapping gases released during manufacturing, a top Chinese official said yesterday.

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Richard Windsor/DC/USEPA/US
03/25/2010 10:10 AM

To: Lisa Jackson b(6) Privacy
cc
bcc

Subject: Fw: Link to analysis

----- Forwarded by Richard Windsor/DC/USEPA/US on 03/25/2010 10:10 AM -----

From: Gina McCarthy/DC/USEPA/US
To: "Richard Windsor" <Windsor.Richard@epamail.epa.gov>
Date: 03/25/2010 09:44 AM
Subject: Fw: Link to analysis

I sent the links to Seth and John Millete so we could address any on-going press confusion.
Sarah Dunham

----- Original Message -----

From: Sarah Dunham
Sent: 03/25/2010 09:17 AM EDT
To: Margo Oge; David McIntosh; Gina McCarthy
Cc: Karen Orehowsky; Sarah Froman
Subject: Link to analysis

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The longer, direct link is www.epa.gov/otaq/climate/GHGtransportation-analysis03-18-2010.pdf

Shorter link is www.epa.gov/otaq/climate/publications.htm, then go down about half the page for the document.

Richard
Windsor/DC/USEPA/US
12/23/2009 11:42 AM

To (b) (6) Personal Privacy
cc
bcc
Subject Fw: Newsweek: Steven Chu, Lisa Jackson #2 on
Newsweek's 10 Most important People in 2010

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/23/2009 11:42 AM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA
Cc: Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA
Date: 12/23/2009 10:42 AM
Subject: Newsweek: Steven Chu, Lisa Jackson #2 on Newsweek's 10 Most important People in 2010

Link here:

<http://2010.newsweek.com/top-10/people-to-watch/steven-chu-and-lisa-jackson.html>

Steven Chu and Lisa Jackson

By Newsweek

EPA Administrator [Lisa Jackson](#) is a chemical engineer, and Energy Secretary [Steven Chu](#) is a physicist with a [Nobel Prize](#), but starting in 2010 you can think of them as bad cop and good cop. With the Copenhagen climate negotiations failing to reach a legally binding treaty, and with climate legislation stalled in the Senate, this duo will lead the charge toward reducing U.S. greenhouse emissions and moving us to renewable energy.

As of Jan. 1, any facility that emits at least 25,000 metric tons of carbon dioxide annually (or its equivalent in greenhouse gases such as methane and nitrous oxide) will have to start measuring and reporting their emissions to Jackson's [EPA](#). That includes power plants, aluminum manufacturers, refineries, paper mills, and solid-waste landfills (a big source of methane). Insiders call the requirement the most "world-changing greenhouse policy" EPA has ever undertaken, since once something is counted it can be regulated.

Then, in March, using authority the [Supreme Court confirmed in 2007](#), Jackson will issue rules requiring manufacturers to reduce greenhouse emissions from cars and trucks to a fleet average of 250 grams per mile ([it's now 422](#)) [by 2016](#). Carmakers will achieve that through more hybrids and plug-in electrics, averting a projected 950 million metric tons of carbon dioxide and other greenhouse gases over the lifetime of those low-CO₂ vehicles. Finally, as early as summer, Jackson will issue rules making "major polluters"—like those subject to the greenhouse-gas reporting rule—use top-of-the-line CO₂-control technology if they want to [build a new facility or make significant changes to an existing one](#).

The regs are significant in themselves, but Jackson's real clout will be showing industry how much can be done on greenhouse emissions even without climate legislation. "This will encourage congressional action," says [Rep. Edward Markey](#), cosponsor of the [climate bill](#) that passed the House in June. "Industry's choice is no longer between legislation and no legislation, but between legislation and regulation. Congress is a stimulus-response institution, and there is

nothing more stimulating than a regulatory agency preempting powers Congress thinks it should have.” We’ll see if the dis is enough to move a [climate bill out of the Senate](#) in 2010.

Either way, utilities and other major greenhouse polluters could find salvation in Chu (whom *Nature* just named its [Newsmaker of the Year 2009](#)). Chu’s task is nothing less than revamping the energy sector in the world’s largest economy, which he is doing by encouraging high-risk/high-reward research. Besides being a “public cheerleader for clean-energy research,” as *Nature* calls him, he’s been opening the federal purse strings. He has \$400 million to award for clean-energy research—a big, fat carrot to Jackson’s stick.

Richard Windsor/DC/USEPA/US
06/02/2010 02:13 PM

To: Mary-Kay Lynch
cc
bcc
Subject: Re: Center for Biological Diversity: Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife

Tx

Mary-Kay Lynch

----- Original Message -----

From: Mary-Kay Lynch
Sent: 06/02/2010 02:12 PM EDT
To: Richard Windsor

Subject: Fw: Center for Biological Diversity: Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife
The notice of intent to sue was sent to Coast Guard and EPA. Also copied to NOAA and Fish and Wildlife Service. I have sent to DOJ. I also have sent on to others here at EPA.

----- Forwarded by Mary-Kay Lynch/DC/USEPA/US on 06/02/2010 02:10 PM -----

From: Brendan Gilfillan/DC/USEPA/US
To: Seth Oster <oster.seth@epa.gov>, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Adora Andy/DC/USEPA/US@EPA, Dana Tulis/DC/USEPA/US@EPA, Dayna Gibbons/DC/USEPA/US@EPA, Mary-Kay Lynch/DC/USEPA/US@EPA, Dale Perry/DC/USEPA/US@EPA
Cc: Betsaida Alcantara/DC/USEPA/US@EPA, Alisha Johnson/DC/USEPA/US@EPA
Date: 06/02/2010 12:54 PM
Subject: Center for Biological Diversity: Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife

FYI - we have rec'd one press inquiry on this and can expect more.

For Immediate Release, June 2, 2010

Contact: Andrea Treece, Center for Biological Diversity, (415) 378-6558;
atreece@biologicaldiversity.org

Lawsuit Seeks Full Disclosure of Dispersant Impacts on Gulf's Endangered Wildlife

SAN FRANCISCO— The Center for Biological Diversity today filed an official [notice of its intent to sue](#) the Environmental Protection Agency for authorizing the use of toxic dispersants without ensuring that these chemicals would not harm endangered species and their habitats. The letter requests that the agency, along with the U.S. Coast Guard, immediately study the effects of dispersants on species such as sea turtles, sperm whales, piping plovers, and corals and incorporate this knowledge into oil-spill response efforts.

“The Gulf of Mexico has become Frankenstein’s laboratory for BP’s enormous, uncontrolled experiment in flooding the ocean with toxic chemicals,” said Andrea Treece, an attorney with the Center for Biological Diversity. “The fact that no one in the federal government ever required that these chemicals be proven safe for this sort of use before they were set loose on the environment is inexcusable.”

Dispersants are chemicals used to break oil spills into tiny droplets. In theory, this allows the oil to be eaten by microorganisms and become diluted faster than it would otherwise. However, the effects of using large quantities of dispersants and injecting them into very deep water, as BP has done in the Gulf of Mexico, have never been studied. Researchers suspect that underwater oil plumes, measuring as much as 20 miles long and extending dozens of miles from the leaking rig, are the result of dispersants keeping the oil below the surface.

On May 24, EPA Administrator Jackson expressed concern over the environmental unknowns of dispersants, which include the long-term effects on aquatic life. Nonetheless, the federal government has allowed BP to pump nearly 1 million gallons of dispersants into the Gulf of Mexico.

“Pouring dispersants into vital fish nursery grounds and endangered species habitat simply trades one evil for another. Had the government first examined dispersants before the disaster, we would not be left wondering what sort of havoc BP is wreaking on the ecosystem just so it can make the oil less visible,” added Treece. “We cannot and will not allow this to happen again.”

Studies have found that oil dispersed by Corexit 9527 damages the insulating properties of seabird feathers more than untreated oil, making the birds more susceptible to hypothermia and death. Studies have also found that dispersed oil is toxic to fish eggs, larvae, and adults, as well as to corals, and can harm sea turtles’ ability to breathe and digest food. Formulations of the dispersants being used by BP, Corexit 9500 and 9527, have been banned in the United Kingdom due to concerns over their impacts on the marine environment.

The Center for Biological Diversity is a national, nonprofit conservation organization with more than 260,000 members and online activists dedicated to the protection of endangered species and wild places.

Richard Windsor/DC/USEPA/US
02/24/2010 04:51 PM

To Mathy Stanislaus
cc
bcc

Subject Re: New EJ/EIP Report on CCW Damage Cases

Tx. Don't have time to open it. Anything huge?

----- Original Message -----

From: Mathy Stanislaus
Sent: 02/24/2010 04:39 PM EST
To: Bob Sussman; Lisa Heinzerling; Richard Windsor
Subject: Fw: New EJ/EIP Report on CCW Damage Cases

----- Original Message -----

From: Lisa Evans [levans@earthjustice.org]
Sent: 02/24/2010 01:13 PM PST
To: Mathy Stanislaus
Subject: New EJ/EIP Report on CCW Damage Cases

Hi Mathy,

Just wanted to give you the heads up on a report we released today describing 31 new coal ash damage cases.

You can view the report at:

http://www.environmentalintegrity.org/news_reports/news_02_24_10.php

Please let me know if you have any questions.

Sincerely,

Lisa


Lisa Evans
Senior Administrative Counsel
Earthjustice
21 Ocean Ave.
Marblehead, MA 01945
T: (781) 631-4119
F: (212) 918-1556
www.earthjustice.org

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Richard Windsor/DC/USEPA/US
01/14/2011 01:43 PM

To Michael Moats, Vicki Ekstrom
cc Seth Oster, David McIntosh, Bob Perciasepe
bcc
Subject some interesting quotes in here

News Headline: Cleaner Air, Local Jobs and Environmental Investment | 

Outlet Full Name: Houston Chronicle - Online

News OCR Text: MERRILLVILLE, Ind., Jan. 13, 2011 /PRNewswire/ -- Following discussions with the U.S. Environmental Protection Agency (EPA), Department of Justice (DOJ) and the Indiana Department of Environmental Management, NIPSCO today finalized a settlement outlining about \$600 million in new environmental investments, conservation initiatives, and clean energy programs designed to improve the environmental and economic sustainability of northern Indiana.

"This is a major win for our customers, the environment and the communities we serve," NIPSCO CEO Jimmy Staton said. "The significant new investments and environmental projects identified in the settlement will enhance the long-term environmental and economic sustainability of northern Indiana while also creating hundreds of new jobs and delivering important new clean energy options for our customers. This collaborative, forward-looking solution will deliver tangible benefits for our environment, our customers and the communities we serve."

Outlined in the settlement are environmental controls and clean air technology that further reduce nitrogen oxide, sulfur dioxide and particulate matter emissions at the company's coal-fired electric generation facilities.

The settlement is the 17th reached by the EPA and DOJ as part of a national initiative to control emissions from coal-fired power plants under the Clean Air Act's New Source Review requirements. It follows a 2004 Notice of Violation of the EPA's New Source Review process alleging that NIPSCO made upgrades or modifications to its generating facilities in the 1980s and 1990s without obtaining the proper permits.

NIPSCO is among more than 50 U.S. electric companies receiving a Notice of Violation since 1998 as part of the EPA initiative, and NIPSCO maintains that it acted in accordance with the regulations and conducted only routine maintenance and upgrades on the units. This settlement resolves all matters related to the New Source Review and future claims through 2018.

Importantly, the investments contemplated in the settlement support and complement the environmental improvements NIPSCO has already made to date.

Continuing Environmental Investment in Northern Indiana

NIPSCO is a leader in improving air quality. Since 1990, the company has individually reduced the NOx and SO2 emissions by 70 percent with investments of more than \$350 million. In part due to environmental investments by NIPSCO, northwest Indiana was designated as an attainment area in 2010 for the first time

since the EPA 1990 Clean Air Act was adopted. Attainment area status is a key factor in economic and community development.

"We're proud of our environmental performance and the fact that many of the investments identified in the settlement have already been planned as part of NIPSCO's long term environmental improvement strategy," Staton said. "We currently operate one of the cleanest-burning coal fleets in Indiana. With these investments, we will continue our leadership position and further improve air quality for residents in northern Indiana."

Benefits of the Settlement

By the close of 2018, NIPSCO will invest approximately \$600 million in improved environmental technology and related projects. Key benefits of these investments will include:

Cleaner Air: NIPSCO's electric generating fleet is expected to be among the cleanest in Indiana, with NOx emissions lowered by an additional 35 percent from current rates, SO2 emissions lowered by an additional 80 percent from current rates, and other benefits, such as reduced fleet vehicle emissions and improved air quality monitoring, will be achieved. These improvements will have an added benefit of helping NIPSCO achieve compliance with anticipated tighter future emission standards.

Jobs and Economic Development: Installation of new environmental controls at NIPSCO's R.M. Schahfer, Bailly and Michigan City generating stations are projected to create hundreds of new jobs for locally contracted companies during the next eight years, as well as new positions within the company.

Conservation and Clean Energy: NIPSCO also will invest \$9.5 million over the next five years in new environmental conservation and clean energy projects, including:

Working with local communities and organizations to develop new publicly available electric vehicle charging stations – powered exclusively with renewable energy

Replacing and retrofitting diesel engines with hybrid and/or electric vehicles throughout our service territory

Partnering with the Indiana Dunes National Lakeshore and other regional conservation groups to acquire and conserve environmentally sensitive properties in the region

Under the terms of the settlement, NIPSCO will also pay a \$3.5 million civil penalty. The additional environmental investments have been planned as part of anticipated ongoing capital spending.

For more information about NIPSCO's environmental investments and energy savings tips, customers are encouraged to visit www.NIPSCO.com.

NIPSCO, with headquarters in Merrillville, Ind., is one of the nine energy distribution companies of NiSource Inc. (NYSE: NI). With more than 712,000 natural gas customers and 457,000 electric customers across the northern third of Indiana, NIPSCO is the largest natural gas distribution company, and the second largest

electric distribution company, in the state. NiSource distribution companies serve 3.8 million natural gas and electric customers primarily in seven states. More information about NIPSCO is available at www.nipsco.com.

About NiSource

NiSource Inc., based in Merrillville, Ind., is a Fortune 500 company engaged in natural gas transmission, storage and distribution, as well as electric generation, transmission and distribution. NiSource operating companies deliver energy to 3.8 million customers located within the high-demand energy corridor stretching from the Gulf Coast through the Midwest to New England. Information about NiSource and its subsidiaries is available via the Internet at www.nisource.com. NI-F

Forward-Looking Statements:

Some of the statements provided herein include forward-looking information, in addition to historical information. Readers should understand that many factors govern whether any forward-looking statement contained herein will be or can be realized including, but not limited to the success of regulatory initiatives, the regulatory process, regulatory and legislative changes, as well as the items discussed in the "Risk Factors" section of NiSource Inc.'s 2009 Form 10-K. Such factors could cause actual results to differ materially from those projected. All such forward-looking statements are expressly qualified by these cautionary statements. All forward-looking statements are based on assumptions that management believes to be reasonable; however, there can be no assurance that actual results will not differ materially. NiSource Inc. expressly disclaims a duty to update any of the forward-looking statements contained in this release.

SOURCE Northern Indiana Public Service Company

Richard Windsor/DC/USEPA/US
11/02/2009 06:55 PM

To Peter Grevatt
cc
bcc

Subject Re: Climate change threatens lives of millions of children, says "Save the Children"

Thanks. Sorry I missed you today. Looking forward to talking to you tomorrow.
Peter Grevatt

----- Original Message -----

From: Peter Grevatt
Sent: 11/02/2009 05:40 PM EST
To: Richard Windsor; thompson.diane@epa.gov
Subject: Climate change threatens lives of millions of children, says "Save the Children"
FYI

Peter Grevatt, Ph.D.
Director, Office of Children's Health Protection
and Environmental Education
U.S. EPA,
1200 PA Ave., NW
Mail Code 1107-A
Washington, DC 20460
202-564-8954

To see this story with its related links on the guardian.co.uk site, go to <http://www.guardian.co.uk/environment/2009/nov/02/save-the-children-climate-change>

Climate change threatens lives of millions of children, says charity

Save the Children urges world leaders at talks in Barcelona to prioritise effects of droughts, cyclones and floods on children

Press Association
Tuesday November 3 2009
[guardian.co.uk](http://www.guardian.co.uk)

<http://www.guardian.co.uk/environment/2009/nov/02/save-the-children-climate-change>

A quarter of a million children could die next year due to the effects of climate change, Save the Children warned today.

The charity said the figure could rise to more than 400,000 per year by 2030.

Its report *Feeling the Heat*, which is launched today, claims that climate change is the biggest global health threat to children in the 21st century.

The charity predicts that 175 million children a year - equivalent to

almost three times the population of Great Britain - will suffer the consequences of natural disasters such as cyclones, droughts and floods by 2030.

It warns that more than 900 million children in the next generation will be affected by water shortages and 160 million more children will be at risk of catching malaria - one of the biggest killers of children under five - as it spreads to new parts of the world.

Save the Children is urging world leaders to put children first during climate change negotiations in Barcelona this week, ahead of the Copenhagen summit in December.

Ultravox star Midge Ure, a Save the Children ambassador, recently returned to Ethiopia 25 years after the 1984 famine which prompted him to create Band Aid with Bob Geldof.

"Climate change is no longer a distant, futuristic scenario, but an immediate threat," he said.

"We've all heard about the East African food crisis but I've been in Ethiopia seeing first hand the impact it's having on children's lives.

Erratic rainfall means farmers can no longer predict the weather and have lost their crops which are a vital source of food for their family.

"I asked one farmer in the highlands of Ethiopia what would happen if the food aid stopped coming. He replied: 'It is in the hands of the gods.' Maybe we could lend a hand as well?"

Save the Children's director of policy David Mepham said: "Global leaders need to act now to stop the needless deaths of millions of children. It is still possible to avoid the worst predictions for climate change if governments are bold and commit to a binding international agreement to reduce greenhouse gas emissions when they meet in Copenhagen."

If you have any questions about this email, please contact the guardian.co.uk user help desk: userhelp@guardian.co.uk.

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To find out more and to nominate a deserving team or individual, visit <http://guardian.co.uk/publicservicesawards>. Entries close 17th July.

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Registered in England Number 908396

Richard
Windsor/DC/USEPA/US
07/20/2010 11:17 AM

To Richard Windsor
cc
bcc
Subject

BACK IN THE SENATE: TO CAP OR NOT TO CAP is still the big question. With floortime less than a week away, some longtime advocates of comprehensive climate legislation are giving up the push for a cap this year, and urging Reid et al to dump the contentious carbon price, push through a renewable electricity standard and drill reforms, and be done with it. "I think it's time to give up on a climate cap this year or risk losing any chance of passing an energy bill," a former Clinton White House aide who is now closely involved in energy and climate negotiations tells Morning Energy. "At this point the dead end that is the climate cap is preventing any community gathering on an energy bill. A cap-and-trade approach in this Congress is not going to get to 60. All it is doing is imperiling the valuable energy provisions. The cap is sapping precious hours from negotiating key energy provisions ... it's never a good idea to push a partisan energy bill, especially given the dynamic around the capitol now. The Senate is running out of time."

Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

bcc

03/25/2010 06:57 AM

Subject A washingtonpost.com link from: windsor.richard@epa.gov

You have been sent this link from windsor.richard@epa.gov as a courtesy of washingtonpost.com

More climate huddling

http://views.washingtonpost.com/climate-change/post-carbon/2010/03/more_climate_huddling.html?referrer=emallink

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Richard Windsor/DC/USEPA/US@EPA

To Richard Windsor

cc

03/17/2010 09:27 PM

bcc

Subject

This is an e-mail from TheHill.com (<http://TheHill.com>) sent by windsor.richard@epa.gov (windsor.richard@epa.gov). You may find the following link interesting:
<http://thehill.com/blogs/e2-wire/677-e2-wire/87455-murkowski-dems-leaned-on-automakers-to-oppose-her-epa-climate-plan>

Richard Windsor/DC/USEPA/US
10/26/2010 09:19 AM

To Sarah Pallone
cc
bcc
Subject Re: Gov. Gregoire

Tx. Already sent her a climate focused note.
Sarah Pallone

----- Original Message -----

From: Sarah Pallone
Sent: 10/26/2010 09:14 AM EDT
To: Richard Windsor
Subject: Gov. Gregoire

Just in case you haven't yet sent your note to Gov. Gregorie, I thought you might want to read this:

Perry to Wash. CEOs: Come to Texas

By: [John Maggs](#)
October 25, 2010 06:00 PM EDT

Just days before Washington state voters decide whether to impose a first-ever state tax on six-figure incomes, Texas Gov. Rick Perry has jumped into the middle of the fray.

With a week to go before the Washington ballot initiative, Perry, a Republican, has taken an unusually aggressive swipe at Gov. Chris Gregoire, a Democrat. Perry sent letters Friday to 90 leading businesses in Washington – including Amazon, Microsoft and Starbucks – inviting them to relocate to Texas, which also has no income tax.

"If Washington doesn't want your business, Texas does," said Perry. "Texas has no personal income tax and no interest in getting one."

Most Washington business leaders are lined up against the proposal, which would impose a 5 percent tax on individuals earning \$200,000 or more a year and a 9% tax on those making more than \$500,000.

Microsoft founder Bill Gates, the state's most prominent billionaire, has divided loyalties: his company is fighting the tax proposal on behalf of its many highly-paid workers, but the ballot initiative was sponsored by Gates father, a retired lawyer who argues that Washington needs the money to fund education. The software mogul himself has not taken a position on the tax, which stands to cost him tens of millions of dollars a year.

The latest poll says the anticipated vote on the income tax initiative is too

close to call.

A Perry spokesman denied that the governor was meddling to defeat the Washington initiative, but conceded that the timing – a week before the vote – was no coincidence.

“It seemed like the right time to do it, as businesses are focused on the election and on the possibility of paying higher taxes,” said Ray Sullivan.

Washington and Texas are among seven states that impose no income tax, contributing to the fact that both are highly rated as places to conduct business.

It is common for governors to recruit individual companies to relocate but unusual to make a blanket indictment of the business climate in another state. It is also unusual for governors to try to influence the outcome of ballot initiatives in another state.

Gregoire, who supports the tax proposal, shrugged off Perry’s missives.

“We’re serious about keeping businesses here and attracting new ones to the state,” she said in a written statement issued by her office. “We’ve consistently ranked in the top five in the Forbes list of best states to do business—ahead of Texas.”

Gregoire spokesman Cory Curtis said the governor was not offended by Perry’s letters, but would not comment on whether the governor thought that Perry was trying to influence the vote. Asked what kind of relationship the conservative Perry and the liberal Gregoire have, Curtis said, “I don’t think they have any relationship.”

In Forbes’ latest rankings, Washington placed fifth among states with a positive business climate, while Texas ranked seventh. Washington ranked 28th for the lowest business costs, and Texas was slightly better – 26th. Surprisingly, Washington bested Texas for imposing a lighter regulatory burden on business, ranking 5th while Texas ranked 17th.

“We think that Washington will continue to be a better place [than Texas] to do business, whether or not the income tax initiative passes,” said Curtis.

Perry’s spokesman said that Texas was the top-ranked state by business cable network CNBC and CEO magazine, and in most rankings, rated higher than Washington.

Gregoire, like most Washington state politicians, has opposed the imposition of a state income tax, and never pushed it as governor. She has endorsed the ballot initiative, but vowed to veto any effort by the legislature to extend the tax to

Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

Richard Windsor/DC/USEPA/US
01/10/2011 08:43 AM

To Sarah Pallone
cc
bcc

Subject Re: NJ, once again leading the other states...

Yeah. I heard.
Sarah Pallone

----- Original Message -----

From: Sarah Pallone
Sent: 01/10/2011 08:21 AM EST
To: Bob Perciasepe; Richard Windsor
Subject: NJ, once again leading the other states....

Sharing an article of interest: <http://www.njspotlight.com/stories/11/0109/2117/>



SEARCH GO



Pending Bills Pit Business Interests Against Environmentalists
Four-bill package enjoys bipartisan support, but conservationists warn it will undercut environmental regulations

print | email | share

By Tom Johnson, January 10 in Energy & Environment | [Post a Comment](#)



To proponents, it is a legislative effort to streamline the bureaucracy and make New Jersey's economic climate more business-friendly. To foes, it is a move to undermine some of the state's environmental rules at the urging of special interests.

Related Links

[Environmentalists Argue Against Bills that Would Streamline Regulatory Process](#)

[Fine Print: Senate Bill 2014 \(A-2721\)](#)

The four-bill package, which enjoys bipartisan support and emerged, in part, from Gov. Chris Christie's Red

Tape Review, is up for a vote in both houses today. The bills are opposed by most environmental groups, but are backed by business interests. Each of the bills was passed unanimously when voted out of committee.

The legislation primarily addresses the administrative law system that governs how the state adopts rules and regulations stemming from bills adopted by the legislature and issues permits to developers and businesses. The system, long criticized by many for being too long and burdensome, was set up two decades ago to regulate how state laws are implemented and how businesses can appeal unfavorable decisions by cabinet officers.

But to Jeff Tittel, executive director of the Sierra Club of New Jersey, the bills attack environmental protection and the rights of citizens to participate in government decision-making. "These bills give too much power to special interests and take away the public's right to comment when it comes to rules, regulations, environmental standards and permits."

Speedier Permitting

One of the bills (A-2853) would require state and local agencies to streamline the permitting process for permits related to business, particularly larger developments that create many jobs. It would set up an individual in state government to act as a point person on major projects, helping developers navigate all the necessary permits needed to move a venture forward. Critics argue that this provision would end up creating an in-house lobbyist for polluters.

But backers defended the measure. When the bill was passed unanimously by the Assembly Budget Committee last month, Assemblyman John Burzichelli (D-Gloucester) said, "Businesses devoted to economic development and creating jobs that benefit this state shouldn't have to run through an obstacle course to get the permits they need. It makes no sense to obstruct economic development, so we need a streamlined system that makes creating jobs as easy as possible."

The other three bills, voted out of the Assembly Regulatory Government and Oversight Committee in June, deal with trying to streamline the administrative process system, including allowing administrative law court judges, and, potentially, the Attorney General, to decide contested cases where two state agencies may be in conflict.

On Appeal

Under current law, if a developer has a permit that an agency denied, he or she can appeal the decision to an administrative law court judge who hears the case, listens to expert witnesses and issues a ruling. That ruling can be modified, accepted or rejected by the cabinet officer denying the permit. Under one bill (A-2922), the administrative law court or Attorney General makes the final decision in contested cases. Tittel argued the bill takes away authority from the Department of Environmental Protection (DEP) and may violate federal delegation of various environmental programs in New Jersey given to DEP by the federal Environmental Protection Agency (EPA).

The other bills in the package would allow substantive changes to agency rulemaking upon adoption (A-2720), instead of going through the time-consuming process of reproposing the rule and holding new public hearings on the proposal. Finally, the package includes a measure (A-2721) that would change the expiration of new rules from five years to seven years.

More in Energy & Environment »

Comments on this story

No comments have been posted.

Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

Richard Windsor/DC/USEPA/US
02/22/2010 12:23 PM

To Sarah Pallone
cc
bcc

Subject Re: Fw: Gov. Gregoire's statement on EPA finding

:)

Sarah Pallone FYI Sarah Hospodor-Pallone Deputy A... 02/22/2010 11:48:38 AM

From: Sarah Pallone/DC/USEPA/US
To: Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA
Date: 02/22/2010 11:48 AM
Subject: Fw: Gov. Gregoire's statement on EPA finding

FYI

Sarah Hospodor-Pallone
Deputy Associate Administrator
for Intergovernmental Relations
Office of the Administrator
202-564-7178
pallone.sarah@epa.gov

----- Forwarded by Sarah Pallone/DC/USEPA/US on 02/22/2010 11:48 AM -----

From: "Rupp, Mark (GOV)" <mark.rupp@gov.wa.gov>
To: Sarah Pallone/DC/USEPA/US@EPA
Date: 02/22/2010 11:46 AM
Subject: FW: Gov. Gregoire's statement on EPA finding

From: Shagren, Karina (GOV)
Sent: Mon 2/22/2010 11:44 AM
To: Shagren, Karina (GOV)
Cc: Rupp, Mark (GOV); Curtis, Cory (GOV); Shelton, Viet (GOV)
Subject: Gov. Gregoire's statement on EPA finding



STATE OF WASHINGTON

OFFICE OF THE GOVERNOR

P.O. Box 40002 • Olympia, Washington 98504-0002 • (360) 902-4111

**For Release: Immediate
Office**

Date: Feb. 22, 2010

Media Contact: Governor's Communications

Phone: 360-902-4136

Gov. Gregoire's statement on EPA finding

OLYMPIA – Gov. Chris Gregoire today released the following statement on the Environmental Protection Agency's endangerment finding that greenhouse gas emissions threaten public health:

“In 2007, the U.S. Supreme Court ruled that the Clean Air Act makes it incumbent upon the Environmental Protection Agency to determine if greenhouse gas emissions are a threat to public health and welfare. After a thorough review of the science and after assessing literally thousands of public comments, to include my own, on December 7, EPA Administrator Lisa Jackson signed an endangerment finding, obligating her agency to take the reasonable steps necessary to reduce greenhouse gas pollutants.

“A majority of my colleagues and I – Democrats and Republicans, alike – have worked at the state and regional level to promote clean energy jobs, energy independence, and caps on greenhouse gas emissions. In the absence of comprehensive federal energy and climate legislation, EPA must be applauded for accepting the responsibility Congress has given it under the Clean Air Act to reduce carbon dioxide and other pollutants that threaten our people and our communities.”[attachment "attd5f7b.gif" deleted by Richard Windsor/DC/USEPA/US] [attachment "attd5f7c.gif" deleted by Richard Windsor/DC/USEPA/US] [attachment "attd5f7d.gif" deleted by Richard Windsor/DC/USEPA/US]

Richard Windsor/DC/USEPA/US
10/09/2010 07:49 PM

To Seth Oster
cc
bcc
Subject Re: An interesting article from The Washington Post: US, China blame each other for slow climate talks

Tx

From: Seth Oster
Sent: 10/09/2010 07:38 PM EDT
To: "Lisa Jackson" <windsor richard@epa.gov>
Subject: Fw: An interesting article from The Washington Post: US, China blame each other for slow climate talks

Worth a quick read.

Seth

From: Mark Kasman
Sent: 10/09/2010 05:38 PM EDT
To: Michelle DePass; Scott Fulton; Seth Oster; Shalini Vajjhala
Subject: Fw: An interesting article from The Washington Post: US, China blame each other for slow climate talks

FYI...

From: Justin [justin98120002000@yahoo.com]
Sent: 10/09/2010 05:20 PM AST
To: Mark Kasman
Subject: An interesting article from The Washington Post: US, China blame each other for slow climate talks
US, China blame each other for slow climate talks

TIANJIN, China -- Modest progress at U.N. climate talks Saturday was overshadowed by a continuing deadlock between China and the United States, clouding prospects for a major climate conference in Mexico in less than two months' time.

Read the entire story here: _

<http://www.washingtonpost.com/wp-dyn/content/article/2010/10/09/AR2010100901571.html>

Sent from my iPhone

Richard Windsor/DC/USEPA/US
09/21/2010 06:47 PM

To: Seth Oster
cc
bcc
Subject: Re: Dr. Lawrence H. Summers, Director of the National Economic Council, to Return to Harvard University at the End of the Year

Yup. Saw it. U called it.
Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 09/21/2010 06:42 PM EDT
To: Richard Windsor
Subject: Fw: Dr. Lawrence H. Summers, Director of the National Economic Council, to Return to Harvard University at the End of the Year

Seth Oster
Associate Administrator
Office of External Affairs and Environmental Education
Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

----- Forwarded by Seth Oster/DC/USEPA/US on 09/21/2010 06:42 PM -----

From: White House Press Office <noreply@messages.whitehouse.gov>
To: Seth Oster/DC/USEPA/US@EPA
Date: 09/21/2010 05:13 PM
Subject: Dr. Lawrence H. Summers, Director of the National Economic Council, to Return to Harvard University at the End of the Year

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

September 21, 2010

Dr. Lawrence H. Summers, Director of the National Economic Council, to Return to Harvard University at the End of the Year

WASHINGTON - Dr. Lawrence H. Summers, Director of the National Economic Council and Assistant to the President for Economic Policy, announced his plans to return to his position as University Professor at Harvard University at the end of the year.

Dr. Summers is the chief White House advisor to the President on the development and implementation of economic policy. He also leads the President's daily economic briefing.

"I will always be grateful that at a time of great peril for our country, a man of Larry's brilliance, experience and judgment was willing to answer the call and lead our economic team. Over the past two years, he has helped guide us from the depths of the worst recession since the 1930s to renewed growth. And while we have much work ahead to repair the damage done by the recession, we are on a better path thanks in no small measure to Larry's wise counsel. We will miss him here at the White House, but I look forward to soliciting his continued advice and his counsel on an informal basis, and appreciate that he has agreed to serve as a member of the President's Economic Advisory Board."

Dr. Summers said "I will miss working with the President and his team on the daily challenges of economic policy making. I'm looking forward to returning to Harvard to teach and write about the economic fundamentals of job creation and stable finance as well as the integration of rising and developing countries into the global system."

Dr. Summers oversees the coordination of economic policy making across the Administration, leads the President's daily economic briefing and has been a frequent public spokesman for the Administration's policies.

Under Dr. Summers's leadership, the National Economic Council has been at the center of economic policy making in the Obama Administration. He served as an architect of the Recovery Act and other job creation measures and the Financial Stability Program. As co-chair of the President Auto Task Force, he led the restructuring of the U.S. automobile industry. He has also played a leading role in managing our international economic relationships including China, developing the President's health care plan, opening the broadband spectrum, and in international climate negotiations.

###

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Richard Windsor/DC/USEPA/US
10/28/2009 09:36 AM

To Seth Oster
cc
bcc
Subject Re: Inhofe

Saw it. Tx.
Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 10/28/2009 09:10 AM EDT
To: Richard Windsor
Subject: Inhofe

In case you missed this in today's Post.

<http://www.washingtonpost.com/wp-dyn/content/article/2009/10/27/AR2009102702845.html>

Washington Post

A senator in a hostile climate

By Dana Milbank
Wednesday, October 28, 2009

It must be very lonely being the last flat-earthier.

Sen. Jim Inhofe of Oklahoma, committed climate-change denier, found himself in just such a position Tuesday morning as the Senate environment committee, on which he is the ranking Republican, took up legislation on global warming. Sen. Lindsey Graham (R-S.C.) was in talks with Democrats over a compromise bill -- the traitor! And as Inhofe listened, fellow Republicans on the committee -- turncoats! -- made it clear that they no longer share, if they ever did, Inhofe's view that man-made global warming is the "greatest hoax ever perpetrated on the American people."

"Eleven academies in industrialized countries say that climate change is real; humans have caused most of the recent warming," admitted Sen. Lamar Alexander (R-Tenn.). "If fire chiefs of the same reputation told me my house was about to burn down, I'd buy some fire insurance."

An oil-state senator, David Vitter (R-La), said that he, too, wants to "get us beyond high-carbon fuels" and "focus on conservation, nuclear, natural gas

and new technologies like electric cars." And an industrial-state senator, George Voinovich (R-Ohio), acknowledged that climate change "is a serious and complex issue that deserves our full attention."

Then there was poor Inhofe. "The science is more definitive than ever? You keep saying that because you want to believe it so much," he said bitterly. He offered to furnish a list of scientists who once believed in climate change but "who are solidly on the other side right now." The science, he said, "already has shifted" against global-warming theory. "Science is not settled! Everyone knows it's not settled!"

Inhofe called for more oil drilling. His aides tried to debunk the other senators' points by passing around papers titled "Rapid Response." Mid-hearing, Inhofe's former spokesman, now in the private sector, sent out an e-mail -- "Prominent Russian Scientist: 'We should fear a deep temperature drop -- not catastrophic global warming.' "

The climate of the hearing itself seemed designed to burn Inhofe. Chairman Barbara Boxer (D-Calif.), sponsor of the climate bill, insisted on having it in a too-small hearing room, causing the place to overheat from all the bodies. Though none of the committee Republicans are supporting her cap-and-trade plan for carbon emissions so far, Boxer made it clear that her primary grievance is with one Republican. "Since John Warner retired, I don't have a Republican partner on the committee, but I am appreciative for the productive conversations I've had with Senator Alexander, about nuclear energy, and for the wide-ranging conversations and meetings I had with Senator Voinovich," Boxer said, pointedly omitting Inhofe.

Inhofe began by expressing surprise that Boxer would even use the term "global warming," asserting that "people have been running from that term ever since we went out of that natural warming cycle about nine years ago." And he turned with a fury on Graham, his fellow Republican, for an "apparent compromise will also entail a massive expansion of government bureaucracy."

Sen. John Kerry (D-Mass.), the first witness, turned up the temperature further on Inhofe. He gave a Gore-like tour of climate catastrophe: "the science is screaming at us to take action . . . pine beetles have destroyed 6.5 million acres of forestland . . . 180 Alaskan villages are losing permafrost . . . we have columns of methane rising now in the ocean."

Kerry went on like this for an extraordinary 26 1/2 minutes that included the phrase, uttered with no apparent self-consciousness, "we invented wind." At various points, Kerry signaled an end with "I'll just close" or "I'll just end on

this note" but continued on. This infuriated nobody as much as Inhofe, whom Kerry repeatedly singled out for a lecture. "Senator Inhofe, you just talked about the costs of doing some of this," he said. But "the cost of doing nothing," Kerry countered, "is far more expensive for your folks in Oklahoma."

Inhofe, who glared back at Kerry, still seethed a few minutes later when he interrupted the chairman. "You know, I sat here for 25 minutes listening to Senator Kerry talk about me, and I didn't have a chance to respond," he complained. "I will, however."

"I so appreciate it," Boxer said.

Inhofe molested the majority by having committee staffers put up on the dais a series of 3-by-5-foot posters with messages such as "Congressional Budget Chief Says Climate Bill Would Cost Jobs" and "U.S. Unemployment High/Why Kill More Jobs With Cap & Trade?" But this failed to cool Inhofe's temper, and by the time his turn came to question the administration witnesses, Inhofe was so steamed that he used his entire five minutes to vent.

He described the Democrats' proposal as "the largest tax increase in -- in history!" Agitated, his utterances disjointed, Inhofe went on: "Now, I also was -- was kind of -- I don't want any of the media to think just because I had to sit here and listen to our good friend Senator Kerry for 28 minutes, that I don't have responses to everything he said."

Nobody doubted that Inhofe had a response. The doubt was whether the response would make any sense.

Richard
Windsor/DC/USEPA/US
07/28/2009 08:17 PM

To Seth Oster
cc
bcc
Subject Re: Interesting....

Agreed.
Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 07/28/2009 06:40 PM EDT
To: Richard Windsor
Subject: Interesting....

July 27, 2009

CDC Tops Agency Ratings; Federal Reserve Board Lowest

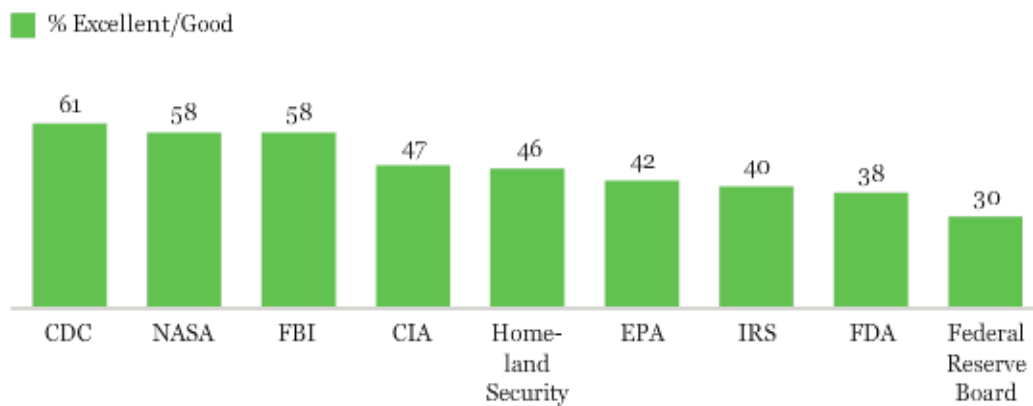
NASA ratings remain high, while Federal Reserve has lost ground

by Lydia Saad

Page: [12](#)

PRINCETON, NJ -- At a time when Americans are discouraged about [the direction of the country](#) and hesitant about the scope of President Barack Obama's [federal budget plans](#), the U.S. Centers for Disease Control and Prevention, NASA, and the FBI earn credit for a job well done from a majority of Americans. The 61% who say the CDC is doing an excellent or good job can be contrasted with the 30% who say this of the Federal Reserve Board, making the latter the worst reviewed of nine agencies and departments rated in the July 10-12 Gallup Poll.

How would you rate the job being done by [agency/department]? Would you say it is doing an excellent, good, only fair, or poor job?



July 10-12, 2009

GALLUP POLL

The two national security-oriented groups included in the recent poll -- the CIA and the Department of Homeland Security -- receive moderate performance ratings, with just under half of Americans saying each is doing an excellent or good job.

The Environmental Protection Agency, Internal Revenue Service, and Food and Drug Administration fall a notch lower in the rankings, as close to 40% of Americans give each of them credit for doing an excellent or good job. The relatively low ranking of the FDA is of particular note with regard to the scrutiny the agency has been under, given recent attention to U.S. food safety.

The new poll, conducted just prior to the 40th anniversary of the July 20, 1969, moon landing by Apollo 11 -- perhaps the most celebrated of all NASA achievements -- finds NASA's rating about where it has been in recent years. While not nearly as high as it was in late 1998 (a month after John Glenn's successful return to space), NASA's current excellent/good score falls within the upper half of ratings it has received over the past two decades.

Job Ratings for NASA, the U.S. Space Agency

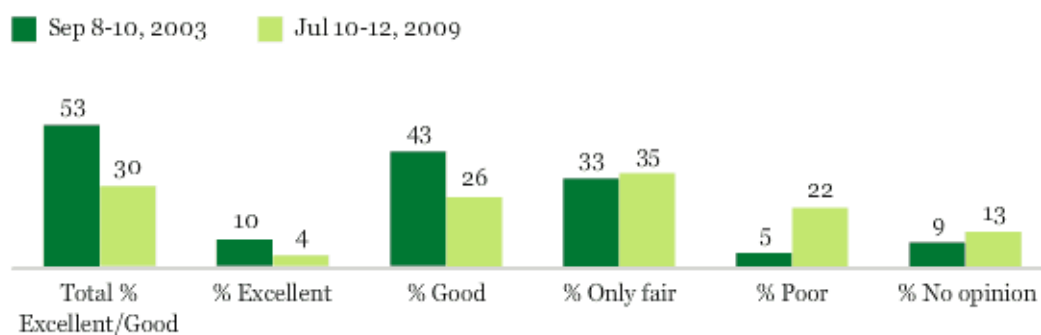


GALLUP POLL

Today's rating of the FDA is the first measured by Gallup, but all other agencies on the list were previously rated in September 2003 (NASA, as shown, has been rated multiple times). The only significant changes since that time are a sharp deterioration in perceptions about the Federal Reserve, and a decline in highly positive views toward the CDC.

In 2003, the slight majority of Americans, 53%, said the Federal Reserve was doing an excellent or good job and 5% called it poor. Today, 30% of Americans praise the job the Fed is doing, while nearly as many, 22%, call it poor. While this ratings downturn coincides with a substantial drop in consumer confidence toward the U.S. economy over the same period, it is unclear how much of the Fed's image decline is due to the general decline in the country's economic climate, as opposed to specific perceptions about the agency's performance in carrying out its monetary responsibilities and possibly its role in the crisis surrounding U.S. financial markets. The Fed's low excellent/good rating may also reflect the higher-than-average percentage of Americans having "no opinion" about this arm of the government, relative to the other agencies rated.

Job Ratings for Federal Reserve Board

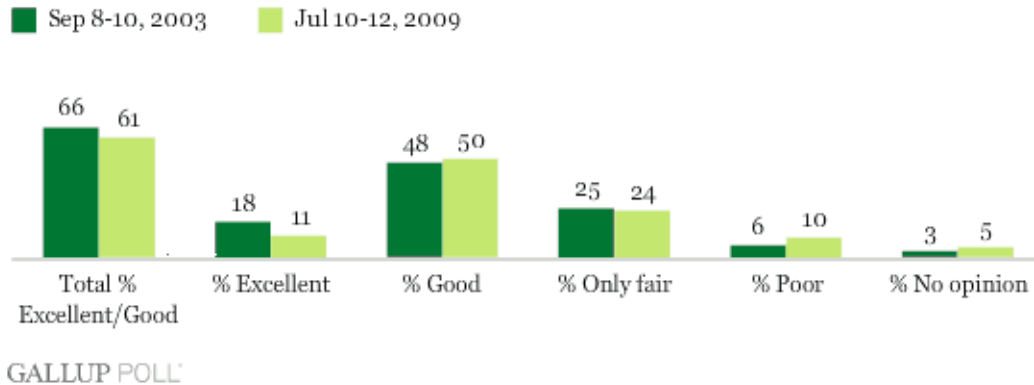


GALLUP POLL

The CDC has had a particularly high public profile since April, when cases of the H1N1 virus, also known as swine flu, were first detected in the United States. Whether its role in tracking the disease and informing Americans about the illness has elevated or hurt the agency's image is not

clear. However, compared with six years ago, fewer Americans believe the agency is doing an "excellent" job -- now 11%, down from 18%. Overall, the percentage saying it is doing an excellent or good job is now 61%, down from 66%.

Job Ratings for the Centers for Disease Control and Prevention, or the CDC



Bottom Line

Americans are broadly satisfied with the work the CDC, NASA, and the FBI are doing. The CIA and the Department of Homeland Security are also fairly well reviewed; however, the current job ratings of the EPA, IRS, FDA, and Federal Reserve Board all have significant room for improvement.

Survey Methods

Results are based on telephone interviews with 1,018 national adults, aged 18 and older, conducted July 10-12, 2009. For results based on the total sample of national adults, one can say with 95% confidence that the maximum margin of sampling error is ± 3 percentage points.

Interviews are conducted with respondents on land-line telephones (for respondents with a land-line telephone) and cellular phones (for respondents who are cell-phone only).

In addition to sampling error, question wording and practical difficulties in conducting surveys can introduce error or bias into the findings of public opinion polls.

10. How would you rate the job being done by -- [agency/department]? Would you say it is doing an excellent, good, only fair, or poor job?

Ranked by % excellent/good

	Excellent/ Good	Only fair	Poor	No opinion
	%	%	%	
The Centers for Disease Control and Prevention, or the CDC	61	24	10	5
NASA , the U.S. space agency	58	26	7	10
The Federal Bureau of Investigation, or the FBI	58	27	7	8
The Central Intelligence Agency, or the CIA	47	29	13	12
The Department of Homeland Security	46	31	18	4
The Environmental Protection Agency, or EPA	42	33	21	4
The Internal Revenue Service, or the IRS	40	36	20	5
The Food and Drug Administration, or FDA	38	37	22	3
The Federal Reserve Board	30	35	22	13

July 10-12, 2009

GALLUP POLL

Federal Agency/Department Ratings -- Full Results With Trends

	Excellent	Good	Only fair	Poor	No opinion
	%	%	%	%	%
A. NASA, the U.S. space agency					
2009 Jul 10-12	13	45	26	7	10
2007 Sep 14-16	16	40	29	8	6
2006 Jun 23-25	17	40	30	7	6
2005 Aug 5-7	16	44	29	8	3
2005 Jun 24-26	11	42	34	6	7
2003 Sep 8-10	12	38	36	10	4
1999 Dec 9-12	13	40	31	12	4
1999 Jul 13-4	20	44	20	5	11
1998 Nov 20-22	26	50	17	4	3
1998 Jan 30-Feb 1	21	46	21	4	8
1994 Jul 15-17	14	43	29	6	8
1993 Dec 17-19	18	43	30	7	2
1993 Sept 13-15	7	36	35	11	11
1991 May 2-5	16	48	24	6	6
1990 July 19-22	10	36	34	15	5
B. The Department of Homeland Security					
2009 Jul 10-12	8	38	31	18	4
2003 Sep 8-10	10	38	33	15	4
C. The Federal Reserve Board					
2009 Jul 10-12	4	26	35	22	13
2003 Sep 8-10	10	43	33	5	9
D. The Federal Bureau of Investigation, or the FBI					
2009 Jul 10-12	10	48	27	7	8
2003 Sep 8-10	10	43	31	12	4
E. The Central Intelligence Agency, or the CIA					
2009 Jul 10-12	10	37	29	13	12
2003 Sep 8-10	9	36	35	13	7
F. The Internal Revenue Service, or the IRS					
2009 Jul 10-12	5	35	36	20	5
2003 Sep 8-10	6	38	38	15	3

	2009 Jul 10-12	2003 Sep 8-10	2009 Jul 10-12	2003 Sep 8-10	2009 Jul 10-12	2003 Sep 8-10
G. The Environmental Protection Agency, or EPA						
2009 Jul 10-12	5	37	33	21	4	
2003 Sep 8-10	6	33	38	20	3	
H. The Centers for Disease Control and Prevention, or the CDC						
2009 Jul 10-12	11	50	24	10	5	
2003 Sep 8-10	18	48	25	6	3	
I. The Food and Drug Administration, or FDA						
2009 Jul 10-12	5	33	37	22	3	

GALLUP POLL

Richard
Windsor/DC/USEPA/US
03/24/2010 04:10 PM

To Seth Oster
cc
bcc

Subject Re: Politico -- Assume you have seen.....

Yup
Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 03/24/2010 04:07 PM EDT
To: Richard Windsor; David McIntosh
Subject: Politico -- Assume you have seen.....

Details of climate bill trickle out - POLITICO.com

By: Lisa Lerer
March 24, 2010 05:26 AM EDT

Details are beginning to leak out about the climate bill, after weeks of closed-door negotiations among key Senate lawmakers and staff. Sens. John Kerry (D-Mass.), Lindsey Graham (R-S.C.) and Joe Lieberman (I-Conn.) spent the past week presenting an eight-page outline of the bill to key business groups, including the U.S. Chamber of Commerce and the American Petroleum Institute, which have indicated tentative support for the legislation. But the bill provides a weaker cap on greenhouse gas emissions than many environmentalists had hoped. And it's chock-full of sweeteners for coal, oil, offshore drilling and nuclear power — energy sources viewed with some skepticism in the environmental community but seen as key to picking up the votes of a handful of moderate Republicans. “We’re not restricting our pool of potential votes to only Democrats,” said Kerry. Those types of trade-offs, lawmakers said, are necessary to build the political support to move the bill through the Senate. “We don’t have 60 votes to pass a strong global warming bill,” Sen. Bernie Sanders (I-Vt.) said. “The choice I suspect Sen. Kerry is wrestling with is whether it’s better to do something or nothing.” On Tuesday, the three members briefed a group of lawmakers who’ve spent months working on the various iterations of the bill. They hope to send a draft of their proposal to the Environmental Protection Agency by the end of this week. The agency needs six to eight weeks to do an economic analysis of the bill, according to administration officials. Graham told POLITICO that the proposal mirrors the Markey-Waxman legislation that passed the House last June by putting an economywide cap on greenhouse gas emissions starting in 2012 — with the goal of reducing pollution 17 percent by 2020 and 80 percent by 2050. But unlike the House bill, the Senate proposal puts different kinds of limits on different industries. Separate caps are put on utilities and manufacturers that will have to buy and trade pollution allowances from the government, according to people briefed on the bill. A “hard collar” is put on the price of the allowances to prevent them from dropping below \$10 per ton. If the price exceeds more than \$30 per ton, the government will flood the market from a strategic reserve of 4 billion credits. The price is indexed to

inflation and increases at a set rate.

Manufacturers will be phased into the cap by 2016 to give fossil-fuel-intensive industries such as paper, aluminum and steel time to adjust to the new system. In a letter he sent to Kerry earlier this month, Sen. Carl Levin (D-Mich.) asked that the cap be delayed at least 10 years for manufacturers.

The legislation also tries to protect those industries from foreign competition by levying a "carbon tariff" on imports of goods from countries, such as China and India, that do not regulate emissions. The proposal was drafted by manufacturing-state Democrats, who refused to support the legislation unless it protected trade-sensitive industries from foreign competition.

The three lawmakers also accepted a proposal backed by big oil companies that will impose a carbon tax on gasoline to be passed along to consumers at the pump. The fee will be linked to the market price of carbon emissions bought and traded by utilities and other industries. The legislation also pre-empts separate state limits on emissions caps. Lawmakers said the pre-emption, opposed by some environmental groups, is necessary to give business greater certainty. "Business can't live with 50 different standards," said Graham. "I couldn't support 50 states coming up with their own standards." Environmental groups have also expressed concerns about support in the legislation for new coal technologies, nuclear power and offshore drilling. Sen. John Rockefeller (D-W.Va.) wants to include \$20 billion for carbon capture and sequestration — technology aimed at controlling greenhouse gas emissions from coal-fired power plants. And Republicans are pushing to include nuclear power under a renewable-energy standard in the bill. "If the stuff that Kerry, Graham and Lieberman are doing had been a Bush administration initiative, every environmentalist and every progressive in America would denounce it as a sellout to special interests," said Frank O'Donnell, president of the advocacy group Clean Air Watch. One particularly contentious proposal offers coastal states that agree to offshore drilling a greater portion of the resulting royalties. The proposal is strongly backed by moderate Republicans and oil state Democrats, who said it is key to gaining their support. But liberal Democrats fiercely oppose it. Last summer, Sen. Bill Nelson (D-Fla.) threatened to filibuster any energy bill that expanded drilling in the Gulf of Mexico.

"It is clear to me that we're not going to get a major bill done unless we have broader support," said Sen. Ben Cardin (D-Md.), who opposes drilling off his state's shores. "But there's more than one way to get something done."

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Seth Oster
Associate Administrator
Office of Public Affairs

Environmental Protection Agency
(202) 564-1918
oster.seth@epa.gov

Richard Windsor/DC/USEPA/US
08/06/2010 12:16 PM

To Seth Oster
cc
bcc

Subject Re: Spks Series Pre-Brunch and Post Spkrs Series Mtg

K

Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 08/06/2010 12:12 PM EDT
To: "Lisa Jackson" <windsor.richard@epa.gov>
Cc: "Diane Thompson" <thompson.diane@epa.gov>; David McIntosh; Alisha Johnson; "Aaron Dickerson" <dickerson.aaron@epa.gov>
Subject: Spks Series Pre-Brunch and Post Spkrs Series Mtg

Administrator -- Juliet will be at the brunch, per your invitation. She will also stay after, per our invitation, to have a background conversation over lunch with you on climate issues (David and I will participate). The latter piece would mean you would miss the weekly senior staff meeting.

Richard
Windsor/DC/USEPA/US
04/20/2010 01:22 PM

To Seth Oster
cc
bcc
Subject Re: The Hill: Browner sees enough votes to block bills that
scuttle EPA climate rules

Tx
Seth Oster

----- Original Message -----

From: Seth Oster
Sent: 04/20/2010 01:19 PM EDT
To: "Lisa Jackson" <windsor.richard@epa.gov>
Subject: Fw: The Hill: Browner sees enough votes to block bills that
scuttle EPA climate rules

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 04/20/2010 12:54 PM EDT
To: Seth Oster <oster.seth@epa.gov>; Allyn Brooks-LaSure; Adora Andy;
Betsaida Alcantara; Michael Moats; Alisha Johnson; Vicki Ekstrom
Subject: The Hill: Browner sees enough votes to block bills that scuttle
EPA climate rules

Browner sees enough votes to block bills that scuttle EPA climate rules

By Ben Geman - 04/20/10 11:29 AM ET

White House climate adviser Carol Browner said Tuesday that legislation to block EPA regulation of greenhouse gas emissions is unlikely to pass.

Sen. Lisa Murkowski (R-Alaska) has 40 co-sponsors – including three centrist Democrats – for her plan to overturn EPA’s “endangerment finding” that greenhouse gases threaten humans. The finding is the legal underpinning for regulating emissions.

Sen. Jay Rockefeller (D-W.Va.) has floated a less sweeping plan that would block planned regulation of emissions from industrial plants for two years.

The Obama administration opposes stripping EPA authority. Asked whether there are enough votes to block legislation that hamstring EPA, Browner replied “I think so.”

The White House says its first choice is for Congress to approve a broad climate change and energy bill, but warns that EPA is prepared to act under its current powers if Congress remains deadlocked.

Murkowski’s plan – if it comes to the floor – would not be subject to filibuster. But Browner

expressed confidence that even if it passed the Senate, it would face widespread resistance in the House.

Murkowski's plan would upend a recently finalized EPA-Transportation Department rule that created joint greenhouse gas and mileage standards for cars and light trucks. Automakers support the rule because it will prevent them from being subject to multiple state-based emissions rules.

"You have got a lot of people in the House who think the car rule is a good rule, it's the right thing to do, whether it be the members from California or the members from Michigan," Browner said. She spoke at an energy forum hosted by the National Journal Group.

Richard Windsor/DC/USEPA/US
05/07/2010 02:11 PM

To Seth Oster, Adora Andy
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

FYI only

----- Forwarded by Richard Windsor/DC/USEPA/US on 05/07/2010 02:11 PM -----

From: Google Alerts <googlealerts-noreply@google.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 05/07/2010 02:07 PM
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[EPA Backed Off 'Hazardous' Label for Coal Ash After White House Review](#)

New York Times

Says **EPA**: Its administrator, **Lisa Jackson**, changed her mind about the hazardous-waste designation. "After extensive discussions, the Administrator decided ...

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Richard Windsor/DC/USEPA/US
06/21/2010 08:26 PM

To Seth Oster, David McIntosh, Gina McCarthy
cc
bcc
Subject FYI

<http://green.blogs.nytimes.com/2010/06/20/climate-scientist-gets-a-media-apology/>

Richard Windsor/DC/USEPA/US
12/18/2009 04:37 PM

To Seth Oster, David McIntosh
cc
bcc
Subject Fw: Breaking News: Climate deal reached in Copenhagen

----- Forwarded by Richard Windsor/DC/USEPA/US on 12/18/2009 04:37 PM -----

From: "The Washington Post" <newsletters@email.washingtonpost.com>
To: Richard Windsor/DC/USEPA/US@EPA
Date: 12/18/2009 04:19 PM
Subject: Breaking News: Climate deal reached in Copenhagen

News Alert
03:42 PM EST Friday, December 18, 2009

Climate deal reached in Copenhagen, official says

World leaders reach agreement that provides for a means to monitor and verify emission cuts by developing countries but has less ambitious climate targets than the U.S. and European governments had initially sought, according to an Obama administration official.

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/GWSCIIY/PIZVW/JS1XAH/D9C8V6/SHKDD/82/t) -
<http://link.email.washingtonpost.com/r/GWSCIIY/PIZVW/JS1XAH/D9C8V6/SHKDD/82/t>

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[[GWSCIIY-2AFI7-PIZVW-JS1XAH-D9C8V6-T-M2-20091218-3193a28617d07604b]]

Richard Windsor/DC/USEPA/US
07/13/2010 07:14 PM

To Stephanie Owens
cc
bcc

Subject Re: HUFFPO: NOAA Hoarding Key Data on oil spill damage

Tx

Stephanie Owens

----- Original Message -----

From: Stephanie Owens
Sent: 07/13/2010 07:13 PM EDT
To: Adora Andy; Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Mathy Stanislaus; Dana Tulis; Paul Anastas
Cc: Dru Ealons
Subject: Re: HUFFPO: NOAA Hoarding Key Data on oil spill damage
FYI-This was a concern that many science stakeholders raised during Paul's Gulf visits a week ago.

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 07/13/2010 06:33 PM EDT
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster; Allyn Brooks-LaSure; Bob Sussman; David McIntosh; Arvin Ganesan; Sarah Pallone; Stephanie Owens; Mathy Stanislaus; Dana Tulis; Paul Anastas
Cc: Dru Ealons
Subject: HUFFPO: NOAA Hoarding Key Data on oil spill damage
http://www.huffingtonpost.com/2010/07/13/noaa-hoarding-key-data-on_n_645031.html

HuffPo: NOAA Hoarding Key Data on oil spill damage

July 13, 2010

The National Oceanic and Atmospheric Administration is hoarding vast amounts of raw data that independent marine researchers say could help both the public and scientists better understand the extent of the damage being caused by the massive BP oil spill in the Gulf of Mexico.

In most cases, NOAA insists on putting the data through a ponderous, many-weeks-long vetting process before making it public.

In other cases, NOAA actually intended to keep the data secret indefinitely. But officials told the Huffington Post on Tuesday that they have now decided to release it -- though when remains unclear.

BP, incidentally, gets to see all this data right away.

At issue are test results from a series of research missions conducted by NOAA or NOAA-sponsored ships exploring the extent and effect of oil beneath the surface of the Gulf. Due to the leak's depth and the unprecedented use of dispersants, much of the oil is thought to have spread in gigantic undersea plumes, potentially adding a huge, so-far [mostly invisible](#) toll to

the devastation so obviously manifesting itself along the nation's Gulf shore.

Despite [early urgent warnings](#) from independent scientists that oil suspended in the water column is likely killing wide swaths of sea life in the short run -- and possibly endangering marine animals and coastlines for decades to come -- NOAA was slow to send out research vessels to probe the extent of the problem, and even [slower to confirm it](#).

NOAA eventually sent out a half dozen ships packed with scientists, on back-to-back research missions. But the only [detailed results so far made public](#) were collected during a single mission that ended in late May -- almost two months ago. And some data -- including from the very first research vessel to take underwater tests, the *Jack Fitz* -- wasn't slated to be released at all, because it's part of what NOAA calls its Natural Resources Damage Assessment (NRDA).

NRDA data is traditionally kept close to the vest until potentially adversarial legal wranglings are over. But in this case, the obvious lead defendant, BP, is part of the Joint Incident Command, to whom all the raw data is being turned over immediately.

NOAA officials told the Huffington Post on Tuesday that, in a turnaround, they will now be making NRDA data public -- but they offered no timeline for that process.

In a statement to the Huffington Post, NOAA officials insisted that they are working as hard as they can to get the public accurate data, as fast as possible. "We understand the public's need for answers and consider it our responsibility to help provide those answers," NOAA spokesman Justin Kenney wrote in an e-mail. "Our commitment is to do what it takes to provide the right answers. Doing so requires upholding the highest standards of data quality and analysis to ensure our conclusions are correct. This process does take time, but we are doing everything we can to make quality data available in a timely fashion, to responders, our scientific partners, and to the public."

Kenney also noted that a considerable amount of other information is being posted online, on such websites as NOAA's new [GeoPlatform.gov](#). Indeed, detailed data about such things as [current ocean conditions](#) are posted in near real-time on one NOAA website. And since the get-go, NOAA has been publicly [tracking the trajectory](#) of the oil that's made it to the surface.

But when it comes to data about what's going on under the surface, some marine researchers are fed up with NOAA's slow-walk policy.

"It's not about science, it's about what their responsibility is to the public," said Vernon Asper, a professor of marine science at the University of Southern Mississippi.

"We want to find out what the impact is going to be. In order to do that, we need to find out as much as possible about what's happening to the oil, and make as many measurements as we possibly can."

Asper was part of a team of scientists aboard the *Pelican*, one of the first research vessels to test for oil under the surface -- and, it should be noted, to [report the existence of underwater plumes](#).

"What I'd like to see is the data released as soon as possible, with the proper qualifications, in the interest of openness and especially in the interest of allowing scientists like myself to plan our work. To plan our sampling, we need to know what they've found," Asper told the Huffington Post.

Scientists are primarily searching for signs of oil in the water and the consequent depletion of oxygen. Calibrating oxygen measurements is apparently a consistent challenge, and researchers typically don't release data until they've accounted for any inconsistencies.

Asper gets that. But, he said, "even if their results are off by 10 or 20 percent because of calibration or something, that still helps me. That's the kind of information that's required." In this case, he said, "my view on that would be: Go ahead and release the data but say: 'These don't agree. We haven't figured this out, but here they are anyway.' It's still totally useful information."

And Asper expressed frustration about one issue in particular: "If BP can see the data," he asked, "why can't the taxpayers see it?"

Ira Leifer, a researcher at the Marine Science Institute of the University of California, Santa Barbara, has grown so frustrated with the overall dearth of data regarding how much oil has spilled and where and how it is spreading that he has [put together an all-star team of researchers on a crash project](#) to do just that.

His proposal is in limbo right now, as everyone waits to see if BP's new cap is capable of containing the spill entirely.

Nevertheless, Leifer also called on NOAA to release data more quickly. "If somebody is making some measurement somewhere, it is difficult for them to find out or to contact other people who are also making measurements to try to compare or discuss their understanding of what's happening," he said.

Indeed, he suggested that NOAA should serve as a clearinghouse of data from its own scientists and others.

By contrast, right now that duty is being taken up by other, more self-interested parties. "The best way to find out, ironically, what all the research is that's going on," Leifer said, are lists being compiled by law firms -- by plaintiffs' attorneys preparing to sue BP for damages in civil suit.

"There are some legal teams that have created extensive, detailed lists of exactly who's doing everything," Leifer said. "It's not possible from my knowledge to find that information from government sources in any easy fashion."

Meanwhile, the government is working alongside BP, which, as Leifer put it, "may want areas of non-knowledge."

Indeed, BP, which faces a potentially enormous per-barrel fine, has no incentive to measure the amount of oil leaked with any precision whatsoever. Nor does it have any desire for the public to become too acutely aware of the vast amounts of oil it has been able to keep largely hidden beneath the surface, in part due to its controversial use of dispersants.

Rick Steiner, a marine conservationist who studied the effect of the Exxon Valdez spill in Alaska, sees NOAA's behavior as part of a larger trend. "It's my sense that all federal agencies are withholding information at this point on this spill, and this includes Coast Guard, EPA, Department of Interior, and certainly NOAA," he told the Huffington Post.

"And there's an overwhelming public interest that the public knows everything that the government knows about this at this point. So we need a new paradigm for how to handle public information in these sorts of disasters, and there's no better place to start than right here right now."

The last in a series of hurdles for data before NOAA lets it go public is for it to be "cleared" by the Joint Analysis Group (JAG), a multi-agency task force which a [NOAA press release](#) said "was established to facilitate cooperation and coordination among the best scientific minds across the government and provide a coordinated analysis of information related to subsea monitoring in the Gulf of Mexico."

That last part of the process alone can take several weeks. "There is definite recognition within the group that it is slow, and there is frustration that it is slow," said JAG member Rik Wanninkhof, a NOAA scientist at the Atlantic Oceanographic and Meteorological Laboratory in Miami.

There are two paths NOAA data can take, he told HuffPost. One is "information that does go to the general public, and that is quite slow," and the other is "information that is for within NOAA, and that goes faster." The Coast Guard and BP also get the data right away.

Wanninkhof said the JAG's clearing process is important to assure that the data is accurate. But, he said, "it could be that we are erring to the side of caution." And, he said, it doesn't necessarily have to take quite this long.

"My feeling is it could be done faster, if fewer agencies were involved," he said. In addition to NOAA, the group includes representatives from the Environmental Protection Agency and the White House. BP is also there, providing "information coordination and synthesis."

There are two main goals when it comes to sub-surface testing. One is to get a better sense of how much oil has spilled; another is to get a better sense of what it's doing to sea life. When it comes to the latter, the key indicator involves oxygen levels, and the fear is that the oil will turn regions of the Gulf hypoxic, when means the water would have insufficient dissolved oxygen levels to sustain living aquatic organisms.

As it happens, the Northern Gulf already develops a large, hypoxic ["dead zone"](#) every summer,

on account of all the nitrogen from sewage or fertilizer flowing down the Mississippi River.

Scientists testing for subsea oil have found depleted levels of oxygen, but the good news is that so far, none of them have come close to hypoxia, according to Wanninkhof -- who, unlike the rest of us, is seeing the raw data.

He warns that those levels could still go down, however, as microbes start to eat the oil in earnest, and in doing so deplete oxygen.

And Asper, the marine scientist from Southern Mississippi, warns that, at the depths where the plumes are mostly being found, even a slight reduction in oxygen could have serious and very long-lasting consequences.

"The water at great depths hasn't been on the surface in a long time," he said. "It's old water" that rose to the surface in Antarctica, perhaps hundreds of years ago, got chilled, and spread out along the ocean floor. Just as it hasn't seen the surface in a long time, Asper said, "this water that's down there won't get back to the surface of the ocean for probably hundreds of years longer."

So to the extent that oxygen levels there are depleted, he said, "it's quite likely that oxygen will stay low for a long time."

* * * * *

Another factor at play when it comes to the dissemination of data is the apparent lack of clarity about the circumstances under which NOAA scientists are allowed to speak to the media.

Public Employees for Environmental Responsibility, a whistleblowers group, on Monday [demanded](#) that NOAA lift its "gag order muzzling NOAA scientists."

And some scientists contacted by HuffPost over the past few weeks have said they were explicitly told they could not talk to reporters without permission from NOAA's public affairs office. "That's what I've been told, that I'm supposed to direct any media contacts to the media," one scientist said on Monday.

But NOAA officials say that this is a misunderstanding of the [actual rules](#). Although the wording of those rules -- which dates back to the Bush administration -- is ambiguous in places, Kenney, the NOAA spokesman, insisted that the policy "clearly states that NOAA's scientists are free to speak to the media."

NOAA Director Jane Lubchenco "has discussed the importance of open communication to employees on many occasions, including whenever she travels to our labs and science centers," Kenney wrote in an e-mail. "[T]his is central to who she is as a scientist and NOAA administrator."

Kenney did not indicate, however, that NOAA officials were planning to take any action to clear

up was is evidently some continued confusion in the ranks. Wrote Kenney: "Could our media policy be communicated better? Sure, that is always possible. Could it be clearer? No."

Richard Windsor/DC/USEPA/US
05/04/2010 03:34 PM

To "Adam Zellner"
cc
bcc
Subject Fw: Huffington Post: EPA Announces First-Ever Toxic Coal Ash Regulations

Info on the website. Can send if you need.
Betsaida Alcantara

----- Original Message -----

From: Betsaida Alcantara
Sent: 05/04/2010 03:22 PM EDT
To: Betsaida Alcantara
Cc: Adora Andy; Alisha Johnson; Allyn Brooks-LaSure; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Brendan Gilfillan; David McIntosh; Diane Thompson; Dru Ealons; Lisa Feldt; Mathy Stanislaus; Michael Moats; Richard Windsor; Seth Oster; Stephanie Owens; Vicki Ekstrom
Subject: Huffington Post: EPA Announces First-Ever Toxic Coal Ash Regulations

this is on the main page of Huff Post

Huffington Post: Coal Ash Regulation Proposals Announced By EPA

By: Laura Bassett

After months of deliberation, US Environmental Protection Agency administrator Lisa Jackson announced today the first-ever national rule to regulate toxic coal ash.

Coal ash, which is a byproduct of the burning of coal in power plants, can pose serious threats to public health and the environment if it is improperly managed. Until now, there has been no nationwide standard for the regulation of the material.

Jackson outlined two different proposals to regulate coal ash described under the Resource Conservation and Recovery Act. Under the first proposal, coal ash would be regulated as a "special waste," meaning the wet storage of the material at impoundments would be entirely phased out in favor of landfills. Under the second, more lenient proposal, impoundments would be required to use a composite liner for coal ash storage, which would prevent toxic materials from leaking into the groundwater.

"There is still material going into unlined impoundments," said a senior EPA official. "The EPA's analyses have shown that those unlined impoundments provide an opportunity for the leaking of metals to occur into groundwater and are a source of potential health risks. This would be the first time it would be regulated as it's disposed."

Jackson assured coal and construction company representatives that the new regulations would still allow for environmentally-safe forms of recycling coal ash. She said she hopes the proposals will begin a national dialogue about coal ash regulation and disposal.

"These proposals reflect varying approaches to enforcement and oversight,

and there will be debate about which will be most effective," she said. "However, both proposals reflect a major step forward at the national level in reducing the risk of improper coal ash disposal. They would both require that, for the first time, new landfills install protective engineering controls such as liners and groundwater monitoring to protect groundwater and human health."

The proposals will be subject to 90 days of public comment before a final rule is submitted to the White House Office of Information and Regulatory Affairs. A senior EPA official said the rules could take anywhere from six months to two years to take effect.

Betsaida Alcantara [Bloomberg: EPA Proposes First U...](#) 05/04/2010 02:58:57 PM

From: Betsaida Alcantara/DC/USEPA/US
To: Adora Andy/DC/USEPA/US@EPA
Cc: Alisha Johnson/DC/USEPA/US@EPA, Allyn Brooks-LaSure/DC/USEPA/US@EPA, Arvin Ganesan/DC/USEPA/US@EPA, Bob Perciasepe/DC/USEPA/US@EPA, Bob Sussman/DC/USEPA/US@EPA, Brendan Gilfillan/DC/USEPA/US@EPA, David McIntosh/DC/USEPA/US@EPA, Diane Thompson/DC/USEPA/US@EPA, Dru Ealons/DC/USEPA/US@EPA, Lisa Feldt/DC/USEPA/US@EPA, Mathy Stanislaus/DC/USEPA/US@EPA, Michael Moats/DC/USEPA/US@EPA, Richard Windsor/DC/USEPA/US@EPA, Seth Oster/DC/USEPA/US@EPA, Stephanie Owens/DC/USEPA/US@EPA, Vicki Ekstrom/DC/USEPA/US@EPA
Date: 05/04/2010 02:58 PM
Subject: Bloomberg: EPA Proposes First U.S. Rules for Coal Ash Disposal

Bloomberg: EPA Proposes First U.S. Rules for Coal Ash Disposal

May 04, 2010

By Kim Chipman

May 4 (Bloomberg) -- The Obama administration proposed the first nationwide rules for the disposal of ash from coal-fired power plants, a response to a 2008 sludge spill in Tennessee. It opted not to classify the substance as hazardous.

One set of rules would treat the waste from coal-burning utilities as non-hazardous, and another would call for a "special waste listing," Environmental Protection Agency Administrator Lisa Jackson told reporters today on a conference call.

The reason for not declaring coal ash as "hazardous" is to allay concerns that deeming the material risky would cause some companies to stop recycling it, Jackson said.

The proposed rules, which will be subject to a 90-day public comment period, are aimed at ensuring "safe management and disposal of coal ash," Jackson said.

About 1 billion gallons of coal ash spilled from the Tennessee Valley Authority's Kingston Fossil Plant on Dec. 22, 2008. It covered more than 300 acres of Roane County, destroyed three homes and damaged 42 other properties, including boat houses and docks on Watts Bar Lake.

--Editors: Romaine Bostick, Larry Liebert.

Richard Windsor/DC/USEPA/US
06/26/2009 07:51 PM

To "Adam Zellner"
cc
bcc

Subject Fw: News Alert: House Passes Ambitious Climate Bill

From: "The Washington Post" [newsletters@email.washingtonpost.com]
Sent: 06/26/2009 07:39 PM AST
To: Richard Windsor
Subject: News Alert: House Passes Ambitious Climate Bill

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News Alert

7:23 p.m. ET Friday, June 26, 2009

[House Passes Ambitious Climate Bill](#)

House narrowly passes ambitious climate bill that will establish the first national limits on greenhouse gases, create a complex trading system for emission permits and provide incentives to alter how businesses and individuals and corporations use energy.

For more information, visit washingtonpost.com

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Richard Windsor/DC/USEPA/US
03/31/2009 04:49 PM

To "Allyn Brooks-Lasure"
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

Fast !

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 03/31/2009 08:47 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

Google News Alert for: **lisa jackson epa**

[EPA's Lisa Jackson Is at the Center of Obama's Climate Change Policy](#)

U.S. News & World Report - Washington,DC,USA

By Kent Garber Since taking over the Environmental Protection Agency, Administrator **Lisa Jackson** has moved quickly to reconsider several controversial ...

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Richard
Windsor/DC/USEPA/US
05/05/2009 05:54 PM

To "Allyn Brooks-Lasure"
cc
bcc
Subject Fw: Warming, energy bill going straight to full committee --
Waxman

David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 05/05/2009 05:24 PM EDT
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: Warming, energy bill going straight to full committee -- Waxman

CLIMATE: Warming, energy bill going straight to full committee -- Waxman (05/05/2009)

Darren Samuelsohn, E&E senior reporter

House Energy and Commerce Chairman Henry Waxman (D-Calif.) said today that he will bypass regular order on a major climate change and energy bill and mark up the legislation before the entire 59-member panel.

The change in plans means the Energy and Environment Subcommittee will not mark up the bill as previously scheduled. Waxman and subcommittee Chairman Ed Markey (D-Mass.) planned to hold a subcommittee markup beginning last week, but ongoing intra-party negotiations have yet to produce a new draft bill.

The full committee markup will not begin until next week at the earliest, Waxman told reporters this afternoon. The lawmaker plans to report the bill by the Memorial Day recess.

Democrats on the Energy and Commerce Committee have been working for several months to reach agreement on a sweeping overhaul to U.S. energy and climate policy. So far, they have struggled to reach consensus as about a dozen moderate and conservative lawmakers from the South, Rust Belt and Intermountain West resist the aggressive path that Waxman and Markey set out in a 648-page draft proposal.

Waxman and Markey are now in talks with the moderate Democrats on a range of issues, including emission limits, the use of offsets to ease industrial compliance costs, allocation of valuable allowances and the structure of a nationwide renewable electricity standard. Committee Democrats met with President Obama at the White House today and said they are making progress.

"We are exchanging concepts and where we reach agreement, we're working on language," said Rep. Rick Boucher (D-Va.), a lead negotiator for the moderate Democrats.

Rep. G.K. Butterfield (D-N.C.) said Democratic talks had picked up in recent days, and he predicted a proposal from committee leaders to the wavering moderates within days, if not hours. "I discern some movement," Butterfield said.

The upbeat prognosis for the House climate talks came shortly after a roughly 90-minute White House meeting with Obama and Vice President Joe Biden. According to several lawmakers at the session, Obama urged the Democrats to reach consensus on the issue by Memorial Day so that the committee can turn its attention to health care reform in June.

"He didn't want to see this slip by the wayside," said Rep. Mike Doyle (D-Pa.). "He wants us to keep working."

Democrats said Obama was well briefed on the details and complexities of the climate issue. "He has mastered the details," Boucher said.

Yet, they also said the president wants the committee members to work through the sticking points themselves. "He wants us to try to work out our bill, and he's giving us a lot of latitude to do that," Waxman said.

Because of their regional diversity, Obama also suggested that Democrats on the Energy and Commerce Committee could help propel the entire issue forward -- including through the Senate -- if they can strike a deal among themselves.

"If we can reach agreement with the coal sector, with the steel, with the auto sector, with the refining sector on our committee, which is very representative of the Congress as a whole, then we believe that'll be a template for passage in the Senate, as well," Markey said. "Because the agreements we'll reach will be the very same agreements that those industry leaders ... will be able to represent to senators are the basis for passage of legislation that they can support."

Obama addressed a key sticking point in negotiations, telling the Democrats that he is open to giving away some of the emission credits for free to industry, a clear shift from last year's presidential campaign and the administration's budget proposal in favor of a complete auction of the allowances.

"I wouldn't say it's contrary," Waxman said. "He wants us to get to a point where we're going to have an auction, and eventually we will get to an auction."

Any free credits, Waxman added, would not undercut the goals of the legislation.

"It's going to require during that transition period of decades for the Congress to deal with the cost to consumers, and the cost to different industries and the development of the new technologies," he said. "We're trying to be mindful of the regional concerns and the ratepayers, particularly the consumers."

Richard Windsor/DC/USEPA/US
09/17/2009 03:11 PM

To "Allyn Brooks-Lasure", "Seth Oster"
cc
bcc
Subject Fw: Capitol Hill Summit - Registration NOW OPEN - News from SCDG

Mathy Stanislaus

----- Original Message -----

From: Mathy Stanislaus

Sent: 09/17/2009 03:01 PM EDT

To: Richard Windsor

Subject: Capitol Hill Summit - Registration NOW OPEN - News from SCDG

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CONFERENCE AGENDA/TOPICS

October 15-16, 2009

Time: 8:30am - 5:00pm

**Registration will begin at 7:30am daily
Continental Breakfast And Luncheon
Will Be Served Daily.**

OCTOBER 15, 2009

Morning

**SUSTAINABILITY AND SHARED PROSPERITY:
INCLUSION IN THE GREEN ECONOMY**

- Achieving Sustainable Communities:
Equity and Public Policy
- Enterprise and Employment for
the 21st Century

- Wall Street, Credit, Green Jobs and Entrepreneurship
- Mayors Roundtable: Localizing the Green Economy

Afternoon

SUSTAINABLE COMMUNITIES, FEDERAL COLLABORATION AND THE GREEN ECONOMY

- Community Revitalization, Building Local Capacity and Promoting Engagement
- Renewing the Built Environment: National Livability Strategy
- The Federal Inter-Agency Workgroup on Sustainability: Linking US HUD, US DOT and US EPA
- Environmental Roundtable: Eco-Leadership in the Green Economy
- Achieving Community Vitality: Environmental Justice in the Green Economy
- Networking Reception

OCTOBER 16, 2009

Morning

HEALTHY NEIGHBORHOODS, COMMUNITY WELL-BEING AND THE GREEN ECONOMY

- Healthy Communities
- Equitable Development and the Color of Green
- Transportation, Smart Growth and the New Energy Future
- Climate Change: Moving Towards a National Policy

Afternoon

HEALTHY NEIGHBORHOODS, COMMUNITY WELL-BEING AND THE GREEN ECONOMY

- Climate Change, Public Health and Sustainability
- Achieving Climate Justice: Protecting Vulnerable Communities
- Climate Change Roundtable

Thank you for your interest and WE LOOK FORWARD TO SEEING YOU AT THE CAPITOL HILL SUMMIT!

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Email Marketing by



Richard Windsor/DC/USEPA/US
12/11/2009 04:58 PM

To "Allyn Brooks-Lasure", "Seth Oster", "Diane Thompson", "Michael Moats"

cc

bcc

Subject Fw: A Week to Remember

Aww shucks!

Message from the Administrator

----- Original Message -----

From: Message from the Administrator

Sent: 12/11/2009 03:05 PM EST

To: All EPA Employees

Subject: A Week to Remember

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Please do not reply to this mass mailing.

MEMORANDUM

SUBJECT: A Week to Remember

FROM: Administrator Lisa P. Jackson

TO: All EPA Employees

Colleagues:

This week we made history.

On Monday, I signed the finalized endangerment finding on greenhouse gases, a decision that has been years in the making. The long-overdue finding cements 2009's place in history as the year when our government – and our agency – truly began addressing the challenge of greenhouse gas pollution and seizing the opportunities of clean energy reform. This achievement resulted from the hard work of so many of you within the agency – in particular, our colleagues in the Office of Air and Radiation. They worked tirelessly to prepare this finding and collect and respond to an overwhelming number of public comments received – nearly 400,000 in all. I thank all of them – and all of you – for your incredible efforts.

We are now on a path towards enduring, pragmatic solutions to reduce greenhouse gases. We've already set in motion groundbreaking initiatives like the clean cars rule – with the nation's first-ever limits on GHGs from American vehicles – and the creation of a nationwide, and what I believe will be world-leading, greenhouse gas reporting system.

These are important tools for fulfilling our responsibility to future generations and tackling climate change today. Our actions also send a clear message to the global community that the United States – with EPA leading the way – is committed to acting on the greatest environmental challenge of our time.

That message to our global partners was absolutely critical this week in my talks at the United Nations Climate Change Conference in Copenhagen. I can't tell you how proud I was to represent the United States and all of us here at EPA in the meetings I attended. The world is watching – and they are excited about the hard work you are doing. I met with individuals, government officials and stakeholders from all around the world; I saw innovative ideas taking shape to protect our planet, and was particularly inspired by the energy and enthusiasm of the many young people in attendance.

We have much work left to do. We are off and running on our far-reaching efforts to reduce greenhouse emissions, grow the clean energy economy, and free ourselves from our dependence on foreign oil that threatens our national security and our economy. We're also moving full steam ahead to clean up our water, reform chemical management, reduce dangerous pollution in the air we breathe, and expand the conversation on environmentalism.

But I would like you to take just a moment to reflect on our accomplishments this week, and all that we have accomplished this year. Thank you so much for all of your hard work, and your commitment to protecting the health and environment of the American people.

Sincerely,
Lisa P. Jackson

Richard Windsor/DC/USEPA/US
03/07/2011 12:56 PM

To "Arvin Ganesan", "Larry Elworth"
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

See 2nd article.

From: Google Alerts [googlealerts-noreply@google.com]
Sent: 03/07/2011 05:40 PM GMT
To: Richard Windsor
Subject: Google Alert - lisa jackson epa

News

2 new results for **lisa jackson epa**

[EPA puts off long-promised coal ash protections](#)

Facing South

Jackson told the subcommittee that the comments did not appear to favor one option over the other. "Because 400000 people cared enough to demand swift and effective action, **EPA** now has a reason to stall?" said **Lisa Evans**, an attorney with the ...

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[House Ag Chair at Commodity Classic](#)

AgWired

"The Environmental Protection Agency's assault on production agriculture must stop," he said, noting that his committee is scheduled to hold hearings in which **EPA** Administrator **Lisa Jackson** will answer questions on the agency's basis for such decisions ...

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Richard Windsor/DC/USEPA/US
01/21/2011 01:21 PM

To "Bicky Corman"
cc
bcc

Subject Fw: CBD: Environmental Report Card: Obama Gets "C-" for First Half of Term

Fyi
Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 01/21/2011 12:29 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Shira Sternberg
Subject: CBD: Environmental Report Card: Obama Gets "C-" for First Half of Term

For Immediate Release, January 21, 2011

Contact: Kierán Suckling, (520) 275-5960

Environmental Report Card: Obama Gets "C-" for First Half of Term

TUCSON, *Ariz.* — In a report card released today, the Center for Biological Diversity gave President Obama a grade of two-year environmental record. The [report card](#) chronicles positive and negative policies on endangered species, climate energy, public lands and oceans.

"Barak Obama is no George Bush, but he's no Theodore Roosevelt either," said Kierán Suckling, executive director of the Center. "His environment record is pretty dismal, considering all the promised hope and change."

Among Obama's bright spots were a declaration under the Clean Air Act that greenhouse gases endanger public health and welfare, the designation of 120 million acres of protected "critical habitat" for polar bears and the reinstatement of protection for millions of acres of roadless lands. Negatives include a continuation of damaging Bush-era policies on polar bears and offshore oil drilling, stripping of federal protection for and killing of endangered wolves, and his failure to lead either the U.S. or other nations toward strong global warming policies.

"Obama's record on endangered species is particularly bad, and entirely predictable, given his appointment of Ken Salazar as Secretary of the Interior," said Suckling. Obama has protected just eight species under the Endangered Species Act in the conterminous United States, while relegating 254 — including the wolverine — to the unprotected "candidate" list. His protection rate is slightly better than that of George W. Bush and much worse than those of Bill Clinton and George Bush.

The administration also failed to follow the lead of Canada and several northeastern states in banning lead ammunition for fishing tackle. Hundreds of thousands of pounds of lead needlessly enter the environment every year from these sources, poisoning and killing millions of birds and mammals.

To see the Center's entire report card for Obama's first two years in office, go [here](#).

Richard Windsor/DC/USEPA/US
12/08/2009 04:35 PM

To "Bicky Corman"
cc
bcc
Subject Fw: Top 10 - Time Magazine

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 12/08/2009 04:27 PM EST
To: Richard Windsor; Seth Oster
Subject: Top 10 - Time Magazine

We made it twice under top 10 green ideas!

Top 10 Green Ideas

U.N. Climate-Change Summit
Cap-and-Trade Debate in Washington
Stricter Auto Fuel-Efficiency Standards
General Motors Goes Bankrupt
EPA to Regulate CO2
Biofuels Aren't That Green
Factory Farming and Swine Flu
Obama's Green Cabinet
China's Green Stimulus
Nissan's All-Electric Leaf

<http://www.time.com/time/specials/packages/completelist/0,29569,1945379,00.html>

5. EPA to Regulate CO2

By BRYAN WALSH Tuesday, Dec. 08, 2009

The Clean Air Act mandates the EPA to regulate harmful pollutants such as particulate matter and ozone. Pollutants like carbon dioxide and other greenhouse gases, however, were long excluded under the law, since they don't harm human health directly but rather through the process of global warming. But two years ago those exceptions were eliminated when the Supreme Court ruled that the EPA could indeed regulate CO2 as a pollutant under the Clean Air Act. Problem was, the then Bush Administration EPA dragged its feet on any response to the ruling and even buried scientific evidence on the harmful effects of global warming. With Obama's election, that changed. On Sept. 30 new EPA Administrator Lisa Jackson announced that the Federal Government would begin the process of regulating CO2. It's still not clear what that will mean, and both Jackson and Obama have said they'd prefer Congress to take the lead on limiting CO2, but regulation remains a powerful weapon for environmentalists.

8. Obama's Green Cabinet

By Bryan Walsh Tuesday, Dec. 08, 2009

Traditionally, the environment and energy slots have not been the highest-profile positions in the President's Cabinet. But that changed when President Obama began assembling his team after the 2008 election. He installed some big names, including Nobel Prize-winning physicist Steven Chu as Secretary

of Energy; Carol Browner, who ran the EPA under former President Bill Clinton, as the new climate czar; and the tough New Orleans native Lisa Jackson as the first African-American head of the EPA. The change has been remarkable, with Jackson's EPA moving to regulate CO2 as a pollutant and Chu remaking the sleepy Department of Energy into a laboratory for clean technology.

Richard Windsor/DC/USEPA/US
01/21/2011 01:23 PM

To "Bicky Corman"
cc
bcc

Subject Fw: CBD: Environmental Report Card: Obama Gets "C-" for First Half of Term

Brendan Gilfillan

----- Original Message -----

From: Brendan Gilfillan
Sent: 01/21/2011 12:29 PM EST
To: Richard Windsor; Bob Perciasepe; Diane Thompson; Seth Oster <oster.seth@epa.gov>; Adora Andy; Betsaida Alcantara; Bob Sussman; David McIntosh; Arvin Ganesan; Stephanie Owens; Dru Ealons; Shira Sternberg
Subject: CBD: Environmental Report Card: Obama Gets "C-" for First Half of Term

For Immediate Release, January 21, 2011

Contact: Kierán Suckling, (520) 275-5960

Environmental Report Card: Obama Gets "C-" for First Half of Term

TUCSON, *Ariz.* — In a report card released today, the Center for Biological Diversity gave President Obama a grade of two-year environmental record. The [report card](#) chronicles positive and negative policies on endangered species, climate energy, public lands and oceans.

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To see the Center's entire report card for Obama's first two years in office, go [here](#).

Richard Windsor/DC/USEPA/US
06/30/2009 05:29 AM

To "Bob Sussman", "Gina McCarthy", "David McIntosh"
cc
bcc
Subject Fw: Remarks by the President on Energy

Allyn Brooks-LaSure

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 06/29/2009 02:08 PM EDT
To: Richard Windsor; Diane Thompson
Cc: David McIntosh; Seth Oster; Adora Andy
Subject: Fw: Remarks by the President on Energy

And this...

----- Forwarded by Allyn Brooks-LaSure/DC/USEPA/US on 06/29/2009 02:07 PM -----

From: "White House Press Office" <whitehouse-lists-noreply@list.whitehouse.gov>
To: Allyn Brooks-LaSure/DC/USEPA/US@EPA
Date: 06/29/2009 02:06 PM
Subject: Remarks by the President on Energy

THE WHITE HOUSE
Office of the Press Secretary

For Immediate Release

June 29, 2009

REMARKS BY THE PRESIDENT
ON ENERGY

Grand Foyer

1:12 P.M. EDT

THE PRESIDENT: Good afternoon, everybody. Since taking -- excuse me -- since taking office, my administration has mounted a sustained response to a historic economic crisis. But even as we take decisive action to repair the damage to our economy, we're also working to build a new foundation for sustained and lasting economic growth.

And we know this won't be easy, but this is a moment where we've been called upon to cast off the old ways of doing business, and act boldly to reclaim America's future. Nowhere is this more important than in building a

new, clean energy economy, ending our dependence on foreign oil, and limiting the dangerous pollutants that threaten our health and the health of our planet.

And that's precisely what we've begun to do. Thanks to broad coalitions ranging from business to labor; investors to entrepreneurs; Democrats and Republicans from coal states and coastal states; and all who are willing to take on this challenge -- we've come together to achieve more in the past few months to create a new, clean energy economy than we have in decades.

We began with historic investments in the Recovery Act and the federal budget that will help create hundreds of thousands of jobs doing the work of doubling our country's supply of renewable energy. We're talking about jobs building wind turbines and solar panels; jobs developing next-generation solutions for next-generation cars; jobs upgrading our outdated power grid so it can carry clean, renewable energy from the far-flung areas that harness it to the big cities that use it.

And thanks to a remarkable partnership between automakers, autoworkers, environmental advocates, and states, we created incentives for companies to develop cleaner, more efficient vehicles -- and for Americans to drive them. We set in motion a new national policy aimed at both increasing gas mileage and decreasing greenhouse gas pollution for all new cars and trucks sold in the United States. And as a result, we'll save 1.8 billion barrels of oil over the lifetime of the vehicles sold in the next five years -- the projected equivalent of taking 58 million cars off the road for an entire year.

And we know that even as we seek solutions to our energy problems at home, the solution to global climate change requires American leadership abroad. That's why I've appointed a global climate envoy to help lead our reengagement with the international community as we find sustainable ways to transition to a global low-carbon economy.

And, now, just last Friday, the House of Representatives came together to pass an extraordinary piece of legislation that will finally open the door to decreasing our dependence on foreign oil, preventing the worst consequences of climate change, and making clean energy the profitable kind of energy. Thanks to members of Congress who were willing to place America's progress before the usual Washington politics, this bill will create new businesses, new industries, and millions of new jobs, all without imposing untenable new burdens on the American people or America's businesses. In the months to come, the Senate will take up its version of

the energy bill, and I am confident that they too will choose to move this country forward.

So we've gotten a lot done on the energy front over the last six months. But even as we're changing the ways we're producing energy, we're also changing the ways we use energy. In fact, one of the fastest, easiest, and cheapest ways to make our economy stronger and cleaner is to make our economy more energy efficient. And that's something that Secretary Chu is working every single day to work through.

We know the benefits. In the late 1970s, the state of California enacted tougher energy-efficiency policies. Over the next three decades, those policies helped create almost 1.5 million jobs. And today, Californians consume 40 percent less energy per person than the national average -- which, over time, has prevented the need to build at least 24 new power plants. Think about that. California -- producing jobs, their economy keeping pace with the rest of the country, and yet they have been able to maintain their energy usage at a much lower level than the rest of the country.

So that's why we took significant steps in the Recovery Act to invest in energy efficiency measures -- from modernizing federal buildings to helping American families make upgrades to their homes -- steps that will create jobs and save taxpayers and consumers money. And that's why I've asked Secretary Chu to lead a new effort at the Department of Energy focusing on implementing more aggressive efficiency standards for common household appliances -- like refrigerators and ovens -- which will spark innovation, save consumers money, and reduce energy demand.

So today, we're announcing additional actions to promote energy efficiency across America; actions that will create jobs in the short run and save money and reduce dangerous emissions in the long run.

The first step we're taking sets new efficiency standards on fluorescent and incandescent lighting. Now I know light bulbs may not seem sexy, but this simple action holds enormous promise because 7 percent of all the energy consumed in America is used to light our homes and our businesses. Between 2012 and 2042, these new standards will save consumers up to \$4 billion a year, conserve enough electricity to power every home in America for 10 months, reduce emissions equal to the amount produced by 166 million cars each year, and eliminate the need for as many as 14 coal-fired power plants.

And by the way, we're going to start here at the White House. Secretary

Chu has already started to take a look at our light bulbs, and we're going to see what we need to replace them with energy-efficient light bulbs.

And if we want to make our economy run more efficiently, we've also got to make our homes and businesses run more efficiently. And that's why we're also speeding up a \$346 million investment under the Recovery Act to expand and accelerate the development, deployment, and use of energy-efficient technologies in residential and commercial buildings, which consume almost 40 percent of the energy we use and contribute to almost 40 percent of the carbon pollution we produce.

We're talking about technologies that are available right now or will soon be available -- from lighting to windows, heating to cooling, smart sensors and controls. By adopting these technologies in our homes and businesses, we can make our buildings up to 80 percent more energy efficient -- or with additions like solar panels on the roof or geothermal power from underground, even transform them into zero-energy buildings that actually produce as much energy as they consume.

Now, progress like this might seem far-fetched. But the fact is we're not lacking for ideas and innovation. All we lack are the smart policies and the political will to help us put our ingenuity to work. And when we put aside the posturing and the politics; when we put aside attacks that are based less on evidence than on ideology; then a simple choice emerges.

We can remain the world's leading importer of oil, or we can become the world's leading exporter of clean energy. We can allow climate change to wreak unnatural havoc, or we can create jobs utilizing low-carbon technologies to prevent its worst effects. We can cede the race for the 21st century, or we can embrace the reality that our competitors already have: The nation that leads the world in creating a new clean energy economy will be the nation that leads the 21st century global economy.

That's our choice: between a slow decline and renewed prosperity; between the past and the future.

The American people have made their choice. They expect us to move forward right now at this moment of great challenge, and stake our claim on the future -- a stronger, cleaner, and more prosperous future where we meet our obligations to our citizens, our children, and to God's creation -- and where the United States of America leads once again.

That's the future we're aiming for. I've got a great Secretary of Energy who's helping us achieve it. I want to thank again the House of

Representatives for doing the right thing on Friday, and we are absolutely confident that we're going to be able to make more progress in the weeks and months to come.

Thanks, guys.

END

1:22 P.M. EDT

You are currently subscribed to whitehouse-daily-reporters as:

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Richard Windsor/DC/USEPA/US
02/10/2010 10:34 AM

To "Bob Sussman", "Mathy Stanislaus", Cynthia Giles-AA, "Lisa Heinzerling"
cc "Heidi Ellis", "Diane Thompson", "Bob Perciasepe"
bcc
Subject Let's catch up on coal ash at 11. Ok?

Richard Windsor/DC/USEPA/US
03/27/2009 01:00 PM

To "Craig Hooks", "Scott Fulton"
cc "Allyn Brooks-Lasure"
bcc

Subject Tomorrow from 8:30 pm to 9:30 pm local time is Earth Hour

Folks are turning off their lights to heirghten awareness of energy use and climate change. Can we participate on those EPA campuses that have programmable lights ? Tx.

Richard Windsor/DC/USEPA/US
10/06/2010 08:31 AM

To "David McIntosh", "Gina (Sheila) McCarthy"
cc
bcc

Subject Fw: POLITICO: EPA's Jackson swings back at critics

Adora Andy

----- Original Message -----

From: Adora Andy

Sent: 10/06/2010 08:18 AM EDT

To: "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Seth Oster" <oster.seth@epa.gov>; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens; Sarah Pallone; Dru Ealons

Subject: POLITICO: EPA's Jackson swings back at critics

EPA's Jackson swings back at critics

By: Darren Samuelsohn

October 6, 2010 04:35 AM EDT

Lisa Jackson is sticking to her guns.

The Environmental Protection Agency finds itself constantly under attack from industry groups and Republicans who say the agency is overreaching on everything from climate change to microscopic soot. And with the failure of the White House and Congress to pass a climate bill, combined with a potential GOP takeover, now could be seen as the right time for the agency's head to dial back the rhetoric.

But at an event last month celebrating the Clean Air Act's 40th anniversary, Jackson swung hard at industry groups, offending some officials in the room and potentially adding fuel to claims the Obama administration is anti-business.

In an interview this week with POLITICO, Jackson showed no indication of backing down.

"It's definitely anti-lobbyist rhetoric," Jackson said. "It's definitely meant to reflect the fact that, when I go around the country, people want clean air. They are as passionate about clean air and clean water as any of a number of issues; they want protection for their families and their children."

"I meet with individual businesses all the time, and industry has a huge role to play," Jackson added. "But I do very much believe that it's time for us to get past this tired dance, where folks inside this Beltway get paid a lot of money to say things that aren't true about public health initiatives that this agency is charged by law with undertaking."

Jackson said EPA is taking a "series of modest steps" in writing climate-themed rules under the Clean Air Act, despite bipartisan efforts in Congress to block them and about 90 different lawsuits in federal court.

"The Clean Air Act is a tool. It's not the optimal tool. But it can be used," she said. "And, in fact, I'm legally obligated now to use it. And so we've laid a lot of groundwork on that and we'll continue."

Jackson's shop is now the main battleground in the federal push to fight global warming, as many experts predict Congress will show little appetite to try a comprehensive climate bill again in the near future.

"A window has slammed shut in Washington, and it may be a few more years before we can pry it open again," said Eric Pooley, author of "The Climate War," a recently published book that chronicles the past three years of debate on global warming.

Enter Jackson, who is pursuing her work, thanks to a 2007 Supreme Court decision clearing EPA to write climate rules as long as the agency could prove greenhouse gases threaten public health or the environment. The first hammer comes down in January with greenhouse gas limits on some of the biggest industrial sources, namely power plants and petroleum refiners, which are already in various stages of the air pollution permitting process.

An additional set of climate-themed requirements will come in July for both existing and new industrial plants that trigger the permit rules by increasing their emissions.

Combined, Jackson said those two rules should make a noticeable dent in the nation's greenhouse gas emissions. "It's not the majority of the regulated community," she said. "But because of those two things together, that's a large segment of the workload."

Hoping to give industry some cushion on costs, EPA is also studying its options for setting up a cap-and-trade program in which regulated companies could buy and sell pollution permits based on how much they've cleaned up their facilities. But Jackson insisted any cap-and-trade system would not be as ambitious as what Congress authorized EPA to set up in the early 1990s to deal with acid rain emissions from power plants, let alone the climate bills that died this year under a cloud of controversy.

"We're going to try as much as possible to give flexibility," she said. "One of the most flexible programs we've ever had is a true cap-and-trade program. We can't replicate that, but we can certainly look at opportunities."

During an interview published last week in Rolling Stone, President Barack Obama said he wasn't giving up on his climate agenda in 2011, suggesting a less ambitious approach that addresses the issue "in chunks."

Jackson deferred to Obama on what the president has in mind for EPA under the "chunks." But she answered that he's "rightfully very proud" of EPA, the Transportation Department, the auto industry and state officials for coming together in 2009 on regulations that will get fuel economy beyond 35 miles per gallon by the middle of the decade.

"He sees the situation as sort of the win all around, multiple-win public policy that this country could and should be embracing," Jackson said. "And certainly, there's some amount of frustration with the fact that we can't get past that same set of issues on the stationary source side easily."

Jackson said she also sees changes coming in the nation's energy infrastructure because of the 2009 economic stimulus package, which included a record \$80 billion for renewable projects. "With all the signals we're trying to send, that's the next big chunk," she said.

While EPA works those "chunks," the agency will also have to play defense.

The prospect of a GOP-controlled House or Senate in 2011 would most likely set the stage for Obama to follow through on veto threats on any legislation restricting EPA's ability to write climate rules. Even before the election, coal-state Democrats are still hoping to get a Senate vote on legislation that halts the agency's work on stationary sources for two years.

"Even in the face of the president's veto threat, we must send a clear message that Congress – not an unelected regulatory agency – must set our national energy policy," said Sen. John Rockefeller of West Virginia, the leading sponsor of the bill.

Lawsuits challenging Jackson's authority are also starting to work their way through the courts, with nearly 90 sets of plaintiffs – oil and coal companies, conservative think tanks and a coalition of states, including the attorneys general from Texas and Virginia – filing at least four different cases.

EPA's critics are also questioning the agency's work on a number of conventional environmental issues, including regulations for toxic coal ash, power plant mercury emissions and microscopic levels of soot.

Jackson said the attacks are part of the territory.

“The rules we put forth have been smart, sensible rules,” she said. “Part of the line of attack is to somehow villainize the work of this agency. But this agency protects human health and the environment. And the majority of people in this country, a strong majority, expect clean air, expect clean water, expect that their representatives in Congress are there to help get them that, to represent them and not special interests.”

Richard Windsor/DC/USEPA/US
02/22/2010 08:54 PM

To "David McIntosh", "Gina (Sheila) McCarthy", "Bob Perciasepe", "Bob Sussman", "Lisa Heinzerling", "Diane Thompson", "Seth Oster"
cc
bcc

Subject Fw: NYTimes.com: Obama Mounts a Last-Ditch Attempt to Pass a 'Hybrid' Climate and Energy Bill

From: Lisa Jackson b(6) Privacy

Sent: 02/22/2010 08:53 PM EST

To: Richard Windsor

Subject: NYTimes.com: Obama Mounts a Last-Ditch Attempt to Pass a 'Hybrid' Climate and Energy Bill

This page was sent to you by: (b) (6) Personal Privacy

BUSINESS / ENERGY & ENVIRONMENT | February 22, 2010

Obama Mounts a Last-Ditch Attempt to Pass a 'Hybrid' Climate and Energy Bill

By JOEL KIRKLAND of ClimateWire

The White House is mounting a last-ditch effort to piece together an energy and climate change bill that has enough incentive...

Richard Windsor/DC/USEPA/US
02/22/2009 06:20 PM

To "David McIntosh", "Lisa Heinzerling", "Bob Sussman"

cc "Allyn Brooks-Lasure"

bcc

Subject 2nd UPDATE:US Climate Czar: CO2 Regulation Ruling To Come Soon

Sometimes I wonder why we bother to work so hard on message... See below. Thoughts?

http://money.cnn.com/news/newsfeeds/articles/djf500/200902221138DOWJONESDJONLINE000312_FORTUNE5.htm

Richard Windsor/DC/USEPA/US
11/25/2009 10:25 AM

To "David McIntosh", "Seth Oster", "Michelle DePass", "Diane Thompson"
cc
bcc
Subject Fw: Breaking News: Obama to go to Copenhagen climate talks

Hmmmm

----- Original Message -----

From: "The Washington Post" [newsletters@email.washingtonpost.com]
Sent: 11/25/2009 10:02 AM EST
To: Richard Windsor
Subject: Breaking News: Obama to go to Copenhagen climate talks

9:45 AM EST Saturday, November 25, 2009

President Obama will travel to Copenhagen Dec. 9, a day before accepting the Nobel Peace Prize in Oslo, to help launch a U.N.-sponsored global climate change summit, a White House official said. The president will meet with other world leaders gathered for the summit, which is scheduled for Dec. 7-18.

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/PSLW3N/TSGNM/7MIOL9/ESIZE7/FQY0S/82/t) -
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[[PSLW3N-BDWNL-TSGNM-7MIOL9-ESIZE7-T-M2-20091125-5eacfaedc9b8f2c3e]]

Richard Windsor/DC/USEPA/US
02/04/2010 10:34 AM

To "Eric Wachter"
cc
bcc

Subject Fw: Patrice Simms to DOJ

Allyn Brooks-LaSure

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 02/04/2010 09:41 AM EST
To: Richard Windsor; Bob Perciasepe; Cynthia Giles-AA; "Sussman, Bob" <sussman.bob@epa.gov>; "Stanislaus, Mathy" <stanislaus.mathy@epa.gov>; Michelle DePass
Cc: Diane Thompson; Stephanie Owens
Subject: Patrice Simms to DOJ

Fyi:

> -----Original Message-----

> From: Clean Air Act Litigation Forum [mailto:CONS-ELP-CLEAN-AIR-FORUM@LISTS.SIERRACLUB.ORG] On Behalf Of Walke, John
> Sent: Thursday, February 04, 2010 4:36 AM
> To: CONS-ELP-CLEAN-AIR-FORUM@LISTS.SIERRACLUB.ORG
> Subject: Patrice Simms joins Justice Department

>
> Many on this list serve will recall Patrice Simms, former NRDC clean air attorney who worked on coal plant challenges. Patrice left NRDC 2 years ago to become the environmental law professor at Howard Law School.

>
> I am very pleased to report that Patrice has been appointed to serve as one of two high-level political Deputy Assistant Attorneys General in the U.S. Department of Justice's Environment and Natural Resources Division. The Assistant Attorney General for ENRD is Ignacia Moreno.

>
> Patrice will oversee the all-important Environmental Defense Section, which handles all pollution statutes and defense for all agencies, including both EPA as regulator and the polluting agencies (DOD etc). Another political deputy will handle the public lands, wildlife, and NEPA statutes.

>
> This is obviously a tremendous testament to Patrice and his many talents, and he will provide great service to the American people, the protection of public health and the environment, and the upholding of the rule of law.

>
> If you would like to congratulate or contact Patrice, his email address should be Patrice.Simms@usdoj.gov. I also have his cell phone number if you would like to call him. Patrice's first day at main Justice was Monday.

>

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

Richard Windsor/DC/USEPA/US
03/25/2010 07:00 AM

To "Gina (Sheila) McCarthy"
cc
bcc

Subject Fw: A washingtonpost.com link from:
windsor.richard@epa.gov

See last few paragraphs.

----- Original Message -----

From: Richard Windsor
Sent: 03/25/2010 06:57 AM AST
To: Richard Windsor
Subject: A washingtonpost.com link from: windsor.richard@epa.gov

You have been sent this link from windsor.richard@epa.gov as a courtesy of washingtonpost.com

More climate huddling

http://views.washingtonpost.com/climate-change/post-carbon/2010/03/more_climate_huddling.html?referrer=emallink

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Richard
Windsor/DC/USEPA/US
07/22/2010 02:55 PM

To "Gina (Sheila) McCarthy", "Janet McCabe", "Bob Perciasepe"
cc
bcc
Subject Fw: Reid to Senate Dems: Climate change bill will wait until
fall

David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 07/22/2010 02:53 PM EDT
To: Richard Windsor
Subject: Reid to Senate Dems: Climate change bill will wait until fall

They are also jettisoning the renewable electricity standard. So it'll just be oil spill response and a handful of relatively minor clean energy provisions

Reid to Senate Dems: Climate change bill will wait until fall

By Darren Goode - 07/22/10 02:32 PM ET

Senate Majority Leader Harry Reid (D-Nev.) will bring a limited package of oil spill response and energy measures to the floor next week, delaying action until at least this fall on a broader proposal that would impose greenhouse gas limits on power plants, senior Senate Democratic aides said.

Aides insisted Reid's decision is a nod to the packed floor schedule the Senate faces before it leaves in two weeks for the August recess, and that he has not abandoned plans to try and bring up a broader climate and energy plan later in the year.

But other legislative priorities and election-year politics might scuttle the wider climate and energy plan altogether.

Reid discussed his plans with Senate Democrats at a Thursday meeting.

Sen. Jeanne Shaheen (D-N.H.) described Reid as having delayed efforts to advance climate change legislation until after the August break.

"What he suggested is that we move forward on several bills to address energy and the oil spill and then continue to work on the climate piece when we get back," she said after the meeting in the Capitol.

For now, the limited package expected on the floor this month will likely allow Democrats to push through a response to the Gulf of Mexico oil spill — such as tougher rig-safety requirements — and perhaps some energy provisions that members of both parties could support.

The bill will not include a renewable electricity production mandate boosting power sources such as solar and geothermal that are key industries in Reid's home state of Nevada.

The Senate Energy and Natural Resources Committee gave bipartisan support to such a mandate last year. But it is also controversial because Republicans have sought to ensure it includes all nuclear energy production – both existing and future.

Richard Windsor/DC/USEPA/US
02/01/2011 09:16 PM

To "Heidi Ellis"
cc
bcc
Subject Fw: Google Alert - lisa jackson epa

See 2nd story

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To: Richard Windsor
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News

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[Coal ash waste tied to cancer-causing chemicals in water supplies](#)

Examiner.com

... today in order to proceed a Senate hearing where **EPA** Administrator **Lisa Jackson** will be invited to testify on her efforts to protect public health. ...

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[ASBC Invites Feds to 'Love the Bus' Event in Maryland](#)

School Transportation News

The American School Bus Council sent a letter to Transportation Secretary Ray LaHood, Education Secretary Arne Duncan and **EPA** Administrator **Lisa Jackson** ...

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Richard Windsor/DC/USEPA/US
01/22/2010 06:40 PM

To "Heidi Ellis", "Gina (Sheila) McCarthy"
cc
bcc
Subject Fw: Washington Post: 3 Senators Met with WH this Afternoon to Climate Bill

Allyn Brooks-LaSure

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 01/22/2010 06:34 PM EST
To: "Jackson, Lisa P." <windsor.richard@epa.gov>
Cc: "Oster, Seth" <Oster.Seth@epa.gov>; David McIntosh; Adora Andy
Subject: Fw: Washington Post: 3 Senators Met with WH this Afternoon to Climate Bill

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415
Suzanne Ackerman

----- Original Message -----

From: Suzanne Ackerman
Sent: 01/22/2010 06:26 PM EST
To: Seth Oster; Allyn Brooks-LaSure; Adora Andy; Roxanne Smith; Michael Thiem; Jeffrey Levy; Lina Younes; Amy Dewey; Brendan Gilfillan; Dave Ryan; Cathy Milbourn; Deb Berlin
Subject: Washington Post: 3 Senators Met with WH this Afternoon to Climate Bill

Rahm's climate meeting

By Juliet Eilperin

Jan 22, 2010 6:14 pm

Some people might think climate legislation in the Senate is on life support, but don't tell that to Sens. [John Kerry](#) (D-Mass.) and [Mark Warner](#) (D-Va.).
[Lieberman](#) (I-Conn).

The three lawmakers met with White House chief of staff [Rahm Emanuel](#) Thursday afternoon for "a strategy session and to discuss the State of the Union," in the words of one Senate aide familiar with the meeting. Graham also delivered his assessment of the bill's prospect of a bill.

What President Obama says next week at the State of the Union will provide the clearest signal yet of whether he will push for a climate bill.

But wait, as they say in the [Ginsu knife](#) ad, that's not all.

The troika met this week with officials from the [U.S. Chamber of Commerce](#), one of the most outspoken opponents to the bill. The Chamber refused to comment.

And the three senators agreed to set aside four hours a week--which could translate into as many as eight separate meetings in the climate debate, and to recruit new Senate supporters. Next week the three will meet with Environmental Protection Agency Administrator [Lisa Jackson](#).

Sen. Susan Collins (R-Maine), the author of a competing climate bill

Richard Windsor/DC/USEPA/US
10/26/2010 08:05 AM

To "Jared Blumenfeld", "Michelle DePass"
cc "Seth Oster", "Adora Andy"
bcc
Subject Fw: NYTimes.com: Navajos Hope to Shift From Coal to Wind and Sun

Interesting. Jared - Region 9 did a good job on this.

From: Richard Windsor
Sent: 10/26/2010 08:00 AM AST
To: Richard Windsor
Subject: NYTimes.com: Navajos Hope to Shift From Coal to Wind and Sun

This page was sent to you by: windsor.richard@epa.gov

SCIENCE | October 26, 2010

Navajos Hope to Shift From Coal to Wind and Sun

By MIREYA NAVARRO

Health and environmental concerns have become a factor in next Tuesday's Navajo Nation presidential election.

Advertisement

Richard Windsor/DC/USEPA/US
12/11/2009 07:32 AM

To "Lisa At Home"
cc
bcc

Subject Fw: Breaking News: Key Copenhagen group releases draft climate plan

----- Original Message -----

From: "The Washington Post" [newsletters@email.washingtonpost.com]
Sent: 12/11/2009 07:19 AM EST
To: Richard Windsor
Subject: Breaking News: Key Copenhagen group releases draft climate plan

News Alert
06:52 AM EST Friday, December 11, 2009

Key Copenhagen group releases draft climate plan

In one of the most significant developments to date at the U.N.-sponsored climate talks, the ad-hoc group charged with charting a new path forward released a draft text Friday morning outlining critical questions that need to be resolved before the talks end Dec. 18. The new document establishes the parameters for what industrialized and major developing countries would do to address climate change, and it outlines how richer nations could finance climate actions by poorer ones.

For more information, visit [washingtonpost.com](http://link.email.washingtonpost.com/r/F490YD/I5HF9/WGA3QM/V0KMIK/ZCKY2/HK/t) -
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Richard Windsor/DC/USEPA/US
07/07/2009 10:39 PM

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From: Google Alerts [googlealerts-noreply@google.com]
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[Senate Republicans take aim at climate bill](#)

Scientific American - USA

... of climate change, Republican John Barrasso of Wyoming mounted a cynical offensive on the head of the Environmental Protection Agency, **Lisa Jackson**. ...

[Scientific American](#)

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[Federal survey of coal ash disposal finds hundreds of sites and ...](#)

By Dina Cappiello

EPA Administrator **Lisa Jackson** earlier this year said that the agency would consider federal rules, but it is unclear whether the ash will be controlled like household trash or under the more stringent rules for hazardous waste. ...

[Breaking News - http://blog.taragana.com/n/](http://blog.taragana.com/n/)

[We Needed Van Jones on the Inside](#)

By The Nation

Along with the appointment of **Lisa Jackson** to head the **EPA**, it appeared the Obama administration was prepared to elevate environmental justice concerns to equal billing along with climate change environmentalism. ...

[The Nation: All Weblogs - http://www.thenation.com/blogs/](http://www.thenation.com/blogs/)

[The Dake Page: Schwarzenegger's Climate Summit Bags Some White ...](#)

By Dake

Obama **EPA** Administrator **Lisa Jackson** and White House Council on Environmental Quality Chairwoman Nancy Sutley are expected to attend. **Jackson** will be keynote speaker. Joining them are expected to be UNICEF Executive Director Ann Veneman ...

[The Dake Page - http://thedakepage.blogspot.com/](http://thedakepage.blogspot.com/)

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[Federal survey finds coal ash sites in 35 states](#)

The Associated Press

EPA Administrator Lisa Jackson earlier this year said that the agency would consider federal rules, but it is unclear whether the ash will be controlled ...

[See all stories on this topic](#)

[Durham Students Watch Obama Speech With **EPA** Official](#)

MyNC.com

The entire school gathered in the auditorium to watch the speech and they were joined by **EPA Administrator Lisa Jackson**. Students said they thought the ...

[See all stories on this topic](#)

[PREPARED REMARKS OF ENVIRONMENTAL PROTECTION AGENCY \(**EPA** ...](#)

Federal News Service (subscription)

JACKSON: Thank you all for sharing some of your time with me. President Obama will be on to speak to you in just a few minutes. ...

[See all stories on this topic](#)

[EPA's MTR clock — today's the day?](#)

Charleston Gazette

What is the status of **EPA's** efforts to meet that time limit? Here's the response I got from Adora Andy, press secretary for **EPA Administrator Lisa P. Jackson**:

[See all stories on this topic](#)

[Saving the bay one lawn at a time?](#)

Baltimore Sun

Speaking to a lunchtime gathering of lawyers in Washington, J. Charles Fox, special adviser on the bay to **EPA Administrator Lisa P. Jackson**, ...

[Baltimore Sun](#)

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Sent: 09/18/2009 07:37 PM GMT
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[Crossroads's Blog | Diversity in the Environmental Movement](#)

This is great news: **EPA** administrator **Lisa Jackson** continues to talk about diversity in the environmental movement. In a recent New Yorker article, writer Steve Coll discusses hearing **Jackson** speak at the Green Intelligence Forum: ...

[Climate Crossroads Blog - http://connect.sierraclub.org/ClimateCrossroadsBlog](http://connect.sierraclub.org/ClimateCrossroadsBlog)

[Welcome to the Fast Lane: The Official Blog of the U.S. Secretary ...](#)

By Ray LaHood

Getting together, seeking consensus, establishing priorities, setting things in motion. Solving problems. Over and over during the past two days, that's what we--I and **EPA's Lisa Jackson** and HUD's Shawn Donovan--have been seeing. ...

[Welcome to the Fast Lane: The... - http://fastlane.dot.gov/](http://fastlane.dot.gov/)

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[Jeff Biggers: EXCLUSIVE PHOTOS: Battle at Coal River Mountain ...](#)

Coalfield residents and the national allies are calling on all concerned citizens to contact President Obama, CEQ chief Nancy Sutley, **EPA** chief **Lisa Jackson**, and Sen. Robert Byrd to halt this unfolding tragedy. ...

[Blognews24.it - http://blognews24.libero.it/](http://blognews24.libero.it/)

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Sent: 12/08/2009 06:41 PM GMT
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Google News Alert for: **lisa jackson epa**

[Want clean water? Fire, don't fine](#)

True/Slant

Okay, here's hoping that **Lisa Jackson** really tackles this issue, as she promised to earlier this year. But I think the **EPA** is going about it in the wrong ...

[See all stories on this topic](#)

[EPA to target greenhouse gases](#)

Chattanooga Times Free Press

Monday's ruling, announced by **EPA** Administrator **Lisa Jackson**, concludes that greenhouse gas emissions are a public health threat and are affecting climate ...

[See all stories on this topic](#)

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From: Google Alerts [googlealerts-noreply@google.com]
Sent: 12/10/2009 01:34 AM GMT
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Google News Alert for: **lisa jackson epa**

[Perry asks EPA to retract greenhouse gas finding](#)

Dallas Morning News

... finding that greenhouse gases threaten the public health and welfare of Americans Perry on Wednesday sent a letter to **EPA Administrator Lisa Jackson**, ...

[See all stories on this topic](#)

[US Congress prevents progress at climate conference in Copenhagen](#)

Whitman Pioneer

EPA Administrator Lisa Jackson spoke of the recent decision by the **EPA** to finalize its finding that greenhouse gases pose a threat to human health and ...

[See all stories on this topic](#)

[EPA Sued for Failing to Act on Phoenix Area's Pollution Plan](#)

Phoenix New Times

By Ray Stern in Green Fatigue **Lisa Jackson**, the head of the federal Environmental Protection Agency, has been so focused on saving the world from America's ...

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[Rocky IV joins charge against **EPA** greenhouse rules](#)

Charleston Gazette (blog)

The pair were among a group of coal state senators who signed this letter to **EPA** Administrator **Lisa P. Jackson**, urging **Jackson** to suspend any rulemaking on ...

[See all stories on this topic](#)

[Charleston Gazette \(blog\)](#)

[Budget debate could turn into global warming fight at Senate hearing](#)

The Hill

EPA Administrator **Lisa Jackson** is scheduled to testify before the Senate Environment and Public Works Committee on Tuesday. The committee is sharply divided ...

[See all stories on this topic](#)

[US **EPA** to help improve public health in Jakarta](#)

Jakarta Post

Her visit follows **EPA** Administrator **Lisa P. Jackson's** October visit to Indonesia, in which she offered technical assistance to the Jakarta government. ...

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[EPA proposes two options for managing coal waste](#)

Louisville Courier-Journal

... of developing these proposals, it became clear there are people who feel very strongly about one or the other," said **EPA** Administrator **Lisa P. Jackson**. ...

[See all stories on this topic](#)

[White House chastises FOX News for Brown comments on Gulf oil spill](#)

NOLA.com

In the same interview, Brown also took a swipe at the **EPA** and its administrator, **Lisa Jackson**, suggesting that **EPA** should have been on the scene looking ...

[NOLA.com](#)

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Richard
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03/20/2010 09:15 AM

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Subject Fw: NEWSWEEK: THE GREEN FIGHTER

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 03/19/2010 03:13 PM EDT
To: Richard Windsor; Seth Oster; Allyn Brooks-LaSure; David McIntosh; Arvin Ganesan; Bob Perciasepe; Bob Sussman; Diane Thompson; Gina McCarthy; Stephanie Owens
Cc: Brendan Gilfillan; Betsaida Alcantara; Michael Moats; Alisha Johnson
Subject: NEWSWEEK: THE GREEN FIGHTER

The Green Fighter

By **Daniel Stone** | NEWSWEEK

Published Mar 19, 2010

From the magazine issue dated Mar 29, 2010

Washington, D.C., is littered with the careers of well-meaning public servants who came to do good but fell victim to politics. Lisa Jackson is determined not to become one of them. As head of the U.S. Environmental Protection Agency, she oversees the quality of America's air and water and monitors pollution levels. It's a job that endears her to green activists (and anyone who likes clean air and water)—but it puts her at odds with some of the nation's largest, richest industries.

For decades, big manufacturers and commercial farmers—who retain powerful lobbyists and make large contributions to the election campaigns of members of Congress—have pushed back against the EPA's efforts to enact stricter controls on pollution. In the George W. Bush years they often got their way, as the EPA rolled back on enforcement.

Now Jackson is out to change that. With the backing of her boss, President Barack Obama, she has announced that unless Congress acts by next January, the EPA will use its authority under America's Clean Air Act to phase in new restrictions on carbon dioxide, the greenhouse gas that contributes to climate change. It's an audacious gambit by a single agency—essentially a threat from Jackson to Congress that unless it gets its act together, she'll move unilaterally. The U.S. emits nearly a quarter of the world's carbon dioxide; late last year EPA scientists identified CO₂ and five other less prominent greenhouse gases as a threat to public health, and Jackson has vowed to cut back on all of them. "The difference between this administration and the last is that we don't believe we have an option to do nothing," she says.

In making her announcement, Jackson and the White House weren't just putting U.S. polluters on notice. They were also sending a symbolic message to Congress and the rest of the world that, 12 years after it refused to sign the Kyoto treaty, and after offering virtually no concessions in Copenhagen, the United States is now taking climate change seriously. It was no coincidence that Jackson released the agency's research on the opening day of December's Copenhagen summit. "These long-overdue findings cement 2009 as the year when the U.S. government began addressing the challenge of greenhouse-gas pollution and seizing the opportunity of clean-energy reform," she said then.

Environmentalists applauded. But three months later, Jackson—a chemical engineer who spent

years working within the EPA bureaucracy—is starting to see how difficult that may be to do back home. Already, powerful interests are lining up against the anticipated changes, which she and agency scientists have promised to detail later this year. Industry groups like the American Public Power Association are readying lobbying campaigns to kill or at least slow the impending regulations, and more than 100 agriculture and energy groups have asked Jackson to stand down. "It will create a huge competitive disadvantage to our industry," says Nancy Gravatt, a spokesperson for the American Iron and Steel Institute. "We already filed a legal challenge. The further this gets, the more of that we will be doing. We will continue to contest this."

Politicians on Capitol Hill are also agitating against the cuts. "Getting climate policy right will take a lot of work and should be done by those elected to Congress," says Republican Sen. Lisa Murkowski of Alaska, one of the nation's largest producers of oil and paper. "We may not be moving as fast as some would like, but we are working. And we're trying to make sure we balance our need to curb emissions with our need for a robust and growing economy. That's a balance the EPA can't guarantee."

Jackson knew that threatening to act by executive fiat wouldn't be popular. But she also knew it would get people's attention, and maybe prod Congress to act. She says that she would prefer to go through—instead of around—Congress. "You can definitely cut emissions through regulation, but a much more efficient way is through legislation," she says. For one thing, Congress could sugarcoat a carbon-cutting bill with tax cuts and other incentives, making it easier to get industry on board.

Jackson's do-it-or-else version contains none of that. Yet despite protests by members of Congress that she is infringing on their turf, leaders on Capitol Hill—bogged down with health-care reform and worried about a double-dip recession—have shown little interest in taking action themselves. Republicans, largely skeptical of climate change, are opposed to steep emissions cuts. And even many Democrats who are sympathetic to the cause in principle don't want to make trouble with big employers (and donors) back in their home districts. (Some lawmakers have introduced protest bills that threaten to rewrite the Clean Air Act to curtail the EPA's power, and even to dry up Jackson's budget. The bills aren't expected to go anywhere, although Jackson says she's prepared to fight such measures if they do.)

The members of Congress who do want to act on global warming recognize that pushing for emissions cuts is the last way to win the support of their colleagues. In the Senate, Democrats John Kerry and Joe Lieberman and Republican Lindsey Graham are working on a broad energy bill that will include government subsidies for businesses to use renewable energy sources. But the measure is expected to be lax on actual carbon reductions, and thus is unlikely to make a meaningful dent in the nation's greenhouse-gas emissions.

The big question in Washington isn't whether the EPA has the authority to go it alone and force polluters to change; the U.S. Supreme Court ruled in 2007 that it does. It's whether the White House is actually serious about carrying out Jackson's plan—or if it is just noisily bluffing to get Congress to move, even if it falls short of Jackson's ambitious proposals to monitor the biggest polluters.

The one to watch for that answer isn't Jackson, but Obama. If the January deadline approaches and Congress still hasn't budged, it will fall to him to decide if he has the stomach to make good on Jackson's ultimatum. It wouldn't be a quiet fight. The other side would attack him as anti-business and anti-job—and that would include some Democrats.

Already there are signs that it may not come to that. As Jackson talks tough about deadlines and cuts—trying to convince industry that the administration is standing behind her plan—the president himself has been notably quiet on the question. His aides, meanwhile, are sending signals that Obama is looking for a way to avoid such a showdown. "The president understands that the EPA must follow the science and its legal obligations," says a White House official who spoke under the usual rules of anonymity. "But he has made abundantly clear that his strong preference is for Congress to pass energy and climate legislation." Hardball Washington

translation: let's make a deal.

Find this article at <http://www.newsweek.com/id/235141>

Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

Richard Windsor/DC/USEPA/US
08/31/2009 07:33 AM

To "Lisa At Home"
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Subject Fw: Today's Headlines & Columnists

From: "The Washington Post" [newsletters@email.washingtonpost.com]
Sent: 08/31/2009 04:41 AM AST
To: Richard Windsor
Subject: Today's Headlines & Columnists

Monday, 8/31/09 10:31 AM

TODAY'S HIGHLIGHTS

[Many Women Stayed Away From the Polls In Afghanistan](#)

KABUL, Aug. 30 -- Five years ago, with the country at peace, traditional taboos easing and Western donors pushing for women to participate in democracy, millions of Afghan women eagerly registered and then voted for a presidential candidate. In a few districts, female turnout was even higher than...

(By Pamela Constable, The Washington Post)

[Environmentalists Slow to Adjust in Climate Debate](#)

Opponents Seize Initiative as Senate Bill Nears

(By David A. Fahrenthold, The Washington Post)

[Health-Care Reform, One Stop at a Time](#)

Obama Supporters Organize Bus Tour, Campaign-Style Events Across U.S.

(By Dan Eggen, The Washington Post)

[Blue Chip, White Cotton: What Underwear Says About the Economy](#)

(By Ylan Q. Mui, The Washington Post)

[Per-Student Spending Gaps Wider Than Known](#)

(By Michael Birnbaum, The Washington Post)

[More Today's Highlights](#)

POLITICS

[Environmentalists Slow to Adjust in Climate Debate](#)

ATHENS, Ohio -- The oil lobby was sponsoring rallies with free lunches, free concerts and speeches warning that a climate-change bill could ravage the U.S. economy.

(By David A. Fahrenthold, The Washington Post)

[Cheney: Interrogations Probe Is a 'Political Act'](#)

(By Alexi Mostrous, The Washington Post)

[Health-Care Reform, One Stop at a Time](#)

Obama Supporters Organize Bus Tour, Campaign-Style Events Across U.S.

(By Dan Eggen, The Washington Post)

[U.S. Meetings With Lobbyists Go Unreported](#)

(By Rita Beamish, The Washington Post)

[Hundreds Line Up to See Sen. Kennedy's Grave](#)

(By Dagny Salas, The Washington Post)

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NATION

[Environmentalists Slow to Adjust in Climate Debate](#)

ATHENS, Ohio -- The oil lobby was sponsoring rallies with free lunches, free concerts and speeches warning that a climate-change bill could ravage the U.S. economy.

(By David A. Fahrenthold, The Washington Post)

[Cheney: Interrogations Probe Is a 'Political Act'](#)

(By Alexi Mostrous, The Washington Post)

[Major Shipping Route Fosters a Plague of Sea Life](#)

(By Kari Lydersen, The Washington Post)

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Obama Supporters Organize Bus Tour, Campaign-Style Events Across U.S.

(By Dan Eggen, The Washington Post)

[Hundreds Line Up to See Sen. Kennedy's Grave](#)

(By Dagny Salas, The Washington Post)

[More Nation](#)

WORLD

[Ruling Party Is Routed In Japan](#)

TOKYO, Aug. 31 -- Breaking a half-century hammerlock of one-party rule in Japan, the opposition Democratic Party won a crushing election victory Sunday with pledges to revive the country's stalled economy and to steer a foreign-policy course less dependent on the United States.

(By Blaine Harden, The Washington Post)

[Olmert Indicted On Graft Charges](#)

Israeli Is Accused Of Double-Billing

(By Howard Schneider, The Washington Post)

[Many Women Stayed Away From the Polls In Afghanistan](#)

Fear, Tradition, Apathy Reversed Hopeful Trend

(By Pamela Constable, The Washington Post)

[Suicide Attack Kills 15 in Pakistan's Swat Valley](#)

Bomber Targets Police Recruits

(By Haq Nawaz Khan and Joshua Partlow, The Washington Post)

[An American Icon Arrives In India With a Rumble](#)

Harley-Davidson Will Try to Crack Country's Huge Market

(By Rama Lakshmi, The Washington Post)

[More World](#)

METRO

[Planners Agreed to Hide Deal With School](#)

Connelly School of the Holy Child, a 320-student girls' school in Potomac, approached Montgomery County officials last winter, hoping to build an artificial turf athletic field. County inspectors visited the site and soon came to some troubling conclusions.

(By Miranda S. Spivack, The Washington Post)

[A 1980s Pr. William Video Gets New Life on Internet](#)

Footage of Beating Not What It Seems, Police Say

(By Josh White, The Washington Post)

[No One's Breaking Bread With This Wine](#)

Some think a Fairfax County winery would preserve open space and boost

tourism, others worry about traffic and drunken driving, and local officials say it would violate zoning laws.

(By Fredrick Kunkle, The Washington Post)

[Fire Intentionally Set in Embassy of Gabon in Washington](#)

(The Washington Post)

[A Summer of Some Unusual Ups and Downs](#)

(By Martin Weil, The Washington Post)

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BUSINESS

[An American Icon Arrives In India With a Rumble](#)

NEW DELHI, Aug. 30 -- Twenty-five Harley-Davidsons rumbled through the heart of the rain-drenched Indian capital Sunday, aggressively announcing the arrival of the legendary U.S. company in one of the world's largest motorcycle markets.

(By Rama Lakshmi, The Washington Post)

[Small Businesses Disappointed With Contracting Share](#)

U.S. Government Failing to Meet Legal Requirement, Group Says

(By V. Dion Haynes, The Washington Post)

[Blue Chip, White Cotton: What Underwear Says About the Economy](#)

(By Ylan Q. Mui, The Washington Post)

[Owner of Children's Store Scrambles to Withstand Recession's Squeeze](#)

(By Thomas Heath, The Washington Post)

[Environmentalists Slow to Adjust in Climate Debate](#)

Opponents Seize Initiative as Senate Bill Nears

(By David A. Fahrenthold, The Washington Post)

[More Business](#)

SPORTS

[Bears QB Cutler Wins 27-17 in Return to Denver](#)

Jay Cutler got the last laugh. The Pro Bowl passer, who forced a blockbuster trade out of Denver last spring, returned to Invesco Field on Sunday night and led his new team to a 27-17 preseason win.

(By ARNIE STAPLETON, AP)

[Pitching Phenom Arrives](#)

Strasburg Makes His Long-Anticipated Debut With Nationals Organization

(By Amy Shipley, The Washington Post)

[Nationals' Mock Pitches Well but Falls Short](#)

Cardinals 2, Nationals 1

(By Chico Harlan, The Washington Post)

[S. Williams, Federer Enter U.S. Open as Big Favorites](#)

(By Liz Clarke, The Washington Post)

[Matusz Figures It Out In Seven Sharp Innings](#)

Orioles 5, Indians 2

(By Jeff Zrebiec, The Washington Post)

[More Sports](#)

STYLE

[Et Tu, Lefty? Allies Critical Of President](#)

It is as inevitable in Washington as sweltering summers and steamy sex scandals.

(By Howard Kurtz, The Washington Post)

[A 'Shrew' for The Summer of Our Discontent](#)

It's Free, It's Intelligent And It's Air-Conditioned

(By Peter Marks, The Washington Post)

[A Good 'Look' for Whitney Houston](#)

(By Allison Stewart, The Washington Post)

[Weezer's a Crowd-Pleaser at Vfest. So Is the Ticket Price.](#)

(By David Malitz, The Washington Post)

[Flaming Lips Bring Lots of Props but Not Enough Hits](#)

(The Washington Post)

[More Style](#)

LIVE DISCUSSIONS

[Talk About Travel: Travel Staffers Help You Plan Great Escapes](#)

Have a travel-related question, comment, suspicion, warning, gripe, sad tale or happy ending? The Post Travel section's editors and writers are at your service.

(The Flight Crew, washingtonpost.com)

[Slate: Advice from 'Dear Prudence'](#)

Manners, Morals and More

(Emily Yoffe, washingtonpost.com)

[Post Magazine: Is This the Face of Shakespeare?](#)

(Sally Jenkins, washingtonpost.com)

[Redskins Training Camp and the NFL Offseason](#)

(Cindy Boren, washingtonpost.com)

[Outlook: Obama's Health Plan at Risk?](#)

Kennedy passed the liberal torch to Obama. Let's run with it.

(Peter Dreier, washingtonpost.com)

[More Live Discussions](#)

[Dr. Obama's Toughest Patient](#)

THE OBAMA administration and other advocates of comprehensive health reform knew that August was going to be a perilous month. It's turned out to be disastrous. As lawmakers return to work and President Obama ends his vacation, the health reform enterprise is in rough shape. So what is the proper...

(The Washington Post)

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A bipartisan chance to repair an antiquated registration system

(The Washington Post)

[DOMA Do-Over](#)

The Justice Department gets it right this time.
(The Washington Post)

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Friday, Sept
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POLITICS

[Democrats Are Jarred by Drop In Fundraising](#)

Democratic political committees have seen a decline in their fundraising fortunes this year, a result of complacency among their rank-and-file donors and a de facto boycott by many of their wealthiest givers, who have been put off by the party's harsh rhetoric about big business.

(By Paul Kane, The Washington Post)

[White House Regroups on Guantanamo](#)

Counsel Craig Replaced as Point Man on Issue as Deadline for Closing Looms

(By Anne E. Kornblut and Dafna Linzer, The Washington Post)

[Clock Is Ticking for First-Home Buyers](#)

\$8,000 Tax Credit Is Set to Expire Nov. 30 -- Unless Congress Extends It

(By Dina ElBoghdady, The Washington Post)

[Too Much Hot Air, and Not Enough Deep Breathing](#)

(By Dana Milbank, The Washington Post)

[ACORN Funded Political, For-Profit Efforts, Data Show](#)

Actions Were Before Leadership Change

(By Carol D. Leonnig, The Washington Post)

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NATION**[Clock Is Ticking for First-Home Buyers](#)**

First-time home buyers are scrambling to take advantage of an \$8,000 tax credit set to expire in coming weeks, while Congress considers whether to extend the program or risk removing what may be one of the few supports underpinning the housing market.

(By Dina ElBoghdady, The Washington Post)

[Early Findings Released on Census Worker's Death](#)

(By Ed O'Keefe, The Washington Post)

[Obama's Deal With Drug Firms Survives](#)

(By Ceci Connolly, The Washington Post)

[Terrorism Suspect Planned Peroxide Bombs, Officials Say](#)

(By Carrie Johnson and Spencer S. Hsu, The Washington Post)

[White House Regroups on Guantanamo](#)

Counsel Craig Replaced as Point Man on Issue as Deadline for Closing Looms

(By Anne E. Kornblut and Dafna Linzer, The Washington Post)

[More Nation](#)

WORLD**[Anti-U.S. Wave Imperiling Efforts in Pakistan, Officials Say](#)**

A new wave of anti-American sentiment in Pakistan has slowed the arrival of hundreds of U.S. civilian and military officials charged with implementing assistance programs, undermined cooperation in the fight against al-Qaeda and the Taliban, and put American lives at risk, according to officials ...

(By Karen DeYoung and Pamela Constable, The Washington Post)

[Gaddafi Calmly Takes On the Experts](#)

(By Keith B. Richburg, The Washington Post)

[Burma's Junta Intensifies Bid For Unification](#)

Bringing Autonomous Ethnic Enclaves Back Into Fold Poses Major Challenges

(The Washington Post)

[White House Regroups on Guantanamo](#)

Counsel Craig Replaced as Point Man on Issue as Deadline for Closing

Looms

(By Anne E. Kornblut and Dafna Linzer, The Washington Post)

Scientists Puzzle Over Minor Success Of AIDS Vaccine

(By David Brown, The Washington Post)

[More World](#)

METRO

Graham Aide Charged With Taking Bribes On Taxi Issues

The chief of staff to D.C. Council member Jim Graham was arrested on bribery charges Thursday, accused of taking trips and \$1,500 in payoffs in exchange for pushing legislation that would reward some in the taxicab industry.

(By Del Quentin Wilber and Tim Craig, The Washington Post)

Catoe's Contract Renewed In Show of Broad Support

Dissenting Vote by D.C. Official Surprises Other Board Members

(By Lena H. Sun and James Hohmann, The Washington Post)

Unions Criticize Obama's School Proposals as 'Bush III'

(By Nick Anderson, The Washington Post)

Newly Opened Clinic to Offer Hundreds Free HIV/AIDS Care

(By Darryl Fears, The Washington Post)

Wilder Declines to Endorse Anyone for Governor

(By Sandhya Somashekhar, The Washington Post)

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BUSINESS

Clock Is Ticking for First-Home Buyers

First-time home buyers are scrambling to take advantage of an \$8,000 tax credit set to expire in coming weeks, while Congress considers whether to extend the program or risk removing what may be one of the few supports underpinning the housing market.

(By Dina ElBoghdady, The Washington Post)

Reflecting New Global Economic Order, More Expansive G-20 to Replace G-8

(By Annys Shin and Michael D. Shear, The Washington Post)

SAIC to Move Headquarters to Tysons in Another Coup for Area

(By Kafia A. Hosh and V. Dion Haynes, The Washington Post)

[Obama's Deal With Drug Firms Survives](#)

(By Ceci Connolly, The Washington Post)

[New Groups Revive the Debate Over Causes of Climate Change](#)

(By Steven Mufson, The Washington Post)

[More Business](#)

TECHNOLOGY

[SAIC to Move Headquarters to Tysons in Another Coup for Area](#)

Defense contractor Science Applications International Corp. said Thursday it will move its headquarters from San Diego to Tysons Corner, where 17,000 of its workers already are based, becoming the latest of several major companies to relocate to the Washington region in the past two years.

(By Kafia A. Hosh and V. Dion Haynes, The Washington Post)

[Own Sweat Is Offenders' New Snitch](#)

Alcohol-Sniffing Anklet Saves Money But Stirs Privacy Fears
(By Fredrick Kunkle and Derek Kravitz, The Washington Post)

[Security Fix Live](#)

(Brian Krebs, washingtonpost.com)

[Don't Get Web 2.0wned](#)

(Brian Krebs, washingtonpost.com)

[More Technology](#)

SPORTS

[Baker's Homer Stuns Giants as Chicago Staves Off Playoff Elimination](#)

SAN FRANCISCO -- Jeff Baker hit a two-out, two-run home run in the top of

the ninth inning and the Chicago Cubs staved off elimination in the NL Central for a day by handing the San Francisco Giants a blow to their postseason hopes with 3-2 victory Thursday night.

(AP)

Power Running Catapults Urbana

Hawks Spot Lackey a 6-0 Lead Before Reeling Off 35 Unanswered Points:

Urbana 35, Lackey 6

(By Katie Carrera, The Washington Post)

Men's Soccer: Maryland vs. North Carolina

(The Washington Post)

Colorado Blows 3-0 Lead, Loses to San Diego

Padres 5, Rockies 4

(By ARNIE STAPLETON, AP)

Boston Edges Closer to Playoffs After Win Over Kansas City

Red Sox 10, Royals 3

(By JOHN MARSHALL, AP)

[More Sports](#)

STYLE

After 30 Years, NPR's Diane Rehm Finally Gets to Be the Guest

A question for Diane Rehm, who's been questioning the great and fascinating on her radio show for 30 years: Did she ever think she'd be on the air for so long?

(By Paul Farhi, The Washington Post)

Va. Slayings Spur Harder Look at Horrorcore

Suspect, 20, Is a Fan of Macabre Music Genre

(By Chris Richards, The Washington Post)

Earnest Remake Offers a Mixed Claim to 'Fame'

(By Dan Zak, The Washington Post)

'Surrogates': A Double Dose Of Dullness

(By Dan Kois, The Washington Post)

'I Hope They Serve Beer in Hell': Another Round of Male Misbehavior

(By Dan Kois, The Washington Post)

[More Style](#)

[Progress on State Secrets](#)

DURING the Bush administration, litigants who sued the government alleging they had been illegally spied on or snatched up in an "extraordinary rendition" faced dim prospects for success.

(The Washington Post)

[Honduras Gets Messier](#)

But there is a clear exit strategy: elections

(The Washington Post)

[Dueling Interests in D.C.?](#)

Bribery charges against Jim Graham's chief of staff call for caution in handling taxicab legislation.

(The Washington Post)

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Monday, Sept
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POLITICS

[If the Ground Is Shifting, the House Will Feel It](#)

In the battle for control of the House, environment isn't everything, but it's darn close to being the only thing.

(By Chris Cillizza, The Washington Post)

[On Medicare Spending, a Role Reversal](#)

Republicans, Not Interest Groups, Fight Plans to Cut \$400 Billion Over 10 Years

(By Lori Montgomery, The Washington Post)

[Vast Conspiracy Is Focusing On Obama, Says Bill Clinton](#)

(The Washington Post)

[U.S., Allies Vow Support for Karzai](#)

NATO Countries Pledge to Help Turn Insurgents Against Taliban

(By Karen DeYoung, The Washington Post)

[Rapier-Witted Conservative Columnist for N.Y. Times](#)

(By Joe Holley, The Washington Post)

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NATION

2 Brothers' Grim Tale Of Loyalty And Limbo

Bahtiyar Mahnut, a detainee at the U.S. military prison at Guantanamo Bay, learned a few weeks ago that the Pacific island nation of Palau had invited him to settle there.

(By Del Quentin Wilber, The Washington Post)

On Medicare Spending, a Role Reversal

Republicans, Not Interest Groups, Fight Plans to Cut \$400 Billion Over 10 Years

(By Lori Montgomery, The Washington Post)

Ancient Farmers May Have Caused Climate Change

(By David A. Fahrenthold, The Washington Post)

U.S., Allies Vow Support for Karzai

NATO Countries Pledge to Help Turn Insurgents Against Taliban

(By Karen DeYoung, The Washington Post)

Vast Conspiracy Is Focusing On Obama, Says Bill Clinton

(The Washington Post)

[More Nation](#)

WORLD

Iran Tests Missiles On Eve Of Talks

Amid growing international pressure in advance of highly anticipated talks this week, Iran displayed its defiance of Western threats against its nuclear program by announcing Sunday that it had test-fired at least two short-range missiles. Senior Obama administration officials, meanwhile, said they...

(By Walter Pincus and Karen DeYoung, The Washington Post)

2 Brothers' Grim Tale Of Loyalty And Limbo

To Leave Guantanamo Means Abandoning Family

(By Del Quentin Wilber, The Washington Post)

Cuba Pins Hopes On New Farms Run for Profit

Program Part of 'New Socialist Model'

(By William Booth, The Washington Post)

Germany's Merkel Reelected Easily, Will Form New Coalition

Al-Qaeda, Taliban Threats Do Not Affect the Vote

(By Craig Whitlock, The Washington Post)

[More World](#)

METRO**[Soldier's 5K Memorial Looks to the Future](#)**

Seven months ago, Nicole Bunting's husband, a 29-year-old Army captain, was killed while serving in Afghanistan. Three days later, she learned that she was pregnant with the couple's second child.

(By Yamiche Alcindor, The Washington Post)

[2 Brothers' Grim Tale Of Loyalty And Limbo](#)

To Leave Guantanamo Means Abandoning Family

(By Del Quentin Wilber, The Washington Post)

[Suburb Braces for An End to Tranquillity](#)

Pr. George's Backs Major Development Of Westphalia Area

(By Ovetta Wiggins, The Washington Post)

[Arrest Dims Festival's Luster](#)

Graham's Chief of Staff Enjoyed Solid Reputation in Latino Community

(By Ruben Castaneda and Nikita Stewart, The Washington Post)

[911 Update Wasn't Relayed to Deputy](#)

(By Christy Goodman, The Washington Post)

[More Metro](#)

BUSINESS**[Where Retail Is Thriving in a Down Economy](#)**

After opening in June, the Bonefish Grill in the new Brandywine Crossing shopping center in southern Prince George's County has become one of the top sales performers in the restaurant's chain. On Friday nights and weekends, patrons wait as long as 90 minutes for a table.

(By V. Dion Haynes, The Washington Post)

[On Medicare Spending, a Role Reversal](#)

Republicans, Not Interest Groups, Fight Plans to Cut \$400 Billion Over 10 Years

(By Lori Montgomery, The Washington Post)

[A Photographer With a Bird's-Eye View of the Economy](#)

(By Thomas Heath, The Washington Post)

[Suburb Braces for An End to Tranquillity](#)

Pr. George's Backs Major Development Of Westphalia Area

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Cuba Pins Hopes On New Farms Run for Profit

Program Part of 'New Socialist Model'

(By William Booth, The Washington Post)

[More Business](#)

TECHNOLOGY

Look Ma, No Brakes!

What a profile they cut, slicing through the city: gorgeous, exotic, dangerous. You see them parked like emaciated steeds outside the coolest clubs.

(By David Montgomery, The Washington Post)

[More Technology](#)

SPORTS

A Cowboys Stadium Big Enough For Jones's Ego

From the soil of the Texas terrain has risen Jerry Jones's \$1.15 billion monument to himself, Cowboys Stadium. If we are in the midst of the rise and fall of the American empire, at least we're going down in a heap of corporate excess and gridiron glory.

(By Norman Chad, The Washington Post)

Maryland Seeks to Kick-Start Offense to Turn Around Season

(By Eric Prisbell, The Washington Post)

Not All Is Given as Baseball Enters Final Week of Regular Season

(By Dave Sheinin, The Washington Post)

Despite Doing Plenty Right, It Still Goes Wrong for Nats

Braves 6, Nationals 3

(By Chico Harlan, The Washington Post)

Morse Is a Man Playing Without a Position

(By Chico Harlan, The Washington Post)

[More Sports](#)

STYLE

Rapier-Witted Conservative Columnist for N.Y. Times

William Safire, 79, a Pulitzer Prize-winning columnist and language maven for the New York Times, whose penchant for the barbed and memorable phrase first manifested itself in speeches he wrote for the Nixon White House, died Sept. 27 at Casey House, part of Montgomery Hospice in Rockville. A...

(By Joe Holley, The Washington Post)

Arrest of Director Polanski Puts 31-Year-Old Case on World Stage

1970s Sex Charges Led Him to Flee U.S.

(By Karl Vick, The Washington Post)

It All Comes Out in the Wash, Except The Leak

(By Howard Kurtz, The Washington Post)

'Trauma': Thrills With A Human Touch

(By Tom Shales, The Washington Post)

Start of NSO Season Is at Once Colorful and Lackluster

(By Anne Midgette, The Washington Post)

[More Style](#)

LIVE DISCUSSIONS

The Taliban: Following the Funding

Post staff writer Craig Whitlock takes your questions on his story about the flow of money that funds the Taliban.

(Craig Whitlock, washingtonpost.com)

Talk About Travel: Travel Staffers Help You Plan Great Escapes

(The Flight Crew, washingtonpost.com)

The Chat House With Michael Wilbon

(Michael Wilbon, washingtonpost.com)

Ask the Post: Managing Editors Take Your Questions

(Liz Spayd and Raju Narisetti, washingtonpost.com)

Balance of Power with Tucker Carlson and Ana Marie Cox

(Tucker Carlson and Ana Marie Cox, washingtonpost.com)

[More Live Discussions](#)

[The FCC's Heavy Hand](#)

IN A SPEECH at the Brookings Institution last week, Federal Communications Commission Chairman Julius Genachowski promised that his agency's plan for regulating Internet service providers (ISPs) will be "fair, transparent, fact-based and data-driven."

(The Washington Post)

[Burma Review](#)

A new Obama administration policy is promising but incomplete.

(The Washington Post)

[Sucker Punch](#)

A Tennessee congressional race gets ugly.

(The Washington Post)

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David Cohen

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Sent: 04/13/2009 09:45 AM EDT
To: Allyn Brooks-LaSure; Richard Windsor
Subject: assume u've seen this

Newswise — Tuesday, April 14, Environmental leaders will hold a telephone press briefing to provide background on the upcoming Environmental Protection Agency announcement (expected on the 16th) that global warming pollution constitutes a danger to the public health and welfare. EPA is expected to declare its authority to hold polluters accountable under the Clean Air Act. The decision, ordered by the Supreme Court in 2007 and based upon years of scientific research and analysis, has the potential to significantly alter energy politics and policy. Environmental leaders say it will spur clean energy jobs and protect public health and welfare.

The following questions will be addressed:

How is carbon dioxide a threat to public health and welfare?

What are the implications of common sense EPA regulation of greenhouse gases that will likely result?

How does action under the current Clean Air Act relate to potential new climate legislation?

What signals does it send to the international community as nations continue to work on a climate treaty?

Environmental leaders will explain the history and significance of the expected announcement in a telephone briefing for reporters.

A Q&A session will follow.

WHO:

David Doniger, Climate Center Policy Director, Natural Resources Defense Council

David Bookbinder, Chief Climate Counsel, Sierra Club

Emily Figdor, Federal Global Warming Program Director, Environment America

Joe Mendelson, Global Warming Policy Director, National Wildlife Federation (moderating)

Dr. Amanda Staudt, Climate Scientist, National Wildlife Federation

WHEN: Tuesday, April 14, 2009. 11:00 AM.

WHERE: Via Teleconference. 800-791-2345, code 58418. Credentialed media only.

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[Lisa Jackson, Head Of The EPA, Talks Climate Change And Small ...](#)

By The Huffington Post News Editors

Lisa P. Jackson, the new administrator of the **EPA** and the first African-American woman to hold the post, appeared on the "Daily Show" last night. She was greeted by an eager Jon Stewart who opened with, "The Bush administration was ...

[The Huffington Post | Full News Feed - http://www.huffingtonpost.com/thenewswire/](#)

[Jon Stewart Interviews EPA Head Lisa P. Jackson | Indecision ...](#)

By Matt Tobey

I've been a big fan of the **EPA** for a long time. Not the Environmental Protection Agency, the other **EPA**, Elephant Punchers Anonymous. Believe me, those elephants had it coming. Total dicks. [ccvideoid=227354]
The Daily Show with Jon ...

[Indecision Forever - http://blog.indecisionforever.com/](#)

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EPA Administrator **Lisa Jackson**. Posted by on May 15, 2009 by Brad. **EPA** Administrator **Lisa Jackson** was on the Daily Show last night discussing the policies and procedures of the **EPA**. Check out the video clip here. It is insightful. ...

[Act For Chemistry Blog - http://www.act4chemistry.org/blog/](#)

[Capital Games: Lisa Jackson on Daily Show](#)

By Herb Jackson

EPA Administrator **Lisa P. Jackson**, the former New Jersey environmental commissioner and aide to Governor Corzine, was on Jon Stewart's Show last night. The Daily Show With Jon Stewart M - Th 11p / 10c **Lisa P.**

Jackson thedailyshow.com ...

[Capital Games - http://njmg.typepad.com/herbjackson/](#)

[What I'm Watching: Sen. Barrasso Expose \(Dumb\) EPA Regulations ...](#)

By Fastidious

John Barrasso (a Republican from Wyoming) reads a memo to **EPA** Director **Lisa Jackson** at an Environment and Public Works Committee meeting. He questions whether or not the **EPA** can move on regulating "greenhouse gases" because a White ...

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[Jon Stewart Interviews EPA Head Lisa P. Jackson | Indecision ...](#)

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Kathleen Parker

[Another McCain Throws Down a Challenge](#)

The GOP's identity crisis just got more interesting.

Martin Feldstein

[A Deduction From Charity](#)

An Obama proposal would encourage high-income taxpayers to reduce their charitable giving.

Evan Bayh, Tom Carper and Blanche Lincoln

[Building Bridges on The Hill](#)

As moderate Democrats, our intent is not to water down the president's agenda.

Carlos Lozada

[The U.S. Economy Does Not Exist](#)

The national economy, as we traditionally think of it, is a myth. A fake.

Michael Gerson

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Should we increase pressure, knowing it may cause more short-term suffering?

Robert F. Kennedy Jr.

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Tom **TOLES** & Ann **TELNAES**

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Richard Windsor/DC/USEPA/US
09/04/2009 02:52 PM

To "Lisa Jackson"
cc
bcc
Subject Fw: Google Alert - EPA Lisa jackson

From **Lisa Jackson b(6) Privacy**
Sent: 09/04/2009 06:47 PM GMT
To: Richard Windsor
Subject: Fw: Google Alert - EPA Lisa jackson

Sent via BlackBerry by AT&T

From: Google Alerts
Date: Fri, 04 Sep 2009 18:04:57 +0000
To: <(b) (6) Personal Privacy>
Subject: Google Alert - EPA Lisa jackson

Google Blogs Alert for: **EPA Lisa jackson**

[Switchboard, from NRDC :: David Doniger's Blog :: Wall Street ...](#)

By David Doniger

That pesky **EPA** Administrator **Lisa Jackson** has outfoxed us again! In an editorial called "Terms of 'Endangerment'" (hey, that was the title of my blog last April), the Journal inveighs once more against any action to stop global warming. ...

[Switchboard, from NRDC > David... - http://switchboard.nrdc.org/blogs/ddoniger/](#)

[Tell the **EPA** to Stop Mountaintop Removal ! TAKE ACTION ! - Care2 ...](#)

By Cher C.

I've been truly inspired by what thousands are doing around the country to stop mountaintop removal and Big Coal, especially by asking **Lisa Jackson** of the **EPA** to stop extending permits that would destroy more mountains.

[Care2 News Network - http://www.care2.com/news/](#)

[Celestial Junk: Cap and Tax Fail](#)

By Paul

We learned from **EPA** Administrator **Lisa Jackson** that unilateral U.S. action to address climate change through cap-and-trade would be futile. She said in response to a question from me that "U.S. action alone will not impact world CO2 ...

[Celestial Junk - http://cjunk.blogspot.com/](#)

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Richard Windsor/DC/USEPA/US
06/26/2009 07:46 PM

To "Maggie Moran"
cc
bcc

Subject Fw: News Alert: House Passes Ambitious Climate Bill

From: "The Washington Post" [newsletters@email.washingtonpost.com]
Sent: 06/26/2009 07:39 PM AST
To: Richard Windsor
Subject: News Alert: House Passes Ambitious Climate Bill

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News Alert

7:23 p.m. ET Friday, June 26, 2009

[House Passes Ambitious Climate Bill](#)

House narrowly passes ambitious climate bill that will establish the first national limits on greenhouse gases, create a complex trading system for emission permits and provide incentives to alter how both individuals and corporations use energy.

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Richard Windsor/DC/USEPA/US
02/07/2011 07:29 AM

To "Michael Goo"
cc
bcc

Subject Fw: NRDC: Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 02/06/2011 08:42 PM EST
To: "Richard Windsor" <windsor.richard@epa.gov>; Bob Perciasepe; Diane Thompson; "Bob Sussman" <sussman.bob@epa.gov>; David McIntosh; "Arvin Ganesan" <ganesan.arvin@epa.gov>; Stephanie Owens; Sarah Pallone; Dru Ealons
Cc: "Betsaida Alcantara" <alcantara.betsaida@epa.gov>; "Brendan Gilfillan" <gilfillan.brendan@epa.gov>; Michael Moats; "Seth Oster" <oster.seth@epa.gov>; Alisha Johnson; Vicki Ekstrom; Andra Belknap
Subject: NRDC: Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health
NRDC:
Upton-Inhofe Bill Puts Polluters' Profits Ahead of Public Health

Posted February 6, 2011 in Curbing Pollution, Solving Global Warming

Legislation proposed last week by Rep. Fred Upton (R-MI) and Sen. Jim Inhofe (R-OK) to block the Environment Protection Agency from enforcing Clean Air Act safeguards against carbon pollution would be a boon to big polluters and a serious setback for public health.

As my colleague Franz Matzner said: "Now we know the upshot of that behind-closed-doors meeting last month between big polluters and the staffs of Rep. Upton and Sen. Inhofe: A proposal that puts polluters' profits ahead of the American people's health."

In mid-January the Upton and Inhofe staffs met with the polluters' lobbyists from the American Petroleum Institute, the National Mining Association, the National Rural Electric Cooperative Association, the U.S. Chamber of Commerce and others, seeking their support for an "all-out push" to block EPA from doing its job to cut carbon pollution under the Clean Air Act.

"The feedback we got was 'hey, great, go for it guys,'" one Republican aide told POLITICO. "And we pretty strongly told them we do need your help to get this done. And when we walked away from the meeting the feeling was we got that."

The product of this high-minded collaboration is the "Energy Tax Prevention Act of 2011." Upton, chairman of the House Energy and Commerce Committee, scheduled a hearing on the bill Wednesday, February 9th, as the first step towards ramming it through the House.

The bill is an all-out assault on public health. EPA has documented how carbon dioxide and other climate-changing pollutants are bringing Americans death, illness, and injury in many ways: by causing more killer heat waves, more intense smog, the spread of infectious diseases, and stronger storms, floods, and hurricanes. Blocking EPA from reducing carbon pollution would mean more lives lost and more illness and injury.

Here's what the Upton-Inhofe bill would do:

The bill would give the biggest polluters a free pass for unlimited carbon pollution by simply declaring that

carbon dioxide is not an air pollutant and repealing EPA's science based endangerment determination.

The bill exempts carbon dioxide and other heat-trapping pollutants from the Clean Air Act's definition of "air pollutant," overturning the Supreme Court's landmark decision in *Massachusetts v. EPA*. [Section 2, adding CAA Section 330(a), (b)(1)]

The Supreme Court enforced EPA's 40-year-old duty under the Clean Air Act to act when science shows that pollution endangers our health or welfare. But the bill repeals EPA's endangerment determination, simply disregarding the findings of the National Academy of Sciences and countless other scientific experts. [Section 2, adding CAA Section 330(b)(4)(A)]

The bill would repeal every action EPA has already taken and block every action EPA is developing to limit carbon pollution from power plants, oil refineries, and other industries. [Section 2, adding CAA Sec. 330(b)(4)]

The bill gives the biggest new facilities a free pass for unlimited carbon pollution. When companies want to build the very largest new facilities - plants that will run for decades and emit millions of tons of carbon dioxide - they now must take available and affordable steps to minimize that pollution. This pre-construction review has applied to other pollutants for decades; now it includes carbon pollution too. But the bill would turn back the clock and bar any limits on their carbon pollution. [Section 2, adding CAA Section 330(b)(3)]

The bill blocks EPA plans to issue carbon pollution performance standards for power plants and oil refineries, the number 1 and 2 carbon polluters in the nation. Power plants release 2.4 billion tons of carbon dioxide each year (40 percent of the nation's total) and oil refineries emit hundreds of millions of tons. In December, EPA announced a timetable for setting these safeguards over the next two years. The bill would stop that in its tracks and bar EPA from setting carbon performance standards for any industries. [Section 2, adding CAA Section 330(b)(1)(A), (b)(4)(K)]

The bill tears up the Clean Car Peace Treaty reached by the Obama administration, the car companies, the states, and others and that provides for setting clean car and truck standards out to 2025 and beyond.

The clean car agreement calls for EPA, the Department of Transportation, and California to work together with industry and environmental stakeholders to set standards that make the greatest feasible cuts in the carbon pollution and fuel consumption of new cars and trucks.

The bill's sponsors will trumpet that they've kept the first round of joint standards for cars (through 2016) and trucks (through 2018). But after that the bill strips EPA, California, and other states of any future role in cleaning up vehicles' carbon pollution. EPA could not set future carbon standards could not allow California to do so. [Section 2, adding CAA Section 330(b)(1)(A), Section 3 adding CAA Section 209(b)(4)]

This means more pollution and higher fuel bills for all Americans, since the Transportation Department's CAFE standards can't deliver the same results. Because of EPA and California, the first round standards are delivering 47 percent more carbon reductions and 33 percent more fuel savings than CAFE standards alone, and saving consumers nearly \$60 billion dollars more than CAFE standards alone.

The Upton-Inhofe bill is unprecedented political interference with science and with enforcement of clean air safeguards, which have improved our air for the past four decades. We have the clean energy technology to significantly reduce carbon pollution, just as we have with each other kind of life-threatening air pollution.

The big polluters cannot be allowed to keep spewing unlimited amounts of carbon pollution into our air. Politicians in Congress should not try to block EPA scientists from doing their job. Responsible public officials need to stand up for clean air and the health of our families rather than joining with the big polluters.

Richard Windsor/DC/USEPA/US
02/04/2010 10:33 AM

To "Scott Fulton"
cc
bcc

Subject Fw: Patrice Simms to DOJ

Allyn Brooks-LaSure

----- Original Message -----

From: Allyn Brooks-LaSure
Sent: 02/04/2010 09:41 AM EST
To: Richard Windsor; Bob Perciasepe; Cynthia Giles-AA; "Sussman, Bob" <sussman.bob@epa.gov>; "Stanislaus, Mathy" <stanislaus.mathy@epa.gov>; Michelle DePass
Cc: Diane Thompson; Stephanie Owens
Subject: Patrice Simms to DOJ

Fyi:

> -----Original Message-----

> From: Clean Air Act Litigation Forum [mailto:CONS-ELP-CLEAN-AIR-FORUM@LISTS.SIERRACLUB.ORG] On Behalf Of Walke, John
> Sent: Thursday, February 04, 2010 4:36 AM
> To: CONS-ELP-CLEAN-AIR-FORUM@LISTS.SIERRACLUB.ORG
> Subject: Patrice Simms joins Justice Department

>
> Many on this list serve will recall Patrice Simms, former NRDC clean air attorney who worked on coal plant challenges. Patrice left NRDC 2 years ago to become the environmental law professor at Howard Law School.

>
> I am very pleased to report that Patrice has been appointed to serve as one of two high-level political Deputy Assistant Attorneys General in the U.S. Department of Justice's Environment and Natural Resources Division. The Assistant Attorney General for ENRD is Ignacia Moreno.

>
> Patrice will oversee the all-important Environmental Defense Section, which handles all pollution statutes and defense for all agencies, including both EPA as regulator and the polluting agencies (DOD etc). Another political deputy will handle the public lands, wildlife, and NEPA statutes.

>
> This is obviously a tremendous testament to Patrice and his many talents, and he will provide great service to the American people, the protection of public health and the environment, and the upholding of the rule of law.

>
> If you would like to congratulate or contact Patrice, his email address should be Patrice.Simms@usdoj.gov. I also have his cell phone number if you would like to call him. Patrice's first day at main Justice was Monday.

>

MABL.

M. Allyn Brooks-LaSure
Office of the Administrator
U.S. Environmental Protection Agency
Cell: 202-631-0415

Richard Windsor/DC/USEPA/US
04/24/2009 09:43 AM

To "Scott Fulton", "Diane Thompson", "Bob Sussman", "Lisa Heinzerling", "David McIntosh"
cc
bcc
Subject Fw: politico rates epa's 1st 100

David Cohen

----- Original Message -----

From: David Cohen
Sent: 04/24/2009 09:26 AM EDT
To: Richard Windsor; Allyn Brooks-LaSure
Subject: politico rates epa's 1st 100

Agency: EPA

By [LISA LERER](#) | 4/24/09 4:05 AM EDT

Text Size: [A](#) [A](#) [A](#)



In the first 100 days, EPA is quickly moving forward on a host of once-stalled proposals. Photo: AP

EPA Administrator Lisa Jackson didn't even have the keys to her office when the Obama administration started its ambitious revamp of her agency.

Immediately after swearing Jackson into her new post, President Barack Obama ordered her to review a Bush administration ruling that prohibited California and 15 other states from setting tougher auto emissions standards. Then, he ordered the Transportation Department to enforce tougher fuel efficiency standards by 2011.

The administration's message was clear: A new, greener day has dawned at the Environmental Protection Agency.

EPA was one of the most demoralized agencies in the federal government under President George W. Bush. The career staff — which supports stricter environmental regulation — bristled under political appointees who blocked agency initiatives. Their frustration was shared by many in the environmental community, including Jackson. As head of New Jersey's Department of Environmental Protection, she joked that in the Bush administration, EPA stood for the "Emissions Permissions Agency."

Now, Jackson is quickly moving forward on a host of once-stalled proposals. In the first 100 days, EPA has taken initial steps to impose stricter controls on coal plants, mercury produced by power plants and greenhouse gas emissions.

"Lisa Jackson took over a listing battleship, and she has righted it and turned it around," said Dan Weiss, director of climate strategy at the left-leaning Center for American Progress.

“Probably no federal agency will have undergone such a profound change than EPA under Obama.”

Gold Medal Performance

The EPA took a major step toward capping greenhouse gas emissions when it issued a much-anticipated finding this month that global warming is a danger to human health and welfare. The finding will have a huge economic impact on coal plants, transportation and manufacturing. It also increases the pressure for Congress to pass climate change legislation before international climate talks in Copenhagen in December. If lawmakers fail to act, the ruling could force EPA to impose strict new regulations.

Worst Train Wreck

One early letdown came when Jon Cannon, a former top EPA lawyer, withdrew his nomination for deputy administrator. The move came after vetters began scrutinizing a now-defunct nonprofit group where Cannon once served on the board of directors that was faulted for mishandling federal grant money.

Sea Change

In a memo to EPA employees, Jackson laid out the administration’s guiding principles: science, rule of law and transparency. And EPA is backed by an administration that counts global warming as one of its top priorities. “There is no example, much less a recent example, of this amount of high-level policy attention being devoted to global warming, clean energy and green jobs,” says John Walke, clean air director for the Natural Resources Defense Council. “We’re in uncharted territory.”

Elephant in the Room

Observers say it will take a long time to undo some of the Bush administration actions that the new administration would like to reverse — such as the easing of prohibitions against dumping mine waste near streams and years of little action on regulating greenhouse gases.

Biggest Food Fight

EPA could soon find itself in a turf war with the Department of Transportation, since both are authorized to address auto emissions. Currently, EPA is reviewing whether to grant states a legal waiver to lower passenger car emissions by 30 percent, while DOT recently revised the federal corporate average fuel economy, or CAFE, standards. Depending on what EPA decides, the two agencies could release conflicting emissions standards: one for states that get the waiver and another that would be applied nationwide.

Richard
Windsor/DC/USEPA/US
02/06/2009 04:28 PM

To "Sean Darcy"
cc
bcc
Subject Fw: ap on mercury: obama seeks tougher controls

David Cohen

----- Original Message -----

From: David Cohen
Sent: 02/06/2009 04:07 PM EST
To: Richard Windsor
Cc: Lisa Heinzerling
Subject: ap on mercury: obama seeks tougher controls

Obama seeks tougher controls on mercury emissions

By *DINA CAPPIELLO*, Associated Press Writer *Dina Cappiello*, Associated Press Writer
25 mins ago

WASHINGTON – The Obama administration signaled Friday that it will seek more stringent controls on mercury pollution from the nation's power plants, abandoning a Bush administration approach that the industry supported.

The Justice Department on Friday submitted papers to the Supreme Court to dismiss the Bush administration's appeal of the rule, which a lower court struck down last year.

Meanwhile, the Environmental Protection Agency said it would begin crafting a new rule limiting mercury emissions from power plants.

The court was expected to decide later this month whether it would take the case. Last year, an appeals court ruled that the Bush plan violated the law by allowing utilities to purchase emission credits instead of actually reducing emissions.

Such a plan would have allowed some power plants to release more mercury pollution than others, creating localized "hot spots" where concentrations are higher, states and environmental groups argued. The law requires all facilities to install the best technology available to curb emissions.

Power plants are the biggest source of mercury, which finds its way into the food supply. It is commonly found in high concentrations in fish. Mercury can damage developing brains of fetuses and very young children.

"It is yet another Bush administration policy they are not going to go forward with," said David Bookbinder, the Sierra Club's chief climate counsel.

The EPA also announced Friday that it was starting the review of the Bush administration's decision to deny California and other states the right to control emissions of the gases blamed for global warming for cars.

In a statement, the agency said there were significant issues with the previous administration's denial of the California request that represents a significant departure from the law.

While the administration has signaled it is breaking with its predecessor on several issues, Friday's filing on mercury is the first outright reversal of a legal position taken by the Bush administration at the Supreme Court.

EPA Administrator Lisa Jackson told reporters at a green jobs conference in Washington that the Obama administration would draft its own rules under the Clean Air Act to curb mercury emissions.

Jackson — who led the environmental department in New Jersey, one of 17 states that sued the Bush administration in 2006 — said the EPA would likely set limits on the toxic metal from power plants, as required by the law.

"We're better off spending all our resources making rules that will stick instead of fighting the courts on this one," Jackson said.

Representatives of the utility industry, which is still asking the Supreme Court to take up an appeal, said Friday that a new rule would further delay clean up of mercury and cost more than the Bush proposal.

"From an environmental perspective, the thing that is a real shame about all this is had the court left the mercury rule in place we would have had much greater mercury reductions at a lower cost," said Jeff Holmstead, head of the Environmental Strategies Group at the law firm Bracewell & Giuliani, which represents power producers.

Richard
Windsor/DC/USEPA/US
10/02/2009 04:48 PM

To "Seth Oster"
cc
bcc

Subject Fw: Center for American Progress blog post by Joe Romm

Good storyline for tonite as well.

David McIntosh

----- Original Message -----

From: David McIntosh
Sent: 10/02/2009 03:01 PM EDT
To: Richard Windsor
Cc: Seth Oster; Allyn Brooks-LaSure; Gina McCarthy; Lisa Heinzerling
Subject: Center for American Progress blog post by Joe Romm

The American Enterprise Institute compares EPA Administrator Lisa Jackson to Clint Eastwood and carbon polluters to criminals

Posted By [Joe](#) On October 2, 2009 @ 12:41 pm In [Politics](#) | [4 Comments](#)

In a bizarre pop-culture flip-flop, Kenneth Green of the American Enterprise Institute has compared the mild-mannered EPA administrator to Dirty Harry:

[You can just see Jackson standing there with a .44 magnum in her hand, and a steely glint in her eye, telling industry "You've got to ask yourself one question, 'do I feel lucky?' Well, do ya, punk?"](#)^[1]

Seriously!

Let me get this straight, the right-wing is now saying it's bad to be like Clint, the quintessential tough guy hero lionized by conservatives because he'll do whatever is needed to save human life? That means Green is directly equating U.S. industry with the psychopathic serial killer and criminals that Clint fights in the [iconic 1971 movie](#)^[2].

Well, logic was never a priority of Denier-Industrial-Complex Kooks ([DICKs](#)^[3]) like Green, who regularly spouts nonsense like, "We're back to the average temperatures that prevailed in 1978.... No matter what you've been told, the technology to significantly reduce emissions is decades away and extremely costly" — from a 2008 speech AEI later removed from their website (excerpts [here](#)^[4]).

In fact, Green's analogy makes no sense whatsoever since Jackson is simply obeying the command of the highest court in the land to regulate carbon pollution (see [here](#)^[5]). Green entirely omits the fact that in 2007, [the U.S. Supreme Court](#)^[6] determined that carbon dioxide and other greenhouse gases were pollutants and that the EPA would have to regulate them if they were found to endanger public health and welfare.

So the only part of the analogy that makes sense is that deniers and delayers like Green oppose the rule of law — while Jackson is trying to enforce it.

Ironically, in its zealous quest to kill climate action, AEI has done another flip-flop. Jackson proposes to start regulating only "[large industrial facilities that emit at least 25,000 tons of GHGs a year](#)^[5]." Jackson explained, "This is a common sense rule that is carefully tailored to apply to only the largest sources — those from sectors responsible for nearly 70 percent of U.S. greenhouse gas emissions sources." She told the Governors Climate Summit in Los Angeles, "we can begin reducing emissions from the nation's largest greenhouse gas emitting facilities without placing an undue burden on the businesses that make up the vast majority of our economy," adding, "The corner coffee shop is not a meaningful place to look for carbon reductions."

But Green doesn't believe in common sense — he urges big polluters to sue to make sure small businesses and farmers are regulated also:

For that matter, the large emitters would be wise to sue for this also, both to ensure that they're not the only ones disadvantaged by the EPA's actions, and to make manifest the insanity involved with EPA regulating greenhouse gases.

Note that **for Green and the American Enterprise Institute, obeying the Supreme Court is "insanity."** You don't have to be Dirty Harry to realize which side of the law he is on.

Fundamentally, Green wants to use the legal system to pervert the process. And this scorched earth strategy is one the big polluters are threatening, too. I'll end this post with an analysis — "[It's Hard To Hide An Oil Refinery Behind a Donut Shop](#)"^[7] — from David Doniger, Policy Director at NRDC's Climate Center, and former "director of climate change policy at the U.S. Environmental Protection Agency and, before that, counsel to the head of the EPA's clean air program":

Two years ago, the Supreme Court issued a [landmark ruling](#)^[8] that EPA has the authority and responsibility to use the existing Clean Air Act to cut dangerous global warming pollution. And under President Obama, EPA is starting act. Under the [clean car peace treaty](#)^[9] unveiled in the Rose Garden last March, Administrator Jackson has proposed nationwide global warming pollution standards for new cars and trucks, modeled on California's path-breaking standards. And EPA is working on carbon limits for big power plants, oil refineries, cement plants, and other big factories responsible for most of our heat-trapping pollution. In a fairly desperate reaction, some of America's biggest polluters — led by the U.S. Chamber of Commerce, the National Petroleum Refiners Association (NPRA), and others — are trying to scare America's small businesses owners into thinking it's them that the EPA is after.

If they force me to curb my pollution, the [big boys say](#)^[10], they'll come after schools, homes, and hot dog stands. No one is safe, they shout. Be afraid. Be very afraid.

But it's hard to hide an oil refinery behind a donut shop.

So what is EPA really doing?

Well, when EPA issues its final clean car standards next March, certain other things happen automatically under the Clean Air Act. The most important is that when companies build or expand big pollution sources — power plants, oil refineries, or cement kilns, for example — they will have to install the "best available control technology" (BACT) for carbon dioxide and the other global warming pollutants. This is nothing fancy. It's what they've done for years for other dangerous pollutants like sulfur dioxide.

EPA is proposing to set "thresholds" — carbon pollution levels that separate big sources that will have to meet these requirements from small ones that will not.

This is a common sense concept that NRDC and other environmental groups proposed a more than a year ago.

But along come lawyers and spokesmen for the big boys arguing that EPA can't do that. If you regulate any of us, you have to regulate all of us, down to the donut shop.

It's hostage taking. We're gonna take everyone down with us. Listen to Charles Drevna, of the National Petroleum Refiners Association:

"This proposal *incorrectly assumes that one industry's greenhouse gas emissions are worse than another's*," [Drevna said](#)^[11]. "Greenhouse gas emissions are global in nature, and are not isolated to a few select industries. The Clean Air Act stipulates unequivocally that the threshold to permit major sources is 250 tons for criteria pollutants. EPA lacks the legal

authority to categorically exempt sources that exceed the Clean Air Act's major source threshold from permitting requirements, and this creates a troubling precedent for any agency actions in the future."

EPA argues that it can set a different threshold – it has proposed 25,000 tons of carbon dioxide – to recognize that each power plant or other big source emits roughly 100 times more carbon dioxide than conventional pollutants like sulfur dioxide. Accordingly, EPA says the proposed 25,000 ton threshold respects Congress's decisions about which big plants should have to install the best available control technology, and which small ones should not. Congress, EPA contends, never wanted to treat mom and pop shops the same as the big boys. In short, EPA argues that its new thresholds avoid absurd results and administrative nightmares.

The big boys' lawyers are getting ready to argue that EPA can't do this, that only Congress can change these threshold numbers. They claim the courts will strike EPA's rule down. But who'll bring that suit? It won't be NRDC or any of the other environmental groups active in this fight. And it's not clear that the big boys have "standing" – the kind of legal injury needed to take to take this complaint to court. And the courts themselves have recognized the doctrines of avoiding absurd results and administrative nightmares.

So I'm betting on EPA. And then, with small businesses safely shielded, the Chamber and NPRA will have no one to hide behind.

What's more likely is that Congress will clear this up well before the courts weigh in, by writing the EPA's thresholds into new comprehensive climate and energy legislation. That's an idea with support from both environmental organizations and responsible companies.

Maybe I'm a dreamer, but it's never too late for the Chamber and its allies to stop the scare-mongering and join the effort to pass this new legislation.

Well, the [Chamber's call for a 'Scopes monkey trial of the 21st century'](#)^[12] worked out so well for them (see "[Nike runs fast and loud from the incredible, shrinking U.S. Chamber Board over its global warming denial](#)"^[13]"), that if they want to pursue this lawsuit, which I suspect will be equally popular with their members, I say, "Go ahead, make my day!"

Richard
Windsor/DC/USEPA/US
10/05/2009 05:10 PM

To "Seth Oster"
cc
bcc
Subject Fw: WaPo: Apple Leaving Chamber of Commerce Over
Climate Change

Adora Andy

----- Original Message -----

From: Adora Andy
Sent: 10/05/2009 05:08 PM EDT
To: Richard Windsor; Bob Sussman; Lisa Heinzerling; David McIntosh; Arvin Ganesan; Seth Oster; Allyn Brooks-LaSure
Cc: Betsaida Alcantara; Brendan Gilfillan; Michael Moats
Subject: WaPo: Apple Leaving Chamber of Commerce Over Climate Change

Apple Leaving Chamber of Commerce Over Climate Change

By David A. Fahrenthold
Washington Post Staff Writer
Monday, October 5, 2009 4:49 PM

Apple Inc. is pulling out of the U.S. Chamber of Commerce because of the chamber's strident criticism of plans to reduce U.S. greenhouse-gas emissions, the computer giant said Monday.

In a letter to the chamber of commerce's president, Apple vice president Catherine Novelli wrote that "Apple supports regulating greenhouse gas emissions, and it is frustrating to find the Chamber at odds with us in this effort." As a result, Novelli said, "we have decided to resign our membership effective immediately."

The Chamber of Commerce, which says it represents more than 3 million businesses, has been one of the strongest critics of legislation aimed at reducing U.S. emissions.

Last week, the group's president, Thomas J. Donohue, said in a statement that his group supports "strong federal legislation" to protect the climate. But he said legislation passed by the U.S. House of Representatives -- which would use a "cap and trade" system to lower the cost of reducing emissions -- was flawed because it does not require other polluting countries to act, and does too little to spur U.S. investment in green technologies.

A spokesman for the chamber, asked Monday about Apple's decision, referred a reporter to last week's statement.

Apple's decision makes it the fourth company in several weeks to pull out because of the chamber's climate policy, said Pete Altman, a Natural Resources Defense Council activist who has been tracking the dispute. The others have been power utilities Pacific Gas and Electric and PNM Resources, as well as power generator Exelon.

In addition, Nike resigned its position on the chamber's board, but not its membership.

"What we're seeing is the chamber is clearly out of step with more and more companies," said Altman, whose group supports the greenhouse-gas legislation passed earlier this summer by the U.S. House of Representatives. A similar bill was introduced last week in the Senate.

Adora Andy
Press Secretary
U.S. Environmental Protection Agency
Office of Public Affairs
202-564-2715
andy.adora@epa.gov

Richard
Windsor/DC/USEPA/US
03/14/2010 05:19 PM

To "Seth Oster"
cc
bcc

Subject Re: NY Times Sunday Magazine Profile on Rahm Emanuel

Saw it. Tx.

From: "Seth Oster" [(b) (6) Personal Privacy]
Sent: 03/14/2010 05:15 PM AST
To: Richard Windsor
Cc: Allyn Brooks-LaSure
Subject: NY Times Sunday Magazine Profile on Rahm Emanuel

In case you missed it, the story I mentioned yesterday.

Seth

The New York Times

March 14, 2010

The Limits of Rahmism

By [PETER BAKER](#)

AS A DOZEN or so top White House officials gathered in [Rahm Emanuel](#)'s corner West Wing office one morning in early January, the president's political director, Patrick Gaspard, reported on the latest poll numbers in Massachusetts. With less than two weeks until a special Senate election, the Republican candidate was gaining momentum — just nine percentage points behind the Democrat in a new Rasmussen survey. The Democrats were in danger of losing the seat held for nearly half a century by Senator [Edward M. Kennedy](#).

Emanuel, the provocative and profane White House chief of staff, slammed his hand down on the table and shook his head with seething exasperation. He did not yell, according to others in the meeting, but his thoughts were obvious. How had this happened? What the bleep was going on? He ordered calls made to Massachusetts and the Senate Democratic campaign committee to assess the situation. "We've got to get up there and take it over," Emanuel told colleagues. As the election got closer, Emanuel and [David Axelrod](#), the president's senior adviser, arranged for [President Obama](#) to rush up to Massachusetts for a last-minute campaign trip.

It made no difference. The Republican, [Scott Brown](#), who campaigned by driving a pickup truck around the state, was riding a tide of popular anger that would dramatically end the opening chapter of the Obama presidency. By the time Election Day arrived on Jan. 19, Emanuel tried to prepare the White House senior staff, during its 8:30 a.m. meeting in the Roosevelt Room, for the storm of second-guessing that was about to hit. "I've been in a White House before when we lost both the House and the Senate in '94," he said, according to notes taken separately by two people in the room. "In about 12 hours, we're all going to be stupid. Like Axe says, you're never as smart as they say you are when you win, and you're not as stupid as they say you are when you lose. We were smart before. Now we'll be stupid."

The stupid season has arrived for [Barack Obama](#) and Rahm Emanuel, the unlikely tandem of inspirational leader and legislative mechanic that was supposed to enact the most expansive domestic program since the Great Society. After the debacle in Massachusetts that cost Democrats their supermajority in the Senate, Washington has engaged in a favorite exercise, conducting the autopsy before the body is actually dead. How had it come to this? How did the president's legislative drive drag on for so long that the surprise loss of a Senate seat could unravel it? Did Obama make a mistake by disregarding his top adviser's counsel? Or was it Emanuel who failed to execute the president's strategy? Was it both, or perhaps neither?

As Emanuel put it the morning of the Massachusetts election, the final judgments will depend on the final results. If the president and his chief of staff manage to salvage their ambitious campaign to overhaul health care in the next few weeks — a proposition the White House privately put at 51 percent as the month began, according to an official — then, as Emanuel said, they will be seen as smart all over again. But that 49 percent chance of failure could devastate Obama's presidency, weaken Democrats heading into the fall midterm elections and trigger an even fiercer, more debilitating round of finger-pointing inside the administration.

The paradox of the current situation for Obama and Emanuel has not been lost on Washington. A visionary outsider who is relatively inexperienced and perhaps even a tad naïve about the ways of Washington captures the White House and, eager to get things done, hires the ultimate get-it-done insider to run his operation. Obama was enough of a student of history to avoid repeating the mistakes of [Jimmy Carter](#) and [Bill Clinton](#), who came to reform the capital and installed friends from home who did not truly understand it as their top White House aides. But if picking the leading practitioner of the dark arts of the capital was a Faustian bargain for Obama in the name of getting things done, why haven't things got done?

By the end of his first year, Obama expected to have revamped the nation's health care system, restructured its energy industry to curb [climate change](#), reined in Wall Street with a new regulatory structure, closed the prison at Guantánamo Bay, signed an arms-control treaty with Russia, begun rapprochement with Iran and jump-started the Middle East peace process. Instead, the president's approval ratings have fallen by more than 20 percentage points, unemployment remains higher than even the worst initial White House forecasts and much of the president's agenda is stalled. Most significant, the fate of Obama's signature health care initiative is uncertain. "What looked like it was going to be a huge achievement for 2009 became a huge challenge for 2010," Anita Dunn, the former White House communications director under

Obama, told me. “Obviously, the landscape looks a lot different heading into the second year.”

If Emanuel’s philosophy is to put points on the board, to take what you can get and then cut a deal, to make everything negotiable except success, then the White House is testing the limits of Rahmism. For 14 months, the president has struggled with the balance between that pragmatism and the idealism of his campaign. At times, he disregarded Emanuel’s advice to scale back his goals, particularly on health care. At others, he has sacrificed campaign positions in hopes of achieving a compromise. “There’s a constant tension between the need to get things done within the system as it is and the commitment to change the system,” Axelrod told me last month. “Finding that line at any given moment is really, really difficult.”

In choosing his chief of staff, Obama concluded that what he needed was someone who was not like him in temperament or political instinct. With only two years in the Senate before effectively leaving town to run for the presidency, Obama needed a guide through the labyrinth of Washington. “He really wants Rahm in that position because he trusts him,” [Ray LaHood](#), the transportation secretary and a close friend of Emanuel’s, told me. “If Rahm tells him to make a phone call or to do something, he knows that it’s probably a good thing to do.”

It is hardly a relationship of dependence and deferral. These are two strong-willed individuals. Yet for all the focus on Emanuel lately, Obama calls the shots. When Obama makes a decision at variance with Emanuel’s advice, Emanuel does what staff members do and adopts the decision as his own. “Rahm Emanuel is not telling the president what to do,” said Representative [Steny Hoyer](#) of Maryland, the House majority leader. “Rahm is not somebody who is running over the president of the United States. The president is making the decisions.”

In this season of discontent for Obama, Emanuel has emerged as the leading foil, the easy and most popular target for missiles flung at the White House from all sides. He is the *bête noire* of conservatives who see him as the chief architect of Obama’s big-government program and of liberals who consider him an accommodationist who undermines the very same agenda. The criticism has been searing and conflicting. He didn’t work enough across party lines. He tried too hard to work across party lines. He pushed for too much. He didn’t push for enough. The crossfire underscores his contradictions — how can Emanuel be so intensely partisan without being all that liberal and so relentlessly pragmatic without being bipartisan? And just as salient these days, how can he be so independent-minded and still remain loyal to a team operation?

After a series of attacks last month came articles in The Washington Post and elsewhere defending Emanuel, which in a way was worse for him, because it fed suspicions that he was secretly disparaging the president and colleagues. None of his closest friends believe he would deliberately do that, but all the attention on him lately has stirred widespread grumbling inside the White House about the violation of the “no-drama Obama” ethos cultivated during the campaign. Even some of Emanuel’s friends are aggravated at the perception that White House officials are taking shots at one another. As for Obama, “he’s irritated by the stories,” a top aide told me, and Emanuel has “expressed regret” to the president.

Emanuel, who declined to talk to me on the record for this article, generally shrugs off most of the commentary, scorning armchair critics who haven’t spent time in the White House or

Congress actually trying to accomplish something. But at least some of this is bravado. “He is obviously going through a tough patch,” [William Daley](#), a former commerce secretary and a close friend, says. “Everybody wants to dump on him because they don’t want to dump on the president.” Daley told me it is eating away at Emanuel: “Contrary to what he says, this stuff does bother him. He cannot fail. And if he thinks people think he failed, it depresses him. He can’t stand the thought that he’s failed, and he’s hearing that from too many people now.”

ONE DAY LAST MONTH, Congressional leaders of both parties shuffled into the Cabinet Room of the White House for the first of what Obama now promises will be monthly bipartisan meetings. Young aides asked the staff members to surrender their BlackBerries, as is typical for meetings in the West Wing. Yet while the president and the leaders talked through their issues, there was Emanuel, staring down and typing away.

At a meeting of the president’s economic team a few weeks ago, though, Emanuel called out [Lawrence Summers](#), the head of the White House National Economic Council, for obsessively working his BlackBerry. “Hey, Larry, are you winning or losing that game?” Emanuel teased, according to a person in the room. “In my house when my kids do that, we take away their things. I’m not going to do that, I just want to know if you’re winning.”

Emanuel occupies a unique niche in Obama’s White House. He makes up the rules of the game that others are supposed to follow, and he gets away with what others cannot. Emanuel seems to serve as a virtual prime minister, the most powerful chief of staff since [James Baker](#) managed the White House during [Ronald Reagan](#)’s first term. Baker was also an experienced, savvy operator who took the arrows for his boss. Just as Emanuel is often criticized by the left for steering Obama toward the middle, Baker was considered a moderate who tempered Reagan’s more conservative instincts. “Let Reagan be Reagan” was the cri de coeur against Baker. “Let Obama be Obama” is the thrust of the liberal critique of Emanuel. What that fundamentally misses, of course, is that Reagan and Obama chose their chiefs of staff to serve exactly the roles they did.

Emanuel cultivates his ferocious, dead-fish-sending, profanity-spewing, Rahmbo reputation because it serves his interests as well as the president’s. At 50, he has the coiled energy of aides half his age, still as wiry thin as he was during his improbable days as a ballet dancer. He meets with Obama at the beginning of each day and again at the end, in between dipping his hands into virtually everything the White House does, from economic policy to national security. In any meeting with the president, he sits to Obama’s left and is typically called on at the end to summarize arguments and present his recommendations. He works the phone and e-mail with energy, staying in touch each day in staccato fashion with a dizzying array of lawmakers, officials, lobbyists, journalists and political operatives. Descriptions of his style almost always seem to include some sort of martial reference.

“Hand-to-hand combat,” as Daley describes it.

“A heat-seeking missile,” in Axelrod’s words.

Although he is a policy wonk in his own right, Emanuel is far less concerned about the details of a bill than the ability to get it passed. Can he find 60 votes in the Senate and 218 in the House for

this? He pushes for as much as he can, and when he judges he has as much as the system will give him, he cuts a deal. “He’s a [Malcolm X](#) Democrat — by any means necessary,” [Paul Begala](#), a longtime friend from the Clinton White House, says.

That approach is at the heart of the dominant conflict inside the current White House. When Obama ran for the presidency, liberals saw him as the crusading head of a movement to sweep in a new era of progressive policies on health care, climate change and national security, while independents and some Republicans saw him as a sort of postpartisan figure who would reach across party lines and end the ideological polarization of Washington. Inevitably, of course, he could not be both. Instead he has managed to disappoint both sets of believers. Emanuel’s operation grapples with that disconnect every day — how far to push on stimulus spending, on health care, on Wall Street regulation? One day, Obama is saying he will sign no health care bill without a government-run “[public option](#)”; the next, he all but drops it. One day, he is bashing the “shameful” bonuses for “fat-cat bankers” at bailed-out firms, the next he is serving dinner to corporate titans at the White House and saying he does not “begrudge” the big payouts.

“There’s a basic tension in the White House between the pragmatic, let’s-get-it-done view and the people who want fighting,” a senior administration official told me, insisting on anonymity to discuss internal dynamics. “There are a whole bunch of people at the White House who want to create dividing lines between us and them. They vacillate all the time between the two, all the time between ‘let’s draw a bright line’ and ‘let’s get something done.’ ”

That has been the story of health care, the defining project of Obama’s first year as president. Along the way, Obama has been willing to be flexible on the details to the point that he switched positions significantly from his own campaign promises — giving up on the public option, embracing a mandate requiring everyone to have insurance and accepting a tax on high-value insurance plans. But when it comes to the broad sweep of his plan, to extend coverage to more than 30 million uninsured Americans, he has refused to retreat.

While publicly leading the push for ambitious change, Emanuel privately suggested from the start that Obama narrow his goals. Burned by Bill Clinton’s failure to enact his health care overhaul, Emanuel counseled the new president as he set out his original agenda more than a year ago to think about moving more strategically and incrementally, according to White House insiders and key Democrats. Bite off what can be done now and keep making forward progress. Obama disagreed and insisted on pushing for a comprehensive plan. Emanuel saluted and went off to try to make it happen. “Rahm faithfully executed that vision,” David Axelrod told me.

But when the process bogged down last summer, Emanuel went back to Obama — by one colleague’s recollection, he brought it up repeatedly during the first week of August — and pushed for a pared-back approach that would focus on expanding coverage for lower-income children and families and on reforming the most objectionable practices of insurance companies. The history of health reform, he argued, has been step-by-step, manageable progress that can win public support. Obama could come back later for more. Obama again said no. “His thinking,” Anita Dunn told me, “was: I actually do not want to play it safe on this issue. I want to get it done; and if we don’t get it done now, we won’t get it done for a very long time. And I’m not ready to fold on this. It may get to that point, but not yet.”

LIKE A LOT of reporters, I met Emanuel in the 1990s when he was at the Clinton White House. He was then, as now, aggressive, relentless and driven. He always had a pithy attack line on Republicans to share or a scoolet on some modest forthcoming presidential initiative to peddle. He liked reporters and understood what made a good story. He also understood that the relationships he was building were good for him.

Emanuel's time in the Clinton White House prepared him for the trials of today. After alienating the wrong people with his sometimes abrasive style as political director, Emanuel was demoted, reportedly at the instigation of [Hillary Rodham Clinton](#), but he refused to quit and rehabilitated himself by helping to push through the [North American Free Trade Agreement](#). He lived through the Republican takeover of Congress in 1994 and the [Monica Lewinsky](#) scandal in 1998. Along the way, he became a champion of the small-bore initiatives that Clinton used to revive his presidency, reasoning that enough modest achievements add up to something big — an approach Obama has largely resisted.

After leaving the White House, Emanuel returned home to Chicago to work in investment banking. I went to see him once in Chicago, visiting his fancy office in the high-flying investment firm that earned him millions of dollars in very short order. He seemed as at home with money as with politics, but it was clear as we talked that he viewed the private sector mainly as a way station before his return to the political arena, this time as an independent actor.

Soon after reaching Congress, he managed to power his way into the leadership through force of personality, past scores of members with more seniority. No one else wanted it as bad or was willing to do as much. He mastered the Congressional districts of virtually every member and took over the party's campaign committee for the 2006 elections, recruiting moderate and even conservative candidates for districts the Democrats had not won in years. Along the way, he stayed in touch, calling me unsolicited from time to time to trade gossip or point out something about [George W. Bush](#)'s White House that he thought deserved more scrutiny from the news media. He managed to get around so much that an editor at a major newspaper at the time recalled finding Emanuel's name on the expense account of virtually every reporter covering Washington for that paper.

By the time Obama was headed for victory in 2008, Emanuel's name was coming up as an obvious choice to run the new White House. But he had other ideas. Just a few weeks before the election, we met for one of those expense-account dinners, and he flatly rejected any suggestion that he might become chief of staff. He had set his sights on eventually becoming speaker of the House of Representatives, keenly aware that [Nancy Pelosi](#) was approaching 70, as were the two others ahead of him on the Democratic ladder, Steny Hoyer and James Clyburn of South Carolina. Emanuel, two decades their junior, could afford to wait them out and would still have a long tenure ahead of him in the speaker's chair. The typical White House chief of staff, he knew all too well, lasted only two years or so. And then what?

But in Washington, it's never safe to take at face value someone who swears they don't want a job in the White House. Either the opportunity overcomes the objections or it becomes clear pretty quickly just how hard it is to say no to the president of the United States. Just weeks after

our dinner, Emanuel was in Chicago advising the new president as his incoming chief of staff. The selection rankled many in the greater Obama orbit. For all the work they put in electing an apostle of hope to clean up Washington, now they were handing over the keys to a crass, cynical operator? Even if it was a sensible decision, what message did it send?

As different as the two men are, there is something in the erudite and zenlike Obama that seems to enjoy Emanuel's coarser side. At an epilepsy fund-raiser in Chicago in 2005, Obama, then a senator, roasted Emanuel, then a congressman, in a moment captured on video. Obama joked that Emanuel once adapted Machiavelli's "Prince" for dance, naturally with "a lot of kicks below the waist." He recalled the teenage accident with a fast-food meat slicer that cost Emanuel part of his middle finger, joking that it rendered him "practically mute." Emanuel doubled over laughing. Obama, clearly enjoying the audience reaction, added: "Has he ever flashed that little stubby thing at you? It's appalling!" He then noted that Emanuel's brother [Ari](#) is the inspiration for the cocky Hollywood agent on [HBO](#)'s "Entourage" and joked that Rahm was more like Tony Soprano. "Rahm is a little intense, he's strong, he's aggressive, he's emotional, he's moody," the future president said. "Thank God he is one of a kind."

The relationship between Obama and Emanuel is commonly misunderstood, however. They are not as personally close as many assume. While they both come from Chicago and have been political allies for years, they are more friendly than friends. Emanuel never worked for Obama before he was elected president and did not go through the fires of the campaign with him, as Axelrod, [Valerie Jarrett](#) and [Robert Gibbs](#) did — he did not even endorse Obama, staying neutral between Obama, his Chicago ally, and Hillary Clinton, the wife of his former boss. Emanuel does not regularly trek up to Camp David to spend weekends with the president, nor do they play golf or shoot hoops together; in fact, Obama, an avid viewer of [ESPN](#)'s "SportsCenter," teases Emanuel for not knowing much about sports. "He doesn't have the personal closeness of David or Valerie or Gibbs," Daley says.

Especially in the early months, Emanuel was wary of overstepping his bounds in Obama's eyes, unsure exactly where the boundaries were. Even now, he worries about giving the impression of defending himself publicly at the expense of the president. "In hundreds and hundreds, maybe thousands, of conversations with him since he took the job, he has never, not even once, complained about the president," Begala told me. "He's 100 percent loyal to the president. And I think that's reciprocated. Barack Obama has his back."

His back needs protection. The disaffection with Emanuel has swelled since the Massachusetts election, and the knives have come out. Each nick has led to another. An article in The Financial Times questioning the Emanuel team was followed by a slam by Steve Clemons on his Washington Note blog, which was followed by a column in The Daily Beast by Leslie Gelb titled "Replace Rahm." Even a public rebuttal worked against Emanuel: when Dana Milbank, the Washington Post columnist, defended Emanuel and suggested that Axelrod, Jarrett, Gibbs and even the president himself were the real problems, critics accused Emanuel of orchestrating the column. But Milbank said he had not spoken with Emanuel. And such a fanciful explanation fundamentally misunderstood both men. Emanuel is unquestionably a master manipulator of the news media, but in my dealings with him since his selection 16 months ago, he has consistently sought to deny or play down differences with his colleagues. And Milbank, a longtime friend of

mine, is a congenital contrarian who would bristle at any self-serving attempt to plant such a column.

Emanuel talks regularly and candidly with so many people, especially on Capitol Hill and in the media, that his point of view is well known around Washington. It does not take a leak from Emanuel to know that he favors pocketing victories when possible even if that means scaling back grander ambitions, nor are these conversations intended to undercut the president or his colleagues. Some officials in the White House are incensed at the distraction created by all the attention on Emanuel of late, but publicly, at least, they have stuck behind him. "I love him like a brother," Axelrod told me. Gibbs says it all went with the territory. "By this point in a White House," he said, "if you haven't had a blog or something on the Internet stating that you should be fired, you probably should be fired."

THE DAY THE HOUSE voted on its version of [health care reform](#) in November, Emanuel was prowling the halls of the Capitol, searching for his troops. "Where's Lipinski?" he shouted, as a witness recalled. "I gotta find him. Did you find Lipinski for me?" Representative Dan Lipinski, an Illinois Democrat, didn't vote for the [stimulus package](#) back in February, and Emanuel was worried that he would abandon the president again. He pressed him in the preceding days but couldn't find him as the vote was being cast. Lipinski ultimately cast a reluctant vote for the health bill. But afterward, he released a statement saying that if the bill did not improve once it came back from the Senate for final passage, "I will vote against it."

That was O.K. with Emanuel. One day at a time, one vote at a time. But he had less luck with another wavering House Democrat, Representative Jason Altmire of Pennsylvania, who voted no. "He was very frustrated with me personally, which he was not shy about letting me know," Altmire told me later. The bill ended up passing, 220 to 215, just two votes more than the needed majority. Seven weeks later, on Christmas Eve, the Senate followed suit on its own version, garnering the bare-minimum 60 votes needed to overcome a Republican [filibuster](#). And so it has gone for Obama and Emanuel. They have made more progress in passing a comprehensive health care bill than any administration in decades, but with no margin for error and next to no Republican support.

With Obama determined to pursue an expansive vision of his program, Emanuel devised a strategy predicated on avoiding what he saw as the mistakes of the Clinton effort 16 years earlier. Rather than present fully drafted bills to Congress, Obama let lawmakers take the lead in shaping legislation. Rather than fight the well-heeled health care industry, Emanuel brought lobbyists for hospitals and drug makers to the table and cut deals — in the case of the pharmaceutical industry, its contribution to the cost savings in the health care legislation would be capped at \$80 billion, in effect ruling out the importation of cheaper drugs. And rather than sequencing initiatives as Clinton did — tackling one big proposal at a time — Obama moved forward across the board. For a while it seemed to be working. Within 24 days of taking office, Obama pushed through a \$787 billion package of spending programs and tax cuts to revive the [recession](#)-racked economy, dwarfing any comparable stimulus package in the country's history. The belief was that victories would beget victories. The administration would use 2009 to restructure the nation's health care system, energy industry and financial-regulatory structure, "and then use 2010 to explain what we did," as a White House official put it. Another official

told me, “Well, it didn’t work.”

Senator [Lindsey Graham](#) of South Carolina, the Republican who is probably friendliest with Emanuel in the upper chamber, says the seeds of the current difficulties were planted during the early days of the administration, when the president pushed through the stimulus without significant Republican support. Graham recalls how Senator [John McCain](#) of Arizona, the Republican presidential candidate in 2008, signed onto a \$421 billion version. Had Obama and Emanuel split the difference with that plan, Graham argued, they could have had a package with Republican support. “You could have had a bipartisan bill, and our fingerprints would have been all over it,” Graham told me. “Instead, I think they were playing for a home run. They were going to jam through the biggest stimulus package ever and just pick up a couple Republicans.”

Yet liberals remember that the \$787 billion figure — the [Congressional Budget Office](#) recently increased its estimate of the actual long-term cost to \$862 billion — was already a compromise from what they thought was necessary to rescue an economy on the brink of a new Great Depression. [Christina Romer](#), the chairwoman of the president’s [Council of Economic Advisers](#), studied options for a package of more than \$1.2 trillion. Emanuel, among others, concluded that that amount was a nonstarter politically and forced a figure that started with a B, not a T. Economists on the left, most notably Paul Krugman, a columnist at The New York Times, scorned the administration for timidity.

Either way, the stimulus debate set the course. Any hope of bipartisanship seemed to fade, and each side blamed the other. “When they first came into office, I could have a meeting or two with Rahm and talk with him about the stimulus bill,” Representative [Eric Cantor](#) of Virginia, the House Republican whip, told me. “But the conversations have been few and far between over the last six months.”

Many Democrats, including quite a few in the White House, believe the real problem was not shutting out Republicans but trying too hard to work with them. With Ted Kennedy ill, Senator [Max Baucus](#), chairman of the Finance Committee, became the lead Senate negotiator on health care and spent months trying to win the support of a few Republican senators like [Chuck Grassley](#) of Iowa and Olympia Snowe of Maine. Few in the White House were thrilled with Baucus as their point man. But they were pulled between two competing imperatives — speed and bipartisanship. Emanuel knew that the longer a big, complicated initiative like health care lingers in Congress, the more political freight it takes on, but he and Obama were also determined to get Republican votes if possible to give the effort more legitimacy, and that took patient negotiating. Axelrod told me he went into the Oval Office by himself one day in June and warned the president that the prolonged focus on health care was costing him politically. Obama said he understood, but recounted meeting a woman in Green Bay with cancer who was in debt from medical bills. He refused to scale back. “He felt it would be a dereliction of duty,” Axelrod said.

At an August meeting in the Oval Office with the six leading Senate negotiators, three from each party, Grassley asked Obama if he would say publicly that he would be willing to sign a bill without a public option, according to Grassley aides. Obama demurred, knowing that would trigger a revolt among House Democrats. For his part, the president later told his own staff that

he asked Grassley if he would support the health care plan if the president agreed to what the senator was asking for. As Obama later recalled the encounter, Grassley replied, "Probably not." (Grassley aides dispute that Obama asked that question and they told me the senator said only that it would not be a bipartisan bill unless it had 70 or 80 votes.) Much later, both camps would cite this conversation as a turning point at which it became clear that there would be no significant bipartisan accord.

Nancy Pelosi kept pressing the White House to stop dealing with the Republicans. "It's never going to happen," a Democratic official quoted her as saying. "Grassley's just going to wait you out and then pull the rug out from under you." Representative Chris Van Hollen of Maryland, who succeeded Emanuel as chairman of the Democratic Congressional Campaign Committee, told me, "Some of us concluded much earlier than the White House that Senator Grassley and the two other Republicans had clearly made a decision that they were not going to participate in a meaningful way at the end."

After Obama rebuffed Emanuel's suggestion to trim the scope of his health care bill, Emanuel pushed Baucus to wrap things up. "He told him, 'You've got to decide whether you're going to be chairman of the Senate Finance Committee,'" a Democrat close to the White House recalls. Baucus pushed back, arguing that with a little more time he could still get one or two Republicans and that would keep them from needing every single one of the 60 Democrats. But the August recess, with its [Tea Party](#) protests and raucous town-hall meetings, hardened Grassley's position.

With the White House losing control of the situation, Emanuel summoned fellow aides to his office on the last Sunday in August for a three-hour strategy session. To recapture momentum, they concluded that the president should address a joint session of Congress. Obama agreed with the plan and even insisted they move the date up a week. "He wanted to seize the moment," an aide recalled.

He did, but not for long. As the debate moved to the Senate floor, Senator [Harry Reid](#) of Nevada, the majority leader, found himself held up by negotiations with fellow Democrats, as Baucus had feared, because every one was a make-or-break vote to prevent a filibuster. The deals he cut with some senators, especially what Republicans called a "cornhusker kickback" that would have given Senator Ben Nelson's Nebraska an advantage on [Medicaid](#) financing, looked like the business as usual that Obama had vowed to end in Washington. "In the logic of Washington, the Ben Nelson deal made perfect sense," Axelrod told me. "To the average person, it confirmed their worst suspicions about Washington."

While many of the provisions of the health care bill were individually popular with the public, the collective size of the package — roughly \$1 trillion over a decade — left some voters with sticker shock. Even though the plan was, at least in theory, paid for by spending cuts, cost savings and new taxes on wealthier Americans or expensive insurance plans, the idea of an enormous project coming after the hundreds and hundreds of billions already devoted to bank bailouts, auto bailouts and the stimulus package amid skyrocketing deficits proved too much for a lot of the public.

“They miscalculated on health care,” Daley, the former commerce secretary, told me. “The election of ’08 sent a message that after 30 years of center-right governing, we had moved to center left — not left.” Other Democrats say Obama simply overestimated his capacity to bring Republicans into the fold. “They were duped,” said a Democratic member of Congress who did not want to be identified criticizing the White House. “Maybe a little naïve. I don’t think Rahm was, but the president himself.”

Defenders of the administration’s approach say this criticism misses just how close the White House has come to achieving something that has eluded other presidents for a century. “It would be dead a thousand times before but for Rahm’s leadership,” Axelrod told me. Or as Bruce Reed, chief executive of the Democratic Leadership Council and Emanuel’s co-author on a political book, put it, “They came within one pickup truck of getting it through Congress.”

EVEN TODAY, Emanuel sometimes has a hard time talking about the Massachusetts election. Asked recently by a visitor what happened, Emanuel simply sighed and said: “I can’t. I don’t have enough medication.” The debacle unleashed a lot of pent-up frustration within the party at Emanuel — and by extension, though less viscerally, at Obama. Liberal activists told *The Wall Street Journal* that Emanuel had berated them at a private strategy meeting by calling their tactics “retarded” (along with another word), touching off a firestorm that led him to apologize to the head of the Special Olympics. Lost amid the focus on the so-called R-word was the context of the discussion. Emanuel was scolding the activists for running television advertisements against moderate Democrats who were not supporting the public option, neatly encapsulating the central tension between their philosophies of governing. The activists were willing to go to war even with Democrats for a policy idea they deeply cared about, while Emanuel saw that as ridiculously counterproductive.

No doubt he didn’t care much, then, for the television ad run later in Chicago by the Progressive Change Campaign Committee, a group formed last year to advocate for liberal candidates and issues. The ad featured a voter from Emanuel’s old Congressional district describing troubles with a health insurer. “A lot of us back home hope Rahm Emanuel is fighting for people like us as White House chief of staff,” the man said into the camera. “But if he sides with the insurance companies and undermines the public option, well, he won’t have many fans in Chicago.”

The activists were taking aim at Chicago viewers, knowing that Emanuel harbors ambitions for elective office after his White House stint is over. By assailing him at home, they hoped to make it costly for him to abandon liberal policy initiatives. Adam Green, a founder of Progressive Change, told me that Emanuel’s reputation for being strong was overblown and that the chief of staff actually had “a loser mentality” because he refused to fight more vigorously — even for progressive ideas that had popular support. “Rahm Emanuel is very, very risk-averse and afraid of a fight,” Green says. “We see him, and many people see him, as a destructive influence inside the White House, urging President Obama to cave instead of fighting for real change.” The activists are expressing frustrations that are also felt by Congressional Democrats, even if they will not say so out loud. A Democratic congressman, who refused to be identified for fear of retribution, said Emanuel didn’t pressure recalcitrant lawmakers enough. “We need a little less ballerina and a little more L.B.J.,” he told me. “For all the reputation of being able to bust knee

caps, we haven't seen nos turned to yeses.”

Jane Hamsher, the founder of the liberal Web site Firedoglake and one of Emanuel's strongest critics, says the deal with the pharmaceutical industry was the original sin of the health care drive. Emanuel wanted to avoid the industry opposition that helped kill Clinton's health care plan, the so-called Harry and Louise ads that undermined public confidence, and to do that he brought industry to the table. But in winning the support of Big Pharma, as Hamsher sees it, he gave away the chance to lower health care costs through imported drugs. “A lot of people feel like opportunities were sacrificed to do something really good because Rahm's instincts are to go and strike some sort of deal,” she told me. “That's not what Obama ran on. That's not what people want.”

Massachusetts and health care have reinforced a broader liberal indictment of Emanuel. He has been leery of or has resisted the most aggressive efforts to overturn Bush-era national-security policies, like closing the prison at Guantánamo Bay, investigating [C.I.A.](#) officers accused of abusing detainees and taking [Khalid Shaikh Mohammed](#) to New York to try him in a civilian court for masterminding the Sept. 11 attacks. The issues pitted him against Attorney General [Eric Holder](#) and the White House counsel, [Greg Craig](#), and eventually Craig resigned. Emanuel is not particularly vested in the substantive merits or drawbacks of the specific plans. He sees them as politically problematic, wasting scarce capital and provoking unnecessary fights on what he regards as second-tier issues that distract from higher priorities. On the other side of the ideological spectrum, Emanuel was a leading skeptic of sending another 30,000 troops to Afghanistan, again at least partly out of concern that it deepened Obama's involvement in a war that distracts from the core agenda.

He has also been at odds with minority caucuses within the Democratic fold in the House. Members of the [Congressional Black Caucus](#) and Congressional Hispanic Caucus say he does not pay attention to their issues. Hispanic lawmakers blame him for a provision inserted into the Senate health care legislation that would bar illegal immigrants from buying policies on new insurance exchanges even with their own money, and they complain that he is not putting any energy behind liberalizing immigration laws. “There are strong feelings about Rahm Emanuel among members of the Hispanic caucus,” Representative [Nydia Velázquez](#) of New York, the head of the caucus, told me. “People feel Rahm Emanuel has not been helpful in moving forward. He's always about the numbers. He's always about being the pragmatist. He's always about winning.”

More loyal, personally at least, have been the members of the class of 2006 that he helped bring into office, many of them in traditionally conservative districts. Even those who disagreed with Emanuel vouch for him. “It's unfair for people to point the finger solely at him,” says Altmire, the congressman who voted against health care. “There's a lot of blame to go around when things like this happen. Everybody's looking for a scapegoat.” And it is clear that Emanuel has these members' interests at heart as he measures how far to push. He hears all the time from moderates in the House worried about the direction the president is leading them. “We call him up and say, ‘Hey, Rahm, you've got to push this back to the middle,’ ” Representative Heath Shuler of North Carolina told me. “He always says: ‘I hear you. I hear everything you're saying. I'm doing everything I can.’ ”

In a way, this is a problem of his own creation. Had he not helped so many moderates win their elections in 2006, perhaps he would not have to cater to them so much, or so the theory goes. On the other hand, he and his allies point out, without those moderates, Democrats might not even control the House, making the point moot. “I analogize Rahm to Gumby: he’s got the White House grabbing both hands, both Houses grabbing both legs, all pulling in different directions,” Debbie Wasserman Schultz, a Florida congresswoman and chief deputy whip, says. “He’s really being pulled between the bold views of the president and the mechanical reality of the Congress, which is very incremental and often slow.”

AS FRENETIC AS Emanuel is, the pace and the struggle are wearing on him in a way that friends do not recall seeing before. His nature is to be involved in everything — “Rahm can do everybody’s job and some days does,” says another White House official. While Obama has made a point of organizing his own schedule to be family-friendly, Emanuel is often at the office when the president arrives and still there when he leaves. A friend recalled a dinner party just before Christmas when Emanuel seemed on the verge of exhaustion. “He was just lying on the sofa on a Saturday night, saying, ‘I’m so tired, I’m so tired,’ ” the friend told me. The setbacks and the mounting attacks have only worsened since then. “I can see it in his eyes,” says Shuler, who runs into him at the House gym, where Emanuel still works out as early as 5:30 most mornings. “It’s taking a toll on him.”

For Emanuel, the last two months have been particularly frustrating. He finished last year boasting that Obama had the most productive first year of any president since [Franklin D. Roosevelt](#), and now he hears all the time about Obama’s lost first year. Emanuel for months has reminded anyone who would listen of a succession of victories that, he laments, have gone largely overlooked — besides the stimulus, he points to the [Lilly Ledbetter Fair Pay Act](#) expanding the right of women to sue over pay inequities; new authority for the federal government to regulate tobacco products and advertising; broader consumer protections for credit-card users; and expansion of health care coverage for children in low-income families. All of which is true enough, but they all passed in the first half of last year. It is far harder to name examples of major legislation signed into law in the past nine months.

Ever since the Massachusetts election upended their plans, Obama and Emanuel have tried to find a new path. At first, Obama sounded populist themes, hoping to tap into the anger that propelled Scott Brown to victory. But Emanuel worried that the tone was too sharp and organized a series of encounters with business leaders and business journalists to position the president more carefully as someone who shares voters’ frustration but also supports economic growth and the free market. Emanuel is said to figure that Americans still mostly like Obama and think he is on their side. “He is not seen as part of the Washington problem,” says a senior White House official. “In fact, if anything, he is seen as trying to clean it up, and the question about him is does he have the swat to get it done.” Emanuel tells colleagues that the outsider brand represents Obama’s most powerful asset, and protecting it is Emanuel’s top political priority.

To guard that reputation, Obama has spent more time traveling outside the Beltway and trying unconventional things like engaging Republicans in live televised discussions about health care and other issues. The hope is that voters will appreciate his seriousness. If at the same time, he

triangulates between Congressional Republicans and Democrats a little, just as Clinton did when Emanuel was in his White House, so be it. The newfound drive for bipartisan cooperation, of course, is as much tactical as anything else. To be sure, if Republicans suddenly signed onto Obama's legislative priorities, he would be happy to have them. But the main point is to look bipartisan to the public, particularly the independents drifting away from Democrats since Obama's [inauguration](#). "Rahm thinks bipartisanship is a way to get what you want — to fake bipartisanship to get what you want," a senior administration official told me. "He understands that's a better way to get things done than to be nakedly partisan."

Emanuel wants to jam a wedge into the fissure inside the [Republican Party](#) between, as he frames it, the descending wing that believes in small government and the ascending wing that believes in no government. Republicans lose, in this theory, whether they cooperate with Obama or not. "We've got to drive the ball at them," a senior White House official told me. "Driving the ball at them, making them pick between small government and no government, putting them in their responsibility-and-accountability box. You walk away? You're walking away from responsibility, and the public's angry at you. You participate? Your base hates you."

As for Emanuel, it seems unlikely right now that he plans to walk away anytime soon, at least not before the November elections. First, Obama does not cast aside advisers during times of adversity. It would be surrendering to pressure. If they go, it doesn't happen when the wolves are circling but only months later, as with Greg Craig, the former White House counsel, and [Desirée Rogers](#), the outgoing social secretary. Second, Emanuel's family moved to town last year to be with him, and he is determined to finish what he has started. Otherwise he fears the failure William Daley mentioned to me.

Does he want to run for mayor of Chicago someday? Of course. With House speaker now off the table, Emanuel would like to lead his hometown and openly communicates that to people, including his friend Richard Daley, the incumbent mayor. But Emanuel would not run against the mayor, and William Daley told me that he thinks his brother will probably run again next year when his latest term expires.

So that leaves Obama and Emanuel together in Washington, for as long as the president wants him there. If they manage to pull off health care despite the odds, Emanuel will be hailed as a savior. If not, well, he does not even allow for that possibility.

As Axelrod pointed out, "We don't know how the story ends."

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